



2021-2022 Student Rights & Responsibilities Handbook

Dear Parents/Guardians,

Please review with your student(s) the NAPS 2021-2022 student rights and responsibilities handbook.

Mission

The Mission of the North Andover Public Schools is to cultivate a respectful community of engaged learners, insightful thinkers, and effective communicators.

I. YOUR RIGHTS & RESPONSIBILITIES AS STUDENTS AT THE NORTH ANDOVER PUBLIC SCHOOLS

II. RIGHT TO AN EQUAL EDUCATION

1. Residency Policy
2. Non-Discrimination Policy
3. Procedure for filing a Grievance on Matters concerning Discrimination Relating to Sex (Title IX and/or Chapter 622)
4. Right To Be Free From Harassment
 - A. Right To Be Free From Bullying
 - B. Right To Be Free From Hazing
5. Rights Of Students With Disabilities

III. RIGHT TO PRIVACY WITH RESPECT TO STUDENT RECORDS

1. Student Records
 - A. Application Of Rights
 - B. Definition Of Terms
 - C. Access
2. Right of Freedom Of Expression
3. Right to Academic Freedom

IV. RESPONSIBILITIES

1. Responsibility To Attend School
 - A. Student Attendance
 - B. Student Absence Notification Program
 - C. Homebound Instruction
 - D. Dropout Prevention
2. Responsibility To Observe Rules Of Conduct
 - A. Code of Conduct
 - B. Responsibility to Wear a Face Covering
 - C. Responsible Conduct On Buses

Bus Safety Policy Procedures

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D. Responsibility For Appearance

E. Acceptable Use Policy - Technology

F. Disciplinary Process For Not Meeting Responsibilities

3. Student Discipline

A. Student Rules & Regulations

B. Behavior Guidelines

C. Discipline Guidelines And Codes

1. Elementary School Student Disciplinary Consequences

2. Middle School Student Disciplinary Consequences

3. High School Student Disciplinary Consequences

D. Due Process For Student Discipline

E. Suspension

F. Searches By Staff

G. Physical Restraint of Students

Appendix

A. Graduation Requirements For High School Students

B. Teaching About Alcohol, Tobacco, Cannabis and Other Drugs

C. Alcohol, Tobacco and Other Drug Use by Students Prohibited

D. Athletic Concussion Policy

E. Athletic Concussion Regulations

F. Annual Notice re: Asbestos Notification

G. Student Submission to Educational Surveys and Research

H. Teen Dating Abuse Prevention Policy JICK

I. RIGHTS & RESPONSIBILITIES OF STUDENTS AT THE NORTH ANDOVER PUBLIC SCHOOLS

Students have rights by virtue of guarantees offered under the federal and state constitutions and statutes. As a student, you have the right to know the standards of behavior that are expected of you, and the consequences of misbehavior.

In connection with rights, there are responsibilities that must be assumed by students.

Among these rights and responsibilities are the following:

1. Civil rights--including the right to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy with respect to the student's school records.

II. RIGHT TO AN EQUAL EDUCATION

Every person shall have a right to attend the public schools of the town where she/he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee.

“Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or pregnancy or pregnancy related conditions.” Massachusetts General Laws, Chapter 76, Section 5.

1. Residency Policy

In order to attend North Andover Public Schools, a student must actually reside in the Town of North Andover. M.G.L. c. 76, §5. The residence of a minor child is presumed to be the legal, primary residence of the parent(s) or guardian(s) who have physical custody of the child. Because residency can, and does, change for students and their families during the course of the academic year and a student's educational life, North Andover Public Schools may continue to verify residency after the commencement of classes.

"Residence" is defined as the primary place where a person dwells permanently, not temporarily, and is the place that is the center of his or her domestic, social and civic life. Physical presence and the intent to remain in the town, at least for a while are the two elements of residence. Temporary residence in the Town of North Andover, solely for the purpose of attending a North Andover public school is not considered residency.

Prior to initially enrolling in school, students must provide proof of residency. Before any student is assigned or invited to attend a North Andover Public School, his/her parent or legal guardian must provide the following required proof of primary residence to the North Andover Superintendent as a part of their registration process. Applications cannot be processed without these documents. However, if she/he is homeless this policy does not apply to her/him and she/he may speak directly with the Assistant Superintendent regarding her/his rights to attend the North Andover Public School. The School Committee has adopted a policy regarding the rights of homeless individuals to attend school in accordance with the McKinney-Vento Act.

A photo ID of the parent or guardian and the birth certificate of the student along with the following documents are required for any new student enrollment or to file a change of address.

The Photo ID may be one or the following:

1. A valid Massachusetts Driver's License,
2. A valid Massachusetts ID card,
3. A valid Passport,
4. A Military ID, or
5. Other Government-issued photo ID.

Evidence of Residency must be submitted. An Affidavit of Residency (form attached) must be submitted and one of the following:

1. A record of the most recent mortgage payment and/or real estate tax bill;
2. A copy of a real estate settlement statement and a record of the most recent payment;
3. A copy of an executed purchase and sales agreement with a closing date and mortgage statement. The closing date and move in date must be within two weeks of registration;

4. A copy of the current lease or a signed and notarized Landlord Living Agreement. The document must include the names of the children and be signed by both parties; or
5. A copy of a HUD lease or other public housing lease and a record of the most recent payment. The names of the children listed must be listed on the lease document and be signed by both parties.

Evidence of occupancy must also be submitted. Two of the following shall be submitted. The two documents can not be from the same category. Submit documents as described in 1 and 2, or 1 and 3, or 2 and 3.

1. A copy of a gas/oil, electric or cable bill or a statement of service or work order showing the service address and connection date;
2. A copy of a homeowner's or rental insurance bill. The bill must be dated within the past 45 days and the name and address must be stated on the bill; and/or
3. A copy of an excise tax bill with the car registration.

The Superintendent or his/her designee shall determine whether a student is eligible to attend the North Andover Public Schools. In determining whether a student actually resides in North Andover for the purpose of this policy the following factors shall be considered:

1. Whether the student physically occupies a dwelling in North Andover, regardless of whether such occupancy is based upon ownership, lease or consent of a person legally entitled to occupy the dwelling;
2. With whom the student lives, such as parent, legal guardian, custodial parent after a divorce, relative or other person and the duration of such living arrangement;
3. If a student resides with someone other than his/her parent, legal guardian, or the parent with physical custody after a divorce, the reasons for doing so;
4. The amount of time actually spent by the student in the dwelling in North Andover;
5. Whether the student's physical belongings are stored at the dwelling;
6. Whether mail concerning the student such as mail from doctors, etc. is addressed to the dwelling;
7. Whether the residence is the center of the student's domestic, social, and civic life;
8. Whether the student was included as an occupant of the dwelling for the purpose of the Town census;
9. Such other information that the Superintendent or his/her designee may deem relevant to determining where a student actually resides.

Should a question arise concerning any student's residency in the Town of North Andover while attending the Schools, the student's residency will be subject to further inquiry and/or investigation. Such questions concerning residency may arise on the basis of incomplete, suspicious, or contradictory proofs of address, anonymous tips, correspondence

that is returned to the North Andover Public Schools because of an invalid or unknown address, or other grounds.

The Superintendent may request additional documentation, may use the assistance of the North Andover Public Schools Attendance Officer, and/or may obtain the services of police or investigative agency personnel to assist with or conduct investigations into student residency. The Attendance Officer and/or residency investigator(s) will report his or her findings to the Superintendent, who shall make an initial determination of residency.

Should the Superintendent determine that there is a factual basis for concerns regarding the student's residency, the student and his/her parent or guardian will be given an opportunity to review the facts gathered and provide other documentation in support of their residency.

Any person who violates or assists in the violation of this policy may be required to remit full restitution to the Town in addition to termination of enrollment and other penalties permitted by law.

2. Non-Discrimination and Harassment Policy AC

Approved 8.27.2020

The North Andover School Committee has adopted the following Non-Discrimination and Harassment Policy:

The North Andover Public Schools does not tolerate discrimination against students, parents, employees or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, homelessness, religion, age or immigration status. The North Andover Public Schools is also committed to maintaining a school environment free of harassment based on race, color, religion, national origin, gender, sexual orientation, gender identity, pregnancy or pregnancy status, veteran status, age or disability. In addition, the District provides equal access to all designated youth groups. Consistent with the requirements of the McKinney-Vento Act, the District also does not discriminate against students on the basis of homelessness.

The Superintendent shall designate at least one administrator to serve as the compliance officer for the District's non-discrimination policies in education-related activities, including but not limited to responding to inquiries related to Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Act; M.G.L c. 76, § 5; M.G.L. c. 151B and 151C; and 603 C.M.R. § 26.00. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or both.

The North Andover Public Schools' policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admission to a public school of North Andover or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, religion, national origin, gender, sexual orientation, gender identity, pregnancy or pregnancy status, veteran status, age or

disability.

In addition to designating at least one administrator to handle inquiries regarding the District's non-discrimination policies, the Superintendent shall adopt and publish one or more grievance procedures for addressing reports of discrimination, harassment and retaliation under the protected classes identified in this policy. If an individual interested in filing a complaint that they have been discriminated against because of their race, color, religion, national origin, gender, sexual orientation, gender identity, pregnancy or pregnancy status, veteran status, age or disability, their complaint should be filed in accordance with the District's grievance procedures for discrimination, harassment, and retaliation. The student handbooks and grievance procedures shall identify the name, office address and telephone number for the compliance officer(s) for the above-referenced statutes and this policy and be posted on the District's website.

In accordance with the policy, the Superintendent has established the following procedures:

3. Title IX Sexual Harassment Grievance Procedure

OVERVIEW

The North Andover Public Schools is committed to maintaining school environments free of sexual harassment.

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

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

SCOPE

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

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

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

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

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedure. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

The District's [Civil Rights Grievance Procedure](#) is available here.

CONFIDENTIALITY

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

DEFINITIONS

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

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

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

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

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

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

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

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

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse

or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

For the purposes of this definition:

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

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

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

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

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

Superintendent: The Superintendent or Superintendent's designee.

