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SECTION J
STUDENTS
1. Admissions
a. School Admissions (Voted 6/19/78, #78-309, 10, 11; 6/4/79, #79-191; 10/6/81, #81-462; 6/21/83, #83-260; 6/6/85 #85-226; 4/27/89, #89-197; 6/16/05, #05-81; 6/6/13, #13-46, 1/30/14, #14-8; 6/5/14, #14-46; 12/3/15, #15-81; 11/10/21, #21-96)
Pursuant to MGL Chapter 76, sec. 5, the School Committee recognizes the right of all otherwise eligible persons actually residing in the Town of Brookline to be able to attend the Public Schools of Brookline ("PSB"), subject to the following policy and any relevant federal, state or local laws.

I. Residency

In order to attend the PSB, a student must actually reside in the Town of Brookline, unless one of the exceptions (set forth in Part VI, below) applies.

"Residence" is the primary place where a person dwells permanently, not temporarily, and with the intent to remain, and is the place that is the center of his or her domestic, social, and civic life. Minors are generally presumed to reside with their parents or guardians. Temporary residence in the Town of Brookline, solely for the purpose of attending the PSB, shall not be considered residency. Unless as otherwise stated in Section VI, below, a student shall not be allowed to attend the PSB unless the student is actually residing in the Town of Brookline. It is presumed that if a student is residing here for four weeks or less during the school year, the student does not meet resident eligibility requirements.

In determining and reconfirming residency, the PSB reserves its right to request a variety of documentation and to investigate where a student or applicant for enrollment actually resides on an ongoing basis. Also, the PSB may act upon anonymous tips it receives to conduct a residency verification investigation.

Unless one or more of the exceptions set forth in Section VI applies, a determination that a student does not actually reside in the Town of Brookline renders the student ineligible to enroll in the Public Schools of Brookline or, if the student is already enrolled in the Public Schools of Brookline, shall result in the immediate termination of such enrollment. A parent, legal guardian, or student who has reached the age of majority (18), who is aggrieved by an adverse determination of residency has the right to an appeal hearing with the Superintendent of Schools or designee, whose decision shall be final.

II. Verification of Residency
a. Initial Enrollment. Upon initial enrollment in the PSB, the enrolling student's parent or legal guardian must provide the district with a signed Affidavit of Residency, along with satisfactory proof of residency in the Town of Brookline. Upon initial enrollment, proof of residency shall include three or more records as designated by the Office of Registration and Enrollment at time of enrollment.

b. Continued Enrollment. A student's parent or guardian shall verify the home address and home telephone number of each student and provide an updated signed Affidavit of Residency at least once during each school year. Any irregularities identified by the Head of School and Principals, or their designee, shall be reported promptly to the Office of Registration and Enrollment. Parents are required to notify the school of any changes to their residential address or the address of the student within five calendar days of the change. All enrolled PSB students' parents or legal guardians shall provide an updated proof of residency upon request to demonstrate continued enrollment eligibility. Updated documented proof shall be required of all students, multiple times throughout their academic career enrolled in PSB.

III. Enforcement

Should a question arise concerning any student's residency in the Town of Brookline while attending the PSB, 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 Public Schools of Brookline because of an invalid or unknown address, or other grounds.

The Office of Registration and Enrollment may request additional documentation, may use the assistance of the Public Schools of Brookline 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 Office of Registration and Enrollment, who shall make an initial determination of residency.

Upon an initial determination by the Office of Registration and Enrollment that a student is not actually residing in the Town of Brookline, the student's enrollment in the Public Schools of Brookline shall be terminated.

IV. Appeals

The student's parent or legal guardian may appeal a determination as outlined above. If the student has reached the age of majority (18) he or she may appeal the decision. The student may remain in school pending such appeal.

V. Penalties

In addition to termination of enrollment and the imposition of other penalties permitted by law, the Public Schools of Brookline reserves the right to recover restitution based upon the costs of educational services provided during the period of non-residency.

VI. Exceptions

1. The Residency Requirements Shall Not Apply to the Following:

a. Students enrolled in the Brookline METCO Program;

b. Students enrolled in the High School under special programs approved by the School Committee, such as educational exchange programs;

c. Tuition paying students, as permitted by law, unless tuition is waived under Section V(2) below;

d. Children of non-resident employees of the Town of Brookline, who meet the conditions established from time to time by the School Committee in the policy pertaining to such students;

e. Students who are entitled to attend the Public Schools of Brookline under the McKinney-Vento Homeless Assistance Act.

f. Students already enrolled in the Public Schools of Brookline who move out on or after April 1st of a given school year, or in the case of 8th graders and Brookline High School seniors who move out on or after Oct 1st of a given school year, may complete that year on a tuition basis, unless tuition is waived.

2. Extraordinary Circumstances: Residency Requirement Waivers and Tuition Waivers
At the discretion of the Superintendent or his/her designee, residency requirements and/or tuition may be waived as follows:

a. Students in their senior class at Brookline High School who move from Brookline on or after October 1 of their senior year, and who resided in Brookline during the entire previous school year.
b. Students who move to or from Brookline temporarily because of the severe or chronic illness of the student or immediate family member; the death of an immediate family member; disaster to the residence; or other circumstances having a significant impact upon the student.

3. Dwelling Units that are Intersected by the Town Line: (Voted 1/30/14, #14-8)
For the purposes of determining eligibility to attend the Public Schools of Brookline (PSB) on the basis of residency, a PSB-eligible residence shall be any dwelling unit, as distinguished from a plot of land or a multi-unit building, on which a minimum of 25% of the dwelling unit is assessed by the Town of Brookline, based on gross building area provided that some/any portion of that 25% is finished living area, as defined by the Brookline Town Assessor.

If a dwelling unit is intersected to whatever degree by the Town Boundary line and assessed on less than 25% of the dwelling unit, based on gross building area and finished living area as described above, that dwelling does not constitute a residence in the PSB district, and students who reside in that dwelling unit shall not be eligible for enrollment in the Public Schools of

Brookline.

Determination of gross building area and finished living area shall be that provided by the Brookline Town Assessor. In the case of properties under construction and/or not yet assessed, the PSB Administration may rely on estimates from other relevant Town departments.

a. Exceptions. Students and/or dwelling units shall be grandfathered as PSB-eligible if eligible under either of the following exceptions.

i. Dwelling Units in Intersected Multi-family Buildings Prior to the Adoption of this Policy:
In the case of an occupied dwelling unit located in a multi-family building intersected by the Town Boundary Line and previously allowed under this policy to be PSB-eligible, children of families residing in that dwelling unit as of the date of adoption of this policy may enroll and/or remain in the PSB until such time as they no longer reside in that dwelling unit.

ii. Intersected Single Family Dwelling Units Purchased as PSB-eligible Prior to the Adoption of this Policy
In the case of single-family dwelling units intersected to whatever degree by the Town Boundary Line and purchased as PSB-eligible prior to the adoption of this policy, any children of families who reside now or in the future in those dwelling units will be eligible for the Public Schools of Brookline on the basis of residency, with the following caveat.

Should a dwelling unit that would otherwise be exempt under this Section (a) (ii) be altered to increase the number of dwelling units contained in or attached to the physical space containing a dwelling unit (such as through the conversion of a single-family dwelling into an attached two-family, or into multiple condominium dwelling units), the exemption under this section shall no longer apply to the dwelling unit.
In addition, any additional dwelling unit(s) added onto an exempt dwelling unit or added onto the property at the same address (for example, such as through the addition of town houses onto a single-family home, or the conversion of a carriage house into a dwelling unit) shall not be exempt under this Section(a)(ii).

b. Proof of Residency for Intersected Multi-Family Dwellings
Parents/guardians residing in a multi-family building intersected to whatever degree by the Town line and seeking to enroll a child in the Public Schools of Brookline shall be required to provide proof of residency, in accordance with Section J1a.II above, that identifies the particular dwelling unit in which they reside.

c. Right of Appeal

If a determination of PSB eligibility under this policy is contested, appeal for review may be made to the Office of the Superintendent of Schools, whose decision regarding enrollment of the student(s) in question shall be final. Enrollment of an individual student under this appeal provision shall be specific to the student and shall not be construed as establishing PSB residency eligibility for the dwelling in question.

d. Notice of Policy Concerning Intersected Properties
The PSB shall maintain and make publicly available a current list of intersected properties that are considered eligible for PSB enrollment.

VII. Notification

The PSB's residency requirements, verification procedures, and consequences of falsifying or misrepresenting residency will be published in the Brookline School Committee Policy Manual, posted on the Public Schools of Brookline website, and published in each school handbook.

b. Admission of METCO Students

The Superintendent of Schools is authorized to admit new students from the METCO (Metropolitan Council for Educational Opportunity) program from Pre-K through Grade 4, subject to the School Committee's guidelines for class size and subject to the availability of funds for the METCO program from the Massachusetts Department of Education. Students who have participated in the METCO program in Grades Pre-K-Grade 4 in other METCO communities may be admitted to the Brookline program, subject to the approval of the Superintendent of Schools. The guideline for Brookline's total METCO enrollment shall be 300; however, this ceiling shall be kept flexible.

(Revised from Admissions Policy, Section J, voted 6/19/78, #78-309, 10, 11, and amended 6/4/79, #79-191; 10/6/81, #81-462; 6/21/83, #83-260; 6/6/85 #85-226; and 4/27/89, # 89-197)
Adopted by the Brookline School Committee: 6/2/05, #05-75

c. Admission of Children of Non-Resident Employees of the Town of Brookline

All new non-resident students will be admitted, with the permission of the Superintendent of Schools, on a space available basis and will be charged full tuition as has been established by the School Committee, except under the following circumstances when part or all of the tuition may be waived:

a. Students enrolled in the METCO program.
b. Children of employees of the Town of Brookline who live in the Boston part of Larz Anderson.
c. Students enrolled in the High School under special programs approved by the School Committee.
d. Students for whom other communities pay their tuition.
e. Foreign students enrolled in School Committee approved programs such as the American Field Service exchange student program.
f. Children of non-resident employees (including teachers) of the Town, with the following conditions and qualifications

1.) Payment of $300 processing fee.
2.) First priority to tuition paying students in instances of limited space.

3.) Second priority shall be given to non-resident teachers in cases of limited space.
4.) All staffing shall be done on the basis of tuition paying or resident students.
5.) At Brookline High School, the decision as to whether space is available or not is at the discretion of the Superintendent of Schools, rather than on a class-by-class basis.
6.) The cost of special education services connected to Chapter 766 and any other Massachusetts or federal statute will have to be borne by the employee's town or city of residence, or by the individual.
7.) Children will be allowed to attend those schools where space is available. However, the Superintendent of Schools reserves the right to make the necessary changes in any school or individual grade.

(From Admissions Policy, Section J, voted 6/19/78, #78-309, 10, 11, and amended 6/4/79, #79-191; 10/6/81, #81-462; 6/21/83, #83-260; 6/6/85 #85-226; and 4/27/89, # 89-197)

Admissions Guidelines for Non-Resident Students (including METCO)

(Voted 6/4/73, #73-176; 9/8/75, #75-331; 6/20/77, #77-336; 2/24/87, #87-75)

I. Non-Resident, Full-Tuition Paying Students

a. Students are admitted to the Public Schools of Brookline on a space available basis, in accordance with state law.

b. An initial letter will be sent in response to all inquiries regarding the non-resident, tuition payment program. The letter will be accompanied by an Application Packet.

c. Completed applications must be returned no later than April 1st and accompanied by a non-refundable $50 application fee.

d. Applicants will be notified of their admission status no later than May 15. Those accepted will receive an Admissions Contract.

e. To reserve a seat for the following school year, the applicant must return the Admissions Contract no later than May 31, with a $500 deposit. This deposit will be applied toward the second tuition payment due in January. The deposit is forfeited in the event that the student fails to enroll.

II. Non-Resident Teacher's Children

a. Students are admitted on a space available basis after full tuition-paying students have been admitted.

b. An initial letter will be sent to teachers who have made inquiries regarding the non-resident, reduced-tuition program. This letter, modified regarding dates, fees, and deposit, will be accompanied by an Application Packet, modified to omit the $50 fee.

c. Completed application forms must be returned no later than April 1.

d. Applicants will be notified of their admission status no later than June 1. Those accepted will receive an Admissions Contract.

e. To reserve a seat for the following year, the applicant must return the Admissions Contract no later than June 15, with a $50 deposit. This deposit will be applied toward the second tuition payment due in January. The deposit is forfeited in the event that the student fails to enroll.

III. Non-Resident School and Town Employee's Children

a. Students are admitted on a space available basis after applicants in Categories 1 and 2 above have been processed.

b. An initial letter will be sent to all employees who have made inquiries regarding the reduced-tuition program. This letter will be accompanied by an Application Packet, modified to omit reference to the $40 fee.

c. Completed applications must be received no later than Apri1 1st.

d. Applicants will be notified of their admission status no later than June 20. Acceptance letters will be accompanied by an Admissions Contract.

e. The Contract must be returned no later than June 30th accompanied by a $50 deposit. This deposit will be applied toward the second tuition payment due in January. The deposit is forfeited in the event that the student fails to enroll in September.

FEE/RATE FOR NON-RESIDENT STUDENTS

Materials Fee (Town and School Employee Children)

Fiscal Year	Materials Fee	% Discount Per Additional Child	$ Discount Per Additional Child	Materials Fee Per Additional Child
FY12	$2,347	0.00%	$0	$2,347
FY13	$2,417	2.50%	$60	$2,357
FY14	$2,490	5.00%	$125	$2,366
FY15	$2,565	7.50%	$192	$2,373
FY16	$2,642	10.00%	$264	$2,378
FY17	$2,721	10.00%	$272	$2,449
FY18	$2,803	10.00%	$280	$2,523
FY19	$2,888	10.00%	$288	$2,600
FY20	$2,975	10.00%	$297	$2,677
FY21	$3,064	10.00%	$306	$2,758

Tuition Rate (International Non-Resident Students)

FY20	$21,230 (Plus Lunch; Breakfast; Other Student Fees, Fines, and Charges)
FY21	$21,846 (Plus Lunch; Breakfast; Other Student Fees, Fines, and Charges)

RATES/FEES FOR INTERNATIONAL STUDENTS

International Student Processing Fee: (Voted 6/5/90, #90-197; 6/16/92, 92-234)

$300, plus non-resident tuition. A $500 deposit, to be credited to the tuition total, will also be required. Grandfathering will not be allowed. The following conditions also apply:

1. Students will be admitted annually on a space available basis.
2. The School Department reserves the right to deny or terminate any contract if the needs of the student exceed those typically experienced by Brookline students.
3. The student must be under 18 years of age.
4. An adult resident of Brookline with whom the student is to reside must publicly agree to accept responsibility for the supervision of the students.
5. The School Department reserves the right to terminate the contract at any time the terms are not met. Such terms should include the availability of appropriate adult supervision, meeting financial obligations in a timely manner, the absence of engagement in illegal activities, or not making adequate academic progress in the Brookline Schools.
6. Procedurally, when a request for an I-20 is received, basic information about the potential student should be solicited from the applicant. A tentative determination of available space should be made. If space appears to be available, a contract stating the initial cost of school attendance will be prepared. The contract should include information regarding its length and the terms under which it will stay in force. It should also include information about the adult responsible for providing supervision in Brookline. The I-20 should not be completed until the signed contract has been returned. Student registration forms should be modified to request information regarding the country of citizenship of each student to be registered in a Brookline school. If the student is not a citizen of the U.S. , the nature of the visa under which the student was admitted should be solicited. This information should be collected to ensure that students who have entered the country on I-20's approved by other school systems do not seek admission in Brookline on a tuition free basis.

J 1 d. Homeless Students: Enrollment Rights and Services
(Voted 7/27/20, #20-93)

I. Preamble

A. As required by law, the Public Schools of Brookline (PSB) will work with homeless children as well as their families or legal guardian(s) to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of current PSB students and homeless students in Brookline not attending school.

II. Definitions

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

1. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for people;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or other similar settings;
7. Living in temporary housing provided by the Massachusetts Department of Transitional Assistance or other government agencies or charity organizations;
8. Migratory children who qualify as homeless because they are living in conditions described in the previous examples.

III. Services

A. Homeless students attending the PSB will be provided district services for which other PSB students are generally eligible, including pre-school programs, Title I, special education, and bilingual education. Homeless students attending the PSB will be eligible for vocational and technical education, gifted and talented programs, wraparound service programs, school nutrition programs, summer programs, after school programs, athletics programs, music, visual arts and performing arts programs, and other extracurricular activities.

B. The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. The PSB homeless education liaison shall coordinate with local social service agencies that provide services to homeless children and youths and their families, other school districts on issues of transportation and records transfers, and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students. The liaison shall ensure district staff receive professional development and other support on issues involving homeless students.

IV. Enrollment

A. All homeless students temporarily housed in Brookline shall be entitled to attend the PSB. Notwithstanding the foregoing, it is presumed to be in the best interest of homeless students to remain in their schools of origin, i.e., the school that the student was attending at the time homelessness commenced, or the last school the student attended prior to becoming homeless, except when doing so is contrary to the request of the student's parent or guardian. When determining a student's best interest, the district must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths. At its discretion, the district may periodically review the student's best interest.

B. Homeless students temporarily housed in Brookline but whose school of origin is outside of the PSB may continue to attend their school of origin for as long as they remain temporarily housed in Brookline. Upon leaving Brookline, these students shall coordinate enrollment options with the new district in which they are temporarily housed.

C. Homeless students temporarily housed outside of Brookline but whose school of origin at the time they become homeless is within the PSB may continue in the PSB for as long as they remain homeless.

D. Homeless students enrolled in the PSB who move outside of Brookline or cease to be homeless outside of Brookline may remain in the PSB until the end of their school's current academic reporting period, except that: (i) Homeless students in the final grade level at a school in the PSB may remain within the PSB until the end of the school year.

E. For homeless students who completed or complete the final grade level served by the school of origin, and remain homeless in Brookline or were enrolled in the PSB at the time they became homeless, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.

F. Homeless students are entitled to transportation comparable to that provided for all other students attending school in the district. The PSB shall help coordinate transportation for eligible students who are sheltered or temporarily residing within Brookline to the students' school of origin, in accordance with state and federal law. For homeless students residing outside of Brookline for whom the school of origin is within Brookline, the PSB shall similarly coordinate with the district in which the student is sheltered or temporarily residing to provide the transportation services necessary, in accordance with state and federal law.

V. Students Enrolling in District Where Sheltered or Temporarily Residing

A. Parent(s) or legal guardian(s) may elect to enroll homeless students in the school district in which the student is sheltered or temporarily residing, rather than having the student remain in the school of origin.

B. Homeless students are encouraged to provide written proof of their shelter or temporary residence. If they are unable to do so the homeless education liaison will work with the family seeking enrollment to determine homelessness.

VI. Records

A. Information about the homeless student's living arrangements shall be considered a student education record, and not directory information. Records containing information about the homeless student's living arrangement may not be disclosed without the consent of the parent or legal guardian, absent a state or federal student-privacy related exemption.

B. If the student cannot provide immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible.

VII. Contact Information

A. Emergency contact information is required at the time of enrollment consistent with PSB policies, including compliance with the state's address confidentiality program where necessary.

B. After enrollment, the PSB will immediately request available records from any school(s) attended by the homeless student within the last two calendar years.

VIII. Dispute Resolution

A. If the PSB disagrees with a parent or legal guardian's determination of a homeless student's best interests for school district placement, the PSB will explain to the parent(s) or legal guardian(s), in writing and in a language the parent can understand, the rationale for its determination and provide the parent(s) or legal guardian(s) with written notice of their rights to appeal the PSB's determination to the Massachusetts Department of Elementary and Secondary Education (DESE).

B. During the pendency of an appeal to DESE, the student may remain enrolled at whichever school the student attended during the filing of the appeal. Pending appeal, the student may receive transportation to that school, consistent with state and federal law.

