

1 **LEXINGTON SCHOOL COMMITTEE POLICY**

2
3 **BULLYING PREVENTION AND**
4 **INTERVENTION PLAN POLICY**

First Reading: November 5, 2013

Second Reading: November 19, 2013

Date Approved by
School Committee: February 4, 2014

Signature of Chair: On File

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10 **Page 1 of 6**

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13 The Lexington Public Schools (LPS), in partnership with parents, guardians, and the community,
14 and in keeping with the LPS core value of respect for human differences, believes that a positive,
15 safe, and civil environment in school is necessary for students to learn and achieve. Bullying is
16 conduct that can disrupt a student's ability to learn by preventing that student's full engagement
17 with his or her education. Moreover, bullying compromises a school's ability to educate its
18 students in a safe environment. The Lexington School Committee, therefore, prohibits acts of
19 bullying or cyber-bullying throughout the Public Schools of Lexington.

20
21 "Bullying" shall include, but is not limited to, the repeated use by one or more students or a
22 member of the school staff of a written, verbal, or electronic expression, or a physical act or
23 gesture, or any combination thereof, directed at a target that:

- 24
25 • causes physical or emotional harm to the target or damage to the target's property;
26 • places the target in reasonable fear of harm to him/herself, or of damage to his/her
27 property;
28 • creates a hostile learning and/or social environment at school for the target;
29 • infringes on the rights of the target at school; or
30 • materially and substantially disrupts the education process or the orderly operation
31 of a school.

32
33 School staff includes but is not limited to: an educator, administrator, school nurse, cafeteria
34 worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity,
35 paraprofessional, clerical and technology staff.

36
37 "Cyber-bullying" means bullying through the use of technology or any electronic
38 communication, which shall include, but shall not be limited to, any transfer of signs, signals,
39 writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- 40
41 • wire
42 • radio
43 • electromagnetic, photo-electronic or photo-optical system, including, but not limited to,
44 electronic mail, internet communications, instant messages, facsimile communications, cell
45 phone or texting.
46

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

5
6 Cyber-bullying shall also include the distribution by electronic means of a communication to
7 more than one person or the posting of material on an electronic medium that may be accessed
8 by one or more persons, if the distribution or posting creates any of the conditions enumerated in
9 the definition of bullying.

10
11 Bullying and cyber-bullying can occur in and out of school, during and after school hours, at
12 home and in locations outside of a home. When bullying and cyber-bullying are alleged, the full
13 cooperation and assistance of parents or guardians and their families are expected.

14
15 For the purpose of this policy, whenever the term bullying is used, it is to denote either bullying,
16 or cyber-bullying.

17
18 Bullying is prohibited:

- 19
- 20 • on school grounds;
 - 21 • on property immediately adjacent to school grounds;
 - 22 • at school-sponsored or school-related activities, functions or programs, whether
23 on or off school grounds;
 - 24 • at school bus stops;
 - 25 • on school buses or other vehicles owned, leased or used by the school district; or,
 - 26 • through the use of technology or an electronic device owned, leased or used by the LPS.
- 27

28 Bullying and cyber-bullying are prohibited at a location, activity, function or program that is not
29 school-related or through the use of technology or an electronic device that is not owned, leased
30 or used by the LPS if the act or acts in question:

- 31
- 32 • create a hostile learning and/or social environment at school for the target;
 - 33 • infringe on the rights of the target at school; and/or
 - 34 • materially and substantially disrupt the education process or the orderly operation of a
35 school.
- 36

37 Prevention and Intervention Plan

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39 The superintendent or designee shall oversee the development of a prevention and intervention
40 plan, in consultation with all district stakeholders, which may include parents and guardians,
41 teachers, school staff, professional support personnel, school volunteers, administrators,
42 community representatives, local law enforcement agencies, and students, consistent with the
43 requirements of this policy, as well as state and federal laws. The bullying prevention and
44 intervention plan shall be reviewed and updated at least biennially.