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

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

I. REPORTING SEXUAL HARASSMENT

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

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

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
 - (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
 - (3) Consider the complainant's wishes with respect to supportive measures;
 - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
 - (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

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

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the

complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

- B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

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

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

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

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

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

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

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to

inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

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

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

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

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

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
 - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).

- b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.¹
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

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

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
- (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
- (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
- (5) The written determination must be sent simultaneously to both parties.
- (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.

- C. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized

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

services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.

D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.

(1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.

E. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.

(1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

(2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.

(3) The informal process shall not exceed thirty (30) calendar days.

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

F. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

G. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will

be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.

- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
 - (2) newly discovered evidence that could affect the outcome of the matter; and/or
 - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this Procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Superintendent, North Andover Public Schools 566 Main Street, North Andover, Massachusetts 01845.

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

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website](#); and (2) State: Massachusetts Commission

Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website](#).

K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:

- Title IX Coordinator: Nicole Murphy, Director of Social Emotional Learning North Andover Public Schools, 566 Main Street, North Andover, MA 01845, Tel: (978) 794-1503 ext 51048; Email: murphyn@nak12.com
- Investigator(s):
 - Elementary Level: Director of Social Emotional Learning Nicole Murphy, murphyn@nak12.com 978 794-1503 ext 51048
 - North Andover High School: Assistant Principals Scott Young youngs@nak12.com and Brooke Randall randallb@nak12.com 978 794-1503 ext 51111
 - North Andover Middle School: Assistant Principal Steve Wrigley wrigleys@nak12.com 978 794-1503 ext 61001 and Caroline Beasley beasleyc@nak12.com 978 794-1503 ext 61102
 - All Staff: Director of Human Resources Greg Landry landryg@nak12.com 978 794-1503 ext 41276
- Decision-maker:
 - ABECC: Principal Tiffany Goddard goddardt@nak12.com 978 794-1503 ext 55040
 - Atkinson: Principal Erin O'Loughlin oloughline@nak12.com 978 794-1503 ext 56001
 - Franklin: Principal Joe Clarke clarkej@nak12.com 978 794-1503 ext 57001
 - Kittredge: Principal Richard Cushing cushingr@nak12.com 978 794-1503 ext 58001
 - Sargent: Principal Karen Lahey laheyk@nak12.com 978 794-1503 ext 59001
 - Thomson: Principal Chris Raymond raymondc@nak12.com 978 794-1503 ext 60001
 - NAMS: Principal Jorge Goncalves goncalvesj@nak12.com 978 794-1870 ext 61101
 - NAHS: Principal Chet Jackson jacksonc@nak12.com 978 794-1503 ext 51111
- Appeal Officer: Assistant Superintendent Lorene Marx marxl@nak12.com 978 794-1503 ext 41273
- Informal Resolution Facilitator: Director of Social Emotional Learning Nicole Murphy murphyn@nak12.com ext 51048

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

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

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

4. Civil Rights Grievance Procedure

The North Andover Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability.

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

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

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

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

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

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

Definitions

For the purposes of this Procedure:

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

M.G.L. c. 151B, § 1 - the term “sexual harassment” is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work

performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

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

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

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

C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an

individual because the individual exercised any right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.

D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

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

F. Principal: The Principal or Principal's designee.

G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

How to make a complaint

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

- A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.

- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against a Respondent.
- D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.
- E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination,

harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.

- G. Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an

investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

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

2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

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

- L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, North Andover Public Schools 566 Main Street, North Andover, Massachusetts 01845. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

- M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this Procedure is:

Lorene Marx, Assistant Superintendent, North Andover Public Schools, 566 Main Street, North Andover, MA 01845, Tel: (978) 794-1503; Email: marxl@northandoverpublicschools.com

- N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website](#); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website](#).

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

A. Right To Be Free From Bullying

One of the North Andover Public Schools most important responsibilities is to create and sustain a safe school environment where the students can focus on their education and feel welcome. To achieve this goal, we must acknowledge that bullying can occur within our community and it is our obligation to respond to it in the most effective manner possible. Bullying of any type has no place in a school setting. The North Andover Public Schools will endeavor to maintain a learning and working environment free of bullying.

Bullying can take many forms and occur in virtually any setting. It can create unnecessary and unwarranted anxiety that will affect attending school, walking in corridors, eating in cafeterias, playing in the school yard or recreation areas, participating in or attending special and extracurricular activities, or riding on the bus to and from school each day.

As a rule bullying behavior starts in elementary school and peaks in the middle school years. However, it attracts more attention from adults when it appears in high school. There the students are older and physically larger and the behavior is recognized as being less tolerable and more inappropriate. Also, sexual harassment is, in fact, often a form of bullying.

Cyber bullying, the sending or posting of harmful or cruel text images using the Internet or other digital communication devices, is one of the most challenging issues facing administrators, parents and law enforcement officials. Cyber bullying can be extremely vicious. Victimization is ongoing (24/7) and can be distributed world-wide and often irretrievable. Because it can be anonymous, individuals who engage in cyberbullying are bolder and less fearful of getting caught.

Bullying and harassment are major distractions from learning. The grades of the victims can suffer. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Bystanders feel both guilty and helpless for not standing up to the bully.

Most bullying starts out verbally – teasing and put-downs – and may become progressively worse, assume physical dimensions and/or make its way out onto the Internet.

Bullying is defined as engaging in conscious, willful and deliberate hostile activity intended to harm, induce fear through threat of further aggression, and create terror.

Examples of bullying include:

1. Bullying can be direct or indirect, blatant or subtle. It involves an imbalance of power and repeated and intentional actions.

2. Bullying is any behavior considered physical aggression, social aggression, verbal aggression, written aggression, intimidation, sexual harassment, or racial/ethnic harassment.
3. Bullying is cutting someone off from essential relationships. Bullying includes isolating the victim by making them feel rejected by his/her community.
4. Bullying is malicious gossip and rumor spreading.
5. Bullying can take the form of cyber bullying. Electronic communication (including but not limited to texting, Facebook posting, emailing or other forms of internet use) that includes physical threats and/or malicious gossip and slander. Hit lists or polls via email or other methods of communication naming specific students and/or teachers.

The district's approach to bullying is one of restitution, resolution and reconciliation. Staff will provide support for the victim while working to change the behavior of the bully through a combination of education and problem solving. Consequences for irresponsible behavior will be simple, valuable and purposeful.

Retaliation against a student, because a student has filed a report or assisted in the investigation of an incident of bullying, is also prohibited and will be subject to disciplinary action up to and including suspension and expulsion.

Administrators and supervisors make clear to students and staff that the act of bullying in the school building, on school grounds, on the bus or school-sanctioned transportation, or at school-sponsored functions will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students and termination for employees.

The District will promptly and reasonably investigate allegations of harassment, including bullying. The Principal of each building will be responsible for handling all complaints by students alleging harassment, including bullying whether the act has been witnessed by staff or not.

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy. These guidelines and procedures will be printed in the Student Handbooks.

The district will implement programs to educate students, staff and parents on bullying and cyberbullying.

B. Right To Be Free From Hazing

In accordance with Massachusetts General Laws, Chapter 536 of the Acts of 1985, the School Committee hereby deems that no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property. The North Andover Public Schools take incidences of hazing seriously. It is our mission to maintain a safe environment that fosters educational, social and emotional learning, free of negative behavior.

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

Retaliation against a student, because a student has filed a report or assisted in the investigation of an incident of hazing, is also prohibited and will be subject to disciplinary action up to and including suspension and expulsion.

In all cases relating to hazing, students will receive procedural due process.

5. Rights Of Students With Disabilities

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

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 the 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 Assistant Superintendent of Schools for Teaching and Learning is designated to coordinate the School's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. Anyone interested may obtain the name, office address, and telephone number of the employee(s) so designated and the procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA are published herein.

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

III. RIGHT TO PRIVACY WITH RESPECT TO STUDENT RECORDS

1. Student Records

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L. c.71, s.34D which directs that “the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the Commonwealth,” and under M.G.L. c.71, s.34F which directs that “the board of education shall adopt regulations relative to the retention, duplication and storage of records under the control of school committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times.” 603 CMR 23.00 was originally promulgated on February 10, 1975, and was reviewed and amended in June 1995. 603 CMR is in conformity with federal and state statutes regarding maintenance of and access to student records, and is to be construed harmoniously with such statutes.

A. Application Of Rights

603 CMR 23.00 is promulgated to insure parents’ and students’ rights of confidentiality, inspection, amendment, and destruction of students’ records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

(1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student’s parent. If a student is from 14 through 17 years or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.

(2) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by said student. The student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such a request in writing to the school Principal or Superintendent of Schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c.71, s.34E, the parent of a student may inspect the student record regardless of the student’s age.

(3) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a school committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

B. Definition Of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access: shall mean inspection or copying of a student record, in whole or in part.

Authorized school personnel: shall consist of three groups:

1. School administrators, teachers, counselors and other professionals who are employed by the School Committee or who are providing services to the student

under an agreement between the School Committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling and/or diagnostic capacity. Any such personnel who are not employed directly by the School Committee shall have access only to the student record information that is required for them to perform their duties.

2. Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the School Committee or are employed under a School Committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.
3. The evaluation team that evaluates a student.

Eligible student: shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the School Committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team: shall mean the team, which evaluates school-age children pursuant to M.G.L. c.71B (St. 1972, c.766) and 603 CMR 28.00.

Parent: shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non custodial parent for purposes of M.G.L. c. 71, s.34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release: shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs: shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c.766) and 603 CMR 28.00.

School committee: shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c.71B (Chapter 766) approved private school.

Student: shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to the person's employment by the School Committee.

The student record: shall consist of the transcript and the temporary record, including all information, recording and computer tapes, microfilm, microfiche, or any other materials, regardless of physical form or characteristics concerning a student that is organized on the basis

of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The terms as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record: shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party: shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

Log of Access: A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

1. Authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
2. Administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
3. School nurses who inspect the student health record.

