



Code of Conduct Character and Support



Code of Conduct, Character and Support

In August of 2018, the Northampton Public School District created a 29 member task force, composed of administrators, teachers, students, paraprofessionals, support staff, caregivers, community representatives, representatives from REAL (Racial Equity and Learning), and SEPAC (Special Education caregiver Advisory Council). The various stakeholders brought different perspectives and professional/personal experiences to the table to create a new PreK-12 Code of Conduct, Character and Support that aligns with our district's core values and that ensures fair, equitable, and appropriate discipline practices that comply with all laws and regulations set forth by the Commonwealth of Massachusetts.

The new Northampton Public Schools Code of Conduct, Character and Support adheres to our district's discipline philosophy:

The Northampton Public Schools believe that all students have the right to be educated in an environment where they are safe, respected, and are accepted for who they are. We believe that by teaching students strategies to manage conflict and to problem-solve together, relationships will be nurtured and repaired as needed. As a result, students will be able to gain the skills and knowledge they need to be engaged citizens in a global society.

The new Code of Conduct is intended to be a living document that will continue to change over time to reflect the district's core values and beliefs around racial justice. This document serves as a starting point, and we as members of the NPS recognize that as we move forward in our implementation, our school councils will continue to assess and make changes as needed to ensure that this document reflects who we are and who we want to be as a school district.

The focus of the new Code of Conduct is on building intentional relationships with students. Childhood behavior can be the outcome of a traumatic experience, a life-changing event, or a child's way of seeking adult attention given their life circumstances. Our intention is to build trusting relationships with students, providing them the opportunity to reflect on their behaviors and repair relationships in an environment that is safe. The district aims to use Restorative Justice as an approach to build, repair, and restore relationships through the use of Restorative Practices. Restorative Practices refers to specific responses/interventions that aim to build capacity for all constituents involved in educating and nurturing our students to discuss, dissect, and challenge

individual perspectives. We will build upon our current practices in this area but recognize that training in this area needs to be ongoing.

Racism and other forms of oppression are among our nation's most vital, persistent and challenging issues and have been for hundreds of years. While our schools have served as great engines of opportunity, they have also served to deny and exclude those less privileged and have reinforced institutional racism in subtle and unsubtle ways. Education can, and must be, a catalyst for lasting change. As educators, we recognize the urgency of these issues. We will work to challenge and educate ourselves. We will strive to find concrete ways to promote social justice and equity in our classrooms, schools, and communities. We will continue to work with others to seek a transformation in our education practices and institutions and in how we treat each other. To deepen the anti-bias work in our district we plan to form affinity groups for our employees in the 2020-21 school year as we seek other opportunities to improve our practices.

The challenges presented by Covid-19 have substantially disrupted the lives of all our students, families, and employees. For many in our school community, the disruption has been traumatic. It is our hope that this new Code of Conduct will support the healing process as we work together to re-establish a sense of predictability in the post-Covid era. We are committed to advocating for students and it is our mission to support the whole child, and their well-being in their experience in our NPS community.

Guiding Principles

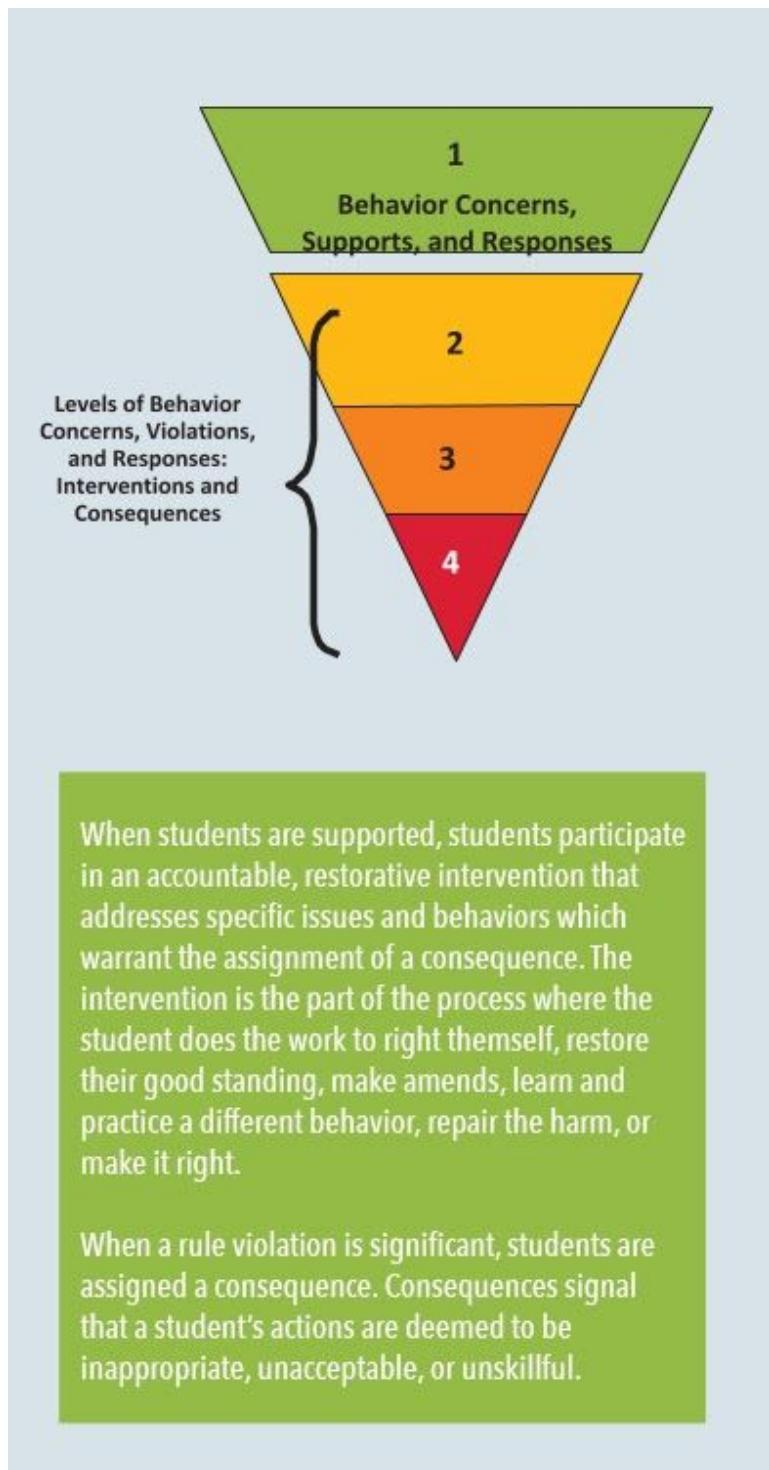
The following guiding principles from our core social and emotional learning curricula inform all.

Code Policies and Practices

1. Teaching social and emotional skills is as important as teaching academic content.
2. How we teach is as important as what we teach.
3. Great cognitive growth occurs through social interaction.
4. How we work together as adults to create a safe, joyful, and inclusive school environment is as important as our individual contribution or competence.
5. What we know and believe about our students—individually, culturally, and developmentally—informs our expectations, reactions, and attitudes about those students.
6. Partnering with families—knowing them and valuing their contributions—is as important as knowing the children we teach.

Essential Cognitive, Affective, and Behavioral Competencies

Our core social and emotional learning curricula promote the following five essential cognitive, affective, and behavioral competencies identified by the Collaborative for Academic, Social, and Emotional Learning (CASEL).





1. Self-Awareness

The ability to accurately recognize one's own emotions, thoughts, and values and how they influence behavior. The ability to accurately assess one's strengths and limitations, with a well-grounded sense of confidence, optimism, and a "growth mindset." Self-awareness skills include:

- Identifying emotions
- Accurate self-perception
- Recognizing strengths
- Self-confidence
- Self-efficacy

2. Self-Management

The ability to successfully regulate one's emotions, thoughts, and behaviors in different situations — effectively managing stress, controlling impulses, and motivating oneself.

The ability to set and work toward personal and academic goals. Self-management skills include:

- Impulse control
- Stress management
- Self-discipline
- Self-motivation
- Goal-setting
- Organizational skills

3. Social Awareness

The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school, and community resources and supports. Social awareness skills include:

- Perspective-taking
- Empathy
- Appreciating diversity
- Respect for others

4. Relationship Skills

The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. The ability to communicate clearly, listen well, cooperate with others, resist inappropriate social pressure, negotiate conflict constructively, and seek and

offer help when needed. Relationship skills include:

- Communication
- Social engagement
- Relationship-building
- Teamwork

5. Responsible Decision Making

The ability to make constructive choices about personal behavior and social interactions based on ethical standards, safety concerns, and social norms. The realistic evaluation of consequences of various actions, and a consideration of the well-being of oneself and others. Responsible decision-making skills include:

- Identifying problems
- Analyzing situations
- Solving problems
- Evaluating
- Reflecting
- Ethical responsibility



Code of Conduct Task Force Members

John Provost, Superintendent of Schools
Beth Choquette, Chair of the Code of Conduct Task Force
Annie Salsich, Racial Equity And Learning Representative
Leigh Graham, Special Education caregiver Advisory Council Representative
Vincent Napoli, Associate Principal JFK Middle School
Kelley Knight, District Outreach Social Worker
Joshua Dickson, Assoc. Director of Student Services
Karen Jarvis-Vance, Director of Health, Safety, and Equity
Sadie Cora, NASE President (term ending July of 2020), Teacher Jackson Street School
Gwen Agna, Former Principal Jackson Street School
Michael Stavely Hale, ESP JFK Middle School
Sal Canata, Former Principal Leeds Elementary School
Annette Bischoff, Physical Education Teacher Leeds
Heide Eriksen, Tiered Support Specialist Leeds
Nora DeJasu, Tiered Support Specialist BSS
Elaine Mount, Assoc. Principal JFK Middle School
Parker Aimi-Starkoski, Student JFK Middle School
Sarah Madden, Principal RKF Ryan Road School
Malulani Sherlock, Goals JFK Middle School
Melissa Black, ESP Bridge Street School
Jennifer Cruz-Rosa, Student Northampton High School
Becky Shannon, BSS School Council Community Representative
Paula Rigano-Murray, ESP Northampton High School
Kristen Elde, Racial Equity And Learning Representative
Alissa Marotto, caregiver Ryan Road School
Ed Stone, School Adjustment Counselor Northampton High School
Chris St. George, Tiered Support RKF Ryan Road School
Andy Koerner, School Psychologist Bridge Street School
Celeste Malvezzi, Assoc. Principal Northampton High School

Letter from the Superintendent

Dear NPS Community:

The Code of Conduct, Character, and Support was updated in 2018-2020 to align our discipline practices with our core educational values and to clarify the steps taken to ensure that students are treated fairly.

This single document replaces the three separate elementary, middle, and high school student handbooks and was developed with input from stakeholders affiliated from all levels of the pre-K through 12 continuum. We hope that the move from three separate student handbooks to a single document will provide greater consistency for students and families as they progress through our system. At the same time, we understand that the developmental needs of students change as they mature, so this document provides flexibility to differentiate behavioral supports and consequences as students mature and grow.

I believe the first two sections of this document are especially important and would ask you to read them carefully. These sections describe the beliefs and key principles informing our approach to student behavior. I encourage you to refer to them as a resource in your own efforts to guide the young people in your life.

We all share responsibility to support student learning and development at home, school, and in the community. I look forward to sharing the new Code of Conduct, Character, and Support with faculty, staff, students, and families in the months ahead. I believe it will enhance our efforts to build safe and supportive learning environments in all of our schools.

Sincerely,

John A. Provost, Ed.D
Superintendent of Schools



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INTRODUCTION

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

The goal of the Northampton Public Schools *Code of Conduct, Character and Support* is to ensure all students' right to an education in a safe, civil, and caring environment. It is based upon the laws, regulations, and policies that create access to education for all while protecting the due process rights of the individual.

The Code recognizes that schools are public places that must balance individual rights with

civic obligations and the responsibilities that make it possible to live in a free, open and democratic society. The Northampton Public Schools *Code of Conduct, Character and Support* serves as a guide to engaged citizenship and provides the tools for helping students to understand and appreciate the norms of behavior within the school culture.

The Code ensures that schools provide equal access to a wide range of supports and interventions that promote positive behavior, help students develop self-discipline and social and emotional efficacy, and enable

students to improve and correct inappropriate, unacceptable, and unskillful behaviors.

Beliefs about Children, Learning, and Discipline

The following beliefs about children, learning, and discipline inform all Code policies and practices. All students will be treated in a fair, consistent and nondiscriminatory manner.

- 1.** All students can achieve growth and improve their behavior with guidance, instruction, support, and coaching. These practices fall along a continuum that responds to individuals of all abilities.
- 2.** Students need different kinds and amounts of time, attention, tasks, and support to behave responsibly, succeed academically, and achieve at high levels.
- 3.** The use of out-of-school suspension as a response to challenging behavior does not improve school climate or outcomes for students. Accordingly, the use of out-of-school suspension should be reserved for the most egregious of misconduct as outlined further in this document. Students are more likely to do the conscientious thing when...
 - a.** there are clear and consistent expectations for behavior
 - b.** they feel that staff members care about them and will help them learn and grow
 - c.** all school staff consistently use shared language and practices

- d.** they are recognized for positive and Code of Conduct aligned behaviors and effort
- e.** they are invested in their learning community.

The root of the word discipline is “to teach.” Effective discipline helps students become more self-disciplined and teaches students to become more skillful. Restorative practices provide the strategies and interventions to enable students to self-correct, problem solve, make amends and repair harm, learn new behaviors, and maintain their place in the learning community.



Guiding Principles of the Code of Conduct, Character and Support

The following principles form the foundation for creating safe, healthy, and supportive learning environments. These principles will guide Northampton Public School District staff, students and families, and community partners in the shared work of ensuring positive school environments and improved

student outcomes.