45
46 The principal or designee is responsible for the implementation and oversight of the Plan except
47 when a reported bullying incident involves the principal or the assistant principal as the alleged
48 aggressor. In such cases, the Superintendent or designee shall be responsible for investigating
49 the report and other steps necessary to implement the Plan, including addressing the safety of the

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

4 5 Reporting

6
7 Students who believe that they are a target of bullying are encouraged and urged to report the
8 matter to a member of the school staff. Students who observe an act of bullying, or who have
9 reasonable grounds to believe that these behaviors are taking place, are obligated to report
10 incidents to a member of the school staff, and may be subject to discipline for failing to report
11 such incidents. However, the target shall not be subject to discipline for failing to report bullying.

12
13 A school or district staff member shall immediately report any instance of suspected bullying or
14 retaliation the staff member has witnessed or become aware of to the school principal or
15 designee. This includes bullying or retaliation of a student by another student or bullying or
16 retaliation of a student by a staff member. If the principal is the alleged aggressor, the report
17 shall be made to the superintendent or designee. If the superintendent is the alleged aggressor,
18 the report shall be made to the school committee or designee. If the staff member fails to report,
19 he or she may be subject to disciplinary action.

20
21 Parents or guardians, or members of the community, are encouraged to report an incident of
22 suspected bullying as soon as possible to the school principal or designee. This includes bullying
23 of a student by another student or by a staff member. If the principal is the alleged aggressor, the
24 report shall be made to the superintendent or designee. If the superintendent is the alleged
25 aggressor, the report shall be made to the school committee or designee.

26
27 Each school shall have a means for anonymous reporting by students of incidents of suspected
28 bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous
29 report.

30
31 Any student who is found to have knowingly made a false accusation/report of bullying may be
32 subject to disciplinary action.

33 34 Investigation Procedures

35
36 A school principal or designee shall promptly investigate any report of bullying, using a
37 Bullying/Cyber-bullying Report Form. It may include, but is not limited to, interviewing the
38 alleged target, alleged aggressor, staff members, students and/or witnesses. The principal or
39 designee (or whoever is conducting the investigation) shall remind the alleged student aggressor,
40 target, and witnesses of the importance of the investigation, their obligation to be truthful and
41 that retaliation against someone who reports bullying or provides information during a bullying
42 investigation is strictly prohibited and will result in disciplinary action.

43
44 A principal or designee, upon determining that bullying or retaliation has occurred, shall
45 promptly contact the parents or guardians of the alleged target(s) and when the alleged
46 aggressor(s) is a student, parents or guardians of the alleged aggressor(s). Actions being taken to
47 prevent further acts of bullying shall be discussed.

1 The investigation shall be completed within a reasonable amount of time. The parents or
2 guardians of both the student aggressor(s) and the target(s) shall be notified if there has been a
3 finding that bullying has occurred. They will be updated periodically during the investigation,
4 and, upon its completion, shall be informed of the results, including whether the allegations were
5 found to be factual, whether a violation of this policy was found, whether disciplinary action has
6 or shall be taken, and whether or what steps will be taken to prevent retaliation or further acts of
7 bullying.

8
9 If the alleged aggressor is a staff member, notice will be made to that individual in accordance
10 with district policies and procedures, including in accordance with any applicable collective
11 bargaining agreements. The individual will be updated periodically during the investigations and,
12 upon its completion, shall be informed of the results, including whether the allegations were
13 found to be factual, whether a violation of this policy was found, whether disciplinary action has
14 or shall be taken, and whether or what steps will be taken to prevent retaliation or further acts of
15 bullying.

16
17 A principal or designee shall assess an alleged target's needs for protection and create and
18 implement a safety plan that shall restore a sense of safety for that student.

19
20 Confidentiality shall be maintained to protect all parties, which includes, but is not limited to,
21 alleged aggressor(s) or target(s), a person who reports bullying, or provides information during
22 an investigation of bullying, or is witness to or has reliable information about an act of bullying.

23 24 Disciplinary Actions

25
26 If a school principal or designee determines that bullying has occurred, he/she shall take
27 appropriate disciplinary action, and if it is believed that criminal charges may be pursued against
28 the aggressor, the principal shall notify the appropriate local law enforcement agency and notify
29 the superintendent.

30
31 Disciplinary actions for students who are found to have committed an act of bullying or
32 retaliation shall be in accordance with LPS disciplinary policies.

