

ARLINGTON PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General laws, Chapter 30A, Section 20, notice is hereby given for the following meeting of the:

***Arlington School Committee
Standing Subcommittee: Policies and Procedures
Wednesday, June 15, 2022
10:45 AM***

*Arlington High School
869 Massachusetts Avenue, 6th Floor
Arlington, MA 02476*

There will be no Public Comment agenda item, but members of the public who wish to comment on individual agenda items will have the opportunity to comment.

Approval of Minutes - March 18, 2022 (P. Schlichtman)

File EBC Supplemental: General (Interim) Policy on Covid-Related Issues (P. Schlichtman)

File ACAB - Sexual Harassment (P. Schlichtman)

File FF: Policy for Special Dedications of School Facilities and Policy FF-E: Draft Procedures for Naming AHS Special Spaces (E. Homan)

Future Agenda Items

Adjournment

The listings of matters are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Stated times and time amounts, listed in parenthesis, are the estimated amount of time for that particular agenda item. Actual times may be shorter or longer depending on the time needed to fully explore the topic.

Submitted by Paul Schlichtman

Massachusetts law requires all open session meetings of public bodies to be accessible to members of the public, including those with disabilities. If you need reasonable accommodations in order to participate in the meeting, contact the Administrative Assistant to the Arlington School Committee Liz Diggins at ediggins@arlington.k12.ma.us.



Town of Arlington, Massachusetts

Location

Summary:

Arlington High School
869 Massachusetts Avenue, 6th Floor
Arlington, MA 02476



Town of Arlington, Massachusetts

Open Meeting (P. Schlichtman)

Summary:

There will be no Public Comment agenda item, but members of the public who wish to comment on individual agenda items will have the opportunity to comment.



Town of Arlington, Massachusetts

Approval of Minutes - March 18, 2022 (P. Schlichtman)

ATTACHMENTS:

Type	File Name	Description
▢ Minutes	Policies_and_Procedures_-_Meeting_Minutes_for_Approval_-_March_18__2022.pdf	Minutes for Approval - March 18, 2022

Arlington School Committee
Standing Subcommittee: Policies and Procedures
Friday, March 18, 2022
10:30 a.m.
Draft Minutes

The meeting was called to order at 10:31 a.m. The meeting was conducted by remote participation via Zoom.

https://us02web.zoom.us/webinar/register/WN_wdDbL6sWSx2uPJWdBG8lTA

Subcommittee members present: Paul Schlichtman, Kirsi Allison-Ampe, Jane Morgan

Also Present: Elizabeth Homan, Superintendent

Members of the Public:

Julie Hall, 189 Jason Street.

Brian Corcoran, 47 Everett Street.

Correspondence received: Mary Wagner (email), 19 Pine Ridge Road.

Open Meeting

The chair read the governor's order suspending certain provisions of the Open Meeting Law

There was no **Public Comment** agenda item, but members of the public who wished to comment on individual agenda items were invited to comment as they were considered.

Approval of Minutes – November 29, 2021

On a **motion** by Ms. Morgan, **seconded** by Dr. Allison-Ampe, it was **voted** to approve the minutes of March 24, 2021. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: BDA - SCHOOL COMMITTEE ORGANIZATIONAL MEETING

The chair explained this is a minor change, creating a reference to File BEDL, Land Acknowledgement. There was no further discussion.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present amendments to **File BDA – School Committee Organizational Meeting** for first reading. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: BEDB - AGENDA FORMAT/PREPARATION AND DISSEMINATION

The chair explained this is a minor change, creating a reference to File BEDL, Land Acknowledgement. There was no further discussion.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present amendments to **File BEDB – Agenda Format/Preparation and Dissemination** for first reading. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: BID - SCHOOL COMMITTEE MEMBER COMPENSATION

The chair said Mr. Kardon pointed out the need to change this policy, which states school committee members will serve without compensation. This amendment adjusts language to align with last year's Town Meeting vote to provide a stipend to members of the committee.

Dr. Allison-Ampe stated that, as File BID deals with school committee member compensation, and the members of the committee benefit from this compensation, we should invoke the rule of necessity. The chair agreed. There was no further discussion.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present amendments to **File BID – School Committee Member Compensation** for first reading.

Roll Call:

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: AC - NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The chair explained this is the first in a series of four policy changes (AC, AC-R, ACAB, and JICK) suggested by the Massachusetts Association of School Committees (MASC). He reported that MASC worked with the Attorney General's Civil Rights Division to review policies, and to broaden "discrimination" to include harassment and retaliation. There was no further discussion.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present an amendment to **File AC – Non-Discrimination Policy Including Harassment and Retaliation**, striking the current policy and replacing it with the revision recommended by MASC, for first reading. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: AC-R - NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

There was no further discussion on this policy.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present **File AC-R – Non-Discrimination Policy Including Harassment and Retaliation** for first reading. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
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Paul Schlichtman	Yes	(3-0)
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File: ACAB - SEXUAL HARASSMENT

Dr. Allison-Ampe noted there were some issues with punctuation and wording in the proposed policy. Mr. Schlichtman said if punctuation is the issue, we could approve the policy for First Reading and make technical corrections prior to the next school committee meeting. Dr. Allison-Ampe suggested it needed a little more “tidying-up” than could be done with a technical correction.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to table ACAB. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes	(3-0)	

File: JICK - HARASSMENT OF STUDENTS

There was no further discussion on this policy.

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to present **File JICK – Harassment of Students** for first reading. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes	(3-0)	

File: FF: - POLICY FOR SPECIAL DEDICATIONS OF SCHOOL FACILITIES

Current policy

File FF-E: PROCEDURES FOR NAMING AHS SPECIAL SPACES (E. Homan)

New Policy to supplement File FF

Mr. Schlichtman explained that the superintendent is looking to establish procedures for naming space in the new high school, and her draft has been placed in FF-E.