J 1 e. Educational Opportunities for Children in Foster Care (Voted 7/27/20, #20-94)

I. Preamble

A. The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the Public Schools of Brookline (PSB) are committed to supporting all efforts to ensure that students in foster care have access to high-quality, stable educational experiences from pre-school through high school graduation.

II. School Placement

A. Whenever a student changes placement (i.e., enters foster care or moves to another foster placement), a Best Interest Determination (BID) must occur. Irrespective of the location of a foster care placement, students in foster care shall continue to attend their school of origin or school of last enrollment, unless after a collaborative Best Interest Determination (as hereinafter defined), it is stated, in writing, to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care.

B. The superintendent shall designate a point of contact (POC) for students in foster care. The responsibilities of the POC include participating in the process for making best interest determinations, ensuring school enrollment and attendance of students in foster care, providing timely transfer of records, developing and implementing procedures for providing and coordinating cost-effective transportation, as needed; and facilitating professional development for district staff to promote educational stability for students in foster care. The PSB and the POC will collaborate with the Department of Children and Families (DCF) to ensure that students are enrolled in and regularly attending school, enjoy full and equal opportunities to succeed in school and meet the same state academic standards as other students, as well as receive other services for which they are eligible.

III. Best Interest Determination

A. Decisions about whether a student in foster care should continue to attend the school of origin (a "Best Interest Determination") should be made promptly and collaboratively by DCF, the school and district of origin, the district in which the student resides in foster care, the education guardian ad litem (GAL) surrogate if one has been appointed, the court appointed special advocate (CASA) if one has been appointed, and as situationally appropriate, the student, the student's family, and the foster family. The PSB shall make an effort to also include appropriate individuals with specific knowledge of the student's needs, such as doctors, therapists, mentors, tutors, extracurricular program instructors, and other service providers.

B. Best Interest Determinations should focus on the needs of each individual student. Factors to be considered should include: (1) the student's age and grade level, (2) the student's preference (when age appropriate), (3) the time in the academic year, (4) academic performance, (5)

current educational goals and services, (6) the Individualized Education Plan (IEP), if applicable, (7) individual skills, needs, and social connections, (8) ability to maintain family relationships and engagement, (9) clinical and behavioral considerations, (10) safety issues, (11) distance to school, (12) length of the school day, (13) number of school changes and foster placements to date, (14) anticipated length of time in placement, and (15) DCF's goal for the child (e.g. reunification, third party custody, guardianship, adoption, etc.). Additionally, the parties involved in the decision may wish to determine a time to revisit the question of whether it is in the student's best interest to remain in the school of origin or enroll locally.

C. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, then DCF, as legal custodian, will finalize the Best Interest Determination if the relevant parties cannot agree on the best school for the student to attend.

D. All Best Interest Determinations shall be made in writing. The PSB shall ensure that copies of the Best Interest Determination will be provided to the POC of the school of origin or district in which the student resides (as applicable), the Department of Children and Families (DCF), and the student (if 18 or older) within three business days of completion. Upon written request, the PSB shall also provide copies of the Best Interest Determination to the student's attorney, the education GAL surrogate, and the CASA within three business days.

(i) Attorneys representing students must provide a certified copy of the applicable court docket confirming their appointment to represent the child, an active Massachusetts Attorney Bar card, and an active state or national photo identification card prior to receipt of any communications regarding the student.

(ii) Education GAL surrogates and CASAs must provide a certified copy of their court appointment, active professional licensure, and active state or national photo identification card prior to receipt of any communications regarding the student.

E. The PSB can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by the Department of Elementary and Secondary Education (DESE) and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate in accordance with state and federal law, the PSB will ensure that a child remains at the school of last attendance while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

IV. Transportation

A. Foster care students are entitled to transportation comparable to that provided for all other students attending school in the district. The PSB shall collaborate with DCF and the relevant outside district on how transportation will be arranged and provided to ensure that students in foster care who are eligible for transportation to remain in their school of origin or school of last enrollment will receive such transportation while they are in foster care, in accordance with state and federal law. Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, and seeking help from foster parent(s), etc.

V. Enrollment

A. If it is in the best interests of a student in foster care as determined by the BID to attend school locally (where placed in foster care), the district must enroll the student immediately. During enrollment of students in foster care, DCF representatives will present the district with current Notice to the Local Educational Agency and the Mittimus indicating that the student is in foster care, along with a state-agency identification badge.

B. If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

C. PSB students in foster care will be provided district services for which other PSB students are generally eligible, including pre-school programs, Title I, special education, and bilingual education. Foster care students will be eligible for vocational and technical education, gifted and talented programs, wraparound service programs, school nutrition programs, summer programs, after school programs, athletics programs, music, visual arts and performing arts programs, and other extracurricular activities.

VI. Attendance

A. Foster care students may continue within the PSB for as long as they remain in foster care, provided that the Best Interest Determination(s) support(s) such continued enrollment

B. Foster care students who exit foster care outside of Brookline may remain within the PSB until the end of their school's current academic reporting period, except that:

(i) Foster care students who exit foster care in the final grade level at a school in the PSB may remain within the PSB for the duration of that school year, provided that the Best Interest Determination(s) support(s) such continued enrollment.

D. For foster care students who completed or complete the final grade level served by the school of origin, and remain at a foster care placement in Brookline or were enrolled in the PSB at the time they entered foster care, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.

J 1 f. Assignment of Students to Schools:
Voted 10/6/81, #81-461; 5/7/84, #84-171; 5/11/93, #93-148; 6/7/01, #01-65, #01-66, #01-67; 6/14/01, #01-77; 2/7/02, #02-14; 3/25/04, #04-23 and #04-25; 3/15/12, #12-18; 2/14/13, #13-13; 3/12/15, #15-16)

1. Open Enrollment
Open enrollment is defined as a condition whereby a resident of the Town whose child does not reside in a specific elementary school district, may request admission to a school in that district.

While students have a right to attend the elementary school in the school district where they reside, the Brookline School Committee endorses a policy of open enrollment, subject to certain provisions set forth below which are designed to support the class size policies of the Public Schools of Brookline, to ensure even utilization of individual building resources and staff throughout the system, and to protect the educational well-being of the students. If a transfer is approved to one child in a family, there can be no guarantee that a sibling will be granted similar approval. Children of a resident who moves from one school district to another within the Town may be granted permission to remain in the former school district upon request to the Superintendent of Schools or his designee. The transportation of students to out-of-district schools shall be the responsibility of the student's family.

2. Out of District Transfer Requests
With respect to out-of-district transfer requests, the following will be considered:

1. The class size in the school district of the applicant, and that in the school being requested;
2. The overall crowding conditions and staff/pupil loads in the school district of the applicant and that in the school being requested;
3. The parents' reason for the request;
4. The educational well-being of the student, including the opinions of the Principals of both schools and other staff members.

The Superintendent of Schools, based on a recommendation from the Office of Student Affairs, shall have the sole responsibility of deciding out-of-district transfer requests and the assignment of new families residing in buffer zones (*see below*), in accordance with School Committee policy.

3. Buffer Zones
a. Establishment of Buffer Zones
In order to help mitigate overcrowding in a grade or school and/or help maintain balanced class sizes across our elementary schools, the School Committee may establish school attendance "buffer zones," i.e., addresses or groups of addresses on or near elementary school district boundaries from which new students may be assigned by the Superintendent or his/her designee to any of the immediate school districts.

While committed to neighborhood elementary schools, the School Committee believes buffer zones are a necessary component of any strategy to manage the impacts of enrollment growth because they provide the Superintendent greater flexibility to assign students to schools where space and resources afford the best possible education for those students.

b. Family Preference & Sibling Assignment

With respect to the assignment of new families residing in buffer zones:

1. The preference of the family will be considered in making the initial assignment.
2. Unless the family requests a different assignment, which will be considered according to the policy on out-of-district transfers, subsequent assignments of siblings in a given family will be made to the same school.

c. Periodic Review, Modification, Expansion, or Reassessment of Buffer Zone Need

In order to underscore the School Committee's objective of maintaining strong neighborhood schools and reducing the uncertainty felt by some families who move into buffer zones, the School Committee shall periodically review the PSB's need for buffer zones based on enrollments as well as the experience of the community with the buffer zones. Based on any such review, the School Committee may modify or expand buffer zones to include additional schools for potential student assignment provided, however, that such review does not guarantee repeal of any given buffer zone.

d. Public Access to Buffer Zone Information

A current map and full list and description of school attendance districts and buffer zones shall be available from the Town's GIS Department online through the Town's website, or in print form upon request.

4. Temporary Relocation of Students and/or Classrooms: (Voted 2/14/13, #13-13)

In response to extraordinary circumstances, including, but not limited to, space constraints from high enrollment or capital renovation/construction, the Superintendent of Schools may, at his or her discretion, in consultation with the School Committee, and in accordance with the goals outlined in the School Committee's policy J 1 e. Assignment of Students to Schools/Buffer Zones, temporarily relocate a classroom or classrooms of students in grades K-12 to spaces outside of the school to which they are assigned. Such temporary relocation may be sited in rental space or other buildings within the PSB or Town, including other elementary schools. Any such relocation shall be temporary, shall terminate when the need for such relocation ends, and shall not exceed 2 years without a vote of the School Committee on or before March 15th of the second year of implementation. Students relocated under this provision shall retain their original school assignment status for all other purposes including, but not limited to, matriculation and calculations of school enrollment.

SECTION J
STUDENTS
2. Placement
a. Kindergarten Entrance Age:
(Voted 5/11/93, #93-150; 5/18/93, #93-154; 3/1/94, #94-14; 3/14/96, #96-24; 2/7/02, #02-18; 3/21/02, #02-32; 4/25/02, #02-45; 11/15/10, #10-86)

In order for a child to be eligible to enter kindergarten, he/she must have reached the age of five (5) years on or before August 31 of the year in which he/she enters kindergarten. No exceptions shall be made.

J 2 b. Assignment of Students to Classes: (Voted 11/24/87, #87-576)
The grade level or class placement of students shall be determined by school department staff in accordance with the following guidelines established by the staff and approved by the School Committee:

J 2 b. 1. Class Placement/Grade Level: Transferees: (Voted 11/24/87, #87-576)

1. Decisions regarding the placement of students transferring into the Public Schools of Brookline from other systems shall be made by the Principal in the Elementary Schools after consultation with appropriate specialists and by the House Heads after consultation with the Guidance Counselors and Department Coordinators at the High School.

2. The following factors shall be considered:
   a. The child's age, ability, achievement, social development, and previous grade.
   b. Scores and evaluations on such tests as are utilized by the Public Schools of Brookline.
   c. Parental input.
   d. Input from the child's previous teacher, where possible.

3. Appeals
   a. Elementary school parents may appeal the decision of the Principal to the Assistant Superintendent for Curriculum and Instruction and to the Superintendent of Schools. The decision of the Superintendent shall be final.
   b. High School parents may appeal the decision of the House Head to the Head of School to the Assistant Superintendent for Curriculum and Instruction, and to the Superintendent. The decision of the Superintendent shall be final.

4. The Brookline Public Schools will not engage in or pay for additional testing or other diagnostic procedures as part of the placement process.

J 2 b. 2. Promotion and Retention of Students (Voted 11/24/87, #87-576; 2/12/09, #09-13)

1. Regular promotions of all pupils who have attained a satisfactory proficiency shall be made at the close of the school year with the approval of the elementary school Principal and the Head of School at the High School.

2. Student grade retention shall be determined as appropriate by the elementary school Principal or the High School Head of School.

   a. Factors to be considered in these actions shall include:

   1. The child's age, social development and previous grade and achievement levels.
   2. Scores and evaluations on such tests as are utilized by the Brookline Public Schools.
   3. The recommendations of the relevant Dean (BHS), the teacher(s), guidance counselor and social worker, as appropriate.
   4. Parental input.

   b. Pupils who for two consecutive years have been in the same class and who have been constant in attendance, who produce a certificate from their teacher that they have worked faithfully during that time may be promoted if deemed appropriate by the Superintendent of Schools.

3. Appeal of a decision of the elementary school Principal or High School Head of School may be made to the Deputy Superintendent for Teaching and Learning and to the Superintendent of Schools. The decision of the Superintendent shall be final.

J 2 b. 3. Grade Acceleration

(Voted 2/12/09, #09-13)

1. The Public Schools of Brookline recognizes that children develop cognitively, socially, emotionally, and physically at different rates. While the vast majority of children are well served by progressing through the preK-8 elementary system, there may be a few exceptional children who have mastered concepts and skills far beyond their grade level peers, have exhausted all available resources, and are in need of a different academic experience. In these situations, careful consideration must be taken to determine the best course of action for meeting the needs of these children.

Grade Acceleration, defined as students being placed in a grade ahead of their usual placement by age, may be one viable alternative. It should, however, be viewed as an exception in educational protocol, requiring careful consideration and support.

Grade Acceleration decisions will be based on a comprehensive evaluation of the child, using multiple measures including, but not limited to: ability tests, aptitude tests, achievement tests, measures of developmental areas and social skills, and samples of student work. In addition, students being considered for Grade Acceleration must demonstrate proficiency, or demonstrate the ability to become proficient independently, of the Brookline Learning

Expectations within the four core subjects of the grade(s) being skipped. Based on these outcomes and in collaboration with the parents and the school personnel involved (principal, classroom teacher, ECS resource teacher, guidance counselor, school psychologist, ECS program coordinator), the School Department will determine the best grade placement for the student.

J 2 b. 4. Student Grouping, Inclusion and Placement Practices: Originally approved: 1/9/97; 1/23/97, #97-4; Revised Policy Adopted by School Committee 3/11/10, #10-19.

The Public Schools of Brookline (PSB) is committed to identifying and eliminating barriers to educational achievement and to providing educational opportunities that ensure every student meets our standards for achievement and is challenged in meaningful ways. To this end, we consciously and explicitly hold all students to high expectations and engage in grouping, inclusion and placement practices that create the necessary classroom conditions for all students to achieve at high levels.

Consistent with Massachusetts General Laws and the Individuals with Disabilities Education Improvement Act (IDEA) with respect to student grouping, inclusion and placement practices, it is the policy of the Brookline School Committee that:

- All students are expected to meet high learning standards as defined by High School Course Syllabi and Expectations and pK-8 Learning Expectations in all grades, courses and levels. With thorough knowledge of their students' strengths and needs, and with resources and support available to them, classroom teachers will have primary responsibility for identifying, coordinating, and providing learning opportunities that promote high achievement for all their students.

- All classes and sections are open to all students, including elementary school enrichment programs, high school courses and, in the case of students with disabilities, general education classrooms. Parents, school personnel and students (where appropriate) shall collaborate in the decision-making process to determine the placement that is in the best interest of the student consistent with state and federal law. The goal is for the student to be in the most challenging and least restrictive class/section available.

- Elementary classroom teachers will use a variety of grouping strategies to challenge and engage students in meaningful ways. Groups created in an elementary classroom or grade shall be flexible and dynamic so that the composition of these groups can change over the course of a year.

- When determining class placement of students at any grade level in elementary school and in the creation of middle school class lists, consideration shall be given to various student learning needs. In order to create effective learning environments and maintain valued diversity within each classroom, efforts will be made to place students with some peers who share similar profiles so that teachers can more effectively address the strengths and needs of all students.

Furthermore, the Superintendent is charged with developing and implementing the following programs and procedures:

- The Superintendent or his/her designee will develop guidelines outlining the classroom practices and school procedures aligned with this policy.

- The Superintendent or his/her designee, in collaboration with school principals, will create and implement programs and practices to support and develop teachers' understanding of content, instruction and classroom conditions that meet the needs of diverse learners consistent with M.G.L. c. 71, s. 38Q and in accordance with M.G.L. c. 71, s. 38Q½.

- The Superintendent or his/her designee will provide additional or alternative opportunities for students who demonstrate mastery of the learning expectations in a particular subject area. Mastery will be determined by various and multiple PSB assessments and by school personnel. These opportunities are intended to provide students with curricular challenge in a setting appropriate to the student's social and emotional development, and will include the possibility of elementary student enrollment in BHS courses, as well as high school student participation at local colleges or universities.

- The Superintendent or his/her designee will develop programs and processes that enable all high school students who wish to progress into a higher-level class to attend courses, including, but not limited to, summer school classes that may be necessary for such progression.

- The Superintendent or his/her designee will develop programs and practices that encourage and enable teachers to provide instructional differentiation at all academic levels (including, but not limited to, enrichment and challenge support) so that all students are appropriately challenged academically and experiencing progress at the elementary level.

- The Superintendent or his/her designee will develop practices, aligned with the IDEA and M.G.L. c. 71B, s. 3, to ensure that students are educated in a general education setting (with appropriate support) to the maximum extent possible. Determination of educational setting will be made through the special education team process, informed by a child study team at each building.

SECTION J
STUDENTS
3. Attendance **(Voted 11/6/78, #78-447; 4/27/89, #89-196; 1/5/12, #12-2; 6/16/15, #15-41)**

Regular and consistent school attendance directly contributes to student success. The purpose of this policy is to provide minimum standards for student attendance in the Public Schools of Brookline, and to provide guidance to the elementary schools and the high school for the development of attendance related rules that are consistent with the requirements of G.L. c. 76, s. 1 and this Policy.

I. ATTENDANCE REQUIREMENTS

The School Committee is charged with enforcing school attendance. Under Massachusetts' law, regular attendance at school is required for all persons between the ages of 6 and 16, and parents/guardians are responsible for ensuring their children's attendance at school. G.L. c. 76, s. 1, 2.

All students enrolled in the PSB are required to attend school, including all scheduled classes, on each school day, and to arrive on time to school and to all scheduled classes. Students will be excused from attending school or class or from arriving late to school or class on a particular day only if one or more of the attendance exceptions set forth in Part III of this Policy applies. In all other cases, students who are absent from school or from class or who are consistently late to school or to class may be subject to disciplinary action, as may be provided in their school handbook, or as otherwise determined by the Superintendent or Superintendent's designee.

II. ATTENDANCE RULES AND PROCEDURES

All schools shall develop and maintain uniform school attendance rules and procedures that are consistent with this Policy. Such attendance rules and procedures shall include, at a minimum, the following:

1. A process for providing notice to students and their parents/guardians at the beginning of each school year of: (a) the PSB attendance requirements; (b) the range of consequences for a student's failure to attend or arrive on time to school or to scheduled classes at school; (c) the procedure parents/guardians shall use to report student absences or late arrivals to school or to scheduled classes at school; and (d) the requirement that parents/guardians provide updated contact information so that they may be reached during the school day;
2. A process for monitoring student attendance at school that is consistent with applicable law and the collective bargaining agreement between the School Committee and Brookline Educators' Union;
3. In the event that a student is absent from school and the parent/guardian has not informed the school of the absence, a process for notifying the student's parent/guardian as soon as reasonably possible but within no more than 3 days of the student's absence;
4. A process for notifying the parent/guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The Principal, or the Principal's

designee, shall make a reasonable effort to meet with the parent/guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. These action steps shall be developed jointly and agreed upon by the Principal, or Principal's designee, the student, and the student's parent/guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing, and non-profit agencies;

5. A process for responding promptly to an individual student's failure to arrive on time to school or to scheduled classes at school, which process shall include notification to the student's parent/guardian;
6. A process for reporting an individual student's pattern of tardiness or absences to the student's parent/guardian and to the school Principal or Head of School or their designees and implementing remedial or disciplinary action, as appropriate; and
7. A process for establishing the scope of a student's responsibility for making up missed work or scheduled tests.

III. EXCUSED AND UNEXCUSED ABSENCES:

A. Excused Absences: A student shall be deemed to have an excused absence from school or from class only under the following circumstances:

1. The student is experiencing personal illness;
2. The student has suffered personal trauma, such as the death of a family member;
3. The student is observing a religious holiday;
4. The student must attend a medical appointment that cannot be made outside of school hours. The student must provide proper documentation for such appointment. The School Committee discourages the making of appointments during the school day;
5. The student must participate in a legal proceeding requiring his/her personal appearance;
6. The student has been suspended from school;
7. The student is attending an approved school related trip, assembly, or meeting;
8. The student is attending a scheduled interview for formal opportunities outside of school which may include, but not be limited to employment, postsecondary education opportunity, or internship. The student must provide proper documentation for such interview;
9. Other, as deemed appropriate by the Principal or Head of School or their designees.