The Code is premised on these key principles:

- 1. Adults – teachers, principals, administrators, school staff, caregivers and the larger community have an obligation to help students learn to be engaged citizens and lead productive lives by:**
 - Enabling them to make thoughtful and conscientious decisions.
 - Fostering in them the desire to act with integrity.
 - Encouraging them to take responsibility for their words and actions.
 - Modeling the behaviors the adults want to cultivate in children and youth.
- 2. Student discipline and support policies and practices must be implemented in ways that are RESPECTFUL. Interactions between and among district and school staff, students, and caregivers are expected to protect the dignity of each individual.**
- 3. Improving educational outcomes for all students requires that schools provide support at four levels of care and instruction throughout the whole school: in classrooms, in small groups, and with individual students and families. Our system of academic and behavior support is aimed at addressing students' academic learning gaps and the causes of misbehavior. Prevention and intervention strategies may include more personalized academic instruction and support, student support services, and**

programs to address personal and family circumstances; social/emotional learning, such as conflict resolution, mediation, anger management, communication skill building; behavior replacement strategies; and other restorative interventions that may include discipline circles and family group conferencing

4. Levels of Behavior Concerns, Violations and Responses: Interventions and Consequences

LEVEL 1: PROMOTION, PREVENTION & SKILL BUILDING

Schools foster the social and emotional well-being of all students through school wide efforts to teach, practice, recognize and assess positive, expected behaviors and promote social and emotional learning.

Schools prepare all staff to prevent, minimize, and defuse most disciplinary problems and intervene early when students experience persistent behavioral challenges.

Level 2: INTERVENTION

Schools provide coordinated care and interventions that match students' social, emotional, and mental health needs.

Levels 3 and 4: INTERVENTION

Comprehensive interventions need to be in place for students at highest risk.

- 5. Student discipline and support policies and practices must be implemented in ways that are ACCOUNTABLE AND RESTORATIVE. Students and families need to know that the school will provide behavioral interventions**

inside and outside of the classroom that support a restorative rather than a punitive orientation. Students have the obligation to accept assigned consequences and fully participate in the interventions designed to address specific behaviors or incidents. School staff must be reassured that students will be held accountable for their words and actions. Restorative interventions require students to own the problem, reflect on the impact of their behavior on themselves and others, and understand why the behavior was unacceptable or inappropriate. Interventions engage students in some action or learning process that will enable them to correct behaviors, repair relationships and the harm they have done to others, learn desired replacement behaviors, and maintain their place in their learning community.

6. Student discipline and support policies and practices must be implemented in ways that are FAIR, EQUITABLE, AND

DIFFERENTIATED. Students need different amounts of time, attention, tasks, and supports to behave responsibly and find academic success. Differentiated responses to disciplinary problems must occur within a larger framework of fair and equitable practices where students are treated fairly with respect, dignity and decency and without favor toward or prejudice against any one group of students regardless of the student's age, color, genetic information, disability, economic status, ethnic background, gender identification, marital status, national origin, pregnancy, pregnancy related conditions, race, religion, sex, sexual orientation, or other protected class status.

7. Student discipline and support policies and practices must be implemented in ways that are ENFORCEABLE, VIABLE, AND

EFFECTIVE. The district discourages school rules that are too difficult to enforce consistently; rules that will not generate consensus to enforce them; and policies and consequences that have demonstrated little effectiveness.

8. The Code supports the use of A LEVELED SYSTEM OF RESPONSES (INTERVENTIONS AND CONSEQUENCES) addressing inappropriate and unacceptable behaviors with the ultimate goal of teaching positive behaviors and supporting students' social and academic growth. A leveled student discipline and student support system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:

- Learn from their mistakes.
- Understand why the behavior is unacceptable.
- Acknowledge the harm that they have caused or the negative impact of their actions.
- Understand what they could have done differently in the situation.
- Take responsibility for their actions.
- Be given the opportunity to learn prosocial strategies and skills to use in the future
- Understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.

9. Every reasonable effort should be made to correct behavior a student is experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote a positive school culture.

10. Effective schools promote and model mutual respect, high-quality professionalism, and transparent accountability based on trust among and between administration, staff, students, and

families.

11. The District builds a culture based on high expectations, respect, and accountability. At the heart of a healthy school culture is the commitment of all staff to take responsibility for the healthy development of students and model the skills, behaviors, and mindsets they seek to cultivate in students. To this end, school staff, teachers and administrators are encouraged to set high expectations, build positive relationships with students and teach and model for students how to behave successfully in all school settings.





RIGHTS AND RESPONSIBILITIES OF SCHOOL STAKEHOLDERS

Students have the right:

- To attend school in the district in which their legal caregiver or legal guardian resides and receive a free and appropriate public education from age 5 to 21, as provided by law.
- To be afforded a sound, quality education from pre-K through grade 12 in a school environment that is safe and promotes learning.
- To be respected as an individual and treated fairly and with dignity by other students and school staff.
- To express opinions verbally or in writing or with assistance.

- To dress in such a way as to express their personality as long as it does not disrupt the learning environment. See dress code policy (page 51).
- To take part in all school activities on an equal basis regardless of race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, political affiliation, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy related condition.
- To have access to relevant and objective information concerning health and well-being, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal or health problems.
- To be protected from intimidation, harassment, and discrimination.
- To file a complaint under the school district's anti-harassment, anti-discrimination, or anti-bullying policies, including under Title IX, if they believe they are being treated unfairly based on any protected status.

To be afforded due process by:

- Being provided with the Code and rules and regulations of the school district; schools shall ensure that all students and school staff are made aware of and have access to detailed information about school rules, policies, and procedures and state and local laws guaranteeing or affecting students' rights

to participation;

- Being informed of what is expected behavior and what behaviors may result in disciplinary actions;
- Being counseled and coached by members of the professional staff in matters related to their behavior as it affects their education and well-being in the school;
- Being provided an opportunity to be heard in disciplinary actions for alleged violations of the Code for which they may be suspended or removed from class by their teachers;
- Being informed of the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
- Being accompanied by a caregiver and/or representative at conferences and hearings;
- Being accompanied by a caregiver in situations where there may be potential criminal responsibility if the student is under 18.
- Having student support staff or an advocate present in situations where there may be police involvement.
- To be afforded any other due process rights required by law. In Title IX investigations this includes all the rights required under the Title IX grievance procedure of 34 CFR 106.45 (See Appendix F).

To engage in opportunities that enable them to:

- Be active learners in the educational process that takes into account student views, teaches students effective leadership and participation skills, and provides explanations to students when decisions contradict their views;
- Serve on student councils, advisory bodies, and school teams and committees that make decisions about school life, with the necessary supports to participate;
- Participate in school forums in which students can voice their opinions about school decisions and policies;
- Participate in peer leadership initiatives and restorative practices;
- Form groups that represent their needs and interests.

Student Responsibilities and Expected Behaviors

PERSONAL CONDUCT & CHARACTER

- Attending school regularly and on time.
- Respectfully accepting direction, requests, feedback, and support .
- Demonstrating self-discipline by making responsible behavioral and academic choices.

- Being truthful about and accountable for your words and actions.
- Following school rules and meeting standards of behavior in the *Code of Conduct, Character and Support*.
- Accepting consequences when warranted.
- Making an effort to correct and improve behavior through restorative interventions.
- Dressing in accordance with the school dress code.

COOPERATING WITH OTHERS AND TREATING OTHERS WITH RESPECT

- Treating others the way they want to be treated.
- Expressing your thoughts and opinions in ways that are respectful and courteous.
- Listening to and acknowledging others' viewpoints.
- Respecting others' personal space.
- Working with others cooperatively in large and small groups.
- Acting with kindness, caring, and sensitivity toward others.

LEARNING

- Being prepared to learn.

- Challenging yourself and making your best effort.
- Striving for a growth mindset.
- Seeking help and assistance when you need it.

PROPERTY OF OTHERS

- Taking care of property that belongs to other students, adults, or the school.
- Using materials and equipment for their intended purpose.

SAFE SCHOOL COMMUNITY

- Helping to make school a safe community by putting everyone's safety first.
- Asking for assistance when you need help resolving conflicts and differences.





Caregivers/Guardians

The term “caregiver” means any person in a caregiver or custodial relationship to the student or the student, if they are an emancipated minor or have reached 18 years of age.

Caregivers have the right to be active and effective participants in the learning process to express their views, and to give input into decisions that affect their children’s lives and education. Caregivers are vital to the success of the school. They have the responsibility to reinforce the learning process at home, to encourage and model caring, appropriate, and respectful behavior, to motivate their children to be interested in school, and to see that their children attend school regularly. They are welcomed and encouraged to talk to and meet with teachers to find out how their children are progressing. Increased caregiver involvement results in improved outcomes for students.

Students, families and school personnel all have a role in making schools safe. Families should expect that school staff will inform them of their child’s behavior and enlist them as partners in addressing areas of concern. Outreach to families can include, but is not limited to, a phone call and/or a written communication, or a home visit. As role models, caregivers should exhibit the behaviors that they would like to see in their children/students.

To ensure that caregivers become active and involved partners in promoting a safe and supportive school environment, they should be familiar with the *Code of Conduct, Character and Support*. Caregivers should expect to be informed about their student's behavior and be responsible for nurturing the skills students need to succeed in school and in society.

Caregivers are encouraged to discuss with their student's teachers and other school staff issues that may affect student behavior and strategies that might be effective in working with the student.

Caregiver Rights

Caregivers have the right to:

1. Be actively involved in their students' education.
2. Be treated courteously, fairly and respectfully by all school staff.
3. Be informed about the policies of the Northampton Public Schools, the Northampton School Committee, and procedures that relate to their student's education, available at www.northamptonschools.org.
4. Receive regular reports, written or oral, regarding their student's progress, including, but not limited to, report cards, behavior reports and conferences.
5. Be notified in a timely manner of inappropriate or disruptive behaviors by their student and any actions taken.
6. Receive information and timely notification about incidents that may impact their student.
7. Receive information about disciplinary matters concerning their children.
8. Receive communication from Health Services and Nursing staff of office visits regarding, physical, social and emotional areas of concern, injury or illness. Families are encouraged to partner with Health Services and Nursing staff regarding communications of physical, social , and emotional areas of concern.
9. Receive communications in a timely manner from Health Services and Nursing staff regarding mandatory screenings, immunization requirements/school entry requirements, illness outbreak, and other health information throughout the school year.
10. Receive information from school staff about ways to improve their children's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs, and mental health services within the Northampton Public School District

and the community.

11. Receive information about services for students with disabilities and English Language Learners.
12. Be contacted immediately and directly when a student is believed to have committed a crime and police are summoned.
13. Receive information in their native language or via manual communication.
14. File a complaint according to Northampton Public Schools policy and procedure when there has been a violation or misapplication of school policy.

Complaint Procedures

Internal Complaints

Any member of the community lodging a complaint will be referred through the proper channels.

Complaints involving instruction, conduct, discipline, or learning materials are best handled and resolved as close to their origin as possible. Staff should be given every opportunity to consider the issues and attempt to resolve the problem prior to involvement by the School Committee.

Complaints about school personnel will be investigated fully and fairly. However, before any such complaint is investigated, the complainant must submit the complaint, preferably in writing. Anonymous complaints may be disregarded depending on the circumstances.

Complaints should be filed in good faith and complaints should not be made for the purpose of discriminating against, harassing or bullying others. The District prohibits staff and students from

knowingly making false statements or knowingly submitting false information during the grievance process.

Complaints about staff or students containing allegations that implicate Title IX, will be referred to the Title IX Coordinator and handled under the required Title IX complaint and grievance process applicable to K-12 schools pursuant to 34 CFR 106.44 and 106.45 (See Appendix F).

For matters not involving personnel it is also preferable to submit the complaint in writing and may include the action desired.

The district expects the professional staff to receive complaints courteously and to make a proper reply to the complainant.

Due to student and staff confidentiality and privacy rights, actions taken as a result of a complaint may not be able to be disclosed to the complainant.

Where to File Internal Complaints

Internal Complaints may be filed with any school official and it is the responsibility of any staff who is notified of a complaint by a student or caregiver of discrimination, harassment or bullying to inform the building Principal, Superintendent or the Director of Health, Safety & Equity Programs.

Direct reporting of complaints of discrimination, harassment or bullying, are encouraged to be made to the Director of Health, Safety & Equity Programs, who serves as the District Title IX Coordinator at the following:

Title IX Coordinator

Lisa Safron BSN, RN, NCSN
Director of Health, Safety, and Equity Programs
Northampton Public Schools
380 Elm Street
Northampton, MA 01060
phone: 413-587-1364
fax: 413-587-1379

External Dispute Resolution Options

U.S. Dept. of Education: Office for Civil Rights (OCR)

Enforces civil rights statutes prohibiting discrimination on the basis of race, color, national origin, sex, age and disability in programs that receive federal funding from the Dept. of Education

MA Department of Elementary and Secondary Education (DESE) –Program

Quality Assurance Services (PQA)/Problem Resolution System (PRS)

Handles complaints alleging a school/school district is not meeting legal requirements. Anyone, including caregivers, students, educators, community members, and agency representatives, may contact PQA for assistance.

MA Bureau of Special Education Appeals (BSEA)

BSEA conducts mediations and due process hearings to resolve disputes among caregivers and school districts.

Where a student is a ward or dependent of the state, identified through processes outlined in federal or state law, notification regarding educational or disciplinary decisions made by the student's school shall be provided to the education rights holder, foster caregiver or legal guardian, student's counsel or guardian ad litem, and the student's child welfare social worker or caseworker and, if the student has one, Probation Officer.

Under no circumstances, however, shall a student who is a ward or dependent of the state be denied full access to their education rights due to an adult caretaker or rights holder's inability or refusal to act on behalf of the child.



Caregiver Responsibilities

Caregivers have the responsibility to:

1. Maintain updated contact information with the Northampton Public Schools.
2. Make sure their children attend school regularly and arrive on time.
3. Let schools know when and why children are absent.
4. Share concerns and problems with school staff in a timely manner.
5. Work with school staff to address any academic or behavior problems their children may experience.
6. Work together with the Northampton Public Schools by talking with their children about fair, thoughtful, and respectful behavior.
7. Be familiar with the Northampton Public Schools *Code of Conduct, Character and Support*.
8. Conduct themselves in an appropriate and respectful manner with all whom they encounter on school property.
9. Teach their students that all children have the right to attend school, learn, and be treated with respect.