Superintendent Homan explained she worked with Dr. Janger to draft a procedure for the spaces that will need to be named, along with a timeline based on the phased opening of the school.

Ms. Morgan and Superintendent Homan discussed how FF-E would work. Ms. Morgan asked if we are giving up our authority of the school committee, moving a decision outside the school committee to a group telling us what to do. Superintendent Homan said she had envisioned language from FF-E to move into FF, while Mr. Schlichtman said that FF-E could be a standalone procedure that leads to action under FF. Dr. Allison-Ampe said we could use a process for naming things in general, beyond the high school. She also noted there are memorials in the old high school that we need to place.

Dr. Allison-Ampe asked what the timeline would be for the naming process. Dr. Homan said there were critical spaces that needed to be named before September of 2024. She said it would be good to convene this team sometime next year, so we should settle the question of setting the procedure by the end of the school year.

Mr. Schlichtman said he would put this in the minutes of the Policies and Procedures Subcommittee, and we can share the discussion with the full committee.

File: EBC SUPPLEMENTAL. GENERAL (INTERIM) POLICY ON COVID-RELATED ISSUES

Mr. Schlichtman reported that EBC-Supplemental contained a large number of emergency provisions that need to sunset by the end of the school year. However, he said there are provisions that we should consider retaining and moving elsewhere in the policy manual. He said the three things we need to think about retaining were:

1. Observations of Special Education Programs (File IHBA)
The Arlington School Committee has determined that, in order to protect the health and safety of students, vaccination against SARS-CoV-2, or evidence of a negative COVID-19 test, shall be required of all persons observing a special education student or program.
2. For the 2021-22 school year, the following is required for all students to participate in school-sponsored sports and rostered extracurricular activities that occur outside of the school day.
 1. All students regardless of SARS-CoV-2 (COVID-19) vaccination status must consent for routine COVID-19 testing.
 2. All students regardless of SARS-CoV-2 (COVID-19) vaccination status must participate in weekly COVID-19 testing as conducted by the district.
 3. Students who are age-eligible to receive a vaccination against SARS-CoV-2 (COVID-19), that is fully approved by the U.S. Food and Drug Administration, must be fully vaccinated prior to participation in school-sponsored sports and rostered extra-curricular activities that occur outside the school day, unless student qualifies for a medical disability or sincerely held religious belief exemption. The district considers a student fully vaccinated when it has been fourteen (14) days since the student was administered the final vaccination dose, required by the COVID-19 vaccine manufacturer, excluding booster shots. Students who are initially age-ineligible for the vaccine, but become eligible during the school year, must be vaccinated within six weeks of becoming eligible. Exceptions to this requirement can be found in File JLCB.
3. Visitors in schools and buildings (File KI)
Subject to current emergency declarations, the superintendent may propose suspension or modification to district policies regarding visitors to school buildings during the school day and after school hours, provided that vaccination against SARS-CoV-2, or evidence of a negative COVID-19 test, shall be required of all visitors.

Dr. Allison-Ampe asked if we had a recent opinion from Town Counsel pertaining to our ability to impose vaccine mandates. Mr. Schlichtman said no, but we should proceed (for the purpose of the meeting) with a discussion of what we would like to do. If we decide to delete the entire policy, the legal opinion would be moot.

Ms. Morgan asked how Arlington Community Education developed their vaccine policy. The superintendent stated that ACE looked at programs involving students and embraced the requirement for extracurricular activities. She said ACE has some ability to craft their own policy that doesn't conflict with the school committee's policy, but she would like clarity from Town Counsel regarding their ability to set vaccination policy in the absence of direction from the school committee.

Dr. Allison-Ampe said we should keep the vaccination policies when the rest of EBC Supplemental expires. She said our goal is to protect the health and safety of our children, and the pandemic is not over.

Mr. Schlichtman asked for a sense of the subcommittee that, given a positive ruling by Town Counsel, we would want to retain the vaccination requirements and incorporate them elsewhere in district policy, and would like to repeal the remainder of EBC-Supplemental. We also need to understand the relationship between the school committee and ACE, and can they have more extensive policies. We would review amended policies at a subsequent meeting.

Mr. Schlichtman invited Julie Hall, 189 Jason Street, to comment. Ms. Hall questioned the legality of the vaccination requirement, and stated that we are discriminating against unvaccinated children.

Mr. Schlichtman invited Brian Corcoran, 47 Everett Street, to comment. Mr. Corcoran described the benefits of vaccination are fractional and transient. He said the original risk of COVID on children are quite small. He described the vaccination policy as unconscionable.

Future Agenda Items

None

Adjourn

On a **motion** by Dr. Allison-Ampe, **seconded** by Ms. Morgan, it was **voted** to adjourn at 11:58 a.m. **Roll Call:**

Kirsi Allison-Ampe	Yes	Jane Morgan	Yes
Paul Schlichtman	Yes		(3-0)

File: BDA - SCHOOL COMMITTEE ORGANIZATIONAL MEETING

Officers of the Arlington School Committee shall be elected at an organization meeting held only for this purpose each year. The organization meeting shall be scheduled for a date and time after the annual town elections, and prior to the first regular School Committee meeting of the month.

Officers shall be elected separately for terms of one year. A majority vote of the members present shall constitute an election.

The member with the earliest date of Committee membership shall preside as Chairperson pro tempore until the new officers are elected. The Chairperson shall conduct the election of all School Committee officers, following the methods set forth in *Robert's Rules of Order*.

A Land Acknowledgement, as set forth in File BEDL, shall be read at the beginning of the organizational meeting.