33
34 Disciplinary actions for employees who are found to have committed an act of bullying or
35 retaliation shall be in accordance with state law, any applicable Collective Bargaining
36 Agreements, and Lexington Public School's policies and procedures.

37 38 Assistance

39
40 The LPS may provide appropriate counseling or referral to appropriate services, including, but
41 not limited to, guidance, academic intervention, and protection to any affected students, as
42 necessary.

43 44 Documentation

45
46 Each school shall document any incident of bullying that is reported per this policy, and the
47 principal or a designee shall maintain a file of these reports.

1 The superintendent or designee shall inform the School Committee periodically of any trends or
2 implications of these reports in order to give the School Committee the opportunity to review
3 and amend this policy.

4
5 Confidentiality shall be maintained consistent with the school's obligations under law.

6 7 Retaliation

8
9 Reprisal or retaliation against any person associated with a report of bullying or the investigation
10 thereof is prohibited. Disciplinary action for a person who is found to have engaged in reprisal
11 or retaliation will reflect the extreme seriousness of such an act. Disciplinary action of an
12 alleged student aggressor may include, but is not limited to, suspension or expulsion. If the
13 principal or designee decides that disciplinary action is appropriate for a staff member, the
14 disciplinary action is determined on the basis of facts found by the principal or designee and
15 appropriate expectations in light of the staff member's role and responsibilities.

16 17 Training and Assessment

18
19 The Superintendent or designee shall provide training annually for all staff, including but not
20 limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians,
21 bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, clerical and
22 technology staff so as to improve preventing, identifying, responding to, and reporting incidents
23 of bullying. The faculty and staff at each school shall be trained annually on the bullying
24 prevention and intervention plan applicable to the school.

25
26 Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into
27 the curriculum for all K to 12 students.

28 29 Publication and Notice

30
31 Annual written notice of the relevant sections of the bullying prevention and intervention plan
32 shall be provided in each school handbook to students and their parents or guardians, in age-
33 appropriate terms.

34
35 The superintendent or designee shall provide written notice annually of the bullying prevention
36 and intervention plan to all school staff.

37
38 Relevant sections of the bullying prevention and intervention plan relating to the duties faculty
39 and staff and bullying of students by school staff shall be included in faculty handbooks.

40
41 The bullying prevention and intervention plan and policy shall be posted on the LPS website.

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1 REFERENCES: Massachusetts Department of Elementary and Secondary Education's
2 Model Bullying Prevention and Intervention Plan
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4 LEGAL REFS. :

5 Title VII, Section 703, Civil Rights Act of 1964 as amended
6 Federal Regulation 74676 issued by EEO Commission
7 Title IX of the Education Amendments of 1972
8 603 CMR 26.00
9 MGL 71:37O
10 M.G.L. c. 71, 37H & 37H1/2
11 MGL 265:43, 43A
12 MGL 268:13B
13 MGL 269:14A
14 Discipline of Special Education Students Under IDEA 2004
15 20 U.S.C. 1415(k) and 34 CFR 300.530-300.536
16 M.G.L. ch. 71 §41 and §42
17 Collective Bargaining Agreements
18
19

20
21 LEXINGTON PUBLIC SCHOOLS POLICIES: PROHIBITING HARRASSMENT (Approved:
22 2/15/03.)

23 DISCIPLINING SPECIAL NEEDS STUDENTS POLICY (Approved: on file.)
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25
26

1 **LEXINGTON SCHOOL COMMITTEE POLICY**

2
3 **USE OF DRUGS AND ALCOHOL**
4 **ON SCHOOL PREMISES POLICY**

First Reading: ___ October 25, 2011 ___

Second Reading: ___ November 8, 2011 ___

Date Approved by
School Committee: ___ September 10, 2013 ___

Signature of Chair: _____ On File _____

Page 1 of 1

13
14
15 **PURPOSE AND SCOPE**

16
17 The use, sale, delivery, or possession of alcohol or prohibited drugs within all school buildings,
18 school facilities, on or off school grounds at all school sponsored events or school buses of the
19 Lexington Public Schools by any individual is prohibited at all times. For the purpose of this policy,
20 the term "prohibited drugs" **includes** alcohol and/or controlled substances as defined in Mass. Gen.
21 Laws, Ch. 94C (including, but not limited to marijuana, heroin, cocaine), as well as restricted drugs,
22 such as prescription or over the counter drugs that may be misused, steroids, and products used for
23 the purpose of mind altering effects (aerosols, solvents, etc.).