Principal and School Staff Rights and Responsibilities

- 1.** Work in a safe and orderly environment.
- 2.** Be treated with respect by students, caregivers, and other school staff.
- 3.** Communicate concerns, suggestions and complaints to the Northampton Public School District's Office of Student Support Services.
- 4.** Receive supportive professional development and training.
- 5.** Receive the necessary resources to deliver quality instruction.
- 6.** Advocate for students.





Principals and school staff have the responsibility to:

1. Maintain safe and orderly schools by using prevention and intervention strategies, and by following the Northampton Public Schools *Code of Conduct, Character and Support*.
2. Be respectful and courteous to students, caregivers and guardians, serving as role models for students.
3. Be knowledgeable about the policies of the School Committee and administrative regulations and rules, and enforce them fairly and consistently.
4. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.
5. Communicate policies, expectations and concerns from students and caregivers or guardians in a timely manner in understandable language.
6. Refer students to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
7. Inform caregivers and guardians of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
8. Provide alternative education and makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.
9. Participate in required professional development opportunities.
10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, political affiliation, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy-related condition, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. Confront issues of discrimination,

harassment, or any other situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function or report incidents of discrimination, harassment, or any threat to the emotional or physical health or safety of someone in our school community that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel, or other staff to the building administrator or Director of Health, Safety & Equity Programs in a timely manner.

- 12.** Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 13.** Principals: follow up on incidents of discrimination, harassment, or any other situation that might threaten the emotional or physical

health or safety of those in our school community that are witnesses or brought to the Principal's attention in a timely manner in collaboration with other appropriate administrators. All complaints falling under Title IX will be directed to the Director of Health, Safety & Equity Programs.

- 14.** Collect and report data on the implementation of the district *Code of Conduct, Character and Support* including, but not limited to, data on the use of in-school and out-of-school suspension by student demographic characteristics.
- 15.** Make every attempt to resolve conflicts with families.
- 16.** Not retaliate against anyone who in good faith files a good faith discrimination or harassment or participates in a discrimination or harassment investigation.



District Administrator Responsibilities

**Northampton Public Schools
Administrators have the responsibility
to:**

- 1.** Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff and principals.
- 2.** Protect the legal rights of school staff, principals, students and caregivers or guardians.
- 3.** Be courteous, respectful and fair with students, caregivers or guardians, school staff and principals.
- 4.** Provide a broad-based and varied curriculum to meet individual school needs.
- 5.** Inform the community, students, caregivers or guardians, school staff and principals about policies of the School Committee.
- 6.** Ensure the protection of legal rights of students with disabilities.
- 7.** Provide staff who are trained to meet the needs of students.
- 8.** Provide support and professional development training to principals and school staff to help them support students.
- 9.** Support principal and school staff in the fulfillment of their disciplinary responsibilities as defined by Northampton Public Schools Code of Conduct, Character and Support.
- 10.** Contact and involve caregivers or guardians on disciplinary issues.
- 11.** Monitor and analyze data on the implementation of the district Code of Conduct, Character and Support including, but not limited to, data on the

use of in- and out-of-school suspensions by student demographic characteristics.

- 17.** Not retaliate against anyone who in good faith files a good faith discrimination or harassment or participates in a discrimination or harassment investigation.

**The Northampton Public Schools
Superintendent also has the responsibility
to:**

- 1.** Promote a safe, orderly, respectful and stimulating environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
- 2.** Review with District administrators the policies and regulations of the Department of Elementary and Secondary Education (DESE or Board of Education) and state and federal laws relating to school operations and management.
- 3.** Inform the community, students, caregivers or guardians, school staff, principals and School Committee about policies of the DESE, and educational trends, including student discipline.
- 4.** Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- 5.** Work with District administrators in enforcing the Northampton Public Schools *Code of Conduct, Character and Support* and ensuring that all cases are resolved promptly and fairly.
- 6.** Address all areas of school-related safety concerns.
- 7.** Review data on the implementation of the *Code of Conduct, Character and Support* and make recommendations on improvement when needed to reduce the use of suspensions.
- 8.** Take appropriate measures where violations of the *Code of Conduct, Character and Support* occur.
- 9.** Appoint the Chief Ombuds Officer who shall ensure compliance with



and Support and ensuring that all cases are resolved promptly and fairly.

- 6.** Address all areas of school-related safety concerns.
- 7.** Review data on the implementation of the *Code of Conduct, Character and Support* and make recommendations on improvement when needed to reduce the use of suspensions.
- 8.** Take appropriate measures where violations of the *Code of Conduct, Character and Support* occur.
- 9.** Appoint the Chief Ombuds Officer who shall ensure compliance with

state and federal laws regarding school discipline, ensure that the implementation of the District's policies concerning discipline is fair, equitable, and in compliance with this Assurance, and communicate with students, caregivers and Staff about issues relating to the District's discipline policies and the implementation of this Assurance.

- 10.** Hear, decide and respond to timely appeals and grievances of student

and staff misconduct pursuant to applicable laws, rules, regulations, policies and, where applicable, collective bargaining agreements.

- 11.** Not retaliate against anyone who in good faith files a good faith discrimination or harassment or participates in a discrimination or harassment investigation.

Getting Help with a Problem

BULLYING, CYBERBULLYING, HARASSMENT, HAZING, & BIAS BEHAVIOR (See Appendix C)

Bullying and cyberbullying, harassment and intimidation, hazing, and bias behaviors are unsafe and do not reflect respect for others as defined by the *Code of Conduct, Character and Support*. If you believe that you or someone you know is a target of one of these behaviors, you can report it using the Bullying and Harassment Complaint Reporting Form, available on the school website or in the main office or the counseling office of your school. You can also tell a staff member, who will respond quickly and provide a practical, private, and safe place to report.

If an administrator determines that one of these behaviors has occurred, the students involved will receive support from a school counselor, school psychologist, school social worker, pupil personnel worker, or school health staff person to be sure everyone involved feels safe and supported and understands how to avoid these situations in the future.

A Student Who Is Being Bullied Should...

- Tell the person to stop...or say nothing and walk away.
- Tell someone — a caregiver, a teacher, a counselor, etc.

Here Are Some Suggestions For A Student Who Knows Someone Who Is Being Bullied...

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



Chapter 92 of the Acts of 2010

AN ACT RELATIVE TO BULLYING IN SCHOOLS:

Reporting requirements Specific to Discrimination, Harassment, Bullying, Cyberbullying and Retaliation

1. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment, bullying and retaliation, and will promptly take appropriate action to protect individuals from further discrimination, harassment, bullying.

2. It is essential that any student who believes that they have been subjected to discrimination, harassment, bullying or retaliatory conduct, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, to immediately report the same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects discrimination, harassment, bullying or retaliatory conduct) shall document and take appropriate action to address the situation immediately and shall promptly report in accordance with the following paragraphs.

a. The appropriate building Principal or Associate Principal is the employee charged with receiving all reports of harassment, bullying, discrimination or retaliation; however, students and caregivers may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. In the event that the

Principal/Associate Principal was the alleged offender, the report shall be directed to the District Equity Coordinator/Superintendent.

- b.** All complaints of alleged discriminatory, harassing, bullying or retaliatory conduct shall be:
- Promptly investigated in accordance with the terms of the district's Bullying and Harassment Plan
 - Forwarded to the district Equity Coordinator for monitoring; and
 - Treated as confidential and private to the extent possible within legal constraints.
- 3.** Upon receipt of a complaint (even an anonymous complaint), or if a District employee otherwise learns of any occurrence of possible conduct prohibited by this Code, the District employee shall promptly and orally notify the appropriate building Principal no later than one school day after such employee witnesses or receives the complaint or learns of such conduct. Such employee shall also file a written report with the appropriate building Equity Coordinator no later than two school days after making such oral report.
- 4.** After receipt of such complaint, the appropriate building Principal, or their designee, shall lead or supervise a thorough investigation of the alleged

discriminatory, harassing, bullying, or retaliatory conduct. The appropriate building Principal or that person's designee shall ensure that such investigation is completed promptly and in accordance with the terms of district policy and state law. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

5. Based upon the results of the investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated this Code, or a material incident of harassment, bullying, discrimination and/or retaliatory conduct has occurred, immediate corrective action will be taken as warranted. The District will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

6. The building principals shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying and/or discrimination to the Superintendent of Schools.

Procedures for Enacting Assigned Consequences

In all cases, regardless of the consequence assigned, the school personnel authorized to assign the consequence must inform the student of the alleged misconduct and must

investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of events prior to the assigning of any consequence.

Referrals to External Agencies and Institutions Counseling and Human Services Agencies:

NPS staff may be a resource to students, caregivers and families for referrals of students to counseling and human services agencies.

CRA Petitions: The district may file a CRA (Child Requiring Assistance) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of MGL Chapter 199, Section 39E. The law can be found here:
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

DISTRICT-WIDE:

Director of Health, Safety, and Equity Programs: A district administrator serves as the district-wide Equity Coordinator to provide oversight over the investigation and processing of all reported bullying and harassment incidents and also provides prevention resources and opportunities. This person also serves as the District's Title IX Coordinator, and is responsible for ensuring that the Title IX complaint procedure and grievance process is followed where there are allegations of sex discrimination or sexual harassment.

Lisa Safron (Dir. of Health, Safety, and Equity Programs) lsaftron@northampton-k12.us

Outreach Social Worker: A designated social worker leads the work of ensuring that all students have equitable access to services and interventions that they need. The Outreach Social Worker also serves as a liaison between the school and the family when needed.

Kelley Knight: kknight@northampton-k12.us

Nelly Carmona: ncarmona@northampton-k12.us

SCHOOL-BASED

Staff Supporting Students in Every School Building

Administrators: The Principal and Associate Principals serve as champions of all discipline and student support activities and supervise the work of the teams essential to an integrated system of schoolwide discipline and student support.

Student Support Team: The Principal/Associate Principal will chair the student support team to ensure compliance at their school with the District's policies and Code of Conduct. The Principal/Associate Principal shall be available to work with the staff at their school to help determine appropriate discipline in specific cases.

Tiered Support Specialist/Adjustment Counselors: A student support team member who provides coaching, skill instruction, and support to specific students who need an on-going intervention and close progress monitoring or to students returning from a short-term or long-term suspension, alternative program, juvenile facility, or incarceration.

Confidentiality in Counseling: When a student indicates that they are thinking about hurting themselves or other students, school personnel are required to take action to ensure the safety of the student or other students. This action will include sharing of information with the school principal and caregivers, and may include other outside agencies. No statement, oral or written, made by a student seeking counseling for any form of drug abuse may be used as admissible evidence against them in any proceedings.

School Problems

If students have a problem related to discipline, security, personal safety or welfare, or vandalism, the student should:

1. Tell the nearest teacher or adult staff member. Tell them exactly what has happened to the student or what the student has observed happening to someone else. Problems of discipline, security, and personal safety are considered very serious.
2. Talk to the principal or associate principal right away.
3. Express feelings. It is natural to feel worried and upset. Talk to someone who will listen and understand — perhaps a peer helper, teacher, school counselor, school psychologist, social worker, or an adult mentor. It is important to talk to a trusted adult.
4. Ask to talk to a school counselor, school psychologist, or social worker who can help students learn ways to deal with problems so that they may feel safer and

more comfortable when faced with similar problems in the future.

5. In addition to alerting school personnel, a student should tell their caregivers about the problem. They will want to know.

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

Personal Problems

For help with personal problems which may affect a student's school life or activities:

1. If possible, discuss the problem with caregivers/guardians.
2. If a student and their caregivers/guardians cannot solve the problem, there are a number of people in the school who may be able to offer additional help. The student may speak to a teacher with whom they feel comfortable.
3. School counselors, psychologists, and social workers at the school are trained to offer help with personal problems. They can also lead the student to other resources they may not be aware of.
4. The associate principal and the principal will also be able to discuss the problem with the student and attempt to work on a solution. If they are unable to do so, they will seek assistance.

Academic Problems

For help with an academic problem, the student should:

1. See the teacher who teaches the subject. The teacher may recommend help sessions or mentoring/tutoring, or may make a referral for additional assistance. The teacher may ask for a conference with the student and their caregivers/guardians.
2. Further help can be obtained through the school counselor. Solving an academic problem requires the student's help, along with the help from teachers and sometimes caregivers/guardians, the school counselor, and other school professionals.
3. For problems that are still not resolved after the student has talked with the school counselor, the student should discuss the matter with their caregivers/guardians and with the principal or Associate principal. caregivers/guardians may wish to join the student in discussions with the administration.

Extracurricular Activities

For help with problems involving extracurricular activities, the student should:

1. See the advisor or coach assigned to the activity at a time when they can give you their undivided attention. Try not to discuss the problem during the activity period itself.
2. If the activity involves athletics, see the athletic director of your school; if the activity has a director that oversees the advisor, see the director or other administrator.
3. If the student does not know who is assigned as advisor to the activity, the student should see an administrator.
4. If the student is unable to get help in solving the problem by doing the above, discuss the matter with caregivers/guardians and with the principal or designee. caregivers/guardians may wish to join the student in discussions with the principal/designee.

Group Problems

For help with a group problem related to discipline, security, personal safety, or welfare:

If a group of students feels it shares a common problem, the best way to seek assistance is for the group to send two or three representatives to the teacher or administrator involved and present the group's point of view on the matter.

Communication between one or two people and a large group is extremely difficult and can be an ineffective approach to problem solving. The most effective approach is one that involves communication between representatives of the groups involved.

Disciplinary Appeals

Not Subject to Appeal

In-School Suspension

Removal of a student from regular classroom activities, but not from the school premises for no more than 10 consecutive school days or no more than 10 school days cumulatively for multiple disciplinary offenses.

Short-Term Suspension

Removal of a student from the school premises and regular classroom activities for 10 consecutive school days or less.