For the purpose of defining seniority of School Committee members under File BDA and File BDAA, the following rule shall apply. When two or more members are elected for the first time at the same election, and, when both members have had identical lengths of service on the Committee, the senior member shall be determined by the member receiving the greater number of votes received in the election in which the members were first elected.

Approximately one month prior to the School Committee Organizational Meeting, School Committee members interested in officer positions will notify the administrative secretary and/or Chairperson.

Any vacancy among the officers occurring between organizational meetings will be filled by a member elected by the School Committee. The election will be conducted as described above.

"At each organizational meeting the newly elected Chair shall read aloud the Standards and Norms of the Arlington School Committee, attached hereto as BDA-E, and invite each member to publically sign the document. All members shall be provided with BDA-E prior to the organizational meeting."

CROSS REFS.: BBB, School Committee Elections
[BDAA](#), Election of School Committee Officers
[BDA-E](#), School Committee: Norms and Standards
[BE](#), Regular School Committee Meetings
BEDL, Land Acknowledgement

File: BEDB - AGENDA FORMAT/PREPARATION AND DISSEMINATION

An agenda shall be provided for all regular, special, adjourned and planning meetings.

A tentative agenda for each regular meeting shall be determined by the chairperson in collaboration with the Superintendent. It shall be submitted to the administrative assistant of the Committee for preparation and delivery to the members, notice to the press, and posting online. The agenda and supporting materials, as gathered by the Superintendent, shall be sent to Committee members two workdays preceding the School Committee meeting, no later than 4:00 p.m., except for emergencies. Any items received by the administrative assistant later than 4:00 p.m. two workdays preceding the School Committee meeting shall be held and heard the following meeting, except for emergencies.

In addition, the administrative assistant shall provide the following to the Arlington Public Schools Direct of Technology to be posted on the website:

- School Committee agendas, posted with a disclaimer that the agenda is tentative and may be subject to change up until the time of the meeting
- School Committee minutes, motions and appropriate back up material
- Subcommittee agendas, posted with a disclaimer that the agenda is tentative and may be subject to change up until the time of the meeting
- Subcommittee minutes, motion and appropriate back up material

The following shall be included, but not limited to, items of business to be considered at each regular meeting:

- Public Comment
- Consent Agenda
- Superintendent's report
- Report of subcommittees and announcements

At the beginning of the first regular meeting in October (or such other meeting date as is approximate to "Indigenous Peoples Day" per Title I, Article 6 of the Town Bylaws), the reading of a land acknowledgement, as set forth under File BEDL, shall be the first item on the agenda.

The Committee will follow the order of business established by the agenda except as it votes to rearrange the order for the convenience of visitors, individuals appearing before the committee, or to expedite committee business.

Items of business may be suggested by any School Committee member, staff member, or town resident. The inclusion of such items, however, will be at the discretion of the Chairperson of the Committee. A staff member who wishes to have a topic scheduled on the agenda should submit the request through the Superintendent. Individuals may

submit such requests to the school committee chair through the Committee's administrative secretary.

Copies of the final agenda shall be available to spectators at all open session meetings for which an agenda is required.

School committee members are subject to the provisions of the Open Meeting Law, limiting opportunities for members to deliberate with each other. In order to facilitate deliberation and discussions, reports and presentations directed at the Committee shall not exceed 15 minutes, unless the chair determines that scheduling a longer presentation is necessary. In addition, the rules may be suspended by a two-thirds vote of the members present. Written reports may be received by a vote of the Committee and entered into the record of the meeting, and shall not be read aloud at the meeting. All presentations shall be consistent with the high instructional standards of the Arlington Public Schools, and PowerPoints shall be crafted in a manner consistent with best practices.

Whenever possible the materials for the meeting will be made available online to the public at the start of the meeting.

All published agendas shall contain the following language:

"Massachusetts law requires all open session meetings of public bodies to be accessible to members of the public, including those with disabilities. If you need reasonable accommodations in order to participate in the meeting, contact the Administrative Assistant to the Arlington School Committee [Insert Name/Contact Information] in advance of the meeting."

Consent Agenda

Items that are considered to be routine shall be placed on the Consent Agenda and shall be enacted by one motion. The Agenda shall have an asterisk (*) next to each item placed on the Consent Agenda. There shall be no separate discussion of items placed on the Consent Agenda unless a member of the School Committee so requests, in which event the item shall be considered in its normal sequence on the agenda. Any one member of the committee may remove an item from the Consent Agenda for discussion. Items that may be placed on the consent Agenda may include but are not limited to the following: a) minutes of previous meetings, b) changes to the policy manual (second reading), c) field trips, d) warrant approvals, and e) other items that deemed to be routine by the Chair.

For the benefit of the public, the Chair will read the following paragraph and the list of items included in the Consent Agenda:

"All items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Committee so requests, in which event the item will be considered in its normal sequence on the agenda. "

CONTRACT REFERENCE: AEA (Unit A&B)

CROSS REF: [BEDH](#), Public Comment at School Committee Meetings
BEDL, Land Acknowledgement

Amended and voted: December 19, 2019

File: BID - SCHOOL COMMITTEE MEMBER COMPENSATION

~~Arlington School Committee members shall serve without compensation. However,~~
Pursuant to M.G.L. c. 71 section 52, and a vote under Article 69 of the 2021 Annual Town Meeting, Arlington School Committee Members shall be compensated with an annual stipend; the amount of such compensation to be set by the town. Members shall be entitled to reimbursement for expenses incurred in attending workshops, meetings, and conferences, which will aid in performance of their duties as Committee members. Reimbursement will be at rates comparable to that permitted staff members on authorized trips.

1. No member of a School Committee in any town shall be eligible for the position of teacher, or Superintendent of public schools therein, or in any union school or superintendency union or district in which his town participates.
2. Upon submitting vouchers and supporting bills for expenses incurred in carrying out specific services previously authorized by the Committee, members may be reimbursed from school funds.
3. Unreimbursed expenses by School Committee members shall be characterized as contributions to the Arlington Public Schools.