24
25 A staff member determined to be in violation of this policy shall be subject to disciplinary action,
26 up to and including dismissal.

27
28 A student determined to be in violation of this policy shall be subject to disciplinary action pursuant
29 to the student discipline code.

30
31
32 **APPLICATION**

33
34 This policy shall be promulgated to all staff and students in appropriate handbook(s) and
35 publications.

36
37 The Lexington Public Schools will report to the police suspected violations of laws relating to
38 alcohol and drugs on school property.

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40
41 **LEGAL REF:**

42 M.G.L. c. 71, §37H (students-controlled substances)

43 M.G.L. 37H1/2 Felony Charges and Convictions

44 M.G.L. c. 138, §§34, 34A, 34C (alcohol)

45 M.G.L. c. 94C (controlled substances)

46 M.G.L. c. 270, §6 (glue-toxic substances)

47 M.G.L. c. 272, §40A (alcohol on school property)

48 Drug-Free Workplace Act of 1988

49 Drug-Free Schools and Community Act Amendments of 1989

LEXINGTON SCHOOL COMMITTEE POLICY

POLICY PROHIBITING HARASSMENT

Date Approved by
School Committee:

2/25/03

Signature of Chair:

On File

Page 1 of 4

I. BACKGROUND OF POLICY

The Lexington Public Schools is committed to maintaining a school environment free of any harassment based on, but not limited to, age, color, disability, gender, national origin, race, religion or sexual orientation. Such harassment in the workplace or school environment is unlawful and is absolutely prohibited. This includes harassment by administrators, certified and support personnel, students, vendors, and other individuals in school or at school-related events. Further, any retaliation against an individual who has complained about harassment or against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

II. PURPOSE AND SCOPE

Harassment is defined as any communication or conduct that is sufficiently serious to limit or deny the ability of a student to participate in or benefit from the educational program or the ability of a staff member to perform his/her duties. It includes, but is not limited to, any communication, written, spoken or otherwise, such as jokes, comments, innuendoes, notes; material placed on the internet or other electronic media such as email, web page, and voice mail; writing placed on school property, the display of pictures or symbols, graffiti, gestures, or other conduct that offends or shows disrespect to others based upon age, color, disability, gender, national origin, race, religion, or sexual orientation.

By law, the particular communication or conduct is viewed from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person; therefore, individuals should consider how their words and actions might be viewed by other individuals.

It should be noted that, while this policy sets forth the goal of the Lexington Public Schools to maintain a work and educational environment that is free of harassment based upon age, color, disability, gender, national origin, race, religion or sexual orientation, the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, whether or not that conduct satisfies the definition of harassment.

LEXINGTON SCHOOL COMMITTEE POLICY

POLICY PROHIBITING HARASSMENT Reformatted 2/25/03

Page 2 of 4

Sexual Harassment

While all types of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment or education, or
2. The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a student, or
3. Such conduct interferes with an individual's job duties, education, or participation in extracurricular activities, or
4. The conduct creates an intimidating, hostile or offensive work or school environment.

The legal definition of sexual harassment is broad. 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 or educational environment that is hostile, offensive, intimidating or humiliating to individuals of either gender may also constitute sexual harassment. While it is not possible to list all circumstances that may constitute such harassment, examples may include references to sexual conduct, comments on an individual's body, unwelcome leers, and suggestive or insulting comments.

III. APPLICATION

Employee Complaints

An **employee**¹ who believes that he/she is the victim of harassment should contact:

Robert Harris
Assistant Superintendent for Human Resources
Lexington Public Schools
146 Maple Street
Lexington, MA 02420
(781) 861-2580

If an employee does not wish to discuss the issue with the Assistant Superintendent for Human Resources or feels that she is not addressing the problem in an effective manner, the employee should contact the Superintendent of Schools (781) 861-2550.