May beAppealed to Superintendent

Long-Term Suspension

Removal of a student from the school premises and regular classroom activities for more than 10 consecutive school days or for more than 10 school days cumulatively for multiple disciplinary offenses in a school year.

Expulsion

Removal of a student from the school premises, regular classroom activities, and school activities for more than 90 school days, indefinitely, or permanently.

Appeal Procedure

- Appeals must be requested within 10 days from the date of expulsion.
- Students have the right to counsel at appeal hearing. Students who will be represented by legal counsel at appeal hearings should notify the superintendent so that legal counsel for the School Committee can also be invited to the appeal hearing.
- The appeal is not limited solely to a factual determination of whether students committed the alleged misconduct.



LEVELS OF BEHAVIOR CONCERNS, VIOLATION AND RESPONSES

Interventions and Consequence

Determining Disciplinary Responses

Levels of Interventions and Consequences: School officials must consult this document when determining which disciplinary interventions and consequences to impose. In determining how to best address inappropriate, unacceptable, and unskillful behaviors, it is necessary to evaluate the totality of the circumstances surrounding the behavior. The principal's exercise of discretion shall be followed by the following considerations:

- The student's age and maturity.
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct).
- The disciplinary consequences and interventions and responses



to such applied in prior behavior violations.

- The nature, severity and scope of the behavior.
- The circumstances/context in which the conduct occurred.
- The frequency and duration of the behavior.
- The number of persons involved in the behavior
- The student's IEP, disability that may have an impact on student behavior and 504 accommodation plan, if applicable.

Differentiated responses to disciplinary problems are embedded within three levels of just and equitable practices under which all students are treated fairly with respect, dignity and decency and without favor toward or prejudice against any one group of students regardless of the student's age, color, disability, economic status, ethnic background, gender identification, marital status, national origin, pregnancy, pregnancy related conditions, race, religion, sex, or sexual orientation.

In practical terms, this means that:

- All opportunities and interventions must be accessible to every student, including students with disabilities.
- Consequences and interventions shall be consistent with the code and exercised with discretion pursuant to the investigation.
- Analysis of school-wide discipline data of all consequences and interventions, paying particular attention to indicators of overuse and disproportionality of suspension among various student groups.
- Student confidentiality will be protected.



Pre-Kindergarten Through Grade 12

When a Child Behaves Aggressively....

Aggressive behavior in young children is rarely an intentional act to harm another. Rather, aggressive acts are often a result of children's unskillful attempts to communicate what they want, what they need, and what they don't like.

When a child engages in a violent act that threatens or harms other children or makes the learning environment feel unsafe, special procedures need to be in place to ensure that both children involved in the incident (the child who has been threatened or hurt and the child who has engaged in

Level 1 Promotion, Skill-building and Prevention

School personnel are responsible for developing and using strategies that

the violent act) receive immediate attention and care.

Caregivers can expect that these actions may take place:

- A staff person will immediately separate the child who has engaged in the act from the environment to help the child regain a sense of calm.
- A staff person will speak to the child who has been threatened or harmed to ensure that the child has an opportunity to talk about the incident and to help the child regain a sense of safety.
- Caregivers of children involved in the incident will be contacted.
- School staff will explain what happened before the incident, share how adults responded to the incident, and discuss the plan for restoring a sense of calm and safety.
- All incidents of aggression are reviewed by the team so that chronic instances can be addressed more broadly.

promote optimal learning and positive behavior throughout a student's school experience. Administrators, teachers, school counselors, social workers, psychologists and other school staff are also expected to use promotion and



prevention strategies to engage students, including students with disabilities, that facilitate students' academic and social-emotional growth, assist them in following school rules and policies, and support correction when behavioral issues arise. If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the school Special Education Director/Coordinator and their team.

Teachers are expected to create respectful, orderly, and productive classrooms through (1) the development of caring, supportive relationships with and among students; (2) organizing and implementing instruction in ways that optimize students' access to learning; (3) using group management methods that encourage students' engagement in academic tasks; (4) promoting the development of students' social skills and self-regulation; and (5) using appropriate interventions to assist students with behavior problems.

Level 2, 3, and 4 Responses

Restorative interventions focus on students' social problems that involve their relationships and social interactions with others. The goal is to build the capacity to account for one's behavior, empathize and take on the perspective of the other, engage in collaborative problem solving and offer opportunities to make amends, repair the harm done, and restore relationships through reflective action.

Restorative interventions also focus on students' personal problems that may become barriers to being successful in school. The goal is to help students to self-reflect, self-correct, regain their equilibrium and resiliency (the capacity to bounce back from challenging situations), increase their self-awareness, and strengthen their personal efficacy (the capacity to regulate and manage themselves), and make a plan to get back on track. These interventions can include a reflection and planning conference with a student, caregiver, and an administrator or student support team member, progress monitoring, development of individual behavior plans, referral to SST, skill building and risk-prevention groups and individual coaching, individual and group counseling, mentoring programs, comprehensive student success plans, and referrals to community service providers, counseling services, and treatment programs.

Levels of Behavior Concerns, Violations and Responses

Level 1 incorporates universal schoolwide and classroom practices that promote the development and practice of prosocial behaviors, self-discipline, habits of learning, and healthy well-being. Through observation and immediate responses, teachers aim to prevent minor discipline problems from becoming major disciplinary incidents.

Level 2 involves targeted interventions and assigned consequences when a students' behavior violation warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. Assigned consequences include assignment to the behavioral intervention team and in-school suspension.

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

These policies apply to all students, grades PreK-12, including all students with IEPs and 504 plans. Multiple incidents or chronic violations of the same behavior will warrant more intensive interventions/consequences.

The interventions and consequences that are aligned with each level represent a menu of responses. Teachers and administrators can select one or more responses in each level. Administrators, teachers, and student support teams are not expected to select and use all interventions in each level. Administrators, teachers, and student support teams may also use a lower-level intervention when it is appropriate. They will strive to match students with interventions that are the least intensive, while being the most effective. Interventions will be progress-monitored and adjusted based on student response.

The building principal or their designee must notify appropriate law enforcement of any act that occurs on school grounds, at a school function, reported to school personnel from outside school during school hours, or during travel to or from school that is criminal in nature or affects the welfare of a student or the overall safety of the school.

LEVELS OF POSSIBLE RESPONSES

LEVEL 1 BEHAVIOR

Classroom Interventions and Responses. These interventions aim to interrupt unsuccessful behaviors and teach skills so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff. Level 1 interventions and responses may include, but are not limited to:

- Positive directives that state expectations
- Positive and specific feedback
- Re-teaching and rehearsal of skill or procedure
- Increased opportunity to respond during instruction
- Increase teacher proximity
- Verbal prompt, redirection and/ or correction
- Reminders and redirection
- Student/Teacher conference
- Use of Restorative questions
- Restorative conference
- Develop relationships with families
- Family conference
- Daily progress sheets on behavior
- Create a classroom check-in plan
- Reflection activity
- Reset Pass, planned break, or do-over
- Other evidence-based student specific strategies
- Restitution/Restoration strategies



Student Support Team Interventions and Responses. These interventions aim to engage the student's support system at school and at home to ensure success by working to change the conditions that contribute to a student's unsuccessful behaviors. They can involve school staff and partner and community agency staff.

- Reflection activity
- Check-in with school building staff
- Mediation
- Mediated conflict resolution conferences
- Referral to school-based health or mental health providers
- Service to the school community
- Restitution plan
- Referral to community organization
- Utilize support staff

LEVEL 2 BEHAVIOR

Classroom Interventions and Responses. These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others. Level 2 interventions and responses include level 1 strategies and may also include, but are not limited to:

- Collaborate with family
- Collect progress monitoring data about the behavior and interventions attempted
- Referred to tiered support
- Review of cumulative folder and academic progress, create implement, and monitor academic plan
- Collaborate with academic coaches to build on student strengths
- Create and monitor all plans created
- Restorative practice strategies
- Mediation
- Community conference
- Conflict resolution
- Collaborative problem solving



Administrative Level and Student Support Team Interventions and Consequences.

These interventions can involve support staff or administrative staff when needed and promote expected, appropriate, and respectful behavior by addressing the seriousness of the behavior while keeping the student in school.

- Conflict mediation
- Administrative and/or support team conference
- Individualized case management for students with IEPs and 504 plans
- Tiered Support
- Student Support Team (SST)
- Re-entry planning
- Referral and coordination with community-based supports

LEVEL 3 BEHAVIOR

Classroom and Support Team Interventions and Responses. If a student is removed from the learning environment within the school building, teachers/staff are encouraged to:

- Collect progress monitoring data about the behavior and interventions tried
- Initiate a student-centered discussion about the incident (and Repair, Restore and Re-teach expectations)
- Create, implement and monitor a transition plan for students returning to the classroom, restorative circle
- Plan for classmates as student returns
- Detention

Intensive Administrative Level and Support Team Interventions and Responses. These interventions and responses may include removing the student from the classroom environment because of the seriousness of the demonstrated behavior.

- Mediated conflict resolution conference
- Referral to school-based health or mental health providers
- Restitution/Restorative plan
- Utilize support staff root cause assessment/trauma assessment
- Administrative and/or support team conference
- Individualized case management for students with 504 plans or IEPs
- Referral and coordination with community-based services
- In-School Suspension
- Meeting with principal and student
- Family/Guardian/Student/School Team conference
- Request for SST consultation for explosive/violent incident
- Develop a Functional Behavioral Assessment and Behavior Intervention Plan
- Suspension from transportation



LEVEL 4 BEHAVIOR

Classroom and Support Team Interventions and Responses. If a student is removed from the learning environment, teachers/staff are encouraged to include level 3 interventions and:

Intensive Administrative Level and Support Team Interventions and Responses. These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. Level 4 interventions and responses include level 3 strategies and may include, but are not limited to:

- Short-Term Out-Of-School Suspension
- Long-Term Out-of-School Suspension
- Expulsion

Levels of Behavior Concerns, Violations and Responses

***All disciplinary action will be at the discretion of the principal in consideration of disciplinary history and motivation.**

Level 1 <i>Classroom support and student support team</i> May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions have not been put in place.	Level 2 <i>Intensive support staff and appropriate administration</i> May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.	Level 3 <i>Removal from the learning environment</i> May be appropriate given the seriousness of the offense and impact on the school community, and/or when documented interventions and supports have been put in place but the behavior is escalating.	Level 4 <i>Removal from the learning environment</i> May be appropriate when behavior presents an imminent threat of serious harm to the school community, or when the student's behavior seriously affects the safety of others in the school and/or education process.
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BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Absences					
Occasional refusal to attend class	●	●			Classroom teacher will inform social worker/attendance personnel
Persistent or excessive absences from school	●	●			See Appendix B
Habitual truancy (7 days/14 half days in 6 months)	●	●			
Academic Dishonesty					
Plagiarism, copying another's work, cheating or altering records	●	●			Student may receive a failing grade for assignment
Arson					
Starting a fire			●	●	No fires program requires building principals to contact the fire department for any and all unwanted fires.
Bomb Threat					
Making threats or providing false information about the presence of explosive materials or devices on school property			●	●	
Bullying - Verbal, Physical and Electronic					

Repeated incidents of bullying targeted at same person or group		●	●	●	See Appendix C
Classroom Distraction					
Disrupting the learning environment	●	●			
Throws objects without physical injury to others	●	●	●	●	

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Damage to Personal or School Property					
Damage to another person's or school property	●	●	●	●	Restitution is permitted in lieu of suspension; restitution may be in the form of monetary restitution and assignment to a school work project
Drugs, Alcohol, and Inhalants including Vaping					
Under the influence			●	●	School staff is required to refer student to appropriate substance abuse counseling
Using or possessing, including any vaping paraphernalia			●	●	School nurse must be immediately notified
Distributing or selling			●	●	
Electronic Devices					
Inappropriate use of electronic devices	●	●	●	●	Possession and/or transmission of child pornography is a crime and is subject to prosecution and must be reported to the police Exceptions to the policy may be made with administrative approval Students who fail to comply with the electronic device expectations will be asked to turn their device over to school staff or administrators for the remainder of the day. Failure to turn over their

					phone could result in additional consequences
Extortion					
Obtaining money or property from another student through coercion, intimidation, or threat of physical harm			•	•	
False Activation of Fire Alarm					
Intentional false activation of fire alarm			•	•	

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Gambling					
Requires the use of money or exchangeable goods	•	•	•	•	
Harassment Based on Race, Ethnicity, Gender, Sexual Orientation, Disability or Religion, Including Cyber-harassment, Against Members of the School Community					
Harassment	•	•	•	•	See Appendix C
Inciting or Participating in Disturbance					
Minor public space misconduct	•	•			A large disruption is defined as a disruption which causes the principal to initiate emergency procedures and prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and poses a serious and grave threat to the safety of large numbers of students
Causing or contributing to a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption (such as a riot)			•	•	Documentation of Emergency Procedures must be submitted to the Superintendent's Office
Leaving Classroom or School without Permission					
Leaving classroom without permission	•	•			
Leaving school without permission			•	•	

Non-Compliance					
Failure to comply with school rules, regulations, policies, or procedures	●	●	●	●	
Failure to respond to school staff directions, questions, or requests	●	●			

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Physical Contact					
Aggression towards another person with or without injury		●	●	●	
Unintentional physical contact with school personnel	●	●	●		
Unintentional physical contact with another student	●	●	●		
Intentional physical contact on school personnel	●	●	●	●	
Unwanted touching, poking, pushing, shoving or physical intimidation of school personnel or student	●	●	●		
Public Space Misconduct					
Serious public space misconduct			●		
Robbery					
Taking money or property from another by force			●	●	
Sexual Offenses					
Sexual Assault				●	See Appendix C
Sexual harassment (e.g., inappropriate verbal or written conduct of a sexual nature)			●	●	<p>School staff is required to refer students to appropriate counseling</p> <p>Possession and/or transmission of child pornography is a crime and is subject to prosecution and must</p>

Sexual harassment (e.g., inappropriate physical conduct of a sexual nature)			●	●	be reported to the police
Sexual misconduct (e.g. engaging in sexual activity, etc.)			●	●	

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Tardiness					
Excessive tardiness to class	●	●			See Appendix B
Excessive tardiness to school	●	●	●		
Technology Acceptable Use Policy Violation					
Violation of Northampton Public Schools Technology Acceptable Use Policy	●	●			Refer to the district website at www.northamptonschools.org for details on this policy Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police
Theft					
Under \$1200 (Misdemeanor)	●	●	●		Restitution may be permitted; restitution may be in the form of monetary restitution and/or school project
Over \$1200 (Felony)			●	●	
Threat Against School Personnel, Written or Verbal					
Verbal or written threat against school personnel by any means			●	●	
Tobacco					
Use or possession of any nicotine product including vape products	●	●			School staff is required to refer student to appropriate substance abuse counseling

Verbal Aggression Against School Personnel				
Name calling, insults, making inappropriate gestures, symbols, or comments, or using profane or offensive language	●	●	●	
Confrontational and aggressive arguing		●	●	
Misleading or giving false information to school staff	●	●	●	

BEHAVIOR VIOLATION	Level 1	Level 2	Level 3	Level 4	NOTES
Weapons, Firearms, Explosives					
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code; e.g., handguns, rifles, shotguns, and bombs)				●	Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by the Superintendent of Schools.
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, etc.)				●	
Possession of weapons (knife, mace, etc.)			●	●	
Instruments or objects used as weapons with intent to cause injury			●	●	
Explosives (possession, sale, distribution, detonation, or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substance or articles, other than a firearm)			●	●	

Policies

Dressing for School

We expect students will dress appropriately for the setting and in clothes that promote a safe and respectful learning environment. Student attire must ensure the health and safety of others. If at any time you need assistance with clothing, please do not hesitate to contact your child's school. Exceptions to this policy may be made to accommodate a student's sincerely held religious beliefs or when needed so a student with a disability can participate in the school environment. Students and caregivers may direct such requests to their child's educator, the building Principal, or the Director of Health, Safety & Equity Programs.