LEGAL REF.: M.G.L. [71:52](#)

CROSS REF.: [DKC](#), Expense Reimbursements

SUBSTITUTE THIS TEXT, REPLACING CURRENT POLICY

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Arlington School Committee and Arlington Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Arlington Public Schools.

Arlington Public Schools does not exclude from participation, deny the benefits of Arlington Public Schools from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, 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.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations.
6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Arlington Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination

can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

LEGAL REFS: Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended by the Equal
 Employment Opportunity Act of 1972 Executive Order 11246, as
 amended by E.O. 11375
 Equal Pay Act, as amended by the Education Amendments of 1972
 Title IX, Education Amendments of 1972
 Rehabilitation Act of 1973
 Education for All Handicapped Children Act of 1975
 No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy
 Scouts of America Equal Access Act)
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: ACE, Non-Discrimination on the Basis of Disability
 ACAB, Sexual Harassment
 GBA, Equal Employment Opportunity
 IJ, Instructional Materials
 JB, Equal Educational Opportunities

SOURCE: MASC December 2021

CURRENT POLICY

File: AC - NONDISCRIMINATION

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition their complaint should be registered with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964

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

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

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

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

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

M.G.L. [76:5](#); Amended 2011

M.G.L. [76:16](#)

BESE regulations 603CMR [26.00](#) Amended 2012

BESE regulations 603CMR [28.00](#)

CROSS REFS.: [ACA- ACE](#), Subcategories for Nondiscrimination

[GBA](#), Equal Employment Opportunity

[JB](#), Equal Educational Opportunities

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

Arlington Public Schools will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, Arlington Public Schools will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law, 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) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of Arlington Public Schools; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Arlington Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Arlington Public Schools, and can be reached at:

Dr. Roderick MacNeal, Jr., Assistant Superintendent
Arlington Public School
869 Massachusetts Avenue
Arlington MA 02476
781-316-3523

Inquiries concerning the Arlington Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975

No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: ACE, Non-Discrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

Title IX Sexual Harassment Grievance Procedure
Civil Rights Grievance Procedure

SOURCE: MASC December 2021

HARASSMENT OF STUDENTS

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Arlington Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student- to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative and/or corrective action.

The District will respond promptly and reasonably investigate allegations of sexual harassment through designation of the Title IX Coordinator or building based employees to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally-appropriate disciplinary, restorative, and/or corrective action.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

CROSS REF.: AC, Non-Discrimination Policy Including Harassment and Retaliation

SOURCE: MASC – December 2021

File: FF - POLICY FOR SPECIAL DEDICATIONS OF SCHOOL FACILITIES

Naming a school is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a name. It is expected that an orderly, announced procedure will lessen the community or factional pressures that so quickly build up when the selection is delayed or seems uncertain.

From time to time the School Committee may choose to recognize outstanding service to the youth of Arlington by dedicating or naming an appropriate area (i.e. playground, library, gymnasium, auditorium etc.) in honor of some exceptional individual(s) who have unselfishly given their time and energy in promoting excellence in education.

At the request of the Superintendent or any individual School Committee member the Chairperson will place a dedication request on the agenda of a regular school committee meeting for discussion and a vote to refer via letter from the Chairperson such request to the Public Memorial Committee for an advisory opinion. The Chairperson will place such a proposal before the Committee as soon as the Committee has sufficient biographical and/or other data available to enable the full Committee to adequately reflect or deliberate a formal motion of dedication. Upon receipt of the Public Memorial Committee's advisory opinion or at least thirty days after the referral to the Public Memorial Committee, whichever is sooner, the Chairperson will again place the request on the agenda for a final vote.

If the School Committee approves a dedication, this will be followed as soon as possible by a formal dedication. The ceremony should encompass a presentation of an official proclamation and the placement of an appropriate plaque to commemorate the individuals' significant contribution to the Arlington Public Schools. A certain sensitivity and common sense must be reflected in the timing of any public recognition.

It is the policy of the School Committee that the names of existing structures or physical spaces under our jurisdiction will not be changed. Historical preservation and respect for our traditions are a key component in honoring our past.

File: FF-E - PROCEDURES FOR NAMING NEW SPACES AT ARLINGTON HIGH SCHOOL

The Arlington School Committee recognizes that it is traditional to designate spaces in school buildings with the names of important members of the educational community. In addition, there are many memorials and honors currently in the building and its surrounding area. This policy is meant to provide guidance and a process for naming and commemorations of new spaces at Arlington High School.

By majority vote and adherence to town bylaws, the School Committee has the authority to name spaces in the new AHS or any facility or property owned by APS. There is a School Committee policy and a Town bylaw that requires the SC to consult with the Town's Public Memorials Committee before naming any space owned by APS.

In order to name common spaces in new and existing APS buildings, the Superintendent will create and convene an Advisory Panel on Naming and Memorials at Arlington High School, with no more than 11 members.

The panel would include a minimum of one representative appointee from each of the following:

1. the Superintendent's Leadership Team
2. the School Committee
3. A school administrator from the school where the space is located,
4. 1-2 staff members from the school where the space is located, and
5. Where appropriate, a student representative from the school where the space is located.

The advisory committee would review the criteria for naming decisions, consult with the Arlington Public Memorials Committee, manage a process for receiving and reviewing proposals, and make recommendations to the school committee about naming and memorials at any and all APS facilities.

Charge of the Panel

The Advisory Panel on Naming and Memorials at Arlington High School recommendations for the 7 major named spaces that will be completed by September 2024, the beginning of Phase 4.