All such absences must be confirmed by an eligible parent/guardian.

B. Unexcused Absences: An unexcused absence is not covered by Section IIIA above. Examples of an unexcused absence may include, but may not be limited to:

1. Repetitive or chronic absence or tardiness due to illness or injury not documented by a doctor or other medical professional;
2. Non-emergency family situations; and
3. Family Vacations.

Refs: G.L. c. 76, s. 1 and 2; 603 CMR 27.00

3 a. Student Demonstrations and Strikes: (Voted 3/8/71, #71-99)
Note this section was moved from Section J7 (Student Discipline) per vote on 3/12/15.
Walkouts and demonstrations are **not** considered as planned absences and will be handled in conformity with normal policies for unauthorized classroom absence. Students must assume the responsibility for make-up work for all absences and the teachers are responsible for providing help for all excused absences. Parents and students should be aware that any absences affect academic standing.

The use of school facilities should not interfere with the normal school program. Meeting rooms may be made available to students and student-connected groups through normal procedures.

Staff Responsibility:
In the event of a walkout the staff has primary responsibility to cover students in class. A teacher wishing to accompany students out of the building in order to oversee their safety should ensure, with the approval of the department chairman or director, a supervised on-going classroom experience for those students wishing to remain in class. The chairman or director should notify the Head of School.

SECTION J
STUDENTS
4. Records, Rights & Responsibilities, and Involvement
a. Student Records: (Voted 3/19/91, #91-83)

I. Definitions

For the purposes of this policy, the Brookline School Committee ("Brookline") has used the following definitions of terms:

Student - any person who attends or has attended a school in the Public Schools of Brookline.

Eligible Student - a student or former student who has reached age 14 or entered the ninth grade, or is attending post-secondary classes.

Parent - either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education records - any record (in handwriting, print, tapes, film, or other medium) maintained by Brookline or its agent which is directly related to a student, except:

1. a personal record kept by a school staff member if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.

2. an employment record which is used only in relation to a student's employment by Brookline.

3. alumni records which contain information about a student after he or she is no longer in attendance, and the records do not relate to the person as a student.

II. Annual Notification

State and federal laws require that parents receive annual notification of their rights under student records acts (a copy of which shall be sent to Bureau of Student, Adult & Community Services).

Parents will be notified of their rights annually by publication in their child's student handbook; or

Parents will be notified of their rights annually by letter; or

Parents will be notified of their rights annually by publication in their child's school PTO Newsletter.

III. Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records upon request.

Parents or eligible students should submit to the student's school principal a written request which identifies the record or records he or she wishes to inspect.

The principal (or other appropriate school official) will make the needed arrangements for access which shall be no later than two consecutive weekdays after the request is made and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

IV. Fees For Copies Of Records

While Brookline may not charge for search and retrieval of the records, it may charge a reasonable fee for copying not to exceed the cost of reproduction, and postage if any.

V. Custodians Of Education Records

The school principal/head of school or his or her designee shall be responsible for the privacy and security of all student records maintained in the school. The Superintendent of Schools or his/her designee shall bear the same responsibility for those student records that are not under the supervision of a school principal or head of school.

VI. Disclosure Of Education Records

Brookline will disclose information from a student's education records only with the written consent of the parent or eligible student, except:

1. to school officials or authorized school personnel, defined as:
persons employed by the district as an administrator, supervisor, counselor, service provider, teacher or support staff member.
persons employed by or under contract to Brookline to perform a special task, such as an attorney, auditor, consultant, clerical staff or therapist, and includes attorneys from Town Counsel's office.
School officials or authorized school personnel have a legitimate educational interest if the official is:
    * performing a task that is specified in his or her position description or by a contract agreement.
    * performing a task related to a student's education.
    * performing a task related to the discipline of a student.
    * providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.

2. to officials of another school or district in which a student seeks to or intends to enroll. Brookline will make a reasonable attempt to notify the parent of the disclosure.

3. to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.

4. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

5. if required by a state law requiring disclosure that was adopted before November 19, 1974.

6. to organizations or persons conducting certain educational studies or evaluations for or on behalf of Brookline.

7. to accrediting organizations to carry out their functions.

8. to parents of an eligible student who claim the student as a dependent for income tax purposes.

9. to comply with a judicial order, Bureau of Special Education Appeals order or a lawfully issued subpoena.

10. to appropriate parties as determined by the Superintendent of Schools or School Committee in a health or safety emergency.

VII. Record Of Requests For Disclosure (Log of Access)

Brookline will maintain a log of all requests for and/or disclosure of information from a student's education records, excluding requests by school officials and authorized school personnel. The log will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The log may be reviewed by the parents or eligible student.

VIII. Correction of Education Records

Parents or eligible students have the right to ask that records be added, deleted, corrected or amended that they believe are inaccurate, misleading, or in violation of their privacy rights, except information that is part of the development of a currently proposed and not rejected IEP. Following are the procedures for the correction of records:

1. Parents or the eligible student must ask Brookline to amend the record in writing. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.

2. Brookline may comply with the request or it may decide not to comply. If it decides not to comply, it will notify in writing the parents or eligible student of the decision and advise them of their right to a conference with the principal or designee in order to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. Such conference will be scheduled within 10 school days of Brookline's

receipt of appeal. The principal's decision shall be rendered in writing within one week of the conference.

3. If the parent or eligible student is not satisfied with the principal's decision, a written appeal may be made to the Superintendent of Schools who shall, within two weeks of receipt of such appeal, render a written decision to the student or parent with reasons therefore. If the parent or eligible student is not satisfied, the appellant has the right to appeal, in writing, to the Chairperson of the School Committee. The School Committee will inform the Bureau of Student, Community and Adult Services of such appeal.

4. Within four weeks of receipt of such appeal, a hearing will be conducted by the School Committee. The parents or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student’s education records. The parents or student may be assisted by one or more individuals, including an attorney.

5. Within two weeks of such hearing, the School Committee will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reason for the decision.

6. If the School Committee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Brookline discloses the contested portion of the record, it will also disclose the statement.

8. If the School Committee decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will direct the appropriate administrator to amend the record and notify the parents or eligible student in writing, that the record has been amended.

9. The School Committee shall notify the Bureau of Student, Community and Adult Services of its decision.

J 4 b. Confidentiality of Records: (Manual of Administration, 1966)
It is the policy of the Brookline School Committee to regard as confidential all information regarding a child or his parents as a result of the child's being enrolled in the Public Schools of Brookline. Similarly held in confidence is any information concerning teachers or other employees.

It is the policy also to discuss freely and fully any information concerning a pupil with his parents at their request or when there is a need on the part of the school to do so. Such information is usually, and almost always, discussed in interpretative terms and generalizations in order that misunderstandings may not arise due to the technical composition of much of the matter. Exact quotation of test scores and comparisons should be made very seldom to prevent quotation and reaction from others who may wish also to obtain statistics which are not thoroughly understood.

It is important that there be a common understanding and well-established policy regarding the dissemination of information about the children. Cooperation is extended, of course, in the exchange of information with accredited child guidance agencies. Confidential information may also be furnished to private medical and guidance practitioners who are referred to the schools.

Appropriate information may be furnished directly to the two classes of agencies mentioned in the preceding two paragraphs provided a record is kept of what information is given, and provided a memorandum is sent to the Department of Pupil Support Services indicating the same.

GUIDELINES

In all instances, extreme care must be taken in giving information of record over the telephone, since the identity of the one inquiring cannot always be assured.

All requests for data concerning a pupil of his parents made by any probation officer, lawyer, or court attaché should be referred to the Department of Pupil Support Services. If the information desired is subpoenaed by the Court, the Supervisor of Attendance is delegated to appear in Court with the requested records. The Court may also subpoena the principal for purposes of direct testimony.

Since the Supervisor of Attendance is ordinarily the school’s representative in Court, court attaches should not be permitted to bypass him. The probation officer and others should not have direct access to school records without legal process or at least without some screening.

J 4. c. Policy Pertaining to the Disclosure of Disciplinary and Criminal Record Information to Post-Secondary Schools and Institutions

The Common Application for Undergraduate College Admission Secondary School Report contains the following questions pertaining to student disciplinary and criminal record information:

Question One:

Has the applicant ever been found responsible for a disciplinary violation at your school from 9th grade (or the international equivalent) forward, whether related to academic misconduct or behavioral misconduct, that resulted in the applicant's probation, suspension, removal, dismissal, or expulsion from your institution?

It is the mission of the Public Schools of Brookline to educate students. A primary goal in pursuit of this mission is to teach students responsibility, good citizenship, and respect for others. It is recognized that during the learning process, students may occasionally exercise judgment or make mistakes that they later regret. It is also recognized that post-secondary schools and institutions need to take steps to ensure that students entering their institutions do not pose risks to themselves or members of the community. In view of this, it is the policy of the Public Schools of Brookline to respond to Question One as follows:

It is the policy of the Public Schools of Brookline to answer "no" to this question, unless: (1) the applicant has been found responsible for a disciplinary violation arising out of conduct that occurred either at school or outside of school and involved the threat of harm or actual harm to another; and (2) such conduct caused the Head of School (or his/her designee, if applicable) to determine, at the time disciplinary action was taken, that the applicant's presence in school would have a substantial detrimental effect on the general welfare of the school; and (3) after notice and the opportunity for a hearing, the Head of School has determined that the applicant should not be exonerated for such conduct for the purposes of this policy, in which case the answer to this question shall be "yes."

Question Two

To your knowledge, has the applicant ever been convicted of a misdemeanor, felony, or other crime?

Massachusetts General Law prohibits the dissemination of criminal offender record information. Consequently, effective the date of passage, May 22, 2008, it is the policy of the Public Schools of Brookline to leave the answer to this question blank. This response should not be construed as suggesting that the applicant has, or has not, ever been convicted of a crime in the Commonwealth of Massachusetts. See G.L. c. 6, s. 178
Students should be aware that this policy does not absolve them of their obligation to complete their application truthfully and that failure to do so may, if discovered, result in an admission decision being revoked.

Students who must answer a question similar to question one and/or question two in the affirmative may request in writing that the guidance counselor's report address the incident or incidents.

New Policy Adopted by Brookline School Committee: 5/22/08, # 08-52

J 4 d. Cumulative Records: (Manual of Administration, 1966)
The thirteen-year cumulative pupil record consists of a nine-year elementary school record card and a four-year high school record envelope, into which the elementary school record is to be inserted when the pupil enters high-school.

The permanent record cards of elementary school pupils who enter Brookline High School should be sent to the High School by October l each year. The cards of pupils who do not enter Brookline High School, as well as the cards of those who withdraw previously, should be retained in the elementary school of last attendance.

When a pupil whose record shows that he at one time attended the Brookline elementary schools enters Brookline High School from other than a Brookline eighth grade, the High School should request the cumulative record from the Brookline School last attended.

J 4. e. ***Non-Custodial Parents Rights Policy*** **(New Policy)**

Massachusetts General Laws Chapter 71, Section 34H provides that a non-custodial parent may have access to his or her child's student record in accordance with the law and regulations promulgated by the Department of Education. The school district will follow the law and the regulations developed by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

As required by M.G.L. c.71, § 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's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the child's student record; or

(2) the parent is denied visitation, or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation.

B. Pursuant to 603 CMR 23.07 (5)(a), the school shall place in the student's record any documents indicating that a non-custodial parent's access to the student's record or information is limited or restricted.

C. In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

D. Upon receipt of the request, the receiving school shall review the student record for any documents limiting or restricting parental access to the student's records or information and shall 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 shall delete all electronic, postal address and telephone number information relating to either work or home locations of the 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 support admission of the student to another school.

F. Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §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.

The principals of each elementary school and the Head of School of the High School shall designate a staff member whose duties shall include the proper implementation of this policy.

SOURCE: MASC, Revised: May 8, 2006
LEGAL REF.: M.G.L. c. 71, s. .34H
603 CMR 23.07 (5) Access Procedures for Non-Custodial Parents

New Policy Adopted by Brookline School Committee: 9/28/06; # 06-87

J 4 f. Student Rights & Responsibilities: (Voted 12/6/71, #71-510)
The purpose of student involvement in the process of education are:

a. To find a common ground on which students and faculty can stand together and pursue the basic goals of the schools;

b. To create an atmosphere conductive to effective teaching and learning and;

c. To ensure an exchange of ideas and viewpoints between faculty and students.

1. Particular attention should be given to the establishment of a process for students to initiate and create change. This process should be stated and defined clearly and should become a part of the learning experience. This process s should include students with both academic and vocational goals.

2. A standing Faculty/Student Committee should be appointed annually to review rules and procedures of Brookline High School regarding AWOLS, pupil transfers, and the like.

3. All Departments are encouraged to involve students in the development and evaluation of curriculum. This involves student participation in curriculum workshops.

4. Course descriptions should be reviewed and refined to reflect accurately the process as well as the content of each course.

5. The students in each classroom should be encouraged to assume some responsibility for shaping individual classroom procedures and evaluating instructional materials.

6. A specific channel or process should be devised which will permit students to initiate or introduce new courses to the school.

7. The student newspaper, the yearbook, the literary magazine, and other school publications are to be managed by the students; they are to bear the responsibility for the content and quality.

An advisor, mutually acceptable to the publication staff and the school administration, is to be appointed each year. Among other functions, the advisor should serve as intermediary between the publication staff and the administration.

In any dispute involving content, the final judge shall be the publication staff. The staff is expected to maintain high standards of quality and accuracy; but no advisor, faculty member, administrator, or other members of the administration of the Brookline Public Schools shall have the power to overrule the staff on any matter of content. The primary responsibility of these publications is to the students.

8. Students should aid the Superintendent of Schools in recommending a candidate for the position of Head of School and Dean when a vacancy occurs.

Any student who feels that a teacher, administrator, or other employee of the school system has deprived him of any of the above rights, or who otherwise feels that he has been unfairly treated in matters of substance, shall have direct recourse to the Superintendent of Schools and the Brookline School Committee.

J 4 g. Student Involvement in Decision-Making/Initiation of Courses or Clubs: (Voted 9/22/81, #81-431; 2/5/73, #73-42,43)

The School Committee abides by the relevant Massachusetts General Laws regarding student participation in the decision-making process. To this end, the Committee encourages the formation of a Student Advisory Committee and its participation in decision-making, the establishment of procedures whereby students may initiate a course, club or organization within the fiscal limits of the budget, and the adoption from time to time, as appropriate, of such other measures which promote active student participation in the decision-making process.

Students may initiate a course in the following manner:

1. Determine, jointly with the appropriate Department Chairman, the general ideas and units to be included in the proposed course.

2. Obtain a COURSE PETITION FORM from the Head of School's Office.

3. Complete the COURSE PETITION FORM, including the required twenty (20) signatures of parents-or guardians.

4. Return the completed COURSE PETITION FORM to the Head of School's Office by the specified date.

5. Within three months of the submission of the completed form to the Head of School's Office, the School Committee will consider the proposal at an open meeting, at which the students will have an-opportunity to present their proposal.

6. If the School Committee approves the course, it would be offered during the following school year, subject to: the availability of a teacher; the availability of finances; and the existing guidelines for class size.

Students may initiate a club or organization in the following manner:

1. A student, or a group of students, may outline the purpose, membership, and activities of the proposed club, which outline shall be submitted to the Executive Committee of the Student/Faculty Assembly. Notice regarding the date of the Student/Faculty Assembly, shall be given to the school community, and copies of the proposal shall be available for examination by the School Committee.

2. Within one month of the date of the submission of the outline, an open meeting of the Student/Faculty Assembly shall be held, at which
there shall be a discussion of the proposal.

3. Within a limited time, the Student/Faculty Assembly shall publish its recommendations regarding the proposal.

4. If the Student/Faculty Assembly approves the proposal, the Youth Advisory Council shall submit the proposal to the School Committee, which will determine final acceptance or rejection of the proposed club or organization.

5. If the Student/Faculty Assembly disapproves the proposal, the students may submit their proposal to the Student/Faculty Assembly at a future date.

SECTION J
STUDENTS
5. Searches and Seizures:
(Voted 6/11/85, #85-250; 2/28/89, #89-91)
Note this section was moved from Section J7 (Student Discipline) per vote on 3/12/15.

Any searches and seizures will be conducted solely for the safety and well-being of students and adults in the Brookline Public Schools.

a. U.S. Supreme Court Standard For All Searches:
In order for a Head of School, House Head, Principal, Vice Principal or Assistant Principal to conduct a search of a student's person, or her locker, or possessions:

(1) there must be reasonable grounds for suspecting that a student has violated the law or rules of the school concerning contraband or stolen property; and

(2) the search must be conducted in a manner reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and of the nature of the infraction and always in the presence of another school administrator.

b. Locker Searches:
(1) mass searches of lockers are prohibited unless the Head of School or Principal or his or her designee deems that a threat to the safety of the school exists;

(2) with a valid search warrant, the police may search any locker at any time.

c. Elementary School Searches:
(1) No elementary school student may be searched without first attempting to notify the parent at his or her emergency telephone number. If the parent cannot be reached, and if there are reasonable grounds for the search as defined above, such search will be conducted taking into consideration the best interests of the child.

(2) In the event that a second administrator is not available, the Principal or his or her designee may conduct an otherwise valid search in the presence of another staff member.

SECTION J
STUDENTS
6. Policy Against Discrimination, Harassment, Sexual Harassment and Retaliation
(Voted 3/16/17, #17-28; 1/7/21, #21-5)
Replaced *Safe Schools Policy* (10/26/06, #06-98; Revised 5/5/11, #11-41)

General Statement of Policy

The Public Schools of Brookline (PSB) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected category, and retaliation for engaging in a protected activity.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, The PSB has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

The PSB values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

This policy applies to all persons employed by, attending, or otherwise affiliated with the Public Schools of Brookline, including volunteers, interns, and partnering organizations.

I. Prohibited Discrimination and Harassment

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment. When an alleged violation of this nondiscrimination policy is reported, the allegations are subject to resolution using district procedures.

PSB prohibits all forms of discrimination and harassment in all of its programs, activities, and services based on a person's protected class under the law. Harassment prohibited by the PSB includes, but is not limited to, harassment on the basis of race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, gender identity or expression, disability, age, genetic information, marital status, maternity leave, paternity leave, parental status, military and veteran status. Prohibited discrimination under this Policy includes discriminatory harassment and bullying. Prohibited discriminatory harassment and bullying is motivated by or expresses a negative attitude toward a person's membership in a protected class or protected characteristic and creates an intimidating, hostile, or offensive environment. Conduct prohibited may include, but is not limited to, written, verbal or electronic express or physical act or gesture such as:

- Use of epithets, slurs or nicknames that refer to a person's protected characteristic such as, but not limited to, race or sexual orientation;
- Jokes that have the purpose or effect of demeaning or making fun of a person based on a protected characteristic;
- Graffiti or other visual messages or displays that degrade a person based on a protected characteristic, and;
- Any other verbal or non-verbal conduct that has the purpose or effect of creating a hostile work environment based on a person's protected characteristic.

Nothing in this policy shall limit the ability of PSB to enforce violations of its code of conduct in areas that may not legally qualify as discrimination, harassment, sexual harassment, or retaliation under state and federal law (e.g., harassment based on housing status, receipt of public benefits, economic class, etc.)

a. Disability Discrimination and Accommodation

The PSB is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

b. Nondiscrimination

The PSB adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964. Discrimination against persons with disabilities is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance). Discrimination on the basis of sex is prohibited by Title IX of the Education Amendments of 1972.

c. Prohibited Sexual Harassment Massachusetts

While PSB prohibits all forms of discrimination and harassment, federal and state law require additional protections for sexual harassment. In Massachusetts, the legal definition for sexual harassment refers to sexual advances, requests for sexual favors, and 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; or,
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.