Headwear

- Unless exempt as a form of religious expression, students will be asked to remove headwear if it prevents them or others from fully or safely participating in the learning experience.

Shoes

- Footwear must be worn at all times and must be appropriate for the learning activity (i.e. sneakers for P.E. class).

Clothing

- Attire cannot create a substantial disruption to the learning environment.
- We encourage clothing to uphold the core district values of kindness, empathy, and tolerance.

-
- We encourage students not to wear clothing that depicts alcohol, tobacco, or drugs.

Preschool and Elementary Specific Considerations

- Preschool and elementary families should send in a change of clothes for their children.
- Students wearing protective footwear (i.e., winter boots) should bring a change of shoes for use inside the school.
- Students should bring outerwear appropriate for forecasted weather conditions, as they participate in recess daily. Snow pants, boots, and gloves are required for students wishing to play in snowbanks.

Electronic Devices

Personal electronic devices must be turned “off” and not visible in preschool through 8th grade. Electronic devices can be utilized in passing periods and lunch in grades 9 through 12. Personal electronic devices that have been approved in advance by the District may be utilized for school learning during periods of remote learning.

Students who fail to comply with the electronic device expectations will be asked to turn their device over to either their teacher or administrator for the remainder of the day. Failure to turn over their device could result in additional consequences according to the Levels of Behavior Concerns, Violation and Responses.

Student Attendance (See Appendix B)

School attendance is compulsory for Massachusetts children ages 6 to 16. Attendance is also compulsory for children who are 5-years-old and enrolled in the Northampton Public Schools. Kindergarten registration is mandatory for children who turn 5-years-old by January 1st.

The Northampton Public Schools believe that on-time, regular attendance is a critical factor in student academic success. It is the District’s responsibility to work collaboratively with families to assist with identifying and removing barriers to regular attendance and to communicate to families the importance of regular attendance.

The following are considered **documented** absences. These instances may include, but are not limited to:

- Sickness (with a note from the students’ physician)
- Death in family (with a note from the caregiver/guardian)
- Impassable roads or weather
- Religious holidays

-
- Court appearances (with official documentation)
 - Approved college visits (with a note on official letterhead or correspondence from the school)
 - Military obligations (as documented by official documentation)

The following are considered **undocumented** absences. These instances may include, but are not limited to:

- Vacations
- Missing the bus
- Sickness without documentation from the physician
- Participation in other activities not listed above

A student visiting with their caregiver related to military leave or deployment activities shall be granted additional excused absences at the discretion of the superintendent or their designee and may not be penalized.

Physical Restraint (See Appendix E)

The Northampton Public Schools is committed to maintaining a safe, secure and orderly school climate which supports academic achievement while respecting the rights of the individuals comprising the school community. Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. At times, physical restraint of a student may be necessary to protect that student or other individuals.

Corporal punishment is prohibited in our schools.

Physical restraint may be used in appropriate circumstances.

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint shall be used only in emergency situations of last resort where de-escalation has failed, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Physical restraint shall only be used when needed to protect a student and/or a member of the Northampton Public Schools community from imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize any harm to the student.

Physical restraint shall not be used as a means of discipline or punishment.

School-Police Partnerships

Information Sharing with Local Law Enforcement Agencies

The Northampton Public Schools, the Northampton Police Department, and the Northwestern District Attorney's Office will coordinate their efforts and share information in order to intervene and prevent violence involving students of the Northampton Public Schools, to prevent the use, abuse and distribution of alcohol and other controlled substances involving students of the Northampton Public Schools and to promote a safe and nurturing environment in the school community. The participating agencies will work effectively and cooperatively to respond to and address, for everyone's protection, incidents of school delinquency, criminal behavior and other activity detrimental to the welfare and safety of the school community. This cooperative response will focus on incidents that take place on school grounds, within school property, at school-sponsored events, and at other locations in which students of the Northampton Public Schools are involved. The Northampton Public School district protects students' personally identifiable information (See Appendix A)

Interrogations by Police

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogation by law enforcement officials.

- When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the principal or their designee and one other staff member will be present. Every effort will be made to notify the student's caregiver/guardian of the situation.
- Law enforcement officials shall observe all procedural safeguards, as prescribed by law.

Procedures for Student Suspected to be Under the Influence

- Teachers and other school staff are obligated to report any suspicion of substance use to an administrator as soon as possible. If administration is not available, the school nurse or adjustment counselor should be notified immediately. Staff should stay with the student until a designated staff member removes the student from the class. The student should not be sent to the office.
- Administration will evaluate the student and consult with the school nurse when applicable. The school nurse will make an assessment of the student, which may include vital signs, medical history, coordination, and reaction of pupils. The administrator will conduct a search of the student's belongings, locker, and general person. Caregivers/guardians will be notified of the search after it has been conducted.
- If a student is found to be unfit for instruction, the caregivers/guardians will be contacted and asked to pick up the child. The caregivers/guardians will be informed of the findings of administration and the school nurse. Appropriate recommendations and referrals will be made based on the findings and the student's individual situation. The

procedures outlined in the Code of Conduct will be followed and enforced.

- If the student is found to be fit for instruction, the student will return to class with an explanation of the responsibilities of school personnel toward students and their welfare. The caregiver/guardian will be notified of the school's action.

Searches by Staff

It is the policy of the Northampton Public Schools to subject a student to a search of their person and/or personal possession (e.g. clothing, gym bag, purse, backpack, motor vehicle), if the authorized school personnel have, independent of information provided by the police, a reasonable suspicion to believe that such student is carrying or concealing material, the possession of which is prohibited by federal, state or local law, or by the provisions of the Code of Conduct in the Student-caregiver Handbook (e.g. alcohol, drugs, illegal substances or weapons, or any other object which may result in physical injury or harm to students on the school grounds or the school building). Lockers and desks used by students remain the property of the school and may be opened without notice at any time as part of non-investigatory school practices. The contents of personal items found in desks and lockers may be searched, as provided by law. Such searches may be conducted in school, on school property or at any school-sponsored event. In the absence of an administrator, faculty, staff, advisors and coaches are delegated to this authority. Reasonable searches of students, their automobiles or belongings will be conducted in a way that protects the students' rights consistent with the responsibility of the school system to provide an atmosphere conducive to the educational process.

A student's refusal to cooperate with the search of their person and/or personal possession upon request will be considered insubordination and will result in disciplinary action, up to suspension from school. Students have the right to an administrator of their choice to conduct the search.

Community Member Responsibilities

All members of our learning community are expected to promptly report violations of the Code of Conduct to an administrator.

As Mandated Reporters, all school staff are required by law to report suspected abuse or neglect of a minor or an individual over the age of 18 who falls under the protection of the Disabled Person Protection Commission.

Supporting Students' Engagement

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can use redirection prompts and reminders or a quick check-in conference to support the student's re-engagement. Other techniques may include providing the student with a

brief break in the classroom or in an alternative setting or providing the student with the opportunity to speak briefly with a student support team member. The goal of any intervention is to give the student an opportunity to regain their composure and self-control in order to return to the classroom ready to learn. These actions do not constitute a disciplinary removal for purposes of this code.

Suspensions

Student Discipline Regulations 603 CMR 53.00

Procedural requirements applicable to the suspension of a student for a disciplinary offense other than: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the school staff; and d) a felony charge or felony delinquency complaint or conviction, as provided in M.G.L. c. 71, §§37H or 37H 12.

Alternatives To Long-Term Suspension

A principal will exercise discretion in deciding the consequences for a student who has committed a disciplinary offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried:

- **In-School Suspension**

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

The principal or designee will inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charge or explain the circumstances. If the principal determines that the student committed the disciplinary offense, the principal will inform the student of the length of the student's in-school suspension, which is not to exceed 10 days, cumulatively or consecutively, in a school year.

The principal or designee will notify the caregiver orally on the day of the in-school suspension decision. The principal will also invite the caregiver to a meeting to discuss the student's academic performance and behavior as well as strategies for student engagement and responses to the behavior. The meeting will be scheduled on the day of the suspension if possible, and if not, soon thereafter.

The principal will send written notice on the day of the in-school suspension to the student and caregiver about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the caregiver to a meeting with the principal, if a meeting has not already occurred.

- Exclusion from Extracurricular Activities and School-Sponsored Events

The principal or designee may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to M.G.L. c. 71, § 37H 3/4 or 603 CMR 53.00.

- Short-Term Suspension

Prior to a short-term suspension, a hearing will be conducted with the principal or designer. The purpose of this hearing is to hear and consider information regarding the alleged incident, provide the student an opportunity to dispute the charges, explain the circumstances surrounding the alleged incident and present mitigating information, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. Caregivers are permitted to participate in the hearing.

The principal shall notify the student and caregiver in writing of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal.

Notice of Suspension and Hearing

Except for emergencies provided in 603 CMR 53.07 and in-school suspension authorized by 53.10, a principal will not impose a suspension as a consequence for a disciplinary offense without first providing the student and the caregiver oral and written notice, along with an opportunity for a hearing on the charge and an opportunity for the caregiver to participate in the hearing.

The principal will provide oral and written notice to the student and the caregiver in English and in the primary language of the home if other than English. The notice will include:

- 1.** The disciplinary offense;
- 2.** The basis for the charge;
- 3.** The potential consequences, including the potential length of the student's suspension;
- 4.** The opportunity for the student to have a hearing with the principal concerning the proposed suspension, and for the caregiver to attend the hearing;
- 5.** The date, time, and location of the hearing;
- 6.** The right to an interpreter, if needed;

7. If the student may be placed on long-term suspension following the hearing:

- a.** the rights set forth in 603 CMR 53.08 (3)(b); and
- b.** the right to appeal the principal's decision to the superintendent.

Long-Term Suspension

The purpose of the hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student will have the following rights:

- 1.** Prior to the hearing, the opportunity to review the student's record and the documents on which the principal may rely in making a determination;
- 2.** To be represented by counsel or a lay person at their own expense;
- 3.** To produce witnesses and to present the student's explanation of the incident, but the student may not be compelled to do so;
- 4.** To cross-examine witnesses presented by the school district;
- 5.** To request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. The principal will advise all parties if an audio recording is requested.

The principal will send the written determination to the student and caregiver. If the principal decides to impose a long-term suspension, the written determination will:

- 1.** Identify the disciplinary offense, the date of the hearing, and the participants at the hearing;
- 2.** Record the key facts and conclusions reached by the principal;
- 3.** Identify the length and effective date of the suspension, as well as a date of return to school;
- 4.** Notify the student of their opportunity to receive services to make academic progress during the suspension;
- 5.** Inform the student of the right to appeal the principal's decision to the superintendent. Notice will include the following information:

-
- a.** the appeals process requires the student or caregiver to file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension subject to an extension of the filing, upon agreement with the superintendent, for up to seven (7) calendar days;
 - b.** the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

Superintendent's Hearing for Long-Term Suspension

A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the suspension to the superintendent. The student or caregiver must file a notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension subject to an extension of the filing, upon agreement with the superintendent, for up to seven (7) calendar days. If the appeal is not timely filed, the superintendent may deny the appeal or allow it to go forward.

Hearings by the superintendent will occur within three (3) school days of the request, unless the student or caregiver requests an extension of up to seven (7) additional calendar days. The superintendent will make a good faith effort to include the caregiver in the hearing and will send written notice to the caregiver of the date, time, and location of the hearing.

The superintendent will conduct a hearing to determine whether the student committed the disciplinary offense, and if so, the appropriate consequence. The superintendent will advise all parties that a hearing will be audiorecorded and a copy will be provided to the student or caregiver upon request. The student will have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).

The superintendent will issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but will not impose a suspension greater than that imposed by the principal. The decision of the superintendent is the final decision.

Student Expulsion

Massachusetts General Laws, Chapter 71, Section 37H

- 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, using 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 their 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.

Massachusetts General Laws, Chapter 71, Section 37H1/2

(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 their 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 their 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 caregiver 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 their 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 a 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 their 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 their 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 caregiver 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 their 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 a 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 educational services to the student under an education service plan, under section 21 of chapter 76.