The panel will create an ongoing process for naming additional spaces over time. The panel will create a timeline for naming of spaces rather than naming all spaces at the same time. This will create opportunities for the community to recognize people over time and create opportunities to note and honor each naming.

Criteria for Names

Our purpose is to create an inclusive process and guidelines for making recommendations for naming facilities in the new building in ways that honor the legacy and values of Arlington High School.

As has been past practice, it is our intent to name spaces after members of the Arlington High School Community who have made contributions to the education of students and the mission of Arlington High School. These would include staff, alumni, or Arlington educators.

The criteria allows for naming of spaces after living people, but we recommend that we do not name spaces for people who are critically ill or until 3 years after their passing. This helps to allow for the community to process a death without creating conflict around the naming in the midst of grief.

Discussion:

Timing

It is the recommendation of the AHSBC that the panel and School Committee wait until the conclusion of the building construction in 2024 before making naming decisions for the 7 major spaces in the new facility.

Primary Spaces to Name (September 2024):

- Phase 1 - February 2022
 - Discourse Lab
 - Auditorium - completed April 4, 2022
- Phase 2 - September 2023
 - Library
- Phase 3 - September 2024
 - Three Gyms
 - Black Box Theater

Additional Named Spaces (Ongoing)

- Smart Lab
- Immersion Lab
- Maker Shop
- Maker Lab
- Media Lab
- Production Lab
- Classrooms

Recommendation for naming of spaces should come periodically from the Advisory Panel on Naming and Memorials at Arlington High School to the School Committee.

Other Commemorations

Members of the Arlington community will have the opportunity to include honors or commemorations within the AHS facility. These items may be purchased with a donation to the Friends of Arlington High School Fund.

Option 1: Walk of Fame. Community members may purchase engraved bricks along the walkway through the playing fields. Bricks will cost \$100 each. They must be purchased by October 2024 and will be installed in phase 4. We will donate 200 bricks to student groups.

Option 2: Auditorium Plaques. Community members may purchase engraved plaques that will be inset in the armrests of the new Auditorium. These may be purchased or installed at any time. These will cost \$200 including the cost of engraving.

Friends of Arlington High School - Friends of AHS was formed at the request of the School Council in 2000 with a goal of financially supporting school and classroom-based teacher needs not covered by Arlington Public Schools school budget. Teachers can apply through the principal for funds as long as the funds support the learning needs of students.

Additional Comments and Programs

Memorial Garden

We have collected memorials around the current site and plan to move many of them to the new building. In addition, when there are deaths in the community, there is often a desire to identify a place where students, staff, and community members can go to express their grief and honor those we have lost. Our guidance has recommended that memorials not create triggers for students or create a space full of memorials.

For this reason, guidance recommends that spaces and processes for such commemorations be planned.

The outdoor amphitheater space could be a space to collect these commemorations (e.g., a memorial garden).

Displays and Installations?

There is money set aside, both in the project and in class gifts, to create different presentations or commemorations. In addition, there are various display spaces around the school. We need to identify those spaces, define their use, and assign the planning and supervision. These include:

- Alumni Hall of Fame
- History of Arlington High School (There are funds set aside for this)
- History of the Spy Ponder?
- Native American Land Acknowledgement
- Athletics history
- Musical history (possible location for Alan Hohavness)



Paul Schlichtman <pschlichtman@arlington.k12.ma.us>

School Committee - Policies and Procedures Subcommittee Meeting - drop vaccine mandate for after school activities

1 message

Mary Wagner <marywags99@gmail.com>

Thu, Mar 17, 2022 at 12:38 PM

To: pschlichtman@arlington.k12.ma.us, kallisonampe@arlington.k12.ma.us, jmorgan@arlington.k12.ma.us

Cc: ehoman@arlington.k12.ma.us

Good afternoon,

I'm writing to ask that, at your next Policies and Procedures Subcommittee Meeting, you review and end the policy that states kids who are 16 years old and older need to be vaccinated in order to participate in school sponsored after school events.

Like so many other parents in our town, I've seen the extremely negative effects the pandemic has had on the mental and physical health of our kids. With the good news of decreasing covid infections and spring activities eagerly anticipated by many kids, it's important that all kids who want to participate in after school activities are allowed to do so. The students are together all day in school with no vaccine requirement. Mandating them to be vaccinated in order to participate in after school activities is nonsensical. We need to allow every single child the opportunity to engage back into their community without outdated restrictions stopping them.

Thank you for all you've done in the past few years for our kids, we know it hasn't been easy.

Regards,

Mary Wagner



Town of Arlington, Massachusetts

File EBC Supplemental: General (Interim) Policy on Covid-Related Issues (P. Schlichtman)

ATTACHMENTS:

Type	File Name	Description
▣ Policy	File-_EBC_Supplemental.pdf	EBC Supplemental
▣ Correspondence	Heim_Memo_-_Vaccine_Requirements_(1).pdf	Heim Memo - Vaccine Requirements

File: EBC Supplemental. General (Interim) Policy on COVID-Related Issues

The Arlington School Committee takes note of the COVID-19 emergency; resulting disruption of the traditional school day and year; growing concerns of students, families and the community; and the growing number of issues that will affect public education.

Therefore, the school committee establishes an emergency, interim policy to:

- promote public safety and safety of students and faculty,
- maintain to the extent possible the high and efficient level of educational services,
- ensure support for students in general and in particular for those at highest risk educationally as well as those at social and economic risk, and
- comply with the emergency orders of the governor and adhere to the extent possible, to the guidance of the Department of Elementary and Secondary Education and other agencies of state and federal government and expedite the safest strategy for returning students to school.

The school committee will approve the final plan submitted to DESE which will outline its strategy for returning students to school and will, in collaboration with the superintendent, make such modifications to the “back to school plan,” and district policy, and will authorize the superintendent to suspend, revise or create protocols to facilitate the safe return to school.