The Massachusetts legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place or educational environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.
While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, touching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

It should be noted that retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

d. Prohibited Sexual Harassment Title IX

Pursuant to regulations promulgated by Title IX of the Education Amendments of 1972, PSB shall adopt and publish a grievance process for responding to formal complaints of Sexual Harassment as defined under Title IX. Title IX requires that schools use a separate, but similar definition of Sexual Harassment when responding to formal complaints. According to Title IX, Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- A PSB employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the PSB's education programs or activities; or
- Sexual assault, dating violence, domestic violence, or stalking (as defined under the Clery Act and the Violence Against Women Act)

Title IX also requires that the incident occurred in the United States, at PSB or during its programming, and the complainant must have been actively participating in or attempting to participate in PSB's educational programming or activities during the incident.
The Title IX Coordinator has the primary responsibility for coordinating the PSB's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this

policy. Any District employee with knowledge of an allegation of sexual harassment must report it to the Title IX Coordinator. The District will promptly respond to all reports alleging Sexual Harassment to ensure a fair and equitable resolution to the report, provide support to the complainant, eliminate harassment, and impose discipline if necessary. Discipline may range from verbal reprimand to suspension or termination, in the case of an employee.

II. Policy Coordinators / Notice of Rights

Inquiries about this Policy or applicable law (including Title VI, Title IX, Section 504, and Title II of the Americans with Disabilities Act) may be directed to the designated PSB administrators listed below.

Contact information (telephone number, office address, email address) shall be identified in a Notice of Rights for each school, and a separate one for the District, and shall be posted, on the school and district website, in each school building, and within public areas of PSB administrative facilities.

The PSB administrators are responsible for consulting regarding the handling of complaints for consistency with this Policy and applicable procedures and legal requirements, and for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The district's designated administrators are:

Regarding complaints of violations of a <u>student's</u> rights:

Dr. Karen Shmukler
Deputy Superintendent of Student Services
Title II, Title VI, and Title IX Coordinator
Town Hall, 333 Washington Street, 5th Floor
Brookline, MA 02445
Phone: 617-730-2444
Fax: 617-730-2066
karen_shmukler@psbma.org

Dr. Matthew DuBois
Section 504 and McKinney-Vento Coordinator
Town Hall, 333 Washington Street, 5th Floor
Brookline, MA 02445
Phone: 617-730-2433
Fax: 617-730-2066
matthew_dubois@psbma.org

Regarding complaints of violations of an <u>adult's</u> rights (staff, visitors, contractors, etc.):

Director of Human Resources
Title IX and Title VII Coordinator
Town Hall, 333 Washington Street, 5th Floor
Brookline, MA 02445
Phone: 617-730-2410

Fax: 617-730-2601

III. Prohibited Retaliation

The PSB prohibits punitive action of any kind against a person for engaging in protected conduct such as reporting, filing a complaint, or opposing acts of discrimination, sexual harassment and/or retaliation, or for participating in an investigation into or proceeding relating to alleged discrimination, sexual harassment and/or retaliation. Prohibited retaliation may include, but is not limited to:

- disciplining a person, or taking any other adverse action against a person based on a person's protected conduct,
- discriminating against a person in the PSB services, programs and activities because of a person's protected conduct, and
- subjecting a person to harassment, bullying, shunning, hazing, or name-calling, or any other hostile verbal or non-verbal conduct on the basis of a person's protected conduct.

IV. Reasonable Accommodation

The PSB will reasonably accommodate persons with disabilities and with religious observance or practice requirements. A reasonable accommodation is one that would not pose an undue financial or administrative burden on the PSB by being unduly costly, extensive, substantial or disruptive, or by fundamentally altering the nature or operation of the PSB's programs, services or activities. Depending on the facts, examples of reasonable accommodations may include, but are not limited to, a modified work or break schedule, altering how or when job duties are performed, reasonable modifications to policies and procedures, supplying an auxiliary aid or service to permit effective communication, and providing assistive technology or removal of an architectural barrier.

Persons seeking reasonable accommodations should direct their request to the applicable Coordinator designated in Section II.

Students seeking a Section 504 accommodation or special education services in order to access the PSB's educational programs should contact the Office of the Deputy Superintendent for Student Services for more information about any special procedures (including complaint procedures) applicable to Section 504 accommodations and special education services.

V. Other Prohibited Actions

Also, prohibited by this Policy is knowingly making a false accusation of discrimination, sexual harassment or retaliation, or interfering with the investigation into such conduct by, for example, pressuring, goading, or encouraging false denials or covering up such conduct.

VI. Duties and Responsibilities

In each school, the Principal is responsible for receiving complaints/reports of violations of this Policy at the school level. The Superintendent is responsible for receiving complaints/reports of violations by a Principal or a Deputy Superintendent. The Chair of the School Committee is

responsible for receiving complaints/reports of violations by the Superintendent. Any other person designated by the Principal, Superintendent, or School Committee Chair to receive complaints/reports shall forward them to the person responsible for receiving them under this paragraph. A Coordinator identified in Section II will be consulted regarding next steps consistent with this Policy and applicable law.

PSB staff, independent contractors and school volunteers who witness or become aware of discrimination, sexual harassment and/or retaliation shall immediately report such conduct to their direct superior. If the reporting party does not feel comfortable reporting to their direct superior, they may report it to the Superintendent or a Coordinator identified in Section II. All allegations of Sexual Harassment shall be reported to the Title IX Coordinator.

Each member of the school community is responsible for cooperating with the PSB's investigation of reports or complaints of violations of this Policy and with the PSB's efforts to prevent, respond effectively to, and eliminate any such conduct.

The Superintendent is responsible for:

- developing procedures to implement this Policy, which shall be consistent with legal requirements and PSB Policy and procedures, including, but not limited to, the Bullying Prevention Policy and procedures, the Student Discipline Policy, and applicable collective bargaining agreements.
- Otherwise developing guidelines to effectively implement this Policy and comply with applicable law, which may include guidelines regarding:
- publication of this Policy and Notices of Rights to the entire school community in an age-appropriate manner and in the languages most prevalent within the school community, including in School Handbooks, and
- in-service training; and
- student training.

VII. Investigations / Corrective Action / Recordkeeping / Reporting

The PSB shall take prompt and effective steps reasonably calculated to end any discrimination, sexual harassment or retaliation and prevent any such conduct from recurring. The decision to discipline, the nature of any disciplinary action, and the disciplinary procedures followed shall comply with the PSB's disciplinary policies (including, but not limited to, Section J(8), PSB Policy Manual), applicable collective bargaining agreements, and federal and Massachusetts state law (including, but not limited to, Title IX, M.G.L. c. 71, §§ 37H, 37H ½, and 37H ¾, and in the case of students with disabilities, the federal Individuals with Disabilities Education Act).

Records regarding any actions taken in response to report or formal complaint of discrimination or harassment investigations must be retained and available to parties for a minimum of seven years.

The Coordinators will each prepare an annual report to the Superintendent and School Committee (without personal identifying information) regarding the number and resolution of any complaints or reports of violations under this Policy, along with any measures taken in the prior year, and/or anticipated for implementation in the coming year, to systemically address and prevent violations under this Policy. Both substantiated and unsubstantiated complaints or reports of violations of this Policy shall be included in the annual report to the Superintendent and School Committee. In assembling the annual report, the Coordinators shall include all written complaints or reports of violations under this Policy to which the Coordinators become aware, irrespective of whether the complaints or reports of violations comply with the formal procedural mechanisms for reporting. The Coordinators shall make their best effort to include subtotals and subcategories of reported violations in the annual report to the Superintendent and School Committee, so as to best inform the Superintendent and School Committee of the state of reported discrimination and harassment in the schools.

For allegations of sexual harassment specifically, the report shall include at minimum: (i) the total number of allegations of sexual harassment reported to the district's Title IX coordinator by a student or employee of the district against another student or employee of the district; (ii) the number of allegations made by a student or employee of the district against another student or employee of the district investigated by a local or state law enforcement agency, if known; (iii) the number of students and employees found responsible for violating the district's policies prohibiting sexual harassment; (iv) the number of students and employees found not responsible for violating the district's policies prohibiting sexual harassment; and (v) the number of disciplinary actions imposed by the district as a result of a finding of responsibility for violating the district's policies prohibiting sexual harassment. Such incident data shall be reported in the form and manner that complies with state and federal privacy laws.

The annual report to the Superintendent and School Committee shall be submitted no later than June 15 of each year and shall be publicly posted in a manner accessible to the general public by July 1 of that same year.

VIII. Contact Information for State & Federal Agencies

PSB urges all individuals in the school community to bring any concerns or complaints of discrimination or harassment to the attention of school personnel so that they can be addressed. If either party to the complaint is dissatisfied with the results or progress of the PSB's investigation, they may discuss this directly with the Superintendent of Schools. Below are the relevant state and federal agencies if the party is unsatisfied with PSB's response or would rather contact them directly.

The state agency responsible for enforcing laws that prohibit harassment in the workplace is the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108-1518; telephone (617) 994-6000; TTY Users (617) 994-6196. The time frame for filing a complaint with the MCAD is within 300 days from the date of the most recent incident of alleged harassment. The state agency responsible for ensuring that Massachusetts public schools do not discriminate on the basis of protected characteristics is the Massachusetts

Department of Elementary and Secondary Education (DESE), 75 Pleasant Street, Malden, MA 02148-4906; telephone (781) 338-3300; TTY Users (800) 439-2370. The MA DESE's Program Quality Assurance Services (PQA) accepts complaints when the alleged violation occurred no more than one year before PQA received the written complaint.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination. The deadline for filing a complaint with the EEOC is within 300 days from the day of the alleged discrimination The EEOC is located at JFK Federal Bldg., 475 Government Center, Boston, MA 02203; (617) 565-3200 or (800) 669-4000; TTY Users (800) 669-6820. The US Department of Education's Office for Civil Rights (OCR) is a federal agency that enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the US Department of Education. In most cases, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination. OCR is located on the 8th Floor, 5 Post Office Square, Boston, MA 02109-3921; telephone (617) 289-0111, fax (617) 289-0150.

Legal References

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations, 34 C.F.R. Part 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, and its implementing regulations, 28 CFR Parts 104 and 300; Title II of the Americans with Disabilities Acts (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations, 28 C.F.R. Part 35; the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*, and its implementing regulations, 29 C.F.R. 1625 and 1626 *et seq.*; the Age

Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.* and its implementing regulations, 34 C.F.R. Part 110; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*, and its implementing regulations, 29 C.F.R. Part 1635 *et seq.;* the Uniformed Services and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 *et seq.*, and 20 C.F.R. Part 1002; Massachusetts General Laws (M.G.L.) Chapter 76, § 5; M.G.L. c. 151B; and M.G.L. Chapter 151C.

SECTION J
STUDENTS
7. Bullying Prevention Policy (Voted 1/20/11, #11-6; 11/14/13, #13-86; 3/16/17, #17-27)

The Public Schools of Brookline (PSB), in partnership with parents, guardians, and the community, and in keeping with the PSB core value of respect for human differences, believes that a positive, safe, and civil environment in school is necessary for students to learn and achieve. Bullying disrupts a student's ability to learn by preventing that student's full engagement with his or her education. Moreover, bullying compromises a school's ability to educate its students in a safe environment. The Brookline School Committee, therefore, prohibits bullying throughout the Public Schools of Brookline. The purpose of this policy is to stop bullying and to provide guidance to the school community for a comprehensive and caring response to all those affected by bullying. This Policy operates in tandem with the PSB's Bullying Prevention Plan (Plan). All PSB community members are required to comply with the requirements of both this Policy and the Plan.

Bullying and retaliation, as defined herein, are prohibited:

- On school grounds and property immediately adjacent to school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop, on a school bus or vehicle owned, leased, or used by the PSB; or through the use of technology or an electronic device owned, leased, or used by the PSB; and
- At a location, activity, function, or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by the PSB, if the bullying creates a hostile environment at school for the target, infringes on the target's rights at school, or materially and substantially disrupts the education process or the orderly operation of a school-sponsored or school-related activity, function or program.

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

Bullying that is based on a student's protected class (race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity or expression, disability) is also addressed in the PSB's Policies Against Discrimination, Sexual Harassment and Retaliation (Sections G(6) [Personnel] and J(6) [Students], PSB Policy Manual.

I. Definitions

a. **"Aggressor"** means a student or a member of school staff who engages in bullying or retaliation as defined herein. School staff includes, but is not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.

b. **"Target"** means a student against whom bullying or retaliation has been perpetrated.

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

d. **"Retaliation"** means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

   For the purposes of this policy, bullying and retaliation include cyber-bullying as defined herein.

e. **"Cyber-bullying"** means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

   Cyber-bullying also includes the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

   Cyber-bullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

f. **"Hostile environment"** means a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education. The conduct of the aggressor sufficiently interferes with or limits a student's ability to participate in or benefit from school-sponsored or school-related activities, functions or programs.

g. **"Home Base"** is a location in the school selected by school administration and staff where a student goes when not feeling safe. This location should be a place where students can be supervised and monitored by school staff and where they are able to

request support (examples, principal/head of school's office, vice-principal/assistant head of school's office, dean's office, school counselor's office, the main office, etc.)

h. **"Safe Person"** is a designated person in the school who the student can talk to and process social situations that are troubling, confusing, or agitating including bullying, that may not be readily understood by the student. This person should be familiar to the student and have a trusting relationship already established. This person should be a person chosen by or acceptable to the student and family.

i. **"Safety Plan"** is an immediate action plan identifying the target student's primary and secondary safe person they can go to if they feel unsafe at any time after the initial report of bullying. In addition, the safety plan lists the behavioral expectations moving forward for all students involved including the aggressor. It lists school team actions intended to provide support to students in resolving the bullying conflict, which may include, but not be limited to, additional supervision during recess, lunch, and transition time, scheduling changes, scheduled check-ins with involved students, etc. This plan should be agreed upon by students, parents/families and school administration, submitted to Deputy Superintendent of Student Services for review, and filed with completed bullying investigation documents.

II. Prohibitions

Bullying and retaliation can occur in and out of school, during and after school hours, and/or at home and in locations outside of the home. When bullying or retaliation is alleged, the full cooperation of students, parents/guardians, and families is expected.

Bullying and retaliation are also prohibited at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by the PSB, if the bullying or retaliation creates a hostile environment at school for the target, infringes on the rights of the target at school, and/or materially and substantially disrupts the education process or the orderly operation of a school.

III. District Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development and updating of a Bullying Prevention and Intervention Plan (the "Plan"), in consultation with all district stakeholders, including parents/guardians, teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, and/or students, consistent with the requirements of this policy, as well as state and federal laws.

The Plan shall be reviewed and updated at least biennially.

The Principal/Head of Schools is responsible for the implementation and oversight of the Plan within his/her school. When a reported bullying incident involves the principal or assistant principal as the alleged aggressor or where there are familial concerns regarding the integrity of the investigation by virtue of the Principal/Head of School's responsibility, the Principal/Head of School should delegate to the Superintendent or designee responsibility for investigating the

report and for other steps necessary to implement the Plan, including addressing the safety of the alleged victim(s). If the Superintendent is the alleged aggressor, the School Committee or its designee shall be responsible for investigating the report and other steps necessary to implement the Plan, including addressing the safety of the alleged victim(s).

IV. Reporting (Oral or Written) Incidents of Bullying or Retaliation

Students who believe that they are a target of bullying or retaliation, who observe bullying or retaliation, or who have reasonable grounds to believe that bullying or retaliation is taking place, are obligated to report such bullying or retaliation to a member of the school staff, and may be subject to discipline for failing to report bullying or retaliation. However, the target shall not be subject to discipline for failing to report bullying or retaliation.

School staff who witness or become aware of bullying or retaliation shall immediately report in writing such bullying or retaliation to the Principal/Head of School/Superintendent/School Committee, or his/her designee within one school day of witnessing or receiving a complaint of bullying of a student.

Parents/guardians, or members of the community, are encouraged to report bullying or retaliation to the Principal/Head of School as soon as possible.

Each school shall have a means for anyone to anonymously report bullying or retaliation. No formal disciplinary action shall be taken against a student or staff member solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation/report of bullying or retaliation shall be subject to disciplinary action equivalent to that for bullying or retaliation.

V. District Compliance with Massachusetts Chapter 86, Section 4 of Bullying in Schools

The PSB shall annually report bullying incident data to DESE. The data shall include, but not be limited to: (i) the number of reported allegations of bullying and retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the DESE.

VI. Investigation of Reports of Bullying or Retaliation

Upon receipt of a report of bullying or retaliation, the Principal/Head of School/Superintendent/School Committee or his/her designee shall promptly (1) with the assistance of support staff, assess the alleged target's need for protection and create and implement a safety plan that shall restore both a sense of and actual safety for the target; (2) notify the safe person listed on the student's safety plan (*see* Sections I(h) and (c)); (3) notify the parents/guardians of the alleged target(s) and the alleged aggressor(s) within the confines of student confidentiality protections as outlined within DESE regulations and/or FERPA, and

consistent with the requirements of the Plan; and (4) conduct and conclude an investigation within 10 school days that is consistent with the requirements of the Plan.

The details of the PSB's procedures pertaining to reports of bullying are set out in the PSB's Bullying Procedural and Prevention Plan. The below highlights key provisions of the Plan. The PSB requires full compliance with the Plan.

If a report of bullying or retaliation involves students from another PSB or non-PSB school, the Principal/Head of School or his/her designee shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

At any point after receiving a report of bullying or retaliation, including after an investigation, the Head of School/Principal//Superintendent//School Committee or designee shall immediately notify the local law enforcement agency if he/she has a reasonable basis to believe that criminal charges may be pursued against the aggressor(s). Such notification will be made after consultation with the Superintendent or his/her designee. The Head of School/Principal/Superintendent/School Committee or designee shall document the reasons for his/her decision to notify law enforcement if such notification is made.

If the Principal/Head of School/Superintendent/School Committee or his/her designee determines that bullying or retaliation has occurred, the Principal/Head of School/Superintendent//School Committee or his/her designee shall (1) notify the parents/guardians of the target(s) and aggressor(s) of the determination and of the procedures for responding to bullying or retaliation; (2) consistent with state and federal privacy laws and related regulations, notify the parents/guardians of the target(s) of the action taken to prevent further bullying or retaliation; and (3) take appropriate disciplinary action.

All disciplinary action for students and staff who are found to have committed bullying or retaliation shall be in accordance with the Plan and the PSB's disciplinary policies. Such disciplinary action may include loss of extracurricular privileges, suspension and/or removal from school in the case of students; and administrative leave and termination in the case of staff.

If the Principal/Head of School/Superintendent/School Committee or his/her designee determines that bullying or retaliation has not occurred, he/she shall notify the parents/guardians of the alleged target(s) and aggressor(s) of the determination and shall verify that they have received notice of the student-related sections of the Plan.

If provided for by the Discipline Policy of the Public Schools of Brookline, a parent/guardian can appeal the results of a bullying investigation determination pursuant to the procedures set forth in that Policy.

Confidentiality shall be used to the greatest extent permitted by law to protect a person who reports bullying or retaliation, who provides information during an investigation of bullying or retaliation, or who witnesses or has reliable information about bullying or retaliation**.**
The Principal/Head of School shall document and maintain a file of all reports of bullying and retaliation. A quarterly report shall be provided to the Superintendent or his/her designee.

The Superintendent and/or his/her designee shall inform the School Committee periodically of any trends or implications of these reports in order to give the School Committee the opportunity to review and amend this policy.

VII. Counseling Assistance

The PSB recognizes that students affected by bullying or retaliation can include aggressors, targets, and others less directly involved. The PSB shall therefore provide or refer students affected by bullying or retaliation to counseling, guidance and/or academic intervention, as appropriate.

VIII. Training and Instruction on Bullying Prevention

Annual training in preventing, identifying, responding to, and reporting bullying or retaliation shall be provided for all school employees.

Staff training for those responsible for the implementation and oversight of the Plan will include training to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, and bullying behaviors.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all pre-K to 12 students.