C. Access

Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for the information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the

prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

Access Procedures for Non-Custodial Parents. As required by M.G.L. c.71, s.34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student record unless:
 - 1. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
 - 2. The parent has been denied visitation or has been ordered to supervised visitation, or
 - 3. The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.
- (b) In order to obtain access, the non-custodial parent must submit a written request for the student record to the high school principal annually. The initial request must include the following:
 - 1. A certified copy of the court order or judgment relative to the custody of the student that either indicates that the requesting parent is eligible to receive access as set forth in 603 CMR 23.07(5)(a), or a certified copy of a court order specifically ordering that the student records be made available to the non-custodial parent, and
 - 2. An affidavit from the non-custodial parent that said court order or judgment remain in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.
- (c) The non-custodial parent must submit a written request for access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access as set forth in 603 CMR 23.07(5)(a).
- (d) Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5)(a).
- (e) The school must delete the address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to M.G.L. c.71, s.34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

- (a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.
- (b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

2. Right Of Freedom Of Expression

A. Student Publications

Within the school setting, students enjoy the constitutional right of freedom of expression, including the right to express their views in student publications, provided such expression does not cause, or threaten to cause by reasonable forecast by school officials, any disruption or disorder in the school. Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or which can reasonably be forecast to cause substantial disruption or material interference with school activities.

The School Committee will at least annually review their support of student publications, and encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views subject to the limitations as contained in this policy.

Student publications will be encouraged to comply with the rules for responsible journalism. Students shall affix their names to all articles or editorials written by or contributed to by them. The Superintendent will establish guidelines that are in keeping with this policy and provide for review of student publications prior to their distribution, to address matters that are not protected forms of expression.

Each student publication shall contain the following: "Pursuant to state law, no expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students."

B. Distribution of Literature.

The time, place and manner of distribution of literature will be reasonably regulated by the Principal.

C. Pledge Of Allegiance.

Massachusetts General Law c. 71, s. 69 requires teachers to lead their classes in a daily recital of the Pledge of Allegiance to the Flag. The Courts have determined that it is unconstitutional to compel or coerce any student or staff member to recite the Pledge. With the understanding that the School District seeks to find a balance between these two competing issues, when the Pledge of Allegiance is recited in the classroom or any other venue within the School, this will be treated as any other school wide public announcement and therefore it will be received with a respectful silence. Any individual may choose to recite the Pledge along with the public recitation.

No staff member or student may prevent, prohibit or punish a student or staff member's acknowledgement or the lack thereof of the recitation of the Pledge.

3. Right To Academic Freedom

The School District seeks to educate students in the democratic tradition, to foster recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate example the basic objectives of a democratic society as set forth in the Constitutions of the United States and the State.

IV. RESPONSIBILITIES

1. Responsibility To Attend School

File: JH

A. Student Attendance

Regular and punctual school attendance is essential for success in school. Parents of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law. It is important for the continuity and consistency of education that absence from school is kept to a minimum. Attendance will be taken each day that students are in school. Chapter 76, section 1 of the Massachusetts General Laws requires all children between the ages of six and sixteen to attend school. A school district may excuse up to seven full-day sessions or fourteen half-day sessions in any period of six months.

However, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine.
2. Bereavement or serious illness in the family.
3. Weather so inclement as to endanger the health of the child.
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the Principal or designee.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his/her character. Parents can help their children by not allowing them to miss school needlessly. Accordingly, parents will provide a written explanation for the absence or tardiness of a child. This will be required in advance for types of absences where advance notice is possible.

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

Students who are unable to complete an assignment or assessment due to any of the above reasons should inform the teacher, who will arrange with the student an alternative time for completion of the work, without loss of credit.

B. Student Absence Notification Program

Each Principal will notify a student's parent/guardian within 3 days of the student's absence in the event the parent/guardian has not informed the school of the absence.

Each Principal or designee shall meet with any student, and that student's parent/guardian, who has missed five (5) or more unexcused school days (a school day shall be equal to two (2) or more class periods in the same day) in a school year. The meeting shall be to develop action steps to improve student attendance and shall be developed jointly by the Principal or designee, the student, and the student's parent/guardian. The parties may seek input from other relevant school staff and/or officials from relevant public safety, health and human service, housing, and nonprofit agencies.

C. Homebound Instruction

The schools may furnish homebound instruction to those students who are unable to attend classes for at least two consecutive weeks due to a physical injury, medical situation, or a severe emotional problem. The instruction is designed to provide maintenance in the basic academic courses so that when a student returns to school he/she will not be at a disadvantage because of the illness or the hospitalization.

To qualify for the program the student needs a written statement from a medical doctor requesting the homebound instruction, stating the reasons why, and estimating the time the student will be out of school. This statement needs to be sent to the Assistant Superintendent.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Assistant Superintendent with the approval of the Superintendent.

D. Dropout Prevention

No student who has not graduated from high school shall be considered permanently removed from school unless the Principal has sent notice to a student, and that student's parent/guardian, who has been absent from school for ten (10) consecutive days of unexcused absence. The notice shall be sent within five (5) days of the tenth consecutive day of absence and shall offer at least 2 dates and times within the next ten (10) days for an exit interview with the Superintendent or designee, the student, and the student's parent/guardian. The notice shall be in both English and the primary language of the home, if applicable. The notice shall include contact information for scheduling the exit interview and shall indicate the parties shall reach an agreement on the date/time of the interview within the ten (10) day timeframe. The timeframe may be extended at the request of the parent/guardian and no extension shall exceed 14 days.

The Superintendent or designee may proceed with any interview without a parent/guardian present, provided the Superintendent has documented a good faith effort to include the parent/guardian.

The Superintendent or designee shall convene a team of school staff to participate in the exit interview and shall provide information to the student and, if applicable, the student's parent/guardian on the detrimental effects of early withdrawal from school and the alternative education programs and services available to the student.

2. Responsibility To Observe Rules Of Conduct

A. Code Of Conduct

All students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

The North Andover Public School system strives to create a community in which all participants have a greater respect and active concern for others, “a respectful community”. By using common language teachers and other members of the school staff will reinforce our core values. The foundation of our common language will be the values represented by Respect, Achievement, Inclusion, Service and Empathy (RAISE).

Respect: We will think about others before speaking or taking action. We will appreciate the contributions of others while showing respect for ourselves, other people, personal and/or community property and environment.

Achievement: We will exercise our best effort and judgment in all activities in which we participate and will set goals that promote positive academic, social, and personal development.

Inclusion: We have a responsibility to break down barriers by inviting new people into circles of friends, teams, and experiences as we work to be a unified, collaborative community.

Service: We believe the growth and improvement of a relationship and community depends on the willingness of others to contribute support to the greater good.

Empathy: We will be aware of and consider another person’s situation, feelings or motives before speaking or taking action.

North Andover is committed to creating and sustaining a school culture where everyone is treated with dignity and embraces the values represented by RAISE.

The implementation of the general rules of conduct is the responsibility of the Principal and the professional staff of the building. In order to do this, each school staff in the District shall develop specific rules not inconsistent with the law nor in conflict with School Committee policy. These building rules shall be an extension of the District policies by being more specific as they relate to the individual schools.

Students violating any of the policies on student conduct and control will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

If a situation should arise in which there is no applicable written policy, the staff member shall be expected to exercise reasonable and professional judgment.

B. Responsibility To Wear A Face Covering

Policy EBCFA

Approved 8/24/21

The North Andover Public School District is committed to providing a safe environment as schools reopen during the COVID-19 pandemic and while the community transitions away from the state of emergency. According to public health experts, one of the best ways to stop the spread of coronavirus

and to keep members of our school community safe is the use of face masks or face coverings. At its meeting on August 24, 2021, the Board of Elementary and Secondary Education, in accordance with G. L. c. 69, § 1B, and consistent with 603 CMR 27.08(1), determined that exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment unless additional health and safety measures are put in place, an authorized the Commission of Elementary and Secondary Education to requires masks for public school students (age 5 and above) and staff in all grades through at least October 1, 2021, in accordance therewith, the school committee adopts this policy regarding face coverings. As the directives from the Department of Elementary and Secondary Education (DESE) evolve, the school district's policies will also change and the Superintendent shall implement face covering protocols as required.

A face covering that covers the nose and mouth must be worn by all individuals in school buildings and on school transportation. Children below the age of five are exempt from this policy. Individuals are exempt from wearing face coverings outdoors on school grounds.

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

The individual:

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

In addition, masks or face coverings will not be required for anyone who has a medical, behavioral or other challenge making it unsafe to wear a face mask or face covering. A written note from a physician is required for a requested exemption. Parents may not excuse their child from the face mask requirement by signing a waiver.

Additionally, face masks or face coverings will not be required during mask breaks and while eating or drinking.

Masks are not required when outdoors for: recess, physical education, and outdoor learning.

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

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

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

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

Visitors in violation of this policy will be denied entry to the school/district facility. This policy will remain in place until rescinded by the School Committee.

C. Responsible Conduct On Buses

JICC (also EEAECE)

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

To ensure the safety of all students who ride in buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

School Committee Bus Safety Policy Procedures EEAEF-E

Student Records

1. The District will comply with provisions of law regarding student records including the family Education and Privacy Act as applicable, in the District's use of video recordings ("Recordings"). Recordings considered for retention as a part of a student's behavioral record will be maintained in accordance with established procedures governing access, review and release of student records.
2. The District will include notice in parent/student handbooks that video and audio cameras ("Cameras") will be used on school transportation vehicles transporting students to and from school and extracurricular activities. The District will include, as a part of its notice procedures, a copy of the District's Camera policy and procedures to all students and

parents. A separate notice will be sent to students and parents prior to the initial activation of the Cameras.

3. Students should assume that the Cameras are in operation at all times.
4. A notice shall be posted on each bus equipped with a Camera indicating that Cameras are on board and that the Cameras produce both video and audio recordings. Such notice will be posted in a conspicuous location.