The superintendent will designate the appropriate staff members to oversee the safe administration of COVID-related policies during the period of the pandemic emergency and shall make such recommendations to the school committee as needed.

The school committee will authorize the superintendent to act expeditiously in executing the “back to school” plan in accordance with current law and regulation and will, where noted, authorize the superintendent to suspend, revise, or recommend policies, rules and protocols as needed to serve the best interests and safety of students, their families, and the community. The superintendent shall notify the school committee of such actions.

The “back to school” plan shall constitute the policy of the school district during the pandemic emergency, and the superintendent shall exercise the authority provided in law to carry out the plan as needed.

- General district goals affected by the pandemic.

The superintendent, with the advice and consent of the school committee, may suspend or modify individual district policies to address the COVID-19 emergency as declared by the governor. Such suspension of policy shall expire upon the end of the emergency as declared by the governor.

The goal of emergency pandemic policies shall be to:

- ensure the safety and health of students, faculty, staff, and all persons who may come in contact with them;
- provide the most effective educational services as possible to students under the circumstances;
- authorize changes to operating protocols as needed to open and operate schools effectively from various venues or platforms;
- conduct the district business and operational functions of the district as efficiently as possible;
- allow the superintendent and staff to act quickly to carry out a “back to school” plan and,
- facilitate the re-establishment of a safe and productive school day and year.

- Student assignment to schools (File JCA)

Subject to the guidance from the Department of Elementary and Secondary Education, the superintendent may suspend or revise the assignment of students to schools, including the assignment of new students for such a period as the emergency declaration is in force.

- School calendar (File IC/ICA)

Subject to the guidance from the Department of Elementary and Secondary Education and the provisions of collective bargaining agreements, the superintendent may suspend or revise the school calendar with the approval of the school committee.

- Class size (File IIB)

In order to maintain healthy, safe, and effective classrooms, the superintendent may suspend district policy on class size, subject to the provisions of the collective bargaining agreements where applicable.

- Attendance (File JH)

Subject to operative law and regulations, suspend, modify or adapt policies related to student attendance including the link between ~~and~~ absences (when appropriate, including the link between attendance and grades) and, chronic absence policies, and accommodations for students requiring special placements.

- Time on learning (File IC/ICA and ID)

Subject to the guidance from the Department of Elementary and Secondary Education and the provisions of collective bargaining agreements, the superintendent may suspend or amend requirements for time on learning for the duration of the COVID pandemic.

- Grading and retention (File IKE)

In accordance with guidance from the Department of Elementary and Secondary Education, the superintendent may propose, subject to the approval of the school committee, modifications to the policy of the district for grading and retention of students.

- Local graduation requirements (File IKF)

In accordance with guidance from the Department of Elementary and Secondary Education and modifications to current regulation or law, the superintendent may propose, subject to the approval of the school committee, modifications to the policy of the district regarding graduation requirements

- Special education (File IHB, IHBA, IHBAA, IHBF)

The superintendent and school committee should be mindful that attainment of a high school diploma may render certain students ineligible for further services.

- **Observations of Special Education Programs (File IHBA)**

The Arlington School Committee has determined that, in order to protect the health and safety of students, vaccination against SARS-CoV-2, or evidence of a negative COVID-19 test, shall be required of all persons observing a special education student or program.

- Discipline and Suspension/Expulsion with home schooling rights (File JIC, JK)

The “back to school” plan recommended by the superintendent and subject to the approval of the school committee shall contain protocols for serving students who are disciplined or suspended during the pandemic emergency.

Further, the superintendent shall provide in these “back to school” plans provisions for students **who** were disciplined or suspended, or who may elect remote learning in the interests of safety or health concerns.

- Exemptions for particular groups of students (i.e., use of masks for youngest children, high risk students) (File JL)

The superintendent shall provide protocols to principals and teachers regarding students who may require special exemptions from health and safety standards during the pandemic emergency. Such protocols may address exemption for utilizing support animals.

- Job descriptions (File GCA)

The superintendent may revise job descriptions for district staff, considering the provisions of current collective bargaining agreements, in order to secure the safety and health of students and staff, establish effective communications between school and community, maintain facilities, transport students as needed, provide food services, and acquire necessary materials to operate schools safely and securely during the pandemic. The superintendent will inform the school committee of any such changes. Any changes to job descriptions shall expire at the end of the declared emergency situation.

- STUDENTS AT RISK (JIE, JL, JLC, JLCC)

During the COVID pandemic, the superintendent or principal of a school may revise or suspend provisions of policy to facilitate the education of students at risk or with special physical needs or their family caregivers, including, but not

limited to caring for or educating students with disabilities, illness, pregnancy, childrearing responsibilities, or special education needs consistent with law and regulation.

- Privacy of Students. (File JRA)

During the pandemic, the rights to privacy held by students and their families shall not be abridged by the public schools. Such rights extend to the confidentiality of student academic records, health data, economic status, and other such information as may be considered confidential by law.

Massachusetts law prohibits the recording of individuals without their permission. Similarly, students may not be recorded in classrooms by audio, visual, or remote means without the permission of parents or, if of age, by individual students. During periods of remote learning, the privacy of students participating in on-line classes shall not be violated by recording them without appropriate permissions.

- Pivoting back to remote learning, or back to in-school instruction

The superintendent shall incorporate into the “back to school” plan protocols for modifying these plans including addressing the needs of students who may require reversion from in-school to remote learning modalities because of the pandemic emergency.

- Home schooling File IHBG (temporary), home-bound instruction File IHBF (e.g., students with physical disabilities) and remote instruction for students in quarantine

The “back to school” plan shall provide for students who are temporarily homebound due to illness, quarantine, or disability.

- Public Safety Officers, including the school resource officer.