IX. Publication and Notice

Annual written notice of the relevant sections of the Plan shall be provided to students and their parents/guardians in age-appropriate terms and in the languages which are most prevalent among the students and parents/guardians.

Annual written notice of the Plan, including sections related to staff duties and bullying of students by school staff, shall be provided to all school staff, along with annual training on the applicability of the Plan to their school.

Relevant sections of the Plan relating to the duties of faculty and staff shall be included in any relevant employee manuals/materials pertaining to employee training and conduct. The Plan shall be posted on the PSB website.

REFERENCES: Massachusetts Department of Elementary and Secondary Education Model Bullying Prevention and Intervention Plan.

LEGAL REFS.:
MGL 71:37O (been amended by Section 74 of Chapter 38).
MGL 265:43, 43A; MGL 268:13B; MGL 269:14A
603 CMR 26.00; 603 CMR 49.00

SECTION J
STUDENTS
7a. Prohibition of Hazing (Voted 12/1/16; #16-78)

The Public Schools of Brookline (PSB), in partnership with parents, guardians, and the community, believe that a positive, safe, and civil environment in school is necessary for students to learn and achieve. By compromising a school's ability to educate its students in a safe environment, hazing disrupts a student's ability to learn and limits their opportunity to participate fully in the school community. The Brookline School Committee, therefore, prohibits hazing throughout the Public Schools of Brookline. The purpose of this policy is to prevent hazing, to stop it if and where it occurs, and to provide guidance to the school community for a comprehensive response to all those affected by hazing.

Definitions
Per M.G.L. c. 269. S. 17, hazing means any conduct or method of initiation into any school or student organization or formal or informal peer group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental status, including extended deprivation of sleep or rest or extended isolation.

Incidents of hazing are not bullying. Bullying incidents should be addressed using the PSB Bullying Prevention Policy Section J7. Hazing incidents that may have targeted a person because of the person's protected class (*e.g.*, race, sex, etc.) and/or protected conduct (*e.g.*, complaining about discrimination, etc.) should also be evaluated as possible violations of the PSB's anti-discrimination, Sections G6 and J6 of Policy Manual) and addressed accordingly.

Prohibition
In accordance with M.G.L. c. 269, §§ 17-19, and this policy, no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student or other person while on or off school property, or at a school sponsored event, regardless of location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any student or person while on school property.

Reporting of Hazing
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, locations, names of identifiable participants and the types of behavior exhibited. Students and employees of the PSB are obligated by law to report incidents of hazing to the police department.
Any student who is present during a hazing incident 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.

Participation in Hazing
Any student who participates in the hazing of another student or other person may be suspended from school for up to ten (10) school days. If the conduct is sufficiently severe, such student may be suspended from school for up to ninety (90) days.

Any student determined by the Principal to be the organizer of the hazing activity may be suspended from school for up to ninety (90) days, but in any event will not receive a lesser disciplinary action than that given to a participant.

The PSB's Conduct and Discipline Policy, Section J(8) of the PSB Policy Manual, shall govern disciplinary processes and measures imposed for hazing.

Student Handbook
As with other policies associated with student conduct, this policy shall be included in all PSB Student Handbooks.

SOURCE: MASC
LEGAL REF.: M.G.L. 269:17, 18, 19
603 CMR 33

SECTION J
STUDENTS
8. Student Code of Conduct

(Voted 6/15/70, #70-309; 3/8/71, #71-99; 1/17/77, #77-25; 6/11/85, #85-250; 4/8/86, #86-141; 2/28/89, #89-91; 4/27/89; #89-195; 10/27/92, #92-444; 2/27/03, #03-12; 12/14/13, #13-12; 9/18/14, #14-62; 3/12/15, #15-15; 1/31/19, #19-14: *replaced Conduct and Discipline Policy;* 4/11/24, #24-43; 9/30/26, #26-89)

Philosophy

The Public Schools of Brookline (PSB) is committed to providing every student with a safe, secure learning environment in which they can thrive. Consistent with the PSB core values of High Achievement for All, Educational Equity, and Respect for Human Difference, this policy is designed to guide expected student behavior based on a general code of conduct and based upon respect for others, respect for self, and respect for property. We believe all students have the right to be treated fairly, courteously and respectfully; to bring complaints to the school Principal or staff for resolution; to tell their side of the story; and to freely express their opinions. All students have a right to a high-quality education. Similarly, all students have the responsibility to not disrupt the educational process or impose upon, endanger, or deprive others of their rights to a high-quality education.

We recognize that our schools provide a unique opportunity for learning and growth related to student behavior. We believe in preventive and positive approaches to discipline and in responding with interventions and consequences aimed at addressing the causes of misbehavior, resolving conflicts, and meeting students' needs and keeping students in school. When there is a breach of conduct, the Brookline School Committee believes it paramount that the school response emphasizes learning over punishment, and that it be conducted in a way that calls the student's attention to his or her responsibility for self-discipline and helps the student exercise sound judgment in the future. We believe in resolving conflicts by every means short of exclusion from school. The purpose of discipline must be to understand and address the causes of behavior to resolve conflicts, while teaching new skills and repairing the harm done, restore relationships and reintegrate students into the school community. In addition, particular attention and intervention support shall be provided to vulnerable families and students at risk of being excluded from school.

We believe it is the responsibility of all school staff, students, families, and the community to contribute to a school community that promotes a safe, secure, and learning environment. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, families, and the community.

Guiding Principles

The goal of the Code of Conduct is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. We seek to ensure that students remain connected to the learning environment and school community. To that end, we strongly believe in proactive practices with the aim of maximizing learning time in the classroom for all students. We recognize and value the teacher's pivotal role in creating classroom environments that are conducive to engaged learning. Successful, positive conduct is guided by the following principles:

- Effective and engaging instruction, positive school climate, and classroom management are the foundation of effective discipline.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
- All school staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.
- School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.

Students in Grades PreK-3

The Brookline Early Education Program provides a positive, nurturing environment for the District's youngest learners. Exclusionary discipline removes our youngest students, who have the most to learn about social and behavior skills, from the environment that supports their social, emotional and academic growth. As such, out of school suspensions in early childhood programs, grades PK-3, requires the approval of the Superintendent or designee.

Disproportionality

While overly harsh school discipline policies can affect all students, national surveys indicate that they may disproportionately impact students of color and students with disabilities. Black, Latinx/Hispanic, and Native American students, in particular, may be more likely to be suspended, expelled, and arrested than their white peers, even for the same behavior. The surveys indicate that students of color also tend to receive harsher punishments than their peers for the same offenses. Federal civil rights data shows students with disabilities have been disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools.

This District therefore is committed to ensuring that discrimination or bias that may present barriers to success for our students plays no role in the disciplinary process.

All staff members are specifically charged with being aware of the impact of their actions on students from racial and ethnic groups or other protected classes that national surveys indicate have historically been over-represented among those students who are suspended, expelled, referred to alternative schools, arrested, or referred to law enforcement. The District shall evaluate any evidence that punitive measures may be used disproportionately against students of any protected class and, if confirmed by such evidence, shall take appropriate corrective action.

It is the Policy of the School Committee to abide by all laws applicable to student discipline, including, but not limited to, Massachusetts General Laws Chapter 71, §§ 37H, 37H ½, and 37H ¾,

constitutional due process and other requirements of the federal and state constitutions, laws and regulations. School staff should consult the applicable statutes and the regulations of the Massachusetts Department of Elementary and Secondary Education (DESE), 603 Code of Massachusetts Regulations (CMR) 53, and/or Town Counsel's Office as appropriate for further guidance.

School-Based Rules

This Code of Conduct establishes uniform rules and procedures to be followed throughout the Public Schools of Brookline in disciplinary actions, including non-exclusionary, positive and preventative approaches to student discipline. Any school-based rules related to discipline must be consistent with this Code of Conduct.

Alternatives to Exclusions

We prioritize building strong and positive relationships within the school community. We want all individuals to feel respected and valued, and value others. As such, it is important that our responses to misconduct convey our value for building and maintaining relationships and mutual respect for ourselves and others. We believe in resolving conflicts by every means short of exclusion from school. We understand the research that demonstrates exclusionary discipline can be ineffective and harmful.

The purpose of discipline must be to understand and address the harm caused, while teaching new skills and repairing the harm done, restore relationships and reintegrate students into the school community. In every case of student misconduct for which suspension or expulsion may be considered, a Principal shall exercise discretion in deciding the consequence(s) for the offense while ensuring opportunities for student to remain engaged in learning while maintaining the safety of the school community. The District will make every reasonable effort to support students in learning the skills necessary to enhance a positive school environment and avoid future harm.

Please reference the amended language of M.G.L. c. 71, s. 37H ¾, effective 11/08/2022, as described more fully in the Principal's Hearing Procedures section.

Tiered Interventions and Consequences

We believe that student discipline practices work best when they are instructive, not punitive, and that the purpose of discipline must be to understand and address the causes of behavior to resolve conflicts, while teaching new skills and repairing the harm done in order to restore relationships and rebuild community.

Our approach is based upon a framework of progressive responses. There should be a gradient of interventions and consequences that range in severity proportional to the behavior, while also addressing the need for restoration and skill building at every level. While some behaviors may warrant exclusionary discipline, the aim should always be to prioritize minimizing the length of time a student is out of the learning environment.

Further, we believe that intervention is most effective when the educator working most directly with students intervenes in the way they believe will most effectively support the student. Below is a

description of different levels of intervention offered and parties involved:

- Level 1 interventions should be implemented by the teacher working most closely with the student.
- Level 2 interventions include teacher, student, and parent/guardian.
- Level 3 interventions involve teacher, student, parent/guardian, and support staff. Often times, Level 3 interventions will involve specialized training and expertise from support staff such as a guidance counselor, school psychologist, or Board Certified Behavior Analyst (BCBA), to name a few.
- Level 4 interventions include the addition of an administrator as these interventions typically require an increased level of authority.
- Interventions at Level 5 involve administrative level referral and the potential for exclusion from school.

In every case the Principal or designee shall determine the appropriate intervention or consequence based on the specific facts and circumstances. For specifics on the types of intervention strategies and responses to specific behaviors, please refer to Appendix A.

In accordance with the Public Schools of Brookline Wellness Policy (effective July 1, 2018), teachers and other school personnel will not use physical activity or withhold opportunities for physical education or activity (e.g., recess) as consequence. The denial of recess will not be used as a punishment or discipline unless the student's removal from recess has been determined as appropriate by the school Principal and communicated with the parent.

Please reference the amended language of M.G.L. c. 71, s. 37H ¾, effective 11/08/2022, as described more fully in the Principal's Hearing Procedures section.

Investigations of Disciplinary Incidents

Upon notification of a report of a disciplinary offense the Principal shall promptly; (1) notify the parents of the involved students within the confines of student confidentiality protections as outlined by the Massachusetts student record regulations and/or FERPA, and (2) review submitted incident report, and (3) conduct and conclude an investigation within ten (10) school days, unless circumstances, such as witness availability, require a longer period. If a longer period is required to complete an investigation, all impacted parents will be notified.

If the report of a conduct violation involves student(s) from another school, the Principal shall promptly notify the appropriate administrator of the other school so that both may take appropriate action. In that instance, the administrators shall agree on which one should supervise the investigation.

Confidentiality shall be used to the greatest extent permitted by law to protect a person who reports disciplinary offense or retaliation, who provides information during an investigation, or who is a witness.

The Principal shall document and maintain a file of all reports of disciplinary and subsequent investigations, and disciplinary determinations.

Students may be subject to discipline for violations even if that conduct occurs on property not owned or controlled by the district, or outside of school hours. This is if the conduct is connected to activities or incidents that have occurred on property owned, or controlled by, the district or conduct that affects that school environment.

Role of Brookline Police Department

Our schools strive to only involve law enforcement for educational and supportive purposes. At times, situations may necessitate the involvement of the Brookline Police Department. At any point after receiving a report of an incident, the Principal shall immediately notify the BPD if there is a reasonable basis to believe that criminal charges may be pursued or if the conduct is reasonably believed to put persons at risk of harm, including the student in question. Such notification will be made after consultation with the Superintendent. The Principal shall document the reasons for the decision to notify law enforcement if such notification is made.

This District seeks to avoid the unnecessary criminalization of our students; as such, police will be involved in situations when it is reasonably believed to be necessary to protect the physical safety of students, staff, or other persons in the community, or appropriate to address criminal behavior of persons other than students.

Academic Progress

Any student who is suspended, expelled, or removed on an emergency basis shall have the opportunity to earn credits and 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 develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and 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.

Any student who is given a long-term suspension or expulsion shall have an opportunity, through the school-wide education service plan, to receive education services and make academic progress toward meeting state and local requirements.

For each student who is given a long-term suspension or expulsion, 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.

In addition to the provisions detailed above, students with disabilities are afforded all the protections relating to discipline to which they are entitled under applicable law, including but not limited to, Individuals with Disabilities in Education Act (IDEA), 20 U.S.C. § 1415(k), and implementing

regulations, 34 CFR 300.530-537, the Rehabilitation Act, Section 504, and the Massachusetts special education law, Massachusetts General Laws Chapter 71B, and implementing regulations, 603 CMR 28.

Students with Disabilities

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act provide eligible students with certain procedural rights and protections in addition to those given to their general education peers in the context of student discipline. These protections are to prevent interruptions of their educational placement and receipt of mandated services.

When a student with a disability displays behavior which may be a violation of the code of conduct this may indicate a need for an immediate IEP and/or 504 team meeting with a discussion of behavioral supports which should be included in the child's IEP and/or 504 Plan. This is especially true when the student displays behavior on a regular basis or when the behavioral incidents may result in suspensions or other disciplinary measures that exclude the student from accessing curriculum.

If a student displays behavior despite having an IEP and/or 504 Plan that includes behavioral supports, this may indicate that the behavioral supports in the IEP and/or 504 Plan are not being appropriately implemented, or that the behavioral supports in the IEP and/or 504 Plan are not appropriate for the student.

In these situations, the IEP and/or 504 Team shall meet to determine whether the current IEP and/or 504 should be amended to ensure that the interventions and supports in the IEP and/or 504 can be implemented, or whether the behavioral interventions and supports that are currently in place should be revised.

If a student with a disability is attending a school outside the PSB system pursuant to an out-of-district placement, that student shall be subject to the out-of-district school's discipline policies during their attendance and not to the discipline policies of the PSB.

Non-Discrimination/Civil Rights and Bullying

Allegations of bullying behaviors, including cyber-bullying, will be investigated in accordance with the *PSB Bullying Prevention Policy*. In all instances where violations are substantiated discipline shall be administered in accordance with the standards and procedures set forth in this Policy.

Staff Training

Every school within the District shall make an appropriate annual allocation of professional development time to training in classroom management, conflict resolution, and non-punitive approaches to discipline in order to ensure that the disciplinary program in each school is effective and that relevant policies and procedures are equitably applied. In addition to behavioral supports for students with disabilities, it may also be necessary, and consistent with IDEA requirements, to provide training to school personnel which is appropriate to address the behavioral needs of students with disabilities.

Every school within the District shall determine a time and method to provide all staff with training regarding the District's Code of Conduct. Such training shall occur annually and, for employees hired after the school year begins, within a month of their employment.

Suspensions and Expulsions of Students

The use of measures that remove students from the classroom, such as in-school/out-of-school suspensions, expulsions, and referrals to alternative schools, should be minimized. These punitive measures may result in the loss of valuable instructional time, damage to relationships, and should be reserved for infractions that cannot be appropriately or adequately addressed through other interventions and disciplinary responses. Please see Appendix C for more information.

Tobacco and Paraphernalia

It is unlawful for any person, including any student, enrolled in either primary or secondary public schools in Massachusetts, to use tobacco or any tobacco product on school grounds, within school buildings, school facilities, or on school buses, as indicated in M.G.L. c. 71, s. 2A. Possession or use of tobacco or any tobacco product including any tobacco delivery systems is a violation of the Code of Conduct.

The definition of "tobacco product" encompasses vaping devices, electronic tobacco/nicotine delivery products, and any component, part or accessory of a tobacco product or any item that has been modified for the purpose of vaporization or aerosolization. Students are not permitted to possess or use these products, even if they are empty or do not actually contain tobacco, on school grounds, within school buildings, school facilities, or on school buses. Examples of tobacco products include:

- Vaporizers
- Electronic Cigarettes
- Electronic Pipes

Additionally, in accordance with the Town of Brookline's Tobacco Control By-law, Article 8.23, students and school personnel are not permitted to smoke on school grounds and within 400 feet of any Brookline school building.

The District values the health and well-being of all of its students. Thus, if students are found in possession of tobacco and/or nicotine-related products, the Principal or designee will prioritize working with the student and parent/guardian to understand the cause of possession, educate all involved, and develop a plan for abuse prevention education, if deemed necessary. School responses can include a range of consequences, including but not limited to notification to and discussion with parent/guardian and student, exclusion from school, and referral to the Brookline Substance Abuse Prevention Program's Tobacco Education Program (TEP), for high school students. The TEP program consists of one education and assessment meeting with the student and a parent/guardian. Parents/guardians are given the option to sign their student up for additional sessions, and will be given information about additional resources.

Distribution of Policy

The District shall distribute a copy of this policy to all students and their parents in a language they can understand. It shall also be posted on the district website and be accessible in each school main office for parent/staff reference.

Reporting and Review

In order to ensure equitable implementation of this policy, the Office of Student Services shall keep records of all disciplinary actions, including relevant demographic data on students involved in any action reported under this policy. This data shall be regularly reviewed by the Superintendent to provide constructive feedback on the policy and PSB practice, and a summary shall be made available to the School Committee.

Appendix A - Code Implementation and Behavior Matrix

The purpose of this section is to support all educators, teachers in particular, in implementation of the Code. As you utilize this appendix, keep in mind the following principles set forth in the Code:

- We prioritize building positive relationships with students. All students need caring adults in their lives. All want to be a positive member of a community
- Relationships should be at the center of corrective action, with all other strategies seen as tangents. Rather than asking, "What's the consequence that will fix the problem?" better to ask, "Is there a consequence that might be part of how we help this student?" This approach is especially important for the most vulnerable students; students with the most chaos and trauma in their lives - those who make us angriest - are the least likely to benefit from harsh punishments.
- We believe in preventive and positive corrective response and so seek to understand and address the causes of behavior to resolve conflicts while teaching new skills and repairing harm done, restore relationships, and reintegrate students into the school community.
- We believe in resolving conflicts by every means short of an exclusion from school.

There should be a gradient of interventions and consequences that range in severity proportional to the behavior, while also addressing the need for restoration and skill building at every level. While some behaviors may warrant exclusionary discipline, the aim should always be to prioritize minimizing the length of time a student is out of the learning environment.

In every case the Principal shall determine the appropriate intervention or consequence based on the specific facts and circumstances.

Relevant Factors in Making Discipline Decisions

When choosing consequences for students' misbehavior, teachers, administrators, and staff must consider the following factors:

- Age, health, and disability or special education status of the student;
- Relationship of academic performance and behavior;
- Student's prior conduct and record of behavior;
- Student's attitude;
- Student's willingness to repair the harm;
- Seriousness of the offense and the degree of harm caused; and
- Impact of the incident on overall school community

Intervention Levels

The list of response options is not exhaustive or exclusive. In every case, the teacher working most closely with student in collaboration with the Principal or designee shall determine the appropriate level of intervention based on the specific facts and circumstances.