District Staff and School Bus Driver Records

1. Recordings considered for retention as part of an employee's personnel record will be maintained in accordance with established personnel policies, administrative regulations and labor agreements governing access, review and release of employee personnel records. This provision applies to all employees of the District, school bus drivers, all contractors, agents and their employees.
2. The District will include notice in personnel handbooks that Cameras are to be used on school transportation vehicles transporting students to and from curricular and/or extracurricular activities.
3. Staff should assume that the Cameras are in operation at all times.

Storage/Security

1. Recordings, and all copies thereof, will be stored and secured to ensure confidentiality.
2. After a period of thirty (30) days, recordings will be erased unless otherwise identified to be preserved by the school administration.
3. Recordings held for review of student or adult incidents will be maintained in a digital format pending resolution. The Recording will then be either released for erasure or retained as necessary as a part of the student's behavioral record, employee's personnel record, or in another appropriate location in the case of an adult who is not an employee in accordance with the established District procedures.

Use

1. Cameras will be used on school transportation vehicles as determined by the Transportation Coordinator and Chief Operations Officer with the approval of the Superintendent of Schools.
2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.
3. The operators of the buses (i.e. the bus company) are required to notify the drivers and outside parties who use the district's school buses that audio and video recordings will occur on the buses.

Viewing Requests

1. Requests for viewing shall be made in writing to the Chief of Operations and the Transportation Coordinator within seven (7) school days of the date of the recording.
2. Requests for viewing will be limited to individuals with a direct interest in the proceedings as deemed appropriate by the Chief of Operations and the Transportation Coordinator.
3. Approval/denial of viewing requests will be made in writing, within seven (7) school days of receipt of the request and so communicated to the requesting individual(s).
4. Only the portion of the Recording concerning a specific incident(s) will be made available for viewing.
5. Recordings will be made available for viewing within five (5) school days of the request approval.

Viewing

1. Viewing of recordings will be subject to the approval of the Superintendent of Schools and limited to the appropriate vehicle driver, Terminal Manager, Dispatcher, School Principals, Transportation Coordinator, Chief Operations Officer, Assistant Superintendent and Superintendent of Schools. Parents, guardians, or students 18 or older – as deemed appropriate by the district administration. Viewing by parties other than those listed herein will only be granted as may otherwise be required by law.
2. Actual viewing will be permitted at the bus company terminal or school related sites only, including the transportation office, school district office or as otherwise required by law.
3. All viewing will require the attendance of at least two (2) of the following school administrators. School Principals, Transportation Coordinator, Chief Operations Officer, Assistant Superintendent or the Superintendent of Schools.
4. A written log will be maintained of those viewing Recordings including date of viewing, reason for viewing, the date the recording was made, the specific vehicle and driver recorded, and the signature(s) of the viewer.
5. Recordings remain the property of the North Andover School District and may be reproduced only in accordance with law and applicable District student and personnel records policies and procedures, and applicable labor agreements.

D. Responsibility For Appearance

The responsibility for the dress and appearance of the students will rest with individual students and parents.

They have the right to determine how the student will dress providing that attire is not destructive to school property, complies with the requirements for health and safety, and does not cause disorder or disruption. The administration is authorized to take action in instances where individual dress does not meet the stated requirements.

This does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that students will not be prevented

from attending school or a school function, or otherwise be discriminated against, so long as their dress and appearance meet the requirements set forth above.

E. Acceptable Use Policy Technology

Purpose

The North Andover Public Schools shall provide access for employees and students to the system/network, including access to external networks, for limited educational purposes. *Educational purposes* shall be defined as classroom activities, career and professional development, and high quality self-discovery activities of an educational nature. The purpose of the system/network is to assist in preparing students for success in life and work by providing access to a wide range of information and the ability to communicate with others. The system/network will be used to increase communication (staff, parent, and student), enhance productivity, and assist staff in upgrading existing skills and acquiring new skills through a broader exchange of information. The system/network will also be utilized to provide information to the community, including parents, governmental agencies, and businesses.

Availability

The Superintendent or designee shall implement, monitor, and evaluate the District's system/network for instructional and administrative purposes.

Access to the system/network, including external networks, shall be made available to employees and students for instructional and administrative purposes and in accordance with administrative regulations and procedures.

Access to the system/network is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations and procedures governing use of the system and shall agree in writing, on a form provided by the district, to comply with such regulations and procedures. Noncompliance with applicable regulations and procedures may result in suspension or termination of user privileges and other disciplinary actions consistent with the policies of the North Andover Public Schools. Violations of law may result in criminal prosecution as well as disciplinary action by the North Andover Public Schools.

Acceptable Use

The Superintendent or designee shall develop and implement administrative regulations, procedures, and user agreements, consistent with the purposes and mission of the North Andover Public Schools as well as with law and policy governing copyright.

Monitored Use

Electronic mail transmissions and other use of electronic resources by students and employees shall not be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for instructional and administrative purposes.

Liability

The North Andover Public Schools shall not be liable for users' inappropriate use of electronic resources or violations of copyright restrictions, users' mistakes or negligence, or

costs incurred by users. The North Andover Public Schools shall not be responsible for ensuring the accuracy or usability of any information found on external networks.

F. Disciplinary Process For Not Meeting Responsibilities

1. Student Discipline

Everyone should be concerned with discipline: teachers, students, administrators and parents. The North Andover School District realizes that every person, including students, makes mistakes. The students are at a time in life when complete independence would bring nothing but confusion. They need a helping hand, a definition of values, positive direction and correction, and a strong conviction that, in disciplinary matters, teachers and administrators are fair and just. It is impossible to implement these ideals without the total cooperation of teachers, parents and administrators.

While there are sanctions for the rules of the school: calls and letters to parents, detention, and suspension; they are not intended to be punitive. They are only used to prevent a repetition of undesirable acts.

The use of the word Principal throughout this handbook should be understood to mean the School Building Principal and/or his/her designee.

A. Student Rules & Regulations

B. Behavior Guidelines

Classroom teachers seek to improve student behavior by helping students take responsibility for and learn from their mistakes. As a consequence for unacceptable behaviors, teacher detentions can be assigned. In addition to teachers' efforts to manage student behavior, there are times when unacceptable behaviors require another level of consequence involving the Assistant Principal and/or Principal.

The following "Behavior Guidelines" establish that not all unacceptable behaviors carry with them the same degree of seriousness or consequences. Therefore, certain behaviors require mandatory discipline and others the type and level of consequences are discretionary.

The administration determines the consequences based upon a number of factors including but not limited to the following:

1. Age and grade level of the student;
2. the amount of disruption caused;
3. the impact behavior has on others;

4. the number of previous offenses;
5. extenuating circumstances.

These Guidelines extend to behavior on school access roads, school buses, and any and all public school property in North Andover. The North Andover Police Department may be involved as deemed necessary by the school administration.

C. Discipline Guidelines and Codes

1. Elementary School Student Disciplinary Consequences.

Based on the developmental levels of our elementary-aged children, the school's primary focus is not to discipline, but rather to educate the child on appropriate behavior in an effort to reduce the likelihood that the student will engage in such behavior in the future. However, when the behavior of individual students comes in conflict with the rights of others, corrective actions may be necessary both for the benefit of that individual and for the school as a whole. We have created a set of school rules that are firm, fair, consistent, and necessary for the development of essential life skills. These rules are to protect students' rights and to provide a safe atmosphere of learning.

We have comprised the following list of possible consequences to be used by school personnel. Any major violation of the rules which endangers the health or safety of any person may result in a suspension from classes, and will definitely include an immediate conference with parents/guardians.

A. Possible Consequences For Rule Violations:

1. Verbal warning;
2. Temporary removal from group activities or loss of privileges;
3. Reflection sheet assigned as homework by teacher or principal;
4. Communication with home from teacher or principal;
5. Detention after school assigned by principal;
6. Conference with parents or guardians;
7. Suspension from school. The student will not be allowed to return to class without a formal meeting with his/her family.

It is important to know that at any step in this process, staff, faculty and/or parents may consult with the school's guidance counselor, nurse or principal.

B. Minor Rule Violations

Any violation of an individual teacher's classroom rules of conduct is considered a minor infraction. Each teacher is responsible for handling these forms of classroom misbehavior.

C. Moderate Rule Violations

The following are examples of inappropriate behavior and are considered moderate infractions that violate classroom and/or school rules. They may happen at school, on the bus or at an off campus school activity.

1. Talking back to teachers, other school staff, and/or parent volunteers;
2. Excessive noise or play in common areas like hallways, bathrooms, cafeteria or on a bus;
3. Blatant dishonesty demonstrated toward school staff;
4. Consistent opposition to completing school assignments;
5. Presence in the building or classroom without permission;
6. Running, playing or wandering in the halls;
7. Inappropriate language, gestures, or clothing;
8. Nonsanctioned use of cell phones in school or on the bus;
9. Failure to report to school or refusal to ride the school bus;
10. Leaving school property during school hours without permission;
11. Striking another student, a teacher or other school staff, or parent volunteer;
12. Possessing drugs or smoking on school grounds;
13. Engaging in bullying or cyberbullying; or,
14. Communicating inappropriately online or on cell phones in school or on the bus.

D. Major Rule Violations

These are considered serious violations of school rules and may lead to an immediate exclusion/suspension from school:

1. Fighting, which may include striking another student, anywhere in the school, including on the playground, in the cafeteria, bathroom, hallway, gym or on a bus;
2. Possessing or distributing anything that presents as a potential weapon;
3. Stealing personal or school property;
4. Public exposure of private body parts;
5. Defacing or intentionally damaging school property.

The Principal will handle all rules violations not specifically covered by any of the preceding notes on an individual basis. These rules of conduct apply to all school related activities where the school is considered to have jurisdiction. In accordance with Massachusetts law, a child charged with a felony may also be subject to suspension from school. M.G.L c.71,

§37H1/2.