Subject to current law or regulation, the superintendent shall report to the school committee of any change in status of the school resource officer.

- Eligibility for participation in extra-curricular activities, including sports (File JJ)

Subject to law, regulation and standards established by the appropriate and legitimate regulatory body, the superintendent may propose changes to district

protocols for participation in extracurricular activities including sports subject to the rules established by the Massachusetts Interscholastic Athletic Association.

For the 2021-22 school year, the following is required for all students to participate in school-sponsored sports and rostered extracurricular activities that occur outside of the school day.

1. All students regardless of SARS-CoV-2 (COVID-19) vaccination status must consent for routine COVID-19 testing.

2. All students regardless of SARS-CoV-2 (COVID-19) vaccination status must participate in weekly COVID-19 testing as conducted by the district.

3. Students who are age-eligible to receive a vaccination against SARS-CoV-2 (COVID-19), that is fully approved by the U.S. Food and Drug Administration, must be fully vaccinated prior to participation in school-sponsored sports and rostered extra-curricular activities that occur outside the school day, unless student qualifies for a medical disability or sincerely held religious belief exemption. The district considers a student fully vaccinated when it has been fourteen (14) days since the student was administered the final vaccination dose, required by the COVID-19 vaccine manufacturer, excluding booster shots. Students who are initially age-ineligible for the vaccine, but become eligible during the school year, must be vaccinated within six weeks of becoming eligible. Exceptions to this requirement can be found in File JLCB.

- Attendance vs. participation in events (File JH and Student/Athletic Handbooks)

Subject to law, regulation or emergency declaration, the superintendent may propose protocols or modifications or suspensions of district policies regarding attendance by students or the public in school events including, but not limited to assemblies, sports events, large gatherings, or other programs.

- Visitors in schools and buildings (File KI)

Subject to current emergency declarations, the superintendent may propose suspension or modification to district policies regarding visitors to school

buildings during the school day and after school hours, **provided that vaccination against SARS-CoV-2, or evidence of a negative COVID-19 test, shall be required of all visitors.**

- Illness and contact tracing (File JLCC)

Subject to the provisions of the “back to school” plan, the superintendent may establish protocols for tracking student contacts as a means of locating others from whom students may contract or expose other persons to the COVID-19. Such protocols will be consistent with law and regulation and be consistent with standards to protect the privacy of students, their families, and other persons.

- Transportation and busing (File EEA, EEAA, EEAEC, EEAG)

Subject to current law and regulation, the superintendent may suspend or modify policies related to the transportation of students by the school district. Legal requirements relating to IEPs that contain transportation for students shall not be altered without the appropriate family consent. These modifications shall be consistent with the district “back to school” plan.

- Operations and plant maintenance (File EC, ECA)

Subject to the provisions of law, regulation and collective bargaining agreements, the superintendent may suspend or amend current policy to ensure the efficient operation of business functions and maintenance of school buildings and other such offices as the district maintains.

- **Notification:** The superintendent will inform the school committee if and when any of the above-mentioned policies are suspended, amended, or changed by law or regulation.



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

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To: Policy Subcommittee of the Arlington School Committee

Cc: Dr. Elizabeth Homan, Superintendent; Christine Bongiorno, Director of Health and Human Services

From: Douglas W. Heim, Town Counsel

Date: March 21, 2022

Re: Assessment of Vaccine Requirements for Non-Compulsory Extracurricular Activities

Members of the Policy Committee, I write in response to your inquiry regarding the School District's authority to enact a policy requiring COVID-19 vaccination for Arlington Public Schools students ages 16 and over participating in extra-curricular activities. In summary, the school district can establish reasonable, non-discriminatory conditions on participation in optional school-sponsored extra-curricular activities, including a vaccine requirement. Municipalities hold broad "police powers" to protect the public health which by both statute and under constitutional jurisprudence include compulsory vaccination for public school students to attend and benefit from essential school functions. Thus, Arlington Public Schools can in good

faith apply a more narrowly-tailored vaccine requirement for optional extra-curricular activity participation in order to prevent the transmission of a dangerous disease.¹ In doing so however, it would be prudent to consult local public health officials to ensure that your policy is responsive to public health conditions and customized as possible.

Legal Background for General Vaccination Requirements

As you know, there is a strong basis for compulsory vaccination in public schools in the Commonwealth generally. G.L. c. 76 sec. 15 provides as follows:

Section 15: Vaccination and immunization

Section 15. No child shall, except as hereinafter provided, be admitted to school except upon presentation of a physician's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis *and such other communicable diseases as may be specified from time to time by the department of public health.*

A child shall be admitted to school upon certification by a physician that he has personally examined such child and that in his opinion the physical condition of the child is such that his health would be endangered by such vaccination or by any of such immunizations. Such certification shall be submitted at the beginning of each school year to the physician in charge of the school health program. If the physician in charge of the school health program does not agree with the opinion of the child's physician, the matter shall be referred to the department of public health, whose decision will be final.

In the absence of an emergency or epidemic of disease declared by the department of public health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school.

(emphasis added). Section 15 is further fleshed out in 220 CMR 500, which provides for immunization schedules as recommended by the Centers for Disease Control as follows:

¹ This Office well appreciates the value and importance of extracurricular arts, athletics, and other student activities to students, families, and broader school communities. Such activities are not however compulsory or required facets of public education for all students.

No student shall attend a preschool, elementary school or secondary school program without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Department required immunization schedules, developed in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention,² or any successor committee serving a comparable function.

(B) Immunizations. (Reserved).

(C) The requirements in 105 CMR 220.500(A) shall not apply where: (1) the student, or the student's parent or guardian if the student is a minor, provides written documentation that he or she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15; (2) the student, or the student's parent or guardian if the student is a minor, provides appropriate documentation, including a copy of a school immunization record, indicating receipt of the required immunizations; or (3) the student provides written documentation that he or she is immune, as defined in Department guidelines.