LEVELS OF INTERVENTIONS	RESPONSE OPTIONS
LEVEL ONE implemented by the teacher working most closely with the student	• Teacher/Student Conference • Reminders and Redirection • (Re)Teaching of Expectations and Skills • Reflective Essay or Other Reflective Activity • Independent Study • Role-Play • Restorative Practices (Circle, Group Conferencing, Dialogue)
LEVEL TWO includes teacher, student, and parent/guardian	• Any Lower-Level Interventions • Parent/Guardian Outreach • Seat Change • Self-Charting of Behaviors • Daily Report Card on Behavior Task Completion, and Achievement • Loss Of Privileges (e.g., class job, position in line, exclusion from extra activities)

LEVEL THREE involves specialized training and expertise from support staff such as a guidance counselor, school psychologist, Board Certified Behavior Analyst, or Vice Principal, etc.	• Any lower-level Interventions • Student/Teacher/Parent Conference • Referral to Support Staff (e.g., guidance counselor, social worker, psychologist, school resource officer, or nurse) • Referral to CST/SIT • Short-term Behavioral Progress Reports • Behavioral Intervention Plan • Change in Schedule/Class • Referral to After-School Program • Community Service • Mentoring Program • Peer Mediation • Functional Behavioral Assessment • Referral to School-based Health/Mental Health Clinics • Referral to Community-Based Services • Mini-Course/Training (e.g., conflict resolution, anger management, social skills • Substance Abuse Treatment Services • Amendment to IEP (if applicable)

LEVEL FOUR includes the addition of an administrator as these interventions typically require an increased level of authority	• Any Lower-Level Interventions • Detention • Saturday Detention • Opportunity to reset the day • Restitution, replace, recompense

LEVEL FIVE involves administrative level referral and the potential for exclusion from school	• Any Lower-Level Interventions • In-School Suspension, with re-entry plan to re-engage with learning community • Out-of-School Suspension (may be extended as necessary), with re-entry plan to re-engage with learning community • Mobile crisis support (i.e., BEST) • Interim Alternative Education Setting • Expulsion • Referral to Law Enforcement

Behavior Matrix

The matrix below is a guide for administrators when determining the appropriate level of intervention. Schools retain the right to determine the appropriate level of intervention based on the facts and circumstances of each case. Those working with student(s) should determine plan to monitor student response to interventions and when additional interventions are necessary. The list of behaviors is not exhaustive or exclusive. In every case, the teacher working most closely with student in collaboration with the Principal or designee shall determine the appropriate level of intervention based on the specific facts and circumstances.

	INTERVENTION				
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	1	2	3	4	5
Academic Dishonesty (e.g., cheating or plagiarizing, forgery)	✓	✓	✓	✓	
Alcohol - Under the influence, Using, Selling, or Possession			✓	✓	✓
Assault or Battery - Simple Assault: Attempt to cause serious physical harm to another individual, or causing individual to be in fear or apprehension of imminent battery - Simple Battery: Unauthorized or unlawful use of force to the body of another person.				✓	✓
- Assault with a Weapon or Battery Causing Serious Injury					✓
Bullying: Repeated use by one or more students or staff of a written, verbal, or electronic expression, or a physical act or gesture or any combination thereof, directed at a target that - causes physical or emotional harm to the target or damage to the target's property; and/or - places the target in reasonable fear of harm to him/herself, or of damage to his/her property; and/or - creates a hostile environment at school for the target; and/or - infringes on the rights of the target at school; and/or - materially and substantially disrupts the education process or the orderly operation of a school.			✓	✓	✓
Bus Disruptions - Minor disruption on the Bus (e.g., eating, drinking; being too loud, standing, throwing objects from the bus)	✓	✓	✓		
- Serious, repeated disruption on the Bus				✓	

Classroom Disruption (e.g., talking out in class or talking out of turn, throwing objects, and other behavior that distracts from student learning)	✓	✓	✓		
Defiance of Authority and/or Insubordination (e.g., non-violent/non-physical, talking back to school staff, failure to follow directions, failure to respond to school staff questions or requests, refusal to participate in classroom activities, etc.)	✓	✓	✓		
Disrespectful Behavior (e.g., verbal insults or put-downs, including the use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other behavior that is rude or disrespectful)	✓	✓	✓		
False Activation of a Fire Alarm				✓	✓
Fighting - Physical Aggression (e.g., pushing and shoving)	✓	✓	✓	✓	
- More Serious Fighting (may include incidents involving minor injuries and repeated physical aggression)				✓	✓
Gambling: Playing a game for money or other stakes		✓	✓	✓	
Hallway Misbehavior. Running, Making Excessive Noise or Loitering	✓	✓	✓		
Harassment: continuous pattern of intentional behavior based on race, ethnicity, gender identity, sexual orientation, disability, national origin, ancestry, age, or religion against members of the school community		✓	✓	✓	✓
Illegal Drugs, Controlled Substances, Tobacco Products (including vaporizers and electronic delivery systems, marijuana/cannabis) - Under the Influence, Using, or Possessing, including paraphernalia			✓	✓	✓
- Selling					✓
Giving False Information to, or Misleading School Personnel	✓	✓	✓		
Portable Electronic Devices Use at Unauthorized Times	✓	✓	✓	✓	
Property Damage - Intentional Damage or Defacement of Another Person's or School Property (less than $50)		✓	✓	✓	

- Intentional Damage or Defacement of Another Person's or School Property (more than $50)				✓	✓
Sexually-Based Behaviors - Sexual activity	✓	✓	✓	✓	
- Sexual Harassment (e.g., unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature)				✓	✓
- Sexual Assault					✓
Tardiness - Persistent or Excessive Tardiness to Class/School	✓	✓	✓	✓	
Theft - Less than $50	✓	✓	✓	✓	
- Greater than $50				✓	✓
Trespassing (Level 5 interventions may only be used when a student has entered onto school property without permission and then refused to leave school property upon request)			✓	✓	✓
Unauthorized Use of School Equipment	✓	✓	✓		
Unexcused Absence from School due to class cutting or skipping school	✓	✓	✓		
Weapons, Firearms, and Explosives - Bringing or Possessing Fireworks				✓	✓
- Igniting Fireworks				✓	✓
- Bringing, Possessing, or Using Other Explosives non-fireworks)				✓	✓
- Threat or False Report related to Explosives				✓	✓
- Bringing, Possessing, or Using Firearms				✓	✓
- Bringing or Using Other Deadly Weapons					
- Possessing Other Deadly Weapons				✓	✓

Appendix B - Definitions

- **Detention:** The supervised retention of students beyond the regular school schedule when a teacher requests that the student show improvement of behavior resulting from violation of the school rules and/or student code of conduct.
- **Disciplinary offense:** any alleged or determined disciplinary infraction by a student,
    - **Section 37H offense** means conduct in the nature of that addressed by Massachusetts General Laws Chapter 71, Section 37H,which occurs on school premises or at school-sponsored or school-related events, including athletic contests, namely, (1) possession of a dangerous weapon (including, but not limited to, a gun or a knife), (2); possession of a controlled substance as defined in Massachusetts General Laws Chapter 94C (including, but not limited to, marijuana/cannabis, cocaine, or heroin), and (3) assault on a member of the educational staff.
    - **Section 37H ½ offense** means conduct in the nature of that addressed by Massachusetts General Laws Chapter 71, Section 37H ½, namely, conduct that is the subject of a felony charge or conviction or a felony delinquency charge or conviction if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.
    - **Section 37H ¾** offense means all conduct other than that specifically addressed by Massachusetts General Laws Chapter 71, §§ 37H and 37H ½, including, but not limited to, bullying, hazing, discrimination, and harassment .
- **Emergency removal** means the temporary removal of a student from school when 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. *See appropriate* Section below for specific criteria and procedures applicable to emergency removals. A temporary removal shall not exceed two school days (see the complete definition at CMR 53.07). Students with disabilities may be afforded additional rights.
- **Expulsion:** the removal of a student from the school premises, regular classroom activities, and school activities for more than 90 school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or 37H1/2. Students with disabilities may be afforded additional rights.
- **Incident Report:** Any time a student is involved in a serious behavior incident, an incident report will be completed and shared with the student's parents as soon as practicable. Students with disabilities may be afforded additional rights.
- **In-school suspension:** removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall be considered a short-term suspension. If a student is placed in in-school suspension for more than ten days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes. Students with disabilities may be afforded additional rights.
- **Long-term suspension:** removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for

multiple disciplinary offenses in any school year. For Section 37H ¾ offenses, such suspensions shall be for no more than ninety (90) school days in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

- **Manifestation determination:** The district must conduct a manifestation determination if a student with a disability will be removed for more than 10 consecutive school days, or when multiple shorter suspensions for similar reasons add up to more than 10 days. The manifestation determination must determine if the conduct in question was "caused by, or had a direct and substantial relationship to, the child's disability…or was a direct result of [PSB's] failure to implement the IEP." Note that an "in-house" suspension may be considered a change in placement if it otherwise meets the criteria.
- **Parent:** for the purposes of this policy, "parent" means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.
- **Positive Behavior Interventions and Supports** (**PBIS**): a set of ideas and tools that schools use to improve the behavior of students. PBIS uses evidence and data-based programs, practices and strategies to frame behavioral improvement in terms of student growth in academic performance, safety, behavior, and establishing and maintaining positive school culture. PBIS addresses the needs of at-risk students as well as the multi-leveled needs of all students in regards to behavior, which creates an environment for both teaching and learning to occur in schools
- **Restorative Practices:** a set of formal and informal responses to harms large and small after they occur. In keeping with restorative practices' respect for human dignity, participation in any restorative practice must be entirely voluntary. The fundamental premise of restorative practices is that people are happier, more cooperative and productive, and more likely to make positive changes when those in authority do things with them rather than to them or for them. Restorative Justice asks three questions: 1) What was the harm caused to both the individual and the community? 2) Who is responsible for causing the harm and making things right? 3) How can the harm be repaired and relationships restored to the greatest extent possible? Restorative practices focus on how to build connection between individuals and achieve social discipline through participatory learning and decision-making. The use of restorative practices in schools helps to improve human behavior, develop and maintain relationships, explore learning opportunities, and teach leadership and personal accountability.
- **Tobacco Product:** A product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product and is marketed and sold exclusively for the approved purpose.
- **School Wide Education Service Plan:** the document developed by a Principal, in accordance with Massachusetts General Laws Chapter 76, Section 21, which includes a list of education services

available to students who are expelled or who are suspended from school for more than ten (10) consecutive days.

- **Short-term suspension:** the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Appendix C - Suspensions and Expulsions of Students

For additional information on Massachusetts's student discipline laws and regulations, please refer to the Mass. Department of Elementary and Secondary Education (DESE) student discipline regulations (603 CMR 53) and Chapter 222 at http://www.doe.mass.edu/ssce/discipline/

Student Discipline

Students are expected to follow the school rules and the PSB Code of Conduct at all times while attending school or at a school function. Violations of this may result in a student receiving disciplinary action. Administrators and staff recognize that each student is unique and situations may vary from one incident to another. Schools work to make violations of school rules a learning experience for the student.

RESPONSIBLE, POSITIVE AND SAFE BEHAVIOR

All members of the school community, including all school personnel, have the responsibility to demonstrate respect for other individuals and their property. This expectation applies to peers as well as to all school personnel while in school or on school property and during all school-sponsored activities, both on and off campus, including those times when they are riding school buses or other school-provided vehicles. It is specifically noted that, for the purposes of these rules and regulations, buses and other school transportation vehicles are considered school property and bus drivers are considered school personnel.

Students are responsible for behaving in accordance with these rules and regulations and to remove themselves from situations, which involve illegal activity; the possession or use of illicit drugs, alcohol, or weapons, or the violation of school rules. Students who do not remove themselves from such situations may be subject to school consequences.

Schools provide support and behavioral interventions to help students to behave as positive members of the School community. School officials will attempt to help students solve behavioral problems without interrupting the daily program of studies. However, certain types of behavior may require disciplinary action including suspension or expulsion.

In addition to this disciplinary action, violation of the certain school rules may also result in police notification.

DISCIPLINARY ACTION

Under many circumstances, student conduct concerns can be solved through teacher intervention within the school day. There are times, however, when other consequences, including, but not limited to after school detention, restorative justice, behavioral contracts, suspension, expulsion, are warranted.

Participation in extracurricular activities, including field trips, out-of-state and overnight trips, and international trips is a privilege. Removal from participation in those activities can be a consequence for violations of the handbook.

DISCIPLINARY DUE PROCESS: SUSPENSION AND EXPULSION

The Administration has ultimate discretion to determine the proper disciplinary actions for any misbehavior. Depending upon their severity, certain violations of school rules and district policies may result in loss of social privileges, in-school, out-of-school suspension or, where authorized under Massachusetts law, expulsion from school.

Any specifics given in the policy are only guidelines; they are not absolute rules. The guidelines support

administration's collaboration and discretion on determining the best course of action to support student growth and development, as well as whole school safety. Disciplinary outcomes are specific to the student and the situation. Repetitive infractions of the same or similar behaviors will result in progressive discipline. All students and families will be provided with due process aligned with Massachusetts General Laws prior to the imposition of an in-school suspension, out-of-school suspension or expulsion.

There are three statutes under Massachusetts General Law (M.G.L.) that govern student discipline in Massachusetts public schools. Those statutes are:

- M.G.L. c.71, §37H which includes weapons, drugs and assault on a staff member
- M.G.L. c.71, §37H 1/2 which includes felony complaint or conviction
- M.G.L. c.71, §37H 3/4 which includes school discipline not covered in 37 H and 37 H !.

Below is a detailed description of what each statute consists of:

M.G.L. c.71, §37H – Policies Relative to Conduct of Teachers or Students: Student Handbooks In accordance with Massachusetts General Laws Chapter 71, Section 37H:
(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in their discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of the appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

M.G.L. c.71 §37H 1/2 - This statute includes a felony complaint or conviction of a student and Right to Appeal
(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or head of school of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or head of school if said principal or head of school determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of the right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the

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

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

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

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

M.G.L. c.71, §37H 3/4 - Suspension on Grounds other than those set forth in Secs. 37H or 37H 1/2
(a) This section shall govern the suspension of students enrolled in a public school in the Commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, head of school, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, head of school, superintendent or person acting as a decision-maker shall also implement school- or district wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

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

(d) If a decision is made to suspend or expel the student after the meeting, the principal or head of school, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or head of school or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

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

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

BASIC STUDENT DISCIPLINE DEFINITIONS

IN-SCHOOL SUSPENSION (M.G.L. 603 CMR 53.00): means removal of a student from regular classroom activities, but not from the school premises, for no more than ten consecutive school days, or no more than ten school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten days or less, consecutively or cumulatively during a school year, shall not be considered

a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

SHORT TERM SUSPENSION (M.G.L. 603 CMR 53.00): means the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. A principal may, in their discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

LONG TERM SUSPENSION (M.G.L. 603 CMR 53.00): means the removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in their discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. No student may be placed on long-term suspension for one or more disciplinary offenses for more than 90 school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

WRITTEN NOTICE: Written correspondence sent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the principal and the parent/guardian.

DUE PROCESS UNDER M.G.L. 71 37H 3/4

IN-SCHOOL SUSPENSION

Prior to the imposition of an In-School Suspension, the student will be informed of the disciplinary offense and provided with an opportunity to respond. If the Principal or designee determines that the student committed the disciplinary offense, the Principal shall make reasonable efforts to notify the parent/guardian orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Principal shall also invite the parent/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a meeting shall be scheduled on the day of the suspension, if possible, and if not, as soon thereafter as possible.

o If the Principal is unable to reach the parent/guardian after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent/guardian of the in-school suspension. On the same day as the in-school suspension decision, the Principal shall also deliver written notice to the student and parent/guardian about the in-school suspension, including the reason and the length of the in school suspension, and inviting the parent/guardian to a meeting with the principal, if such meeting has not already occurred. Said written notice shall be delivered to the parent/guardian on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or other method of delivery agreed to by the principal and the parent/guardian.

OUT OF SCHOOL SUSPENSION - NOTICE REQUIREMENTS

- Short-Term Suspension - In the case of disciplinary offenses not involving:

a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, the student and parent/guardian will be given oral and written notice of the disciplinary offense with which the student is charged and of the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension.

▪ Written notice of the date and time for the hearing will be provided in English and in the primary language of the Student's home and will identify the disciplinary offense with which the student has been charged, the basis for the

charge, the potential length of the student's suspension, and inform the parent/guardian and student of the right to interpreter services if necessary to participate in the hearing.

- Long-Term Suspension - Where a student may be subject to a Long-Term Suspension, the Principal will also notify the student and parent/guardian of the student's right to legal representation (at private expense), the right to present and examine witnesses and evidence, the right to review the student record and documents that may be relied upon by the Principal, the right to translation services if required to participate in the hearing, and the right to request that the hearing be audiotaped. Out-of-school suspensions are not appealable unless the consequence results in more than ten (10) cumulative days of suspension during that school year.

PRINCIPAL'S HEARING

● Short-Term Suspension: At the Principal's hearing, the student and parent/guardian (if participating) may dispute the charge(s) against the student and present information, including mitigating facts, for the principal's consideration in determining disciplinary actions for the student.

● Long-Term Suspension: In addition to the rights afforded a student in a short-term suspension hearing, the student will have the following rights:

- the right to be represented by counsel or a lay person of the student's choice, at the student's/parent/guardian's expense;
- the right 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 produce witnesses on their behalf and to present the student's explanation of the alleged incident (although the student may not be compelled to testify);
- the right to cross-examine witnesses presented by the school district; and
- the right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request.

● Principal's Decision: Based upon a preponderance of the evidence presented at the hearing, the Principal will determine whether the student committed the disciplinary offense and the remedy or disciplinary actions to be imposed. In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning. The Principal shall exercise discretion in deciding the disciplinary action for the offense, and shall avoid using long-term suspension from school as a disciplinary action until alternatives have been tried. If the Principal decides to suspend the student, written notice of the Principal's decision will be sent to the student and parent/guardian in English and the primary language of the home identifying the disciplinary offense, the factual basis for the Principal's decision, the beginning and end dates of the suspension, and the process for appeal, when an appeal right exists. The Principal will also notify the student and parent/guardian of the student's opportunity to make academic progress during the period of removal from school in accordance with M.G.L. c. 76, §21.

LONG TERM SUSPENSION APPEAL

See M.G.L. 71 37H and M.G.L. 71 37H1/2 above for long-term suspensions the Student shall have five (5) calendar days from the effective date of the suspension imposed by the Principal but shall be granted an extension of seven (7) calendar days upon request. (2) The student or parent shall file a notice of appeal with the superintendent within the time period set forth 603 CMR 53.08 (3) (d) 5.a. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in their discretion

OTHER RIGHTS OF APPEAL

There is no right to appeal an in-school suspension imposed under M.G.L. c. 71, § 37H3/4 which does not result in the student's suspension for more than 10 school days in the school year.

There is no right to appeal an out-of-school suspension of fewer than and including 4 days imposed under M.G.L. c. 71, § 37H3/4 which does not result in the student's suspension for more than cumulative 10 school days in the school year.

For appeals of out-of-school suspensions imposed under M.G.L. c. 71, § 37H3/4 which result in suspension of 5- 10 school days, the student and family may appeal to the Principal.

GENERAL INFORMATION FOR STUDENT SUSPENSIONS

IN-SCHOOL SUSPENSION (ISS)

In-School Suspension may be imposed for the following infractions on school grounds/at school events, including but NOT limited to:

- Violations of school rules and/or school district policies
- Excessive tardies to school
- Inappropriate and/or disruptive behaviors
- Repeated violations of Academic Honesty policy

The following are expectations of students in ISS and, if not abided, may result in further consequences:

- Student is to arrive at ISS room (or designated office) by the scheduled start time for the school day and remain in ISS until dismissal time.
- Students are to remain productive and on-task to complete their school work throughout the school day.
- Teachers will submit work via email or deliver hard copies; students are ultimately responsible for making sure they have the necessary school work.
- Students will be required to turn in any electronic devices at the start of the day to be held by their Administrator. Any use of electronic devices outside of academic use would be a violation of ISS expectations, and will be referred to their Administrator.
- When multiple students are present, they will be seated separately in the room. Students are not to engage in conversation.
- Students use the assigned restrooms only at designated times.
- Students will have the opportunity to bring or purchase lunch and eat in the ISS room. They will be escorted to the cafeteria as needed.
- Students are required to complete a written reflection. This assignment is to be taken seriously and is required for the exit ticket from ISS.
- Dismissal from the ISS room will be at the conclusion of the school day. There is NO leaving early (i.e., to go to lockers, talk to a teacher, etc.) or early dismissal as the ISS day will then NOT count towards the suspension.
- All other school rules apply as set forth in the student handbook.
- Failure to meet ISS expectations will result in referral to your Administrator with the potential for escalated disciplinary actions. Escalated consequences do NOT remove the initial ISS day(s) which will need to be completed.
- On the day(s) a student is suspended, that student is not eligible to participate in any athletic practices or competitions or other school/club activities on that day(s).