¹ Refer to Lexington Public Schools: Grievance Procedure

LEXINGTON SCHOOL COMMITTEE POLICY

POLICY PROHIBITING HARASSMENT Reformatted 2/25/03

Page 3 of 4

Student Complaints

A **student** who believes that he/she is the victim of harassment should report the matter to a teacher, counselor, or administrator who in turn will notify a complaint manager in the school. As an alternative, a student may report directly to a complaint manager. Notice of each school's complaint managers will be posted in a prominent location in the school.

All employees of the Lexington Public Schools must respond to complaints by students of harassment by notifying the building principal or an appointed complaint manager. Employees are required to take every report of harassment seriously.

A **student**² may also file a complaint alleging harassment by contacting:

Linda Chase
Director of Student Services
Lexington Public Schools
146 Maple Street
Lexington, MA 02420
(781) 861-2490

If a student does not wish to discuss the issue with a teacher, counselor, administrator, complaint manager, or the Director of Student Services, or if the student feels that the aforementioned people do not address the problem in an effective manner, the student should contact the Superintendent of Schools (781) 861-2550.

The Assistant Superintendent for Human Resources, Director of Student Services, and Superintendent as listed above are also available to provide information about this policy and the Lexington Public Schools' complaint process.

Investigation and Closure of a Complaint

The Lexington Public Schools urges all individuals in the school community to bring any complaint of harassment to the attention of school personnel so that they can resolve the issue. The Lexington Public Schools will promptly investigate every complaint, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. If it determines that harassment has occurred, Lexington Public Schools will take appropriate action to end the harassment and to ensure that it is not repeated.

² Refer to Lexington Public Schools: Student Complaint Procedure

LEXINGTON SCHOOL COMMITTEE POLICY

POLICY PROHIBITING HARASSMENT

Reformatted 2/25/03

Page 4 of 4

When an investigation has been completed, school personnel will inform the complainant of the results and file a report with the Assistant Superintendent for Human Resources, Coordinator for Title IX, Coordinator for Section 504 of the Rehabilitation Act and for M.G.L. Chapter 76 Section 5 (commonly known as Chapter 622).

Retaliation against any individual who has filed a complaint of harassment or who cooperates in an investigation is unlawful and will not be tolerated.

Penalties

Persons who engage in harassment or retaliation will be subject to suspension, termination/expulsion or other sanctions, subject to applicable school system policies and procedures, as well as applicable contractual requirements.

In certain cases, harassment of a student, and in particular, sexual harassment of a student, may constitute child abuse under Massachusetts law³. Verbal sexual harassment of any child by anyone, including school district employees/volunteers, is recognized as a form of child abuse and a warning sign of actual physical or sexual abuse. Such abuse must be reported immediately to the Department of Social Services in accordance with the requirements of M.G.L. c. I 19, s. 51A. A matter reported under this section shall be screened to determine whether an investigation is pursuant to the Child Abuse and Neglect Policy, the Sexual Harassment Policy, or both. The Lexington Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse.

References

State agencies that enforce laws prohibiting harassment or receive complaints thereunder include the Massachusetts Commission Against Discrimination (MCAD), which is located at One Ashburton Place, Boston, MA 02108, telephone (617) 727-3990, and the Massachusetts Department of Education, 350 Main Street, Malden, MA 02148-5023, telephone (781) 338-3300.

Federal agencies responsible for enforcing federal laws prohibiting harassment include the Equal Employment Opportunity Commission (EEOC), One Congress Street, Boston, MA 02109, telephone (617) 565-3200, TDD Users (617) 565-3204; and the U.S. Department of Education, Office for Civil Rights (OCR), J.W. McCormack POCH, Boston, MA 02109-4557, telephone (617) 223-9662, TDD Users (617) 223-9695.

Voted 2/25/03

Reformatted: 2/03

³ See Lexington Public Schools: Child Abuse Policy

LEXINGTON SCHOOL COMMITTEE POLICY

USE OF TOBACCO PRODUCTS POLICY

Adopted: June 18, 2002

**Date Approved by
School Committee:**

Signature of Chair:

Page 1 of 1

PURPOSE AND SCOPE

Use of any tobacco products within all school buildings, school facilities, school grounds, or school buses of the Lexington Public Schools by any individual is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

APPLICATION

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings and facilities informing the general public of the district policy and requirements of state law.

LEGAL REF: M.G.L. 71, §37H