There is more on suspensions and student discipline in the Policy Section of this handbook.

2. Middle School Student Disciplinary Consequences.

For Middle School Students, the North Andover Public Schools may discipline a student according to the following guidelines and discipline codes. These offenses will require disciplinary consequences and may also include denial of participation in school activities and events.. In determining the appropriate consequences for a student acting in an unacceptable manner, the Principal will weigh the factors listed above in (1)(B) with the Level of discipline to be imposed with the type of behavior causing the discipline.

The Level of Discipline are as follows:

LEVEL I – A warning will be issued to the student. The school may contact the home.

LEVEL II – Detention: One or two days (depending upon the seriousness of the offense) after school.

LEVEL III – Detention: Three to five days (depending upon the seriousness of the offense) after school or Level III also applies if a student commits the same or like offense within a reasonable time period.

LEVEL IV – Suspension: Out-of-School Level IV suspensions generally range from one to ten days depending upon the factors listed above.

Level V Infraction Penalties – Section A

1. First Offense – 1-3 day suspension, parent conference.
2. Second Offense – 3-5 day suspension, parent conference.
3. Subsequent Offenses – Suspension from school pending School Committee action for possible exclusion from NAMS.

Other Restrictions

For Level II- V Infractions, the Principal or Assistant Principal may also restrict a student as a disciplinary matter. Restrictions may include:

- a. Loss of the privilege to attend social events;
- b. Loss of the privilege to attend athletic events;
- c. Loss of the privilege to participate in school activities; or,
- d. Not allowed to attend field trips.

Habitual Offender –A student is considered a habitual offender when they have surpassed 10 days detention or five suspension days. At that point every infraction may lead to suspension, regardless of the level.

The following is a list of the policies and rules and a corresponding level of discipline that may be imposed:

A. Attendance policy.

Students have the responsibility to attend all classes. Success in school is dependent in part on regular attendance.

Rules And Consequence Levels

1. All students who arrive after the start of the school day should report to the office. Repeated occurrences may result in disciplinary action (Level I, II).
2. Students are expected to attend all classes daily during designated school hours. Students may not leave school without permission from the office which includes participation in school-sponsored, after-school activities, (Level II, III, IV).

B. Attitude, Behavior And Language Guidelines.

Students are expected to be respectful and courteous at all times while on school grounds, on the buses, and on the way to and from and during school-related activities. Students are expected to be courteous and respectful to all school personnel when in contact with them in school or outside of school.

Rules And Consequence Levels

1. A student may not swear or use improper gestures at anyone for any reason or under any circumstances. (Level I, II, III, IV).
2. Disrespect or defiance towards staff members or students is not tolerated (Level I, II, III, IV).
3. A student may not possess or use tobacco, tobacco related products, including vapor/E cigarettes, or any other method or manner of consuming or using tobacco products while on school grounds or at a school activity (Level IV).
4. A student may not engage in any activity that can be considered gambling (Level II, III, IV).
5. A student may not violate the Acceptable Use Policy (Level I, II, III, IV).
6. Unauthorized use of mobile/smart phone, apps or any other technological methods for calls, text, recording or pictures, (Level I, II, III, IV).
7. A student may not possess or consume alcohol, illegal drugs, including cannabis and cannabis related products, steroids, other controlled substances or unauthorized legal drugs on school grounds or at a school activity (Level IV).

C. Honesty And Open Communication Guidelines.

A student has the duty to be a responsible and honest person. Honesty about any situation is the MOST IMPORTANT factor in any decision.

Rules And Consequence Levels

1. A student may not forge any note, pass, or other official paperwork for his/herself or for another student. (Level I, II, III, IV)
2. A student may not cheat on any quiz, test, or other exercise. (Level I, II, III, IV)

3. A student may not be dishonest or give false information about a situation in which either he/she or others are involved. (Level I, II, III, IV)
4. A student may not be in the halls during class time without a pass.(Level I, II, III)

D. Physical Contact/Threats Guidelines.

Every student and staff person has the right to attend school without the fear of physical harm or threats. In general, use of physical force in public schools is illegal in Massachusetts. However, school staff and other employees may use reasonable force as is necessary to protect pupils, other people and themselves from an assault by a pupil.

Rules And Consequence Levels

1. A student may not threaten or strike or threaten to strike a staff member (Level III or IV).
2. A student may not commit any act that places the health or safety of any member of the school in jeopardy (Level I, II, III, IV).
3. A student may not intentionally strike another student. If a student strikes another student that student is expected to try to seek the assistance of an adult. Being struck first is not an acceptable excuse for striking another student (Level III or IV).
4. A student may not threaten another student verbally or in writing (Level II, III, IV).
5. A student may not throw or discharge anything at staff, students, or vehicles while on the school grounds or involved in being transported to or from school including but not limited to snowballs, water pistols, etc (Level II, III, IV).
6. Hazing is against state law. This law includes whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, etc (Level IV and removal from the extracurricular school activity if hazing was part of the activity).
7. Harassment in any form will not be tolerated. The school system's policy is outlined in the Appendix (Level II, III, IV).

E. School Property Policy Guidelines.

Students have the responsibility to respect and protect all school property.

Rules And Consequence Levels

1. A student may not purposely litter, damage, or deface any school property. This includes but is not limited to drawing or writing on desks, walls, or anywhere within restrooms. Financial compensation will be expected. (Level II, III, IV).
2. A student may not steal anything that belongs to the school community (Level II, III, IV).
3. A student is responsible for all books, equipment and materials issued to him/her. A student is responsible for covering books when requested by the teacher (Level I, II, III).
4. A student may not be disruptive in the cafeteria. This includes excessive noise, refusal to clean up, throwing of any objects, or disrupting the daily lunch procedure (Level I, II, III, IV).

3. High School Student Disciplinary Consequences

For the purposes of the Discipline and Code of Conduct for High School Students the following levels and consequences shall apply:

A. Discipline

1. Teacher Detention:

A teacher may detain a student after school. During this time, there should be a positive exchange between teacher and student to explain what is the expected behavior and how the student can work to attain the expected level. Students should report to a teacher detention before reporting to an office detention.

2. Office Detention

Office detention will be held on scheduled days, after school.

- a. Detention will run from 2:20-3:20 p.m. in a designated area with two staff members to oversee students.
- b. Students are expected to report to detention on the day assigned unless excused by the Assistant Principal.
- c. Students are expected to work on school assignments and bring appropriate materials to office detention. There is no talking or sleeping.
- d. If a student is sent out, appropriate action will be taken by the Assistant Principal.

3. Additional Consequences

Failure to serve Office Detention, or comply with detention regulations, or to be respectful and cooperative while serving detention will result in additional consequences imposed by the Assistant Principal.

B. Impermissible Conduct

The following list of described impermissible conduct is not exhaustive, but provides guidance to students with respect to school rules and behavioral expectations. The NAHS Administration reserves the right to impose discipline that it deems appropriate under the circumstances. This handbook shall be used as a guide in making such determinations. The option of “other consequences” is located at the end of Infraction Levels II - V below. “Other Restrictions or Consequences” provides the NAHS Administration with the discretion to address behavior that is not listed in the handbook. The use of “Other” will always be carefully considered by the NAHS Administration.

1. A. Level I Infractions (Dealt With By Teachers).

1. Class cut – First Offense;
2. Tardiness to class;
3. Any violation of a school-wide policy, or of an individual teacher’s rules of conduct (failure to turn in homework, non-cooperation, cheating, classroom disturbance, etc.); or,

4. Loitering in lavatories or halls during non-passing time without a pass.

B. Level I Infraction Penalties.

1. Communication with Parent/Guardian AND Teacher detention.

2. A. Level II (Dealt With By An Administrator).

1. Failure to report to teacher detention;
2. Class cut – **Second+ offense**;
3. Loitering in lavatories without permission;
4. Vandalism;
5. Failure to report to Assistant Principal;
6. Disrespect;
7. Profanities or Obscenity;
8. Disruptive/sent out of class/cafeteria/library;
9. Leaving class without permission;
10. Violation of Dress Code;
11. Possession of tobacco products (cigarettes, chewing tobacco, etc.), lighters, matches, etc.;
12. Possession of food/beverage outside of the cafeteria;
13. Threat to another student;
14. Other.

B. Level II Infraction Penalties.

1. First Offense - one period of office detention, conference with the Assistant Principal.
2. Second Offense – two periods of office detention.
3. Third Offense - parental conference and 1 day outside suspension.
4. Subsequent Offenses - 3 day, 5 day outside suspension, conference with parent.

3. A. Level III Infractions.

1. Failure to report to office detention;
2. Failure to report to Main Office, if tardy;
3. Truancy from school;
4. Leaving/attempting to leave school or grounds without permission;
5. Threat to another student;
6. Pattern of minor disruptions;
7. Failure to keep one's cafeteria area clean;
 - a. Following the 3rd lunch, students will return to the café to assist in clean up of tables for approximately 10-15 minutes. Students will be given a pass to class.
8. Chronic truancy from class;
9. Cheating/Plagiarism;
 - a. First infraction - zero on work, parent conference, AP notified and incident recorded

- b. Second infraction - zero on work, 1 day suspension
- 10. Violation of school parking and/or irresponsible use of vehicles (**penalty will include loss of parking privileges for 5 school days 1st offense, 1 trimester subsequent offenses**);
- 11. Other.

B. Level III Infraction Penalties

- 1. First Offense – 3 days office detention, conference with Assistant Principal.
- 2. Second Offense – 1 day out of school suspension, parent conference.
- 3. Subsequent Offenses – 3 days out of school suspension, parent conference.