OUT OF SCHOOL SUSPENSION

Out-of-School Suspension may be imposed for infractions (on school grounds/at school events) including but not limited to:

- Violations of school rules and/or school district policies
- Inappropriate and/or disruptive behaviors
- Fighting
- Disrupting school assembly
- Physical Assault
- Bullying
- Harassment

● Theft
● Possession of a weapon
● Possession, or being under the influence, of alcohol
● Possession, or being under the influence, of illegal drugs, vaping materials and/or controlled substances
● Threats
● School Threat
● Cursing at a staff member
● Refusal of a school search
● Destruction of school property
● Felony/Felony juvenile delinquency charges
● Posting/possessing electronic messages that are sexually oriented, harassing or illegal while on/off campus if disruption is caused

EXPULSION

The following infractions on school grounds/at school events may result in a student's permanent expulsion in accordance with M.G.L. c.71, §37H and §37H1/2:

● Possession of a dangerous weapon
● Possession of a controlled substance
● Assault of any member of the educational staff
● Admission or finding of guilt to a felony or felony delinquency charge that is determined to be a substantial detriment to the school

EMERGENCY REMOVAL

Emergency Removals pursuant to M.G.L c. 71, § 37H3/4 and 603 CMR 53.07: A Principal may remove a student accused of a school rules violation from school temporarily, and on an emergency basis, 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. In such a case, the Principal shall immediately notify the Superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The emergency removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall:

1. make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal,
2. the reason for the emergency removal;
3. the disciplinary offense;
4. the basis for the charge;
5. the potential consequences, including the potential length of the student's suspension;
6. the opportunity for the student to have a hearing with the Principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent/guardian to attend the hearing;
7. the date, time, and location of the hearing; and
8. the right of the student and the student's parent/guardian to interpreter services at the hearing if needed to participate

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 must provide the student and parent/guardian an opportunity for a hearing with the Principal that complies with either the short-term suspension due process or long-term suspension due process procedures, as applicable.

Additionally, the Principal is required to 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 notice of the decision for short-term suspension or long-term suspension as set forth in this Handbook, whichever is applicable.

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

ACADEMIC PROGRESS

Any student who is disciplined pursuant to the three statutes above shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of their removal from the classroom or school. Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, in accordance with the School's Education Services Plan. M.G.L. c. 76, §21

DISCIPLINE AND STUDENTS WITH DISABILITIES

All students, including those receiving services under the Individuals with Disabilities Education Act (IDEA), M.G.L. c. 71B, and/or Section 504 of the Rehabilitation Act of 1973, are expected to adhere to all rules and regulations stated in this Student Handbook. The following procedures shall, however, apply when students with disabilities are subjected to suspension or expulsion in excess of (10) consecutive school days or when, as a result of a pattern of disciplinary removal exceeding ten (10) school days cumulatively in the school year, the student has been subjected to a disciplinary change in placement. Students entitled to the additional procedural protections set forth below include: (1) students who have been found eligible for special education services in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B: and (2) students who have been evaluated and determined to be eligible students as defined under Section 504 of the Rehabilitation Act of 1973; and (3) students who the District knows or should have known may be eligible for special education under the IDEA or Section 504.

A. A suspension of longer than ten (10) consecutive school days or a series of short-term suspensions that exceed ten (10) school days and constitute a pattern of removal are considered to constitute a disciplinary change in placement.

B. Within ten (10) school days of any decision to impose a suspension or expulsion that would result in a disciplinary change in placement of a student with a disability, building administrators, the parent/guardian, the student (where appropriate), and relevant members of the student's IEP/504 Team ("Manifestation Team") will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or Section 504 Plan.

C. If the Manifestation Team determines that the behavior was NOT a manifestation of the student's disability, the student may be disciplined in accordance with the policies and procedures applicable to all students, except those students who are eligible for special education services shall be entitled to a free appropriate public education as of the eleventh (11th) cumulative day of disciplinary exclusion in the school year. A functional behavior assessment will be conducted where appropriate.

D. If the Team determines that the behavior WAS a manifestation of the Student's disability, the district will conduct a functional behavior assessment or review any existing behavior intervention plan and takes steps (with the consent of the parent/guardian) to correct the IEP, the placement, or the behavior intervention plan and the student will not be suspended or expelled for the violation found to be a manifestation of the student's disability.

E. Regardless of the manifestation determination, the District may place the student in an interim alternative educational setting (as determined by the Team) up to forty-five (45) school days: i. If the behavior involves dangerous weapons or illegal drugs or another controlled substance while at school or at a school function; or ii. If the student causes substantial bodily injury to another at school or a school-sponsored event.

Additionally, if the district provides evidence that the student is "substantially likely" to injure him/herself or others and a hearing officer/court orders the alternative placement; or with the informed written consent of the student's parent or guardian.

F. The parent/guardian shall have the right to appeal the manifestation Team's determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting to the Massachusetts Bureau of Special Education Appeals. The student will remain in the disciplinary placement imposed by school authorities pending a decision on any such appeal or until the expiration of the disciplinary sanction, whichever comes first.

G. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student will remain in the educational placement determined by school authorities, which can include suspension or expulsion from school.

SECTION J
STUDENTS
9. Student Fees, Fines, and Charges (Voted 7/11/16, #16-54)

Educational Equity is a core value of the PSB:

The Public Schools of Brookline are committed to identifying and eliminating barriers to educational achievement in our schools. To this end, we create policies and practices that are fair and just and provide educational opportunities to ensure that every student, regardless of race, color, religion, gender, sexual orientation, marital status, age, national origin, disability, or economic status, meets our standards for achievement, participation, and growth.

In fulfillment of this value, this policy on student fees, fines, and charges commits the PSB to the following:

- Regardless of financial means, all PSB students shall have access to all educational books, materials, and other education-related opportunities;
- The PSB will engage in responsible financial management and practices to ensure the above can be made possible;
- The financial operations of the district will be transparent in order to ensure accountability to these commitments; and
- All students and families are treated with dignity in all discussion or disclosure of confidential information.

I. Establishing Fees

The School Committee reserves the right to establish fees for participation in certain activities and programs. Examples include, but are not limited to, community education, Brookline Early Education Program (BEEP), Summer School, and athletics.

Unless otherwise specified through School Committee action, each fee shall be established on a yearly basis for the next school year and communicated in a timely manner to students, parents, and/or guardians. Due dates and payment schedules for all fees will be established by the relevant program.

II. Collection of Fees, Fines, and Charges

A. Central Collection
This policy authorizes a centralized revenue collection and recording system for administration (charging and collecting) of Fees, Fines, and Charges. Such a system should provide efficiencies and transparency for parents and the community. Faculty and staff (e.g., departments, clubs, student organizations) shall use this system for administration of all fees, fines, and charges.

B. Non-Payment
For fee-based activities, the School Committee expects that all fees will be paid in advance of participation unless the payor has been qualified for financial assistance

by the Office of Administration and Finance pursuant to the policy on financial assistance.

If payment of any fee, fine, or charge is not received and the payor has been noticed in writing of the amount(s) due, the Superintendent or his/her designee may take one or more of the following actions, unless or until prohibited by state law or regulation:

1. Prohibit participation of the student in the relevant program.

2. Prohibit participation of the student or other students in the student's household from participating in any future fee-based program until or unless outstanding balances are resolved.

3. Prohibit student participation in senior activities or graduation exercises.

4. Referral to small claims court.

Legal Reference:

M.G.L. Chapter 71: Section 47. Athletic programs; school organizations; student activity accounts
M.G.L. Chapter 44: Section 69. Municipal or district services, fees or charges; insufficient funds checks; penalty
M.G.L. Chapter 60: Section 57A. Payment by check not duly paid; penalty
M.G.L. Chapter 93: Section 40A. Dishonored checks; demand for payment
M.G.L. Chapter 71, Section 49 Purchase of textbooks by pupils

SECTION J
STUDENTS
10. Student Financial Assistance (Voted 9/8/16, #16-59)

I. Establishment of Financial Assistance Program
This policy authorizes creation of a PSB financial assistance program to provide qualified families with assistance paying certain school-related fees and/or charges.

II. Program Goals and Scope
The Superintendent will provide a centralized financial assistance application process for families seeking relief from various school-related fees and/or charges. Eligibility will be renewed or updated through an annual application process.

Financial Assistance will be offered to meet any PSB student fees or charges, including those for Athletics, Instrumental Music, and other program and field trip fees. Other fees include but are not limited to curriculum-based field trip expenses, Brookline Early Education Program (BEEP), School Department Summer Programs, and other fees the school department may charge that are as a result of curriculum requirements.

The program goals are as follows:

1. Implement an objective financial assistance program and application process for all students and families;
2. Allow families a single point of contact and determination within the school district; and
3. Adhere to a standard of confidentiality throughout the district.

Submitted financial information shall follow USDA Free and Reduced Lunch Guidelines and related state privacy laws in the collection, handling, and disseminating of information regarding the financial status of students.1

Program Eligibility and Determination for Participation

1. Principals, Guidance/School Counselors, and all other employees are prohibited from making a determination of financial need outside of the Superintendent's established process.

2. Families in the United States on an active Visa are not eligible for financial assistance.2

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1 http://www.fns.usda.gov/sites/default/files/cn/EliMan.pdf

2 "The purpose of the form is to show that you have the financial means to live in the United States without needing welfare or financial benefits from the U.S. government. The law requires that the sponsor demonstrate that he or she is able to assist you financially. The sponsor must show that he or she has an annual income of not less

3. Eligibility shall only be determined by the Office of Administration and Finance.

4. The Homeless Liaison shall maintain a list and provide an update as necessary to the School Business Administrator of all students who have been determined to qualify for services under McKinney-Vento Homeless Assistance Act.3

5. The Public Schools of Brookline School Committee has made the following determination for income eligibility for financial assistance.4

Determination Status	Income Level over Poverty Guideline for Household Income	Households will pay
Approved for Free	<200%	$0 program fee
McKinney-Vento Homeless Determination		$0 program fee
Foster Care (individual only)		$0 program fee
75% Reduction of Fee	201% - 300%	25% of the program fee
50% Reduction of Fee	301% - 350%	50% of the program fee

* % above HHS Poverty Guidelines

Exclusions

The Financial Assistance Program does NOT apply to optional activities, including but not limited to student travel programs and senior prom.

At the superintendent's discretion this financial assistance program may be used to support qualified students in optional trips.

Optional activities that receive official sponsorship of the School Committee must comply with equitable access as determined by the School Committee for all students to participate.

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than 125 percent of the federal poverty level. The federal poverty guidelines are set once a year, and can be found on Form I-864P, Poverty Guidelines."
https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge

3 http://doe.sd.gov/oess/documents/EligRight.pdf

4 The Financial Assistance program shall use the US Department of Health and Human Services poverty guidelines and expand it by a multiplier to better match our community's income level and assist families that are above the Free and Reduced Lunch Guidelines with school fees that are assessed for a variety of activities.
http://www.fns.usda.gov/school-meals/income-eligibility-guidelines

SECTION J
STUDENTS

11. Student Yearbook Policy **(Voted 1/7/21, #21-6)**

The Public Schools of Brookline (PSB) support the publication of yearbooks to honor and promote the best interests of our students, staff, administrators, educators, families, friends, and caregivers. Yearbooks present an opportunity to reflect and memorialize the learning experiences and growth of our school communities. They serve as a permanent testament to our students' inclusion and participation in school activities.

I. Inclusion:

1. All students enrolled in a PSB school at any time during an academic year shall by default be included in the school yearbook for that school if one is published for their grade or program. Inclusion for purposes of this section is defined as the student's name and picture (if available).

A. Exceptions:

(i) Parents and guardians of non-emancipated minors may opt out of yearbooks on behalf of their children, in writing.

(ii) Emancipated minors and students aged 18 or older may opt out of yearbooks, in writing.

(iii) The PSB shall comply with any court orders preventing or restricting publication of a student's name, picture(s), and other identifying information.

(iv) Students who enroll for the first time at a school after the school's yearbook is submitted for publication may be excluded from that yearbook.

2. If any of the above parties expresses verbal desire to a PSB educator, Yearbook Advisor, or administrator to opt-out, they will be instructed on how and to whom to submit a timely written opt-out.

3. Opt-outs shall be communicated in writing to both the school principal and the Deputy Superintendent for Student Services. The opt-out must be specific to the particular yearbook publication. It is not sufficient to have previously opted out either generally or specifically from other school publications or disseminations.

4. Opt-outs do not require justification of any decision to opt out.

5. Opt-outs may be for excluding pictures of the student only, or for excluding both pictures and student names. Opt-out language should be precise in order to ensure compliance with the specific request.

6. The Deputy Superintendent for Student Services shall promulgate procedures to ensure that yearbook editors receive training, and access to information necessary for compliance with this policy.

II. Content:

1. Yearbooks shall endeavor to accurately portray the personalities of the students, staff, and other community members depicted. Personal photographic and narrative/quote submissions, if included in a yearbook, shall be true to the individual's submission.

   A. Exceptions:

   (i) No material, opinions or otherwise, shall be printed which is lewd, libelous, personally insulting toward another member of the community, advocates an illegal activity, promotes discord or violence, constitutes a copyright infringement, or lacks informed written consent of depicted identifiable individuals. The editor of the yearbook shall reasonably exercise discretion in enforcing this provision, subject to First Amendment rights. The Deputy Superintendent for Student Services shall designate an adult staffer as the final authority on the exercise of this discretion.

2. All students who receive support through an IEP or 504 Plan shall be provided with that same support for photographic selections and generation of any text related to a school yearbook (e.g., personal quote, sentence, etc.).

3. Any planned material exclusion or modification of a student's personal yearbook submission shall be first communicated to that student and the parent(s), guardian(s), or caretaker(s) of that student a sufficient time prior to publication of the yearbook to ensure that student the opportunity to either cure the reported issue(s), or appeal the editor's determination to the Deputy Superintendent for Student Services.

4. Photographs violating school policies may be subject to investigation for disciplinary action.

5. Final copy of the yearbook shall be cross-checked with both class lists and opt-out lists to ensure accuracy by two adults prior to submission for publication. The class lists used to generate yearbooks shall be retained by the district for one year after distribution of the book.

III. Proprietary considerations:

1. All photos shall become a public record upon publication of the yearbook. Submitted photos will remain copyrights of the original photographer.

2. The Deputy Superintendent for Student Services shall designate an adult staffer as the final authority on the contents of each yearbook. In consultation with this designee, the yearbook staff, as directed by the yearbook editor, reserves the right to edit, retouch, crop, or resize any photos submitted without permission, notification, or approval.

IV. Equity:

1. All students within a grade level at each school that publishes a yearbook must be offered the same base level of opportunities for appearance in that yearbook. For example, if a yearbook editor invites students in a particular grade level to submit one personal photograph and up to 50 words, then all students in that grade level at that school must be invited to submit one personal photograph and up to 50 words, irrespective of homeroom, percentage of time spent in the school building, at home, other facility, or outside program, number of years in that grade level, or number of days as a student at that school.

2. Students who transfer between PSB schools within a school year shall be included in the yearbooks of both schools unless the students opt out in writing from one or the other.

3. Registered PSB students out of school who are being provided with services or tutoring by PSB should be offered the opportunity to be represented in the yearbook of their neighborhood school.

4. If a student does not respond by the deadline to a yearbook submission request, the teacher shall both remind the student and contact that student's parent(s), guardian(s), or caretaker(s) about yearbook inclusion. If the school is unsuccessful in reaching the parent/guardian/caretaker, or if the parent/guardian/caretaker does not comply with the opt-out provisions of the PSB Yearbook Policy within a reasonable time period prior to publication, then the editor shall publish the student's name and include the official yearbook headshot of that student, if available.

SECTION J
STUDENTS

12. Personal Electronic Device Policy (Voted 4/10/25, #25-67)

The Public Schools of Brookline (PSB) strives to create a positive learning environment where students can focus on their academic and social development. This policy describes guidelines for the management and use of personal electronic devices by students at school.

A personal electronic device (PED) is a wireless and/or portable piece of technology that is capable of storing, processing, or transmitting information. These devices include, but are not limited to, smart phones and watches, laptops, tablets, earbuds, headphones, and audio-visual recording devices, such as cameras.

Grades K-8

PSB will follow an "Off and Away" approach wherein all PEDs are locked and stored for the duration of the school day. The school day is defined as the beginning of the school day until the end of the school day, including all classes, specials, homeroom, lunch, recess, and transitions. The school day also includes school assemblies and field trips.
Exceptions to this approach will be made for (a) students whose IEP or 504 plan requires the use of PEDs; (b) students who have received documented permission from a teacher for use of a PED in the teacher's classroom for educational purposes; and (c) the use of Chromebooks and Google Apps for Education.

Schools may implement an "Off and Away" approach in the manner of their choosing. This may include the use of locked pouches or other storage devices for PEDs, or the requirement that students store their PEDs in lockers or backpacks. PSB is not responsible for damaged PEDs.

If a child needs to contact their parent/caregiver or other adults during the day, they must report to their school's main office to do so.

Illustrative Consequences

- First offense: The PED will be confiscated for the remainder of the school day. The PED will be held by the classroom teacher (K-5) or turned into the main office (6-8). The PED will be returned to the student at the end of the day or to their parent(s)/caregiver(s) upon request. Teachers (K-5) or the office (6-8) will document the infraction to the student's parent(s)/caregiver(s).

- Second offense: The PED will be confiscated for the remainder of the school day. The main office will document the infraction to the student's parent(s)/caregiver(s). The PED will be returned to the parent(s)/caregiver(s) at the designated pick-up time. A meeting may be arranged between the teacher, student, and parent(s)/caregiver(s) to discuss responsible PED use.
- Third offense: The student will drop off the PED at the main office at the beginning of each day and collect it at the end of each day for at least one month OR a parent/caregiver will sign an agreement that the student will keep their

PED(s) at home. A meeting will be arranged between the principal, student, and parent(s)/caregiver(s) to discuss further consequences, which may include after-school detention or other disciplinary actions.

Grades 9-12

BHS will follow a "Limited Use" approach wherein PEDs will be off and stored out of sight during instructional periods but may be used at designated times and in specific areas otherwise.

PEDs are prohibited from use in classrooms. Exceptions will be made for (a) students whose IEP or 504 plan requires the use of PEDs; (b) students who have received documented permission from a teacher for use of a PED in the teacher's classroom for educational purposes; and (c) the use of school- or class-approved PEDs for educational purposes.

Teachers may require students to put PEDs in a caddy or to stow them in a backpack. Teachers should state clear classroom expectations about PEDs and consequences for use in class.

Students may use PEDs in public spaces during passing time or during free blocks so long as they are used silently and are otherwise not disruptive or disturbing to others.

SECTION J
STUDENTS
13. Student Civil Rights and Non-Discrimination Policy
(Voted 4/30/26, #26-55)

1. Commitment to Non-Discrimination
2. Definitions
3. Discrimination and Harassment
4. Rights of Students in Protected Classes
5. Annual Reporting
6. Process and Contacts for Reporting Possible Discrimination, Harassment and/or Bias-Based Conduct
7. Federal and State Remedies
8. Legal Statutes

1. COMMITMENT TO NON-DISCRIMINATION

The Public Schools of Brookline is committed to maintaining an educational environment where students of all backgrounds and experiences are physically and psychologically safe, connected, encouraged, and can flourish. We strive to eliminate all forms of bias and bigotry, including discrimination based on any individual´s actual or perceived race, color, sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, natural or protective hairstyle or any other category protected by state or federal law. The Public Schools of Brookline is resolved that prejudice and disparate treatment will never impede our learners, consistent with our district goals:

- Joy in Learning
- Excellence in Teaching
- Culture of Collaboration
- Celebration of Differences
- Commitment to Equity
- Ethic of Wellness

Schools will vigorously implement and actively enforce this policy to ensure that all of its daily operations are characterized by fairness, respect, and equity. Any violation of this policy will be viewed as serious misconduct and may result in discipline, up to and including termination of the offending employee or discipline of the responsible student consistent with the district's Code of Conduct.