Emergency Removal

A student may be temporarily removed from school when the student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal will immediately notify the superintendent in writing and describe the danger presented by the student. The temporary removal will not exceed two (2) school days following the day of the emergency removal. During the emergency removal period, the principal will:

- 1.** Make immediate efforts to orally notify the student and the student's caregiver of the emergency removal, the reason for the removal, and other matters set forth in 603 CMR 53.06(2);
- 2.** Provide written notice to the student and caregiver;
- 3.** Provide the student an opportunity for a hearing with the principal, and the caregiver an opportunity to attend the hearing, before the expiration of the two (2) school days, unless the principal, student, and caregiver otherwise agree to an extension of time;
- 4.** Render a decision orally on the date of the hearing and in writing no later than the following school day. A principal may not remove a student from school on an

emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

Education Services and Academic Progress

Any student who is serving an in-school suspension, short-term suspension, or long-term suspension will have the opportunity to make academic progress during the period of removal from the classroom or school.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, will have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. The principal will notify the caregiver and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. The notice will include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

Discipline of Students with Disabilities

1. All students are encouraged to meet the requirements for behavior as set forth in the Code of Conduct. Chapter 71B of the Mass. General Laws require that additional provisions be made for students who have been found by an IEP team to have a disability and whose program is described in an Individualized Educational Plan (IEP). Students with disabilities may be suspended for up to ten (10) days under current state and federal laws and may also be suspended in excess of ten (10) days as fully outlined under M.G.L., Ch. 71B, and the Individuals with Disabilities Education Act, the IDEA. The due process procedures, in addition, will reflect all state and federal laws as they come into effect.

2. The IDEA allows school personnel to remove a student with disabilities to an interim alternative educational setting for up to 45 school days, if that student has brought a weapon to school or a school function or on school grounds, possesses or uses illegal drugs (including prescription drugs which are not prescribed for the student) or sells or solicits the sale of a controlled substance or what the student says is a controlled substance, while at school or a school function or on school grounds, or inflicts serious bodily injury on a person, including themselves. The appropriate interim alternative educational setting shall be determined by the IEP Team.

3. The IDEA also allows school personnel the option of asking a hearing officer or a court to move the child with disabilities to an interim alternative educational setting for up to 45 days, if they are substantially likely to injure themselves or others in their current placement.

4. When a student with a disability(ies) has been suspended for more than ten (10) days in a school year, such that substantial change in placement is occurring or will occur, relevant members of the IEP Team will meet to conduct a manifestation determination.

5. The Principal (or designee) will notify the Director of Student Services or Associate Director of Student Services of the offense leading to the pending suspension of a special needs student and a record will be kept of such notices.

Students Identified As Having A Disability And Provided With Section 504 Plans

1. Students are expected to meet the expectations for behavior identified in the Code of Conduct. A student on a Section 504 plan may be disciplined like any non-eligible student. Students on 504 plans have substantially similar rights to a Manifestation Review and the Manifestation Determination Review Process with a few exceptions:

- Students who are currently engaging in the use/possession of illegal drugs or alcohol are not entitled to a MDR prior to disciplinary removal
- A student is not automatically entitled to an Functional Behavior Assessment/Behavior Intervention Plan
- The student is not entitled to Free and Appropriate Education (FAPE) during a removal

Definitions

Expulsion: removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, §§37H or 37H12.

In-School Suspension: removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, is not considered a short-term suspension. If a student is placed in in-school suspension for more than ten (10) days, such suspension will be considered a long-term suspension.

Long-Term Suspension: removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A long-term suspension may be served in school. Except for M.G.L. c. 71, §§37H and 37H 1/2 offenses, no student will be placed on long-term suspension for one or more disciplinary

offenses for more than ninety (90) school days in a school year.

Short-Term Suspension: removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less.

Suspension: short-term suspension and long-term suspension unless otherwise stated.

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

Principal: the instructional leader of a public school or for purposes of school disciplinary matters.

Superintendent: the chief executive officer employed by a school committee to administer a school system or designee appointed for purposes of conducting a student disciplinary hearing.

Written Notice: refers to notification made by hand delivery, first-class mail, certified mail, email to an address provided by the caregiver for school communications, or any other method of delivery agreed to by the principal and caregiver; notification to be provided in English and in the primary language spoken in the student's home if other than English.

Oral Notice: reasonable efforts to provide oral notice to caregivers refers to two documented attempts at contact in the manner specified by the caregiver for emergency notification.

Technology Glossary

Account Monitoring

In the Northampton Public Schools, School internet and technology play an important role in the students' educational experience. Students and teachers are provided with Google accounts and chromebooks to be used in and out of school. While access to the internet provides many opportunities, it is important for students to be mindful of the district privacy policies and Acceptable Use Policy to understand the appropriate use of their school-issued devices and accounts. The purpose of the following information is to provide an explanation of the technology used, the procedures in place to protect student data and to provide awareness to students and caregivers around how student accounts are monitored.



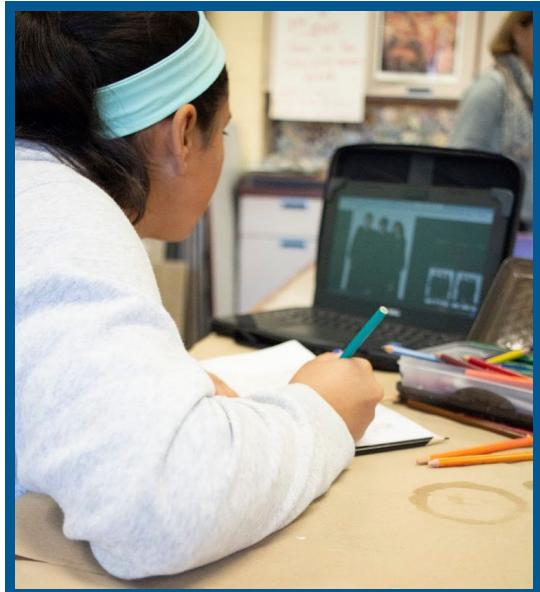
Students use chromebooks and desktops while at school. Chromebooks require a student login and are filtered under Go Guardian filters while in class. Internet traffic also passes through the district content filtering software. Desktop computers may or may not require students to log in with their school accounts but they are still filtered with a Sophos firewall in the buildings.

Students should recognize their account is monitored. They should:

- Only use school devices and accounts for appropriate activity.
- Be aware of which device/account they are using, and try to keep school-related activity on school devices/accounts, and non-school-related activity on personal devices/accounts.
- Be aware of the policies and rules surrounding student accounts and devices.
- Be mindful of their digital footprint and how their internet activity can follow them throughout their lives.

Go Guardian

Go Guardian is a classroom management and filtering program that works only on chromebooks when students log in with their school-supplied email address. Teachers may use this to push out websites, share screens with the class, chat with students while working to provide support on their work, and to block websites or redirect student focus. Teachers have the ability to view all student machines in their class while in their class session. Classroom management sessions can be run from 7AM-4PM Monday through Friday.



Students have a specific filter that is applied to chromebooks. This prevents access to content that is blocked or flagged due to the search terms used by the student. Examples include sites with explicit content, sites encouraging aggressive behavior, and malicious sites. When these sites are blocked, the student will see a “lock” symbol and receive notification that a site was blocked and inviting them to contact the administrator to request the website to be on the safe list.

Student history is recorded in Go Guardian. Student history is not reviewed unless requested by an

administrator on suspicion of a violation of a district policy. Only the Chief Information Officer, Digital Literacy & Computer Science Coordinator and Network Analyst can review student history and any record of a search is documented on a spreadsheet. At the end of each academic year, Go Guardian history is permanently deleted.

Google Admin

Google Admin controls all aspects of the G-Suite. Within this area, history and site blocks can be managed. Certain restrictions can be applied from the admin panel such as which extensions are permitted to be loaded, the landing page and blocks or safe lists to websites and apps. As is the case with Go Guardian, any searches conducted on a student G-Suite history must be requested by an administrator with suspicion of a violation of a district policy and is recorded on a spreadsheet. Additionally, student history is erased at the end of the academic year.

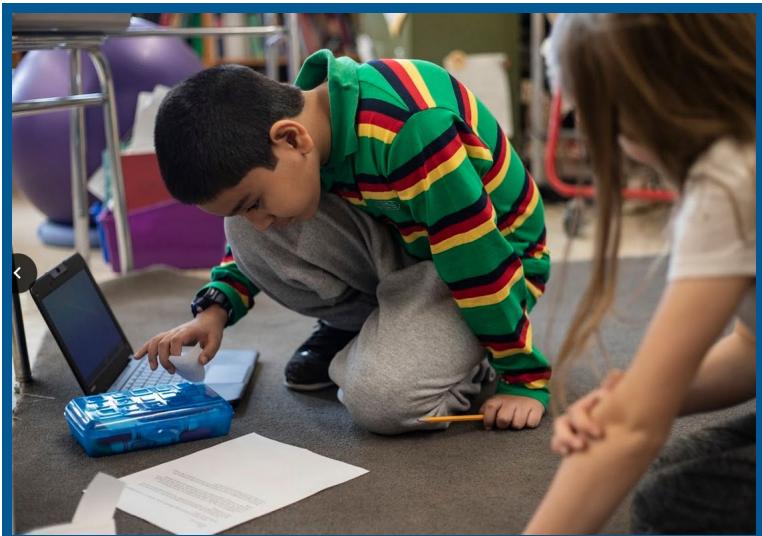
Sophos

The desktop computers, or any computer that is plugged into an ethernet cable in the school, are filtered by Sophos. Similar to Go Guardian, certain search terms are restricted. When students attempt to access sites that fall under these categories, they will be presented with an alert explaining it has been blocked.

Frequently Asked Questions

Who can access student data, and when?

Student data can be accessed with Go Guardian/Google Admin. Within GoGuardian, a record of sites visited can be viewed as well as Smart Alerts. Smart Alerts are an aspect of Go Guardian that takes a screenshot of a student's display if the content is deemed inappropriate. This data can only be seen by 3 IT employees: the Chief Information Officer, Digital Literacy and Computer Science Coordinator and the Network Analyst. They only access student data



if the principal or associate principal requests as part of an investigation of suspected violations of school policy.

If student data is seen, will the student be informed? Who else will see that data?

Students will be informed if their data is seen as part of an investigation. The only people who will see the data, in addition to the student's family and the IT staff who retrieve it, are the principal and associate principal. If the data raises suspicion that the child may be a victim of abuse or neglect, the data may also be shared with DCF as part of a 51-A filing.

Is access of GoGuardian/Google admin/history data logged?

Yes. The log of data is maintained by the IT department for 3 years, or until administrative use for the data ends.

Can law enforcement access student data?

Law enforcement cannot access student data without a subpoena.

What does GoGuardian do with my data?

GoGuardian has a [privacy policy](#) which has been reviewed by independent privacy organizations. GoGuardian does not monetize data in any way, and permanently deletes all NHS student data from its servers at the end of each year.

What is considered appropriate use of technology when setting blocked websites and Smart Alert triggers?

Some filters and triggers are preset by federal and state law, such as those blocking pornography. Some are set according to [school committee policy IJNBD](#) (the Acceptable Use Policy), which establishes a "legitimate educational use" standard for technology use in school.

Are students who borrow Chromebooks to bring home under a different level of monitoring?

There is a standard level of monitoring browsing history any time a school account is used, regardless of the computer. If a student uses a personal chromebook or school issued chromebook, Go Guardian can capture Smart Alerts. In either case, the same policy of monitoring is enforced—only when an administrator feels a student has violated a district policy will the IT staff investigate a student's use of the account.

Appendices

Appendix A



**U.S. Department of Justice
Civil Rights Division**



**U.S. Department of Education
Office of Civil Rights
Office of General Counsel**

Fact Sheet: Information on the Rights of All Children to Enroll in School

All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their caregivers/guardians. School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their caregivers/guardians are not U.S. citizens or are undocumented may be in violation of Federal law.

Below are some examples of acceptable enrollment policies, such as requesting proof of residency in the school district, as well as policies that may not be used by schools to deny enrollment to your child.

Proof of Residency in the School District

School officials may request proof that you live within the boundaries of the school district. School districts typically accept a variety of documents for this purpose, such as copies of phone and water bills, lease agreements, affidavits, or other documents. A school district's requirements to establish residency must be applied in the same way for all children.

A school district may not ask about your or your child's citizenship or immigration status to establish residency within the district, nor may a school district deny a homeless child (including a homeless child who is undocumented) enrollment because he or she cannot provide the required documents to establish residency.

While a school district may choose to include a caregiver's state-issued identification or driver's license among the documents that can be used to establish residency, a school district may not require such documentation to

establish residency or for other purposes where such a requirement would unlawfully bar a student whose caregivers are undocumented from enrolling in school.

Proof of Age

School officials may request documentation to show that a student falls within the school district's minimum and maximum age requirements. School districts typically accept a variety of documents for this purpose, such as a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a caregiver; a birth certificate; or previously verified school records.

Although a school district might request documents such as those listed above to verify your child's age, a school district may not prevent or discourage your child from enrolling in or attending school because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.

Social Security Numbers

Some school districts request a student's social security number during enrollment to use as a student identification number. If a school district requests a student's social security number, it must: (1) inform you and your child that providing it is voluntary and that refusing to provide it will not bar your child from enrolling in or attending school, and (2) explain for what purpose the number will be used.

A school district may not prevent your child from enrolling in or attending school if you choose not to provide your child's social security number.

A school district may not require you to provide your own social security number in order for your child to enroll in or attend school.

Race or Ethnicity Data

School districts have some Federal and state obligations to report race and ethnicity data about the students in their schools. A school district may request that you provide your child's race or ethnicity for this purpose.

However, a school district may not bar your child from enrolling if you choose not to provide your child's race or ethnicity.