4. **A. Level IV Infractions (Police May Be Notified In Some Cases)**

- 1. Insolence and/or Insubordination (willful and/or intentional failure to follow a reasonable direct order of a staff member, including failure to identify themselves properly);
- 2. Gross disrespect;
- 3. Stealing;
- 4. Gambling;
- 5. Forgery;
- 6. Lying;
- 7. Violation of the Acceptable Use Policy;
- 8. Threat to another student;
- 9. Physical Altercation (ex. Pushing, shoving a peer);
- 10. Any act which disrupts the educational environment of the school;
- 11. Throwing or discharging anything at staff, students, or vehicles on school grounds (including but not limited to food, snowballs, water pistols, etc.);
- 12. Vandalism, unwitting destruction of school property (student responsible for full restitution or replacement/repair costs);
- 13. Smoking or vaping tobacco or tobacco related products in school, on school grounds or on school buses;
- 14. Sale, possession, and/or use of a vape or any vaping paraphernalia in school, on school grounds, on school buses, or at a school sponsored activity (**penalty will result in a 3 day suspension for the first offense, which may reduce to 1 day with agreement to complete a school-based chemical health education program**);
- 15. Other.

B. Level IV Infraction Penalties

- 1. First Offense – 1 day suspension, parent conference.
- 2. Second Offense – 3 day suspension, parent conference.
- 3. Subsequent Offenses – 5 day suspension, parent conference.

5. **A. Level V Infractions
(Police and/or Fire Will Be Notified, Charges May Be Filed)**

1. Fighting (physical contact) or instigating a fight on school grounds (including access roads to & from school facility, any public school in town, school buses). **FIGHTING WILL NOT BE TOLERATED AT NORTH ANDOVER HIGH SCHOOL;**
2. Possession of drug paraphernalia;
3. Violation of a restraining order;
4. Threatening a staff member;
5. Destruction of school property;
6. Threat to another student;
7. Harassment including Bullying, (the principal shall have discretion to impose a lesser penalty if the circumstances warrant);
8. Stealing;
9. Use of profanity, obscenity directed at a staff member;
10. Taking, possessing, displaying, distributing and/or transmitting pictures/video/audio of a staff member or student without consent of said staff member or student;
11. Pranks – Student pranks are considered dangerous and a threat to the safety and rights of others. There is no such thing as a “harmless” prank. In addition to suspension, students involved in pranks may lose the privilege of attending all school-sponsored events, including senior activities for 12th graders. Seniors involved in pranks may also lose the privilege of participating in the graduation ceremony; or,
12. Other.

B. Level V Infraction Penalties

1. First Offense – 3 day suspension, parent conference.
2. Second Offense – 5 day suspension, parent conference.
3. Subsequent Offenses – Suspension from school pending School Committee action for possible exclusion from NAHS.

6. A. Level VI Infractions

(Police and/or Fire Will Be Notified, Charges May Be Filed)

1. Starting a fire in school or on school property;
2. Willful destruction or defacing school property (student is responsible for full restitution or replacement/repair costs);
3. Civil Rights Violation;
4. Organizing or participating in a hazing incident;
5. False fire alarms and bomb scares;
6. Assault;
7. Possession of a weapon in school;
8. Sale, possession, and/or use of drugs and/or marijuana and/or alcohol in school, on school grounds or at a school sponsored activity - including coming to school or school sponsored activity under the influence of the same; or,
9. Striking any member of the school staff.

B. Level VI Infraction Penalties –

1. First Offense – 5 day suspension, parent conference.
2. Subsequent Offenses - Suspension 5 or more days and/or long term exclusion.

7. Other Disciplinary Consequences or Restrictions

For Level II -VI Infractions, the Principal or Assistant Principal may also restrict a student as a disciplinary matter. Restrictions may include:

- a. Loss of the privilege to attend social events;
- b. Loss of the privilege to attend athletic events;
- c. Loss of the privilege to participate in school activities;
- d. Loss of parking privileges; or,
- e. Not allowed to attend field trips.

D. Due Process For Student Discipline

Academic punishment of any form shall not be used as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the remainder of this policy, law, or regulation.

E. Suspension

In every case of student misconduct for which suspension may be imposed, a Principal shall 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. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Notice Of Suspension

Except for emergency removal or an in-school suspension of less than 10 days, the Principal must provide the student and the parent/guardian oral and written notice, and provide the student an opportunity for a hearing and the parent/guardian an opportunity to participate in such hearing before imposing suspension as a consequence for misconduct. The Principal shall provide both oral and written notice to the student and parent/guardian(s) in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation. To conduct a hearing without a parent/guardian present, the Principal must be able to document reasonable efforts to include the parent/guardian.

Emergency Removal

A Principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Principal's judgment, there is no alternative available to alleviate the danger or disruption.

The Principal shall immediately notify the Superintendent in writing of the removal including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal. The Principal shall make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice.

The Principal shall also provide written notice to the student and parent/guardian as required above; provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and provide the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal, student, and parent/guardian;

The Principal shall render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of applicable law and regulation.

The Principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension - Not More Than 10 Days Consecutively Or Cumulatively.

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

The Principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the Principal follows the process set forth in the regulations and the student has the opportunity to make academic progress as required by law and regulation.

Principal's Hearing

Short Term Suspension Of Up To 10 Days.

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.

The student also shall have an opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate as set forth in law and regulation.

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

The Principal shall, based on the available information, including mitigating circumstances, determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The Principal shall notify the student and parent/guardian 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, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

Principal's Hearing

Long Term Suspension Of More Than 10 Days But Less Than 90 days (consecutive or cumulative).

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights: In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's/guardian's expense; The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; The right to cross-examine witnesses presented by the school district; The right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request. If the student or parent/guardian requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent/guardian upon request.

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

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, what remedy or consequence will be imposed, in place of or in addition to a long term suspension. The Principal shall give the written determination to the student and parent/guardian by hand-delivery, certified mail, first-class mail, email to the address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal and the parent/guardian.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period

of removal from school as required by law and regulation; Inform the student of the right to appeal the Principal's decision to the Superintendent or designee, but only if the Principal has imposed a long-term suspension.

Notice of the right of appeal shall be in English and the primary language of the home if other than English, and shall include the following information: the process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long term suspension; provided that within the five (5) calendar days, the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension before the suspension takes effect.

Superintendent's Hearing

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

The student or parent/guardian shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing – Suspension of more than 10 days). If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

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

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

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The Superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request. The student shall have all the rights afforded the student at the Principal's hearing for long term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of law and regulation. 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 shall not impose a suspension greater than that imposed by the Principal's decision. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Any student alleged to have committed one of these acts shall be afforded the same due process rights as for a long term suspension. Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Any student who is suspended or expelled shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed.

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

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

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

For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

F. Searches By Staff

Freedom from unreasonable search of one's person and property is guaranteed to students by the Fourth and Fourteenth Amendments to the United States Constitution.

However, in the school environment, there is a special need for an immediate response to behavior that threatens either the safety of school-children and teachers or the educational process itself. Searches of students and student property may take place provided there is a reasonable suspicion given the totality of the circumstances, type of evidence that a search may turn up, and the search is limited in scope to the purpose for which it was undertaken and not excessively intrusive given the nature of the violation or threat. A reasonable suspicion is a common-sense conclusion about human behavior upon which practical people including school personnel are entitled to rely. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

Students, their property or vehicles parked on school property may be subject to searches by school personnel, if, given the totality of the circumstances:

1. School personnel have a reasonable suspicion that a search will disclose evidence of a violation of a school rule or law or items that may pose a threat to the student, others or school property.
2. When such reasonable suspicion exists, a search may be conducted under the explicit authorization of the principal or his or her designee.
3. Items, which might be used to disrupt or interfere with the educational process, such as weapons, will be removed from the student's possession

Although school personnel have the authority to conduct searches, when they exercise that authority, there is an unusual demand upon their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools. Searches by school officials of students' automobiles or the student 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.

Because equipment assigned to students, such as lockers, desks and technology devices belongs to the North Andover Public Schools, school personnel have the authority to inspect such equipment at any time. The right of inspection of students' school lockers is inherent in the authority granted school personnel. This authority may be exercised as needed in the interest of safeguarding children, the educational process, and school property.

School officials working with the North Andover Police Department have entered into a Memorandum of Understanding regarding the assignment of a police officer, known as the student resource officer, within the school buildings. When necessary and under a valid search warrant, school personnel may assist the police in executing a search warrant upon a student.

G. Physical Restraint Of Students

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. Such restraint shall be used only in emergency situations as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The definitions of forms of restraint shall be as defined in 603 CMR 46.02.

The use of mechanical restraint, medical restraint, and seclusion is prohibited.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

The Superintendent will develop procedures identifying:

1. Appropriate responses to student behavior that may require immediate intervention;
2. Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
3. Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
4. Descriptions of the school's training and procedures to comply with reporting requirements including, but not limited to, making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition and to provide written notice of the restraint within three (3) school working days;
5. Procedures for receiving and investigating complaints;
 - a. Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
 - b. A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;

- c. Procedures for conducting periodic reviews of physical restraint as required by 603 CMR 46.06(5) and (6); and
- 6. A process for obtaining Principal approval for a time out exceeding 30 minutes.

Each building Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint.

In addition, each staff member will be trained regarding the school's physical restraint policy and accompanying procedures. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when it is medically contraindicated for reasons including, but not limited to, asthma, trauma history, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;

The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."

Appendix

A. Graduation Requirements For High School Students

In order to graduate from North Andover High School, a student must have earned at least 130 credits. North Andover Public Schools has adopted the Massachusetts Core Curriculum and each student must have earned at least 130 credits. Course requirements are as follows:

English	20.0 credits
Mathematics	20.0 credits
(Geometry & Algebra II required)	
History/Social Science	15.0
credits	
(all students must take World Civ I & II, & US History)	
Science & Applied Technology	15.0 credits
Foreign Language	10.0 credits
(2 years of the same language)	

Wellness	10.0 credits
(Includes Fundamentals of Fitness/Cooperative Games, Life Skills I, & 2 electives)	
Computer Proficiency	2.5 credits
Fine Arts	5.0 credits
Additional Electives	32.5 credits
TOTAL	130.0 credits

B. Teaching About Alcohol, Tobacco, Cannabis And Other Drugs

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, cannabis and cannabis related products, and other drugs and drug prevention education programs in grades K-12.