While this policy is aimed at promoting a learning environment that is free of discrimination or harassment of any kind, it is not intended to limit the district's authority to discipline or take remedial or restorative action to address misconduct by a student, employee, or other community member that is found to be inappropriate and bias-based and/or sexual in nature, regardless of whether that misconduct satisfies the definition of discrimination or harassment under the law.

It is important to note that schools must take action against discrimination, bullying and harassment and must take steps to prevent any misconduct that involves hate, bias, or prejudice while upholding students' rights of freedom of speech and expression in school.

Retaliation against any person who has reported a possible violation or participated in any manner in an investigation, proceeding, or hearing of a report of a violation of this policy, will similarly be viewed as serious misconduct and may also result in discipline (up to and including termination for district employees).

Some instances of discrimination, harassment and sexual misconduct may also fall under the **Bullying Prevention Policy,** particularly when behavior involves repeated communication or actions that result in harm or disruption to a student's educational experience. In such cases, the matter will be reviewed under both policies.

2. DEFINITIONS

a. Antisemitism: hostility, prejudice, discrimination or antagonism against Jews, both as individuals and as a group. It can be overt such as swastikas, slurs or threats, or more subtle codes, tropes and assumptions including stereotyping and conspiracy theorizing, that can lead to harassment and discrimination.

b. Bias-Based Conduct means any unwelcome or inappropriate physical, verbal, written, graphic, or electronic conduct relating to a person's actual or perceived Protected Class that does not involve severe, persistent or pervasive conduct that creates a hostile environment, but will likely create a hostile educational or work environment if the conduct persists.

c. Discrimination includes, but is not limited to excluding from participation, denying the benefits of, or otherwise discriminating against individuals on the basis of a Protected Class, or any other category protected by state or federal law, in the administration of its educational and employment policies, or in its programs and activities, or in failing to provide equal access to designated youth groups

d. Gender expression: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

e. Gender identity: a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth"

f. Gender nonconforming: a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used.

g. Gender nonbinary: a term to describe people who identify as neither male nor female, and may use the pronoun, “they.” Other similar terms include gender queer and genderfluid.

h. Gender transition: describes the experience by which a person goes from living and identifying as one gender to living and identifying as another.

i. Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that relates to an individual’s actual or perceived Protected Class, that has the purpose or effect of creating a hostile education or work environment, or, if the conduct were to persist, would likely create a hostile education or work environment. A target/complainant may include a person reasonably affected by conduct directed toward another individual.

j. Hostile environment is where physical, verbal, written, graphic or electronic conduct that relates to a person’s protected class is sufficiently severe, persistent or pervasive so that it unreasonably interferes with or limits the ability of a student to participate in or benefit from the district’s programs or activities.

k. Islamophobia: hostility, prejudice, discrimination or antagonism against Islam or people who practice Islam. It encompasses prejudice, bias and stereotyping against Muslims, that can lead to harassment and discrimination.

l. Non-discrimination refers to the principle of treating individuals equally, without bias based on characteristics such as race, gender, religion or disability. This concept is fundamental to the fight against racism and other forms of discrimination, promoting fairness and equality in various contexts, including employment, education and public services.

m. Protected Class: A group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. Protected classes include: race (to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles), color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, or pregnancy-related condition, or any other category protected by state or federal law.

n. Racism: hostility, prejudice, discrimination, or antagonism directed against someone based on their race. It focuses on both individual bias and systemic inequality, and can lead to harassment and discrimination.

o. Reasonable accommodations: accommodations that do not place an undue burden on

PSB, meaning they are not overly costly, disruptive, or substantial, and do not fundamentally change the nature of a program, service, or activity.

p. Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment against any member of the school community in response to that member's oral or written, formal or informal, reporting or filing a complaint of discrimination, including harassment or retaliation, cooperating in an investigation, aiding or encouraging another member of the school community to report or file a complaint, or for opposing any act or practice reasonably believed to be prohibited by the Non-Discrimination Policy.

q. Sexual Harassment *

* *Sexual Harassment definitions can be found in section 3.*

r. Student with disability: someone who has a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, or learning. This definition also includes students with severe allergies, such as those to airborne tree nuts, if the allergy significantly limits their major life activities.

s. Transgender: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

3. DISCRIMINATION AND HARASSMENT

Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) unreasonably interferes with or limits the ability of an individual or group described above to participate in or benefit from a program or activity of the Public Schools of Brookline or (ii) creates an intimidating, threatening or abusive educational environment.

Discriminatory conduct includes treating students differently because of their membership in a protected group, such that the treatment interferes with or limits the student's ability to participate in or benefit from an educational opportunity or extracurricular program.

Harassment includes racial, ethnic, or ancestral slurs, xenophobic remarks and stereotyping, and encompasses antisemitism, Islamophobia, racism, and other forms of discrimination when based on shared ancestry or ethnic characteristics. This includes when the discrimination is based on a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions; and when the discrimination is based on where a student came from or is perceived to have come from. Non-discrimination protections based on race, color, and national origin, when based on shared ancestry or ethnic characteristics, extend to students and school community members.

Examples of discriminatory behavior toward students that may violate this policy include:

- Speaking or otherwise communicating derisively to or about a student because of their membership in a protected group, such as their race, including the use of slurs.
- Telling or digitally circulating jokes that are derisive toward members of a particular group, such as a student of a particular religious faith.
- Using insulting nicknames for members of a protected group, such as a female student.
- Refusing to allow students to participate in any activity because of their membership in a protected group, such as their sexual orientation, and in the absence of a legitimate nondiscriminatory reason for the refusal.
- Disciplining a student more frequently or more harshly because of their membership in a protected group, such as their national origin.
- Displaying pictures or taking any action that is derisive to any student based on their membership in a protected group.
- Refusal to use the gender identity affirming name and/or pronouns that a student has stated.

Employees of the Public Schools of Brookline who become aware of any possible discrimination, harassment, and/or bias-based conduct toward or involving students must report the incident or concern to their school leader, supervisor, and/or the Office of Student Services as soon as practicable, generally within the same school day. The same standard applies to partners or contractors providing services in or under the auspices of the Public Schools of Brookline.

Schools will vigorously implement and actively enforce this policy to ensure that all of its daily operations are characterized by fairness, respect, and equity. Any violation of this policy will be viewed as serious misconduct and may result in discipline, up to and including termination of the offending employee or discipline of the responsible student consistent with the district's Code of Conduct.

When a school receives notice of an incident that may involve harassment, it must

conduct a prompt and impartial investigation that is sufficiently thorough to determine whether an intimidating or hostile environment exists.

3.1 Discrimination, Harassment, and/or Bias Based Conduct

While this policy is aimed at promoting a learning environment that is free of discrimination or harassment of any kind, it is not intended to limit the district's authority to discipline or take remedial or restorative action to address misconduct by a student, employee, or other community member that is found to be inappropriate and bias-based and/or sexual in nature, regardless of whether that misconduct satisfies the definition of discrimination or harassment under the law.

Students may also sometimes experience "microaggressions": verbal or nonverbal communication that is rooted in implicit bias but does not rise to the level of a violation of this policy. Examples include:

- Mistaking one student for another because they share the same racial identity.
- Complimenting a student for having a skill that is counter to a stereotype regarding their gender or ethnicity.
- Assuming a student observes a particular religious holiday or has a particular sexual orientation.
- Asking a student about their disability without their consent and/or the consent of their parent/caregiver.

When such behaviors are reported or when concerning incidents do not rise to the level of targeted threats, intimidation, harassment or discrimination, the district relies on more of an education-oriented restorative process. A school administrator or other PSB designee may partner with the student, parent/caregiver, and appropriate school staff to determine an effective intervention, such as coaching, mediation, restorative justice, or individual, classroom, or school-wide instruction or training.

3.2 Sexual Misconduct Toward Students

Students participating in PSB academic, educational, extracurricular, or athletic, and school programs or activities are protected from sexual misconduct by other students, parents/caregivers, PSB employees, contractors, and visitors. This policy may also apply to conduct occurring outside school property or regular school hours when it is connected to a PSB-sponsored program or activity and the district has substantial control over the individuals and circumstances involved.

For this policy, sexual misconduct refers to inappropriate verbal, physical, or written conduct of a sexual nature, including sexual violence. Sexual violence is defined as any

sexual act that is unwanted, coerced, forced, or committed against someone who is unable to provide legal or informed consent due to age or incapacity.

3.2 (i) Definitions of Sexual Harassment

Under federal law, sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including

(1) Quid pro quo harassment. An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or implicitly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment).
(3) Specific offenses. (i) Sexual assault (ii) Dating violence; (iii) Domestic violence; (iv) Stalking

Massachusetts State Law also prohibits the sexual harassment of students in any program or course of study in any educational institution and defines "sexual harassment" 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.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion as well as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent)

All public school employees in Massachusetts are required to report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above.

Per Massachusetts law, any student, regardless of gender identity or sexual orientation, can be a target of sexual misconduct, and the alleged targets and the subject of the concern can be of the same or different genders.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint, assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion. The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

4. RIGHTS OF STUDENTS IN PROTECTED CLASSES*

**Certain protected classes and areas are called out in federal and state law. These are detailed in this section.*

4.1 Rights of Students with Regards to Gender Identity

The Public Schools of Brookline (PSB) are dedicated to protecting all students, including transgender, gender nonbinary, and gender nonconforming students, from discrimination. This policy is intended to create a culture in which transgender, gender nonbinary, and gender nonconforming students feel safe, supported, and included. Understanding the correct terminology associated with gender identity is important to providing a safe and supportive school environment.

4.1 (i) Names and Pronouns

In Massachusetts, individuals have the right to adopt a name different from the one on their birth certificate. PSB will ensure that a student's chosen name is accurately recorded on all school records, regardless of whether the student or parent provides a court order formalizing the name change. For students undergoing a gender transition while attending PSB, the school will collaborate with the student and/or parent/caregiver(s) to create a plan for using the student's chosen name and pronouns.

4.1 (ii) Privacy, Confidentiality, and Student Records

Under state law, information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, is part of their student record, is considered confidential, and must be kept private and secure. When determining which, if any, staff or students should be informed that a student's gender identity is different from their assigned sex at birth, decisions should be made in consultation with the student, or in the case of a student under 14, the student's parent/caregiver. The key question is whether and how sharing the information will benefit the student. Please see this document for PSB's Gender Support Plan.

Transgender, gender nonbinary, and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. If a student is from 14 through 17 years of age or has entered ninth grade, both the parent and the student may make decisions concerning the student record, or either the student or the parent acting alone may decide. If a student is under 14 and not yet in the ninth grade, the student's parent/caregiver (alone) has the authority to decide on disclosures and other student record matters.

Some transgender, gender nonbinary, and gender nonconforming students are not open about their gender identity at home due to safety concerns or lack of acceptance. School personnel will speak with the student first before discussing a student's gender nonconformity or transgender status with their parent/caregiver, including discussing how the school should refer to the student, e.g., appropriate pronoun use, in communication with their parent/caregiver.

4.1 (iii) Gender Markers on Student Records

A gender marker is the designation on school and other records that indicates a student's gender. For most students, records that include an indication of a student's gender will reflect a student's assigned sex at birth. For transgender students, however, a documented gender marker (for example, "male" or "female" on a permanent record) should reflect

the student's gender identity. For example, upon request by a transgender student whose gender identity is male (or their parent/caregiver, if they are under 14), the school should change the gender marker on the record to male. Transgender students who transition after completing high school may ask to amend school records consistent with their gender identity, including reissuing a high school diploma or transcript.

4.1 (iv) Restrooms, Locker Rooms, and Changing Facilities

All students are entitled to have access to restrooms and changing facilities that are sanitary, safe, adequate, and consistent with their gender identity, so they can comfortably and fully engage in their school program and activities. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. Transgender students who are uncomfortable using a sex-segregated restroom or changing facility should be provided with a safe and adequate alternative, such as a single "all gender" restroom or nurse's restroom.

4.1 (v) Physical Education Classes and Athletic Activities

Where there are sex-segregated physical education classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

4.1 (vi) Dress Codes

The PSB shall not require students to wear gender-based clothing for school attendance, field trips or graduations, nor have gender-based dress codes for prom, special events, athletics, or any other school-related activity.

4.2 Rights of Expectant and Parenting Students

Expectant and parenting students have the right to decide how and when they seek support and services from school staff, and to have their personal health information kept confidential. This includes information about their pregnancy or parenting status, and such details should only be shared with others when necessary for the student's physical safety. When a student shares their expectant or parenting status with a staff member, the staff member is responsible for informing the head of school in a timely manner and ensuring that the student is aware of the need to notify the head of school. However, staff must not pressure or coerce the student into informing their parent/caregiver, or anyone else, about their pregnancy or related matters.

Staff members are prohibited from disclosing a student's expectant or parenting status to their parent/caregiver without the student's consent. While staff should encourage students to consider informing their parent/caregiver about the pregnancy and related

decisions, this remains the student's choice. Medical professionals within the school are allowed to keep confidential medical records for pregnant students who seek treatment.

Expectant or parenting students cannot be excluded from any school program, class, or extracurricular activity because of their status. All school staff must maintain high academic expectations for all students, regardless of expectant or parenting status.

4.3 Rights of Students with Disabilities

The Public Schools of Brookline are dedicated to preventing and addressing any form of discrimination, harassment, and/or bias-based conduct toward students with disabilities. We are committed to providing reasonable accommodation under Section 504 of the Rehabilitation Act of 1973 to ensure all students with disabilities have full access to education, extracurricular activities, and other school-sponsored events.

Examples of reasonable accommodation due to a disability may include access to school elevators, wheelchair-accessible transportation to school or school events, extended time for tests, assistive technology, or the removal of physical barriers to accessibility.

Students or their parents/caregivers who wish to request accommodations due to a disability should reach out to the building 504 administrator who will collaborate with the student, their parent/caregiver, and the student's educational team to determine 504 eligibility. If the student is eligible, accommodations will be outlined in a Section 504 Plan, which will include clear timelines for review and reevaluation.

4.4 Rights of Students Requesting Religious Accommodations

PSB provides reasonable accommodation for students who need adjustments to their educational requirements to observe their religious beliefs.

Examples of reasonable accommodation to observe religious beliefs may include excused absences for religious observances, allowing head coverings or other religious garments, and scheduling tests and assignments around religious holidays when possible.

5. ANNUAL REPORTING

PSB's Title VI Coordinator and Title IX Coordinator shall be responsible for maintaining records of all reports of discrimination, harassment, and/or bias-based conduct or sexual misconduct. The Coordinator(s) will prepare an annual report to the Superintendent and School Committee (without personal identifying information) regarding the number and nature of reports, whether a finding of a policy violation was made in each case, and any trends in this data. This annual report shall be submitted no later than August 1 of each year and shall be publicly posted in a manner accessible to the general public by August 15 of that same year.

6. PROCESS AND CONTACTS FOR REPORTING POSSIBLE DISCRIMINATION, HARASSMENT, AND/OR BIAS-BASED CONDUCT

Employees of the Public Schools of Brookline are required to report any incidents they become aware of that may constitute discrimination, harassment, and/or bias-based or sexual misconduct toward a student, and may be subject to discipline for failing to report an incident and/or failing to report an incident in a timely manner. They may report an incident to a principal, head of school, the Deputy Superintendent of Student Services, or any Central Office department head. Incidents that a PSB employee becomes aware of indirectly, such as from a written note or an overheard conversation, must also be reported.

Students, parents/caregivers, and other community members are encouraged to report concerns regarding incidents that may constitute discrimination, harassment, and/or bias-based or sexual misconduct toward a student to their school's principal or head of school, another school administrator, or the Office of Student Services. It is advised to file this report as close to the time of the incident as possible, as matters are generally more easily resolved the sooner they are reported. Reporting a possible violation will not be construed as reflecting unfavorably on a student, parent/caregiver, employee, or other community member's good standing, academic performance, loyalty, or desirability to the Public Schools of Brookline. Anonymous reports will be investigated to the extent possible. While not required, the district encourages the completion of the Community Incident Reporting Form available at this link.

Detailed protocols regarding reporting and investigations of possible discrimination, harassment, and/or bias-based or sexual misconduct are provided in a separate document entitled the *Public Schools of Brookline Student Civil Rights and Non-Discrimination Protocols & Procedures.* This document shall be available on the PSB website.

The Public Schools of Brookline's Section 504 Coordinator is responsible for ensuring compliance with the accommodation rights of students with disabilities. Any student, parent/caregiver with related concerns or questions, or who wish to request a religious accommodation for a student, may contact the district's Section 504 Coordinator:

Section 504 Coordinator
Senior Director of Clinical Services and Social Emotional Learning
Town Hall, 333 Washington Street, 5th Floor, Brookline, MA 02445
Phone: 617-730-2447 Fax: 617-730-2066

The Public Schools of Brookline's Title VI Coordinator is responsible for ensuring compliance with the discrimination, harassment, and/or bias-based conduct investigatory process and related rights and responsibilities outlined in this policy, and tracking

incidents across the district. Any student, parent/caregiver with related concerns or questions may contact the district's Title VI Coordinator:

Title VI Coordinator
Interim Deputy Superintendent of Student Services
Town Hall, 333 Washington Street, 5th Floor, Brookline, MA 02445
Phone: 617-730-2447 Fax: 617-730-2066

The Public Schools of Brookline's Title IX Coordinator is responsible for ensuring compliance with the sexual misconduct investigatory process and related rights and responsibilities outlined in this policy, and tracking incidents across the district. Any student, parent/caregiver with related concerns or questions may contact the district's Title IX Coordinator:

Title IX Coordinator
Interim Deputy Superintendent of Student Services
Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445
Phone: 617-730-2447 Fax: 617-730-2066

7. STATE AND FEDERAL REMEDIES

Using the PSB civil rights and non-discrimination reporting process does not prohibit any individual from also filing a complaint with a state or federal agency. These agencies have a time period for filing a claim as indicated below.

- *For incidents involving discrimination against students (must be filed within 180 days):*
  U.S. Department of Education Office for Civil Rights (OCR)
  Information about filing a complaint can be found at this link.

- *For concerns regarding students' equitable access to education (must be filed within the same school year):*
  Problem Resolution System Office
  Massachusetts Department of Elementary and Secondary Education (DESE)
  135 Santilli Highway
  Everett, MA 02149
  Email: DESECompliance@mass.gov

- *For concerns regarding civil rights related to school-provided meals (must be filed within 180 days):*
  U.S. Department of Agriculture (USDA)
  Director, Center for Civil Rights Enforcement

1400 Independence Avenue, SW
Washington, DC 20250-9410
Email: program.intake@usda.gov

8. LEGAL STATUTES

M.G.L. c. 76, § 5 (The Student Anti-Discrimination Act): This is the "Civil Rights Act" for students. It mandates that no student can be excluded from or discriminated against in a public school based on race, color, sex, gender identity, religion, national origin, or sexual orientation.

M.G.L. c. 71, § 37O (The Anti-Bullying Law): While this law covers general peer-to-peer aggression, it specifically requires schools to create plans that protect students who are "vulnerable" based on certain protected classes.

603 CMR 26.00: These are the state regulations that implement the Anti-Discrimination Act. They legally define "harassment" as conduct that creates a hostile environment.

Title VI (Civil Rights Act of 1964): Prohibits discrimination based on race, color, or national origin.

Title IX (1972): Prohibits discrimination based on sex (including sexual orientation and gender identity).

Section 504 /ADA: Prohibits discrimination based on disability.

New Policy Adopted by Brookline School Committee: 4/30/26, # 26-55