If you want to learn more about your rights and the rights of your child when enrolling in public school, or if you believe that a school district is violating Federal law, you may contact the following government agencies:

Department of Justice, Civil Rights Division, Educational Opportunities Section
Telephone: (877) 292-3804 (toll-free)
Fax: (202) 514-8337
Email: education@usdoj.gov

Department of Education, Office for Civil Rights
Telephone: (800) 421-3481 (toll-free)
Email: ocr@ed.gov

If you wish to fill out a complaint form online with the Department of Education, you may do so at <http://www.ed.gov/ocr/complaintintro.html>

Department of Education, Office of the General Counsel
Telephone: (202) 401-6000
Fax: (202) 205-2689

Appendix B

Absences

The school notifies the Community Outreach Social Worker when a student is repeatedly absent. The school may file a criminal complaint against a caregiver whose child is absent for more than seven (7) full days or fourteen (14) half-days in a six-month period. See M.G.L. c. 76, sect. 2. The court can take a variety of actions against a caregiver including the imposition of a fine.

Provisions within Chapter 119 of the Massachusetts General Laws grants caregivers and guardians the right to file an Application for Assistance with the courts for Children Requiring Assistance, who are statutorily defined as a child between 6 years old and 18 who:

1. Repeatedly runs away from the home of a caregiver or legal guardian;
2. Repeatedly fails to obey the lawful and reasonable commands of a caregiver or legal guardian, thereby interfering with the caregiver's or legal guardian's ability to adequately care for and protect the child;
3. Repeatedly fails to obey lawful and reasonable school regulations; or
4. "Habitually truant"- a school-aged child is "habitually truant" when not otherwise excused from attendance in accordance with lawful and reasonable school regulations, willfully fails to attend school for more than 8 school days in a quarter.

By filing an Application for Assistance at court, a child will gain access to help and services that can improve behavior, support the child and help them avoid future incidents with the criminal justice system.

Tardiness

A student is considered tardy if they arrive at school after the start time. A student who is tardy **must** report to the office to make certain that their name will not be placed on the absentee sheet, thus preventing a needless call home. A note explaining the reason for the tardiness should be sent with the student the next day. Students who arrive late because of a late bus will not be marked tardy, but must report to the office. ***When there is a pattern of tardiness, caregivers/guardians will be notified and the Community Outreach Social Worker is notified.*** A pattern of tardiness can be an indicator of caregiver/guardian neglect and may be reported to the Department of Children and Families.

Appendix C

BULLYING AND HARASSMENT

BULLYING AND HARASSMENT (*Policy ACAC*)

Guiding principle:

The Northampton School Committee believes that preventing bullying and/or harassment is critical for creating and maintaining a safe, secure and positive school climate and culture, which in turn supports academic achievement, increases school engagement, respects the rights of all individuals and groups, and purposefully builds community.

Goals:

The Northampton School district will not tolerate bullying or harassment of/by any student, teacher, administrator, staff member, caregiver or community partner participating in any sanctioned school activity.

This policy will:

- comply with state law
- clearly define what constitutes actions of bullying and/or harassment
- reinforce the district's commitment to respond to bullying and harassing behaviors
- through the development of a prevention and intervention plan and procedures, clarify the response of the district to reports of such behaviors
- clarify the extent to which the administrators of the Northampton Public Schools are directed to apply disciplinary actions, as specified in the following Northampton School Committee policies and school district procedures: Student Rights and Responsibilities, Code of Conduct, Student Discipline, and the School Safety Plan

Definitions:

Aggressor is a member of the school community who engages in bullying, cyberbullying, or retaliation towards another member of the school community.

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more members of the school community of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to themself or of damage to their

-
- property;
- iii. creates a hostile environment at school for the target;
 - iv. infringes on the rights of the target at school; or
 - v. materially and substantially disrupts the education process or the orderly operation of a school.

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

Cyber-harassment is defined as any willful and repeated harm inflicted through, but not limited to, Web pages, social networking sites, email, instant messaging or text messaging using computers, cell phones and other electronic devices which is motivated by the target individual or individuals membership in a protected group, whether real or perceived.

Harassment is defined as unwelcome, intentional, unprovoked discriminatory behavior toward an individual or individuals, motivated by membership (real or perceived) in a protected category including: race, color, religion, ethnicity/natural origin, disability, gender, gender identity, sexual orientation and age. Harassment includes **cyber-harassment** (see definition above).

Hazing is defined as any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

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

Retaliation is any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under the district's policy, or for taking action consistent with the policy.

School Community Member is defined as any student, district or school employee, school committee member, independent contractor, school volunteer, caregiver or legal

guardian of a student, or a visitor on school premises or at a school-related or school-sponsored function or activity.

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

Sexual harassment is defined in Massachusetts as: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or decisions regarding student evaluation or participation in school programs or activities (**quid pro quo** sexual harassment); or,
2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or school performance by creating an intimidating, hostile, humiliating or sexually offensive environment (**hostile environment** sexual harassment).

Sexual harassment may occur student to student, adult to student, student to adult, adult to adult, male to female, female to male, female to female, and/or male to male.

Target is a school community member against whom bullying, cyberbullying, or retaliation has been perpetrated.

Policy scope:

Any form of bullying, harassment, cyberbullying, and/or cyber-harassment is prohibited, whether in the classroom, on school premises, immediately adjacent to school premises, traveling to or from school, or at school-sponsored events, whether or not held on school premises.

"Traveling to or from school" includes on a school bus or other school related vehicle, at official school bus stops, and walking to or from school within a reasonable time before or after school hours.

Bullying or harassment, including cyberbullying and/or cyber-harassment, that is not conducted at locations noted above are covered by this policy if the incident results, or could result, in a substantial disruption of the school learning environment for one or more individuals and/or the orderly day-to-day operations of the school.

Reporting and Investigations:

Each member of the school community is responsible for reporting any observations of bullying or harassment, or credible information that such an act has taken place.

Reports of bullying or harassment incidents, including cyberbullying and/or cyber-harassment, occurring outside the scope (see above) of the school/district will be investigated to determine if the incident(s) resulted in a potential or actual disruption of the school learning environment for one or more individuals and/or the orderly day-to-day operations of the school.

Caregiver(s)/guardian(s) of both targets and alleged perpetrators of bullying or harassment incidents, including cyberbullying and/or cyber-harassment, will be notified of such incidents within a time frame that will be set per the district's procedures. Results of investigations of incidents will be communicated to caregiver(s)/guardian(s) of both targets and alleged perpetrators within a timeframe that will be set per the district's procedures, and also within the restrictions of the Federal Education Rights and Privacy Act. If additional time is required to conduct the investigation, this will be communicated to the caregiver(s)/guardian(s) and no more than two such extensions shall be permitted under this policy.

District Procedures:

The Superintendent, and/or their designee, will define the guidelines and procedures to implement this policy in the district's "Bullying and Harassment Prevention and Intervention Plan and Procedures". The written plan and procedures developed by the Superintendent, and/or their designee, to enforce this policy shall comply with applicable laws, including without limitation the Federal Education Rights and Privacy Act, as amended.

The plan shall provide for schools, at each level, appropriate procedures for reporting and investigating incidents of bullying and/or harassment. Specific staff positions responsible for receiving and following up on reports will be identified in these procedures. The procedures will include a standard reporting form that may be used by any school community member for all incidents and types of bullying and/or harassment. The purpose of the reporting form is to trigger an investigation, which protects the safety of the target, bystanders, and/or concerned family/community members.

The plan will also specify procedures, in conjunction with the district's memorandum of understanding with the Northampton Police Department and Northwestern District Attorney's office, for notifying local law enforcement where criminal charges may be pursued against the perpetrator.

Within the requirements of FERPA, the guidelines and procedures to implement the Bullying and Harassment Policy shall include a specific amount of time within which caregivers will be informed of a complaint and a specific amount of time for

investigations to be completed.

Additionally, the plan will include procedures for communicating with caregivers/guardians, including dissemination of prevention information; a professional development plan for all staff; and instruction for students at all school levels in social-emotional learning and violence prevention.

Consequences:

Consequences and appropriate remedial action for students who commit acts of bullying and/or harassment may range from positive behavioral interventions up to and including suspension or expulsion as outlined in the schools' Codes of Conduct.

Retaliation or threats of retaliation in any form designed to intimidate the target of bullying and/or harassment, those who are witnesses to such behavior or those who are investigating such behavior will be subject to discipline as outlined in each school's student Code of Conduct and the Staff Handbook [to be developed].

Acts of bullying or harassment allegedly committed by adult members (including teachers, administrators, staff members, other school personnel, caregivers/guardians, community partners, or other visitors to the school) of the school community will be reported to school administrators and/or the Superintendent's office, for investigation and consequences, in accordance with applicable procedures, including appropriate legal actions.

Retaliation or threats of retaliation by adult members (including teachers, administrators, staff members, other school personnel, caregivers/guardians, community partners, or other visitors to the school) of the NPS community in any form designed to intimidate the victim of bullying or harassment, those who are witnesses or those investigating an incident of bullying or harassment, will be subject to additional consequences, in accordance with appropriate procedures.

Oversight and Accountability:

The "Bullying Prevention and Intervention Plan" will be reviewed and revised by the district administrative team every two years and such revisions will subsequently be presented to the School Committee.

The Superintendent, and/or their designee, will report on the total number of complaints, investigations, verified acts and any trends of bullying, harassment, cyberbullying and/or cyber-harassment district-wide at least annually to the School Committee.

Other Legal Remedies:

Any school community member may also pursue legal remedies or other avenues of recourse, including, but not limited to, filing a complaint with:

Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700.

The Massachusetts Commission Against Discrimination (MCAD)

U.S. Department of Health & Human Services, the Office for Civil Rights (OCR)

Adoption Date: July 8, 2010

Revised: May 14, 2015

LEGAL REFS: Chapter 92 of the Acts of 2010: AN ACT RELATIVE TO BULLYING IN SCHOOLS

M.G.L. 71:37H STUDENT CONDUCT

M.G.L CH. 269, S.17. CRIME OF HAZING; DEFINITION; PENALTY

M.G.L. Chapter 71, S. 37H and 37L;

M.G.L. Chapter 76, S. 16 and 17;

Chapter 380 of the Acts of 1993 and Chapter 766 Regulations, S. 338.0
also Mass. Dept. Of Education, Advisory Opinion on STUDENT

DISCIPLINE

M.G.L. 71:37H STUDENT HANDBOOKS

M.G.L. 71:55C and Acts of 1985c 614 Sec 1

Board of Education 603 CMR 36:00 SCHOOL SAFETY

Title II, ADA of 1992

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education For All Handicapped Children Act of 1975

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

M.G.L. 76:5; Amended 1993

M.G.L.76:16 (Chapter 622 of the Acts of 1971)

Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78

Board of Education 603 CMR 2600

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78 RELATING TO DISCRIMINATION

Title VII, Section 703, Civil Rights Act of 1964, as amended
Federal Regulation 74676 issued by EEO Commission
Education Amendments of 1972, 20 U.S.C. 1681 et. seq. (Title IX)
Board of Education 603 CMR 26:00 RELATING TO SEX DISCRIMINATION
AND SEXUAL HARASSMENT

Appendix D

M.G.L. c. 71, §37H Policies relative to conduct of teachers or students; student handbooks

Offense:

- Possession of a dangerous weapon
- Possession of a controlled substance
- Assault on a member of the educational staff

Consequence: The student may be subject to suspension or expulsion by the principal.

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 their 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 their 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.

M.G.L. c. 71, §37H ½ Felony complaint or conviction of student; suspension; expulsion; right to appeal

Offense:

- **A felony charge or felony delinquency complaint**

Consequence: The student may be subject to indefinite suspension if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Offense:

- **Conviction, adjudication, or admission of guilt with respect to a felony**

Consequence: The student may be subject to expulsion if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Section 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 their 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 their 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 caregiver 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 their 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 a 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 their 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 their 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 caregiver 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 a 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 educational services to the student under an education service plan, under section 21 of chapter 76.

M.G.L. c. 71, §37H ¾ Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2

Offense:

- ***Any offense not covered by G.L. c. 71, §37H or §37H ½***

Consequence: The student may be subject to suspension as provided by the school discipline code. The statute prohibits schools from suspending a student for more than 90 school days (total) in one school year. Principals are to exercise discretion in deciding consequences, consider ways to re-engage the student in school, and avoid using long-term exclusion unless alternatives have been tried.

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 caregiver 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 caregiver or guardian of the student is included in the meeting, provided that such meeting may take place without the caregiver or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the caregiver 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 caregivers 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 caregiver 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 caregiver 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 caregiver 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 caregiver or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a caregiver 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 caregiver or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the caregiver 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.

Appendix E

PHYSICAL RESTRAINT AND BEHAVIOR SUPPORT POLICY (*Policy JKB*)

The Northampton School Committee is committed to maintaining a safe, secure and orderly school climate which supports academic achievement while respecting the rights of the individuals comprising the school community. Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. At times, physical restraint of a student may be necessary to protect that student or other individuals.

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Physical restraint shall only be used when needed to protect a student and/or a member of the Northampton Public Schools community from assault or imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize any harm to the student.

This policy shall be reviewed annually and provided to Northampton Public Schools staff and made available to the caregivers of enrolled students. Nothing in this policy precludes any teacher, employee, or agent of the Northampton Public Schools from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

I. Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide

A. Individual Crisis Planning/Crisis Intervention Plans: When students present as in crisis or aggressive, their case will be discussed with the Student Study Team (SST) to determine a plan of action and who will carry that out. This plan may include, but is not limited to, a functional behavior assessment, clinical assessment, a behavior intervention plan, safety plan, and/or support from related service providers.

B. De-Escalation Techniques: Verbal or non-verbal de-escalation strategies are used when a student is showing signs of agitation, anxiety, and defiance. These behaviors may include shutting down, pacing, work refusal, inappropriate verbalizations, and destroying academic materials. The de-escalation response is to offer assistance, a break, space and quiet time to calm down, setting clear

limits, or providing other positive choices to the current behavior.

II. Methods for Engaging caregivers

Any caregiver with concerns about the use of physical restraint at any school within the Northampton Public Schools may request a meeting with the building Principal or the Superintendent to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described in Section X, below.