The alcohol, tobacco, cannabis and cannabis related products, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, cannabis and cannabis related products, and other drugs use with emphasis on non-use by school age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, cannabis and cannabis related products, or other drugs.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, cannabis and other drug use among children and youth.
- To increase students' understanding of the legal, social, and health consequences of alcohol, tobacco, cannabis and cannabis related products, and other drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, cannabis and cannabis related products, and other drug use.

The curriculum, instructional materials and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

C. Alcohol, Tobacco, And Other Drug Use By Students Prohibited

The purpose of this policy is to prohibit the use in any form of tobacco, alcohol, cannabis or cannabis related product or any other illegal, unauthorized or non-prescribed substance or drug on school grounds and during school-sponsored events. This policy is meant to encompass all methods and manner of using or consuming such substances. A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes, or any other method or manner of consuming tobacco products; marijuana; steroids; or any other controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, cannabis or cannabis related products, other drugs or controlled substances on school property, at any school function, at any school-sponsored event, or on any school buses.

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

The school district shall utilize, in accordance with law, a verbal screening tool approved by the Department of Elementary and Secondary Education to screen students for substance abuse disorders. The tool shall be administered by trained staff on an annual basis at grades 7 and 9.

Parents/guardians shall be notified prior to the opening of school each year. Parents/guardians shall have the right to opt out of the screening by written notice prior to or during the screening.

All statements made by a student during a screening are confidential and shall not be disclosed except in the event of immediate medical emergency or in accordance with law. De-identified results shall be reported to the Department of Public Health within 90 days of the completion of the screening process.

This policy shall be posted on the district's website, and notice shall be provided to all students and parents of this policy in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

D. Athletic Concussion Policy

The purpose of this policy is to provide information and standardized procedures for persons involved in the prevention, training management and return to activity decisions regarding students who incur head injuries while involved in extracurricular athletic activities¹ including, but not limited to, interscholastic sports, in order to protect their health and safety as required by Massachusetts law and regulations. The requirements of the law apply to all public middle and high schools, however configured, serving grades six through high school graduation. In addition to any training required by law, the following persons shall annually complete one of the head injury safety training programs approved by the Massachusetts Department of Public Health (DPH) as found on its website: coaches; certified athletic trainers; trainers; volunteers; school

and team physicians; school nurses; athletic directors; directors responsible for a school marching band; employees or volunteers; and students who participate in an athletic extracurricular activity and their parents.

Upon the adoption of this policy by the School Committee, the Superintendent shall ensure that DPH receives an affirmation on school district letterhead that the district has developed policies and the School Committee has adopted a final policy in accordance with law. This affirmation shall be updated by September 30, 2013 and every two years thereafter upon review or revision of its policies.

The Superintendent shall maintain or cause to be maintained complete and accurate records of the district's compliance with the requirements of the Concussion Law, and shall maintain the following records for three years or, at a minimum, until the student graduates, unless state or federal law requires a longer retention period:

1. Verifications of completion of annual training and receipt of materials;
2. DPH Pre-participation forms and receipt of materials;
3. DPH Report of Head Injury Forms, or school based equivalents;
4. DPH Medical Clearance and Authorization Forms, or school based equivalents; and
5. Graduated reentry plans for return to full academic and extracurricular athletic activities.

This policy also applies to volunteers who assist with extracurricular athletic activities. Such volunteers shall not be liable for civil damages arising out of any act or omission relating to the requirements of law, unless such volunteer is willfully or intentionally negligent in his act or omission.

If a student sustains a head injury or concussion during the season, but not while participating in an extracurricular athletic activity, the parent shall complete the Report of Head Injury Form and submit the same to the school nurse.

Students who plan to participate in extracurricular athletic activities and their parents must complete and sign the pre-participation medical form prior to each season of participation. The questionnaire will be distributed through the athletic department and may also be obtained in the health office. The questionnaire will be reviewed by the school nurse prior to athletic participation. The school nurse will provide appropriate follow-up when necessary. Annually, students are also required to provide a physical exam to the school nurses' office. No student shall be medically cleared for extracurricular athletic activities until the school nurse has reviewed both the questionnaire and physical exam. The school nurse shall consult with the school physician as necessary regarding a student's medical history and or eligibility.

NAPS may use a student's history of head injury or concussion as a factor to determine whether to allow the student to participate in an extracurricular athletic activity or whether to allow such participation under specific conditions or modifications.

A NAPS multidisciplinary team will develop a plan for the student's return to play. This team may consist of athletic trainer, school nurse, school physician, teaching staff, guidance counselor, primary care physician or physician managing the

¹ Extracurricular Athletic Activity means an organized school sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director or marching band leader including, but not limited to, Alpine and Nordic skiing and snowboarding, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, tennis, track (indoor and outdoor), ultimate frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be extracurricular athletic activities. The plan shall include the academic recovery plan, any recommendations from the physician and comply with the return to play protocol outlined in JJIF-R. Students must be symptom free and medically cleared in order to return to play. Any changes in this document will be approved by the school committee and given to athletic staff, including coaches and other school personnel in writing. An accurate synopsis of this policy shall be placed in the student and faculty handbooks.

E. Athletic Concussion Regulations

Section I. What is a Concussion?

A concussion is defined as a transient alteration in brain function without structural damage, but with other potentially serious long-term ramifications. In the event of a concussion, the brain sustains damage at a microscopic level in which cells and cell membranes are torn and stretched. The damage to these cells also disrupts the brain at a chemical level, as well as causing restricted blood flow to the damaged areas of the brain, thereby disrupting brain function. A concussion, therefore, is a disruption in how the brain works; it is not a structural injury. Concussions are difficult to diagnose because the damage cannot be seen. An MRI or CT Scan cannot diagnose a concussion, but they can help rule out a more serious brain injury to a student athlete. Because concussions are difficult to detect, student athletes must obtain medical approval before returning to athletics following a concussion.

Section II. Mechanism of Injury:

A concussion is caused by a bump, blow or jolt to the head or body. Any force that causes the brain to bounce around or twist within the skull can cause a concussion. A bump, blow or jolt to the head or body can be caused by either indirect or direct trauma. The two direct mechanisms of injury are coup-type and contrecoup-type. Coup-type injury is when the head is stationary and struck by a moving object such as another player's helmet, a ball, or sport implement, causing brain injury at the location of impact. Contrecoup-type injury occurs when the head is moving and makes contact with an immovable or slowly moving object as a result of deceleration, causing brain injury away from the sight of impact. Indirect forces are transmitted through the spine and jaw or blows to the thorax that whip the head while the neck muscles are relaxed. Understanding the way in which an injury occurred is vital in understanding and having a watchful eye for athletes who may exhibit symptoms of a concussion so these student athletes can receive the appropriate care.

Section III. Signs and Symptoms:

Signs (what you see):

- Confusion
- Forgets plays
- Unsure about game, score, opponent
- Altered coordination
- Balance problems
- Personality change
- Slow response to questions
- Forgets events prior to injury (retrograde amnesia)
- Forgets events after injury (anterograde amnesia)
- Loss of consciousness (any duration)

Symptoms (reported by athlete):

- Headache
- Fatigue
- Nausea or vomiting
- Double vision/ blurry vision
- Sensitivity to light (photophobia)
- Sensitivity to noise (tinnitus)
- Feels sluggish
- Feels foggy
- Problems concentrating
- Problems remembering
- Trouble with sleeping/ excess sleep
- Dizziness
- Sadness
- Seeing stars
- Vacant stare/ glassy eyed
- Nervousness
- Irritability
- Inappropriate emotions

If any of the above signs or symptoms are observed after a suspected blow to the head, jaw, spine or body, they may be indicative of a concussion and the student athlete must be removed from play immediately and not allowed to return until cleared by an appropriate allied health professional.

Section IV. Exclusion From Play:

Any student, who during a practice or competition, sustains a head injury or suspected concussion, or exhibits signs and symptoms of a concussion or loses consciousness, even briefly, shall be removed from the practice or competition immediately and may not return to the practice or competition that day.

The student shall not return to practice or competition unless and until the student provides medical clearance. The coach or athletic trainer shall provide the necessary forms for the student to take to their medical provider. A completed medical clearance form is necessary before starting the return to play protocol. An academic expectations form is also given to the student.

The coach shall communicate the nature of the injury directly to the parent in person or by phone immediately after the practice or competition in which a student has been removed from play due to a head injury, suspected concussion, signs and symptoms of a concussion, or loss of consciousness.

The coach or his or her designee shall communicate, by the end of the next business day, with the Athletic Director, the school athletic trainer and school nurse that the student has been removed from practice or competition for a head injury, suspected concussion, signs and symptoms of a concussion or loss of consciousness.

Section V. Return To Play:

A NAPS multidisciplinary team will develop a plan for the student's return to play. This team may consist of an athletic trainer, school nurse, school physician, teaching staff, guidance counselor, primary care physician or physician managing the student's recovery, and parent.

The plan shall include the academic recovery plan, any recommendations from the physician and the return to play protocol of the athletic trainer.

Students must be symptom free and medically cleared in order to return to play. The following individuals may authorize a return to play:

- A duly licensed physician
- A duly licensed certified athletic trainer in consultation with a licensed physician
- A duly licensed nurse practitioner in consultation with a licensed physician; or
- A neuropsychologist in coordination with the physician managing the student's recovery.

Final return to play in the North Andover Public Schools requires the approval of the Athletic Director and/or certified athletic trainer.

Section VI. School Nurse Responsibilities:

1. Participate and complete the CDC training course on concussions.
2. Complete symptom assessment when a student athlete enters Health Office (HO) with questionable concussion during school hours.
3. Allow students who are in recovery to rest in HO when needed.
4. School nurses will notify guidance counselors of any students or student athletes who have academic restrictions or modifications related to their concussion.
5. If injury occurs during the school day, inform the administrator and complete accident/incident form.
6. Enter physical exam dates and concussion dates into the student information system.