III. Alternatives to Physical Restraint and Methods of Physical Restraint

A. Alternatives

Physical restraint shall not be used unless the following, less intrusive behavior interventions and supports have been unsuccessful or deemed inappropriate by school staff:

- Verbal redirection
- Verbal directive to cease behavior
- Opportunity for a break
- De-escalation techniques
- Loss of earned tokens/rewards/privileges
- Opportunity for time-out

B. Methods of Physical Restraint:

Physical restraint shall not be used as a means of discipline or punishment; if the student cannot be safely restrained due to medical contraindications which have been documented by a licensed physician and provided to the District; as a response to property destruction, disruption, refusal to comply with rules or staff directives, or verbal threats when those actions do not constitute a threat of assault or imminent, serious, physical harm. Physical restraint shall not be used as a standard response for any individual student. Physical restraint is an emergency procedure of last resort.

The following forms of physical restraint shall only be administered by trained personnel, using only the amount of force necessary to protect the student or other member(s) of the school community from assault or imminent, serious, physical harm. The staff member(s) administering physical restraint shall use the safest method available and appropriate to the situation. Staff shall continuously monitor the physical status of the student during restraint, and the student shall be immediately released from the physical restraint if the student expresses or

demonstrates significant physical distress.

All physical restraints must terminate as soon as the student is no longer an immediate danger, or if the student indicates that they cannot breathe, or if the student is observed to be in severe distress. If any physical restraint approaches twenty (20) minutes, staff will obtain the approval of the building Principal to continue the restraint based upon the student's continued agitation. All physical restraints shall be administered in compliance with 603 CMR 46.00.

- 1. Description of Physical Restraint Hold Used by District:** All staff members conducting restraints are trained by personnel certified by the Districts training agency. The District only supports standing restraints where the person being restrained is not constricted in the areas of the chest or abdomen.

IV. Prohibited Forms of Restraint

A. Medication restraint, mechanical restraint, prone restraint, and seclusion restraint, as defined in 603 CMR 46.02, are prohibited in the Northampton Public Schools.

B. Any form of physical restraint used in a manner inconsistent with 603 CMR 46.00 is prohibited in the Northampton Public Schools.

V. Staff Training, Physical Restraint Reporting, and Follow-Up Process

A. Staff Training:

- 1. All staff/faculty will receive training regarding the District's physical restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.**
- 2. Required training for all staff will include review of the following:**
 - a. The Northampton Public Schools Physical Restraint and Behavior Support Policy**
 - b. School building-level physical restraint procedures, including the use of time-out as a behavior support strategy;**
 - c. The role of the student, family, and staff in preventing physical restraint;**
 - d. Interventions which may preclude the need for restraint, including de-escalation of problematic behaviors and alternatives to restraint;**
 - e. When in an emergency, the types of permitted physical restraints and related safety consideration, including information regarding the increased**

risk of injury to a student when any restraint is used. Identification of Northampton Public Schools' staff who have received in-depth training (as set forth below in section (a)(iii)) in the use of physical restraint.

3. In-Depth Training

- a.** At the beginning of the school year, the building Principal will identify those designated staff who will participate in in-depth training and who will then be authorized to serve school-wide resources to assist in ensuring proper administration of physical restraint.
- b.** Designated staff members shall participate in at least sixteen (16) hours of in-depth training in the use of physical restraint, with at least one refresher training annually.
- c.** In-depth training will include:
 - 1.** Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
 - 2.** A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - 3.** The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - 4.** Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
 - 5.** Demonstration by participants of proficiency in administering physical restraint; and
 - 6.** Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

B. Physical Restraint Reporting

1. Report to building Principal:

- a.** Staff shall verbally inform the Principal of any physical restraint as soon as possible, and by written report within one (1) school day.
- b.** The Principal or designee shall maintain an ongoing record of all

reported instances of physical restraint.

- 2. Report to caregiver(s) of Physically Restrained Student:**
 - a.** The Principal or designee shall make reasonable efforts to verbally inform the student's caregiver of the physical restraint within twenty-four (24) hours.
 - b.** The Principal or designee shall provide the caregiver a written report of the physical restraint within three (3) school days. This written report may be provided via email, if the caregiver has provided the District with an email address.
 - c.** The caregiver and/or student may respond to the Principal or designee to comment on the use of the physical restraint and the information in the written report. The caregiver and/or student may also pursue the Grievance Procedure described in Section X, below.
- 3. Report to the Department of Elementary and Secondary Education (DESE):**
 - a.** Whenever a physical restraint results in injury to the student or any school community member, the District shall send a copy of the written report to DESE within three (3) school days. The district will also comply with whatever additional requirements are promulgated by DESE.
 - b.** The Northampton Public Schools shall also report physical restraint data annually to DESE, as directed by DESE.
- 4. Report to Law Enforcement and Other State Agencies:**
 - a.** Nothing in this policy prevents any individual from reporting a crime to the appropriate authorities;
 - b.** Nothing in this policy prevents any individual from exercising their responsibilities as a mandated reporter under M.G.L, c. 119, §51A.
- 5. Contents of Written Report**
 - a.** The written report of any physical restraint shall include:
 - 1.** Name of the student; name(s) and job title(s) of staff who administered the physical restraint, and observers, if any; the date, time restraint began, and the time that restraint ended; the name of the Principal or designee who was verbally informed following the restraint, and who approved continuation of the restraint beyond twenty (20) minutes, if applicable.
 - 2.** A description of the activity in which the restrained student and other students and staff in the vicinity were engaged immediately

preceding the use of the physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

3. A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, and any medical care provided.
4. Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
5. Information regarding opportunities for the student's caregiver(s) to discuss the administration of the restraint and any consequences with school officials.

C. Follow-Up Procedures

1. After a student is released from a physical restraint, staff shall implement follow-up procedures, including:

- a. Reviewing the incident with the student to address the behavior that precipitated the physical restraint;
- b. Reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and
- c. Consideration of whether any follow-up is appropriate for students who witnessed the physical restraint, if any.

VI. Building Principals Shall Develop and Implement Procedures for Period Review of Physical Restraint Data.

- A. These procedures shall include weekly review of physical restraint data to identify individual students who have been restrained multiple times during the week, and if any such student(s) is identified, to convene a review team to assess the student's needs.
- B. These procedures shall include monthly, administrative review of school-wide physical restraint data.

VII. Building Principals Shall Develop And Implement Procedures To Ensure that the Reporting Requirements of this Policy and 603 CMR 46.06 Are Met.

VIII. Building Principals Shall Develop and Implement Procedures for Providing Timely, Oral and Written Notice to the caregivers of Any Student Who Undergoes

Physical Restraint.

IX. Building Principals Shall Develop and Implement a Procedure for the Use of Time-Out.

A. Such procedure shall include the process by which staff will obtain the Principal's approval for any time-out lasting longer than thirty (30) minutes. Such approval shall be based on the student's continuing agitation.

X. Grievance Procedures.

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure.

The complaint must be submitted in writing or electronic record to the Director of Student Services.

The Director of Student Services will meet with the complainant within ten (10) school days of receipt of the complaint.

A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the Director of Student Services and the Department of Elementary and Secondary Education.

A written report will be developed by the Director of Student Services and provided to the complainant.

Adoption date: October 11, 2001
Revised: September 14, 2006
July 8, 2010
December 10, 2015

LEGAL REFS: M.G.L. Chapter 71: 37G
603 CMR 46.00

Appendix F

NONDISCRIMINATION ON THE BASIS OF DISABILITY (504) (Policy ACE)

The Northampton Public Schools are committed to insuring that no qualified individual with a disability shall be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district, or be subject to discrimination because the district's facilities are inaccessible or unusable by individuals with disabilities. The Northampton Public Schools will adhere to the regulations set forth in Title II of the American Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (504). The district will set procedures in compliance with these regulations to include prompt and equitable resolution of complaints.

Definition: A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Reasonable Modification: The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications: The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification: The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in

compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school district receives federal financial assistance and must comply with the above requirements.

Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school district will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

CROSS REFS.: IHB, Special Instructional Programs and Accommodations (Programs for Students with Disabilities)

M.G.L. 71B: et. seq., 603 C MR

28.00 Individuals Disability

Education Act

LEGAL REFS: Title II of The Americans with Disabilities Act of 1972 Section 504 of the Rehabilitation Act of 1973

Adoption date: March 13, 2003

Amended: August 12, 2004

Local problem resolution process: Upon notice of an alleged failure to implement a student's IEP or Section 504 plan that has either a) not been resolved through the district's informal process or b) that may have resulted in a denial of a free appropriate

public education (FAPE), the District shall promptly convene the student's IEP or Section 504 team. In such circumstances, the District will make reasonable efforts to include the student's parent(s)/ guardian(s) and any other individuals who allegedly failed to implement the student's IEP or Section 504 plan in the meeting and determine what actions, if any, are necessary to resolve the issue and prevent its recurrence.

Appendix F

Effective: August 14, 2020

34 C.F.R. § 106.44

§ 106.44 Recipient's response to sexual harassment.

(a) General response to sexual harassment. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. A recipient's response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant, and by following a grievance process that complies with § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in § 106.30, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Department may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under this part based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

(b) Response to a formal complaint.

(1) In response to a formal complaint, a recipient must follow a grievance process that complies with § 106.45. With or without a formal complaint, a recipient must comply with § 106.44(a).

(2) The Assistant Secretary will not deem a recipient's determination regarding responsibility to be evidence of deliberate indifference by the recipient, or otherwise evidence of discrimination under title IX by the recipient, solely because the Assistant Secretary would have reached a different determination based on an independent weighing of the evidence.

(c) Emergency removal. Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient 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. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

(d) Administrative leave. Nothing in this subpart precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with § 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Credits

[85 FR 30574, May 19, 2020]

SOURCE: [45 FR 30955](#), May 9, 1980; [65 FR 68056](#), Nov. 13, 2000, unless otherwise noted.

AUTHORITY: [20 U.S.C. 1681 et seq.](#), unless otherwise noted.

Current through August 27, 2020; 85 FR 53135.

Effective: August 14, 2020

34 C.F.R. § 106.45

§ 106.45 Grievance process for formal complaints of sexual harassment.

(a) Discrimination on the basis of sex. A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under title IX.

(b) Grievance process. For the purpose of addressing formal complaints of sexual harassment, a recipient's grievance process must comply with the requirements of this section. Any provisions, rules, or practices other than those required by this section that a recipient adopts as part of its grievance process for handling formal complaints of sexual harassment as defined in § 106.30, must apply equally to both parties.

(1) Basic requirements for grievance process. A recipient's grievance process must—

(i) Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;

(ii) Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

(iii) Require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A recipient must 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 in § 106.30, 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. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing 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, as set forth in paragraph (b)(6) of this section. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section. 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;

- (iv) Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- (v) Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the 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 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;
- (vi) Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility;
- (vii) State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
- (viii) Include the procedures and permissible bases for the complainant and respondent to appeal;
- (ix) Describe the range of supportive measures available to complainants and respondents; and
- (x) Not require, allow, rely upon, or otherwise use questions or evidence that constitute,

or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

(2) Notice of allegations—

(i) Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:

(A) Notice of the recipient's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under § 106.30, and the date and location of the alleged incident, if known. The written notice must 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, under paragraph (b)(5)(iv) of this section, and may inspect and review evidence under paragraph (b)(5)(vi) of this section. The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

(ii) If, in the course of an investigation, the recipient decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (b)(2)(i)(B) of this section, the recipient must provide notice of the additional allegations to the parties whose identities are known.

(3) Dismissal of a formal complaint—

(i) The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; such a dismissal does not preclude action under another provision of the recipient's code of conduct.

(ii) The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach

a determination as to the formal complaint or allegations therein.

(iii) Upon a dismissal required or permitted pursuant to paragraph (b)(3)(i) or (b)(3)(ii) of this section, the recipient must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

(4) Consolidation of formal complaints. A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

(5) Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, a recipient must—

(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an “eligible student,” as defined in [34 CFR 99.3](#), then the recipient must obtain the voluntary, written consent of a “parent,” as defined in [34 CFR 99.3](#));

(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must 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 must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

(vii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

(6) Hearings.

(i) For postsecondary institutions, the recipient's grievance process must provide for a live hearing. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under paragraph (b)(5)(iv) of this section to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. 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. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

(ii) For recipients that are elementary and secondary schools, and other recipients that are not postsecondary institutions, the recipient's grievance process may, but need not, provide for a hearing. With or without a hearing, after the recipient has sent the investigative report to the parties pursuant to paragraph (b)(5)(vii) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

(7) Determination regarding responsibility.

(i) The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in paragraph (b)(1)(vii) of this section.

(ii) The written determination must include—

(A) Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;

(B) 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, and hearings held;

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- (C) Findings of fact supporting the determination;
 - (D) Conclusions regarding the application of the recipient's code of conduct to the facts;
 - (E) 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
 - (F) The recipient's procedures and permissible bases for the complainant and respondent to appeal.

(iii) The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(iv) The Title IX Coordinator is responsible for effective implementation of any remedies.

(8) Appeals.

(i) A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

(A) Procedural irregularity that affected the outcome of the matter;

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

(ii) A recipient may offer an appeal equally to both parties on additional bases.

(iii) As to all appeals, the recipient must:

(A) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

(B) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal,

the investigator(s), or the Title IX Coordinator;

(C) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;

(D) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

(E) Issue a written decision describing the result of the appeal and the rationale for the result; and

(F) Provide the written decision simultaneously to both parties.

(9) Informal resolution. A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a recipient may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient—

(i) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

(10) Recordkeeping.

(i) A recipient must maintain for a period of seven years records of—

(A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;

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- (B) Any appeal and the result therefrom;
 - (C) Any informal resolution and the result therefrom; and
 - (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.
- (ii) For each response required under [§ 106.44](#), a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

Credits

[[85 FR 30575](#), May 19, 2020]

SOURCE: [45 FR 30955](#), May 9, 1980; [65 FR 68056](#), Nov. 13, 2000, unless otherwise noted.

AUTHORITY: [20 U.S.C. 1681 et seq.](#), unless otherwise noted.

Current through August 27, 2020; [85 FR 53135](#).