7. Review all pre-participation questionnaires, annual physical exams and all Report of Head Injury reports.
8. Maintain all questionnaires, physical exams, Report of Head Injury forms and any other pertinent medical information in the student health record.

VII. School Responsibilities:

1. Review and, if necessary, recommend revisions to the concussion policy to the School Committee.
2. Once the school is informed of the student's concussion, a contact or "point person" should be identified (e.g. the guidance counselor, athletic director, school nurse, school psychologist or teacher).
3. Point person to work with the student on organizing work assignments, making up work and giving extra time for assignments and tests/quizzes.
4. Educate staff on the signs and symptoms of concussions and the educational impact concussions may have on students.
5. Include concussion information in student handbooks.
6. Develop a plan to communicate and provide language-appropriate educational materials to parents with limited English proficiency.

Section VIII. Athletic Director Responsibilities:

1. Provide parents, athletes, coaches, and volunteers with educational training and concussion materials yearly.
2. Ensure that all educational training programs are completed and recorded.
3. Ensure that all students meet the physical exam requirements consistent with 105 CMR 200.000 prior to participation in any extracurricular athletic activity
4. Ensure that all students participating in extracurricular athletic activity have completed and submitted their pre-participation forms, which include health history form, concussion history form, and MIAA form.
5. Ensure that athletes are prohibited from engaging in any unreasonably dangerous athletic technique that endangers the health or safety of an athlete, including using a helmet or any other sports equipment as a weapon.
6. Ensure that all head injury forms are completed by parent/guardian(s) or coaches and reviewed by the school nurse.
7. Inform parent/guardian(s) that, if all necessary forms are not completed, their child will not participate in athletic extracurricular activities.
8. Maintain records of annual trainings, completions, and/or attendance rosters for a minimum of three years.

9. Ensure that the medically cleared list is provided to all coaches, assistants, and volunteers and that no student participates without this clearance.
10. Report annual statistics to the Department of Public Health.

Section IX. Athletic Trainer Responsibilities:

1. Review in collaboration with the school nurse the Pre-participation Questionnaire and Report of Head Injury Report forms.
2. Identify students with head injury or concussion that occur in practice or competition and remove them from play.
3. Monitor the symptoms of students with head injuries and maintain written documentation of such monitoring.
4. Implement the individual Concussion Return-to-Play Protocol after diagnosis.
5. Collaborate with coaches to ensure that the Concussion Return-to-Play protocol is being followed.
6. Determine return to play eligibility.
7. Require, after consultation with the school physician, further medical clearance from the student's physician who is managing their recovery. This additional medical clearance may be required for students who may have repeated concussions or severe concussion and who in the opinion of the athletic trainer may be at greater risk of suffering from concussions and potential long term effects from these multiple concussions.
8. Maintain all Concussion Return-to-Play protocols for students with head injury or concussion in a secure location.

Section X. Parent/Guardian Responsibilities:

1. Complete and return concussion history form to the athletic department.
2. Inform school if a student sustains a concussion outside of school hours. Complete new concussion history form following new injury.
3. If a student suffers a concussion outside of school, complete head injury form and return it to the school nurse.
4. Complete a DPH approved training course on concussions.

Section XI. Student and Student Athlete Responsibilities:

1. Return required concussion history form prior to participation in athletics.
2. Participate in all concussion training and education prior to participation in athletics.
3. Report all symptoms to the athletic trainer and/ or school nurse.
4. Follow a recovery plan.

Section XII. Coach & Band Instructor Responsibilities:

1. Participate in a Concussion Education Course offered by the National Federation of State High School Associations (NFHS) on a yearly basis. Complete certificate of completion and return to the athletic department.

2. Ensure all student athletes have returned concussion history and health history form prior to participation in athletics.
3. Complete the Report of Head Injury form upon identification of a student with a head injury or suspected concussion that occurs during practice or competition. Promptly notify athletic director, athletic trainer and school nurse.
4. Promptly notify the parent of any student removed from practice or competition and provide written notification to the parent by the end of the next business day.
5. Remove from play any student athlete who exhibits signs and symptoms of a concussion.
6. Do not allow student athletes to return to play until cleared by a physician and athletic trainer.
7. Follow Gradual Return to Play Guidelines.
8. Refer any student athlete with returned signs and symptoms back to the athletic trainer.
9. Any coach, band instructor, or volunteer coach for extracurricular activities shall not encourage or permit a student participating in the activity to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student athlete, including using a musical instrument, helmet or any other sports equipment as a weapon.
10. Teach techniques aimed at minimizing sports related head injuries.

Section XIII. Concussion Education:

Most student athletes who sustain a concussion can fully recover as long as their brain has time to heal before sustaining another hit; however, relying only on an athlete's self-report of symptoms to determine injury recovery is inadequate as many high school athletes are not aware of the signs and symptoms or the severity concussive injuries pose, or they may feel pressure from coaches, parents, and/or teammates to return to play as quickly as possible. One or more of these factors will likely result in under-diagnosing the injury and a premature return to play. Massachusetts General Laws and Department of Public Health regulations make it imperative to accurately assess and treat student athletes when concussions are suspected.

Student athletes who receive concussions may appear to be "fine" on the outside, when in actuality they have a brain injury and are not able to return to play. Incurring a second concussion can prove to be devastating to a student athlete. Research has shown that young concussed athletes who return to play before their brain has healed are highly vulnerable to more prolonged post-concussion syndrome or, in rare cases, a catastrophic neurological injury known as Second Impact Syndrome.

It is extremely important to educate coaches, athletes and the community about concussions. On a yearly basis, all coaches must complete the online course called "Concussion In Sports: What You Need to Know". This course is offered by the National Federation of State High School Associations (NFHS). Student athletes also need to understand the importance of reporting a concussion to their coaches, parents, athletic trainer and other school personnel. Every year student athletes and parents will participate in educational training on concussions and complete a certificate of completion. This training may include:

- CDC Heads-Up Video Training, or

- Training provided by the school district

The school district may also offer seminars, speakers, and discussion panels on the topic of concussions. Seminars offer an opportunity for the certified athletic trainer, athletic director and nurse leader to speak about concussions on the field at practices and games and to discuss the protocol and policy that the district has enacted. Providing education within the community will offer the residents and parents of athletes an opportunity to ask questions and voice their concerns on the topic of brain injury and concussions. When it comes to concussions, everyone needs to be aware of the potential dangers and remember that a concussion is a brain injury. Whenever anyone has a doubt about a student athlete with a concussion, **SIT THEM OUT and have them see the appropriate healthcare professional!**

F. North Andover Public Schools Annual Asbestos Notification

A copy of our district's Asbestos Management Plan is available in each school and at the main administrative office during regular school hours. The district continues to manage the Asbestos Management Plan in accordance with AHERA protocol. Any inquiries regarding the management of asbestos containing materials in our schools should be directed to our district's AHERA Designated Person, Stephen E. Foster, Facilities Management Director who can be reached at (978) 685-0950 (x-41306) or by e-mail at sfoster@northandoverma.gov.

G. Student Submission To Educational Surveys And Research

In this policy, "surveys, analyses, or evaluations" refer to methods of gathering data for research purposes.

Without the prior written consent of the student's parent/guardian, or of the student if he/she is at least 18 years of age, no student shall be required as part of any program wholly or partially funded by the U.S. Department of Education to submit to any survey, analysis, or evaluation that reveals information concerning:

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

All instructional materials, including teachers' manuals, films, tapes, or other supplementary

material which will be used in connection with any such survey, analysis, or evaluation shall be available upon request for inspection by the student's parent/guardian. For the purpose of this policy, "instructional material" does not include academic tests or assessments.

A parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student.

The Superintendent or designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents with access to surveys within a reasonable time before administration or distribution.

The School District will notify parents of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Where practical, the District will also directly notify parents annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

Parents or eligible students who believe their rights have been violated may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

H. Teen Dating Abuse Prevention

North Andover Public School Committee Policy prohibits abuse, violence, hazing, harassment of any kind. This policy is adopted to specifically address teen dating abuse or violence.

Teen dating abuse or violence is defined as the use of abusive behaviors by a person to harm, threaten, intimidate, or control a current or former dating partner. Dating abuse can include, but is not limited to, physical, emotional, and sexual abuse, sexual violence, and stalking. It can also include using the Internet, social networking sites, phones, or text messaging to harass, pressure, or victimize.

Prohibition Against Teen Dating Violence, Sexual Assault, and Stalking

The North Andover Public Schools will not tolerate dating abuse or violence of any kind, and will take the steps necessary to prevent teen dating abuse, intervene when relationship violence occurs, and help promote healthy relationships among students.

Technological abuse is prohibited through the use of technology or an electronic device owned, leased, or used by the district or a school, and through private electronic means if the abuse creates a hostile environment at school for the targeted student, infringes on the rights of the targeted student at school, or materially and substantially disrupts the education process or the orderly operation of a school.

Responsibility of School Staff

It is the responsibility of the School District staff to provide a safe environment free of harassment of any kind. School District staff should report alleged violations of this policy in accordance with the guidelines and procedures of the District's Title IX and sexual harassment complaint procedures as outlined in the Committee's policy ACAB-R.

Responsibility of Students

Each student in the North Andover Public Schools is responsible for:

- Ensuring that his/her behavior, language, or conduct complies with the school district's policy about teen dating abuse.
- Cooperating in the investigation of alleged teen dating abuse by providing any necessary information.
- Actively participating in the district's efforts to prevent teen dating abuse in our schools.

Prevention: Training and Education

The annual back-to-school mandatory training for all staff will include the district's policy on Teen Dating Abuse Prevention. Training will highlight staff responsibility to provide a safe environment free of harassment as well as their responsibility to report any alleged violations of the policy. The guidelines and procedures for reporting alleged violations are outlined in the Committee's Policy ACAB-R, Sexual Harassment Administrative Guidelines and Procedures, also included in the annual mandatory training for staff.

The district will provide age-appropriate health education to students, which will include education on healthy relationships, peer relationships, social awareness and self management.