However it is also noteworthy that the authority Massachusetts' statewide compulsory vaccinations laws rest upon the constitutional considerations first litigated relative to a local regulation requiring small-pox vaccination in Cambridge in the matter of *Jacobson v. Commonwealth of Massachusetts*.

In brief, in the early 1900s City of Cambridge enacted a regulation which required all residents of the city to be vaccinated against smallpox with limited exceptions. *Jacobson v. Massachusetts*, 197 U.S. 11, 25, (1905). In weighing individual liberties against local governments' ability to enact and enforce laws to protect the public health, the Court affirmed the right to exercise the so-called "police power" in imposing quarantines and other reasonable restrictions to protect the public health, including specifically to limit the spread of a highly infectious and dangerous disease. *Id.* While the vaccine requirement in *Jacobson* was not relative to schooling (or school appurtenant activities), it bears noting that in reaching its decision in

² Germane to this discussion, to this Office's understanding, the Advisory Committee currently recommends vaccination for children older than 5 years of age, especially for high-risk sports and extra-curricular activities. <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

Jacobson, the Supreme Court relied heavily on a series of other cases requiring vaccination of children as a predicate for school attendance. In other words, in upholding local vaccine ordinance applied to the entirety of the general public, the Supreme Court cited a host of state court decisions regarding vaccine mandates in schools:

For decisions of state courts involving vaccination laws which have mainly been decided upon statutes relating to the exclusion of children from the public schools *see Bissell v. Davison*, 65 Connecticut, 183; *Abell v. Clark*, 84 California, 226; *State v. Zimmerman*, 86 Minnesota, 353; *Osborn v. Russell*, 64 Kansas, 507; *Potts v. Breem*, 167 Illinois, 67; *Duffield v. Williamsport School District*, 162 Pa. St. 476; *State v. Burdge*, 95 Wisconsin, 390; *Re Rebenack*, 62 Mo. App. 8; *Blue v. Beach*, 155 Indiana, 121...

None of these cases are as extreme as the decision in the case at bar and the laws providing that unvaccinated children shall not attend the public schools are widely variant from laws compelling the vaccination of adult citizens.”

Jacobson 197 U.S. 11 at 22 (1905)

Following *Jacobson*, the Supreme Court in 1922 revisited and directly addressed the constitutionality of childhood vaccination requirements in schools in *Zucht v. King*. In *Zucht*, the Court denied a due process, Fourteenth Amendment challenge to the constitutionality of San Antonio local ordinances which excluded children from school attendance for failure to present a certificate of vaccination holding that “these ordinances confer not arbitrary power, but only that broad discretion required for the protection of the public health.” 260 U.S. 174, 176, (1922). In the century that followed, these cases continued to serve as the backbone for both state and local governments’ authority to combat epidemics through the exercise of their police powers³.

Indeed as recently as two weeks ago, the United States District Court of Massachusetts cited both *Jacobson* and *Zucht*, in rejecting a preliminary injunction request by employees of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority seeking to block an employee COVID-19 vaccine requirement. *Brox v. The Woods Hole*, No. 22-10242-RGS, 2022

³ The majority of subsequent developments further detailed the limited exceptions to such requirements based upon religious or medical grounds, which are recognized and codified in both Massachusetts State Law and a local policies.

U.S. Dist. LEXIS 42447, at *12-13 (D. Mass. Mar. 10, 2022). In assessing the plaintiffs' arguments, the District Court reiterated the century-old rationale of the Supreme Court:

Plaintiffs point to the Court's statement those fundamental liberties under the Due Process Clause "extend to certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs." From that language, they conflate the right to marry (which implicates no public or personal risk) with the right to refuse vaccination (which does). Plaintiffs ignore the Court's earlier teaching that "[h]istory and tradition," which "guide and discipline [the] inquiry" into whether a personal interest implicates a fundamental right, essentially foreclose the recognition of vaccine aversion as a fundamental liberty interest. *Id.*; see also *Jacobson*, 197 U.S. at 31-32 ("[T]he principle of vaccination as a means to prevent the spread of smallpox has been enforced in many states by statutes making the vaccination of children a condition of their right to enter or remain in public schools."); *Zucht v. King*, 260 U.S. 174, 176, (1922) ("[I]t is within the police power of a state to provide for compulsory vaccination."); *Klaassen*, 7 F.4th at 593 ("[V]accination requirements, like other public-health measures, have been common in this nation.").

Id. (internal citations omitted).

Based on the foregoing, there is little doubt that vaccine requirements may be imposed by local and state authorities, including within the context of the public school students accessing the basic, fundamental public education to which they are entitled.

School District Policy for Extra-Curricular Activities

Having established that general vaccine requirements may be imposed as a condition for public school attendance, and therefore that Fourteenth Amendment consideration (and other constitutional principles) do not prohibit vaccine requirements generally, the next question is whether or not the School District has the authority to enact the policy under consideration. Under Massachusetts law, the School Committee is charged with establishing educational goals and policies for the schools in the district, consistent with the requirements of law and the statewide goals and standards established by the Board of Education. G.L. c. 71 sec. 37. To that

end, the Committee has codified an extensive list of School District policies on a wide range of subjects related to student health, safety, and wellness, including an immunization policy for school *admission*, which reads as follows:

File: JLCB - IMMUNIZATION OF STUDENTS

Students entering school for the first time, whether at kindergarten or through transfer from another school system, will be required to present a physician's certificate attesting to immunization against communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent.

LEGAL REF.: M.G.L. 76:15

CROSS REF.: JF, School Admissions

Your policy suggests school-wide vaccine requirements should at least be informed by state or local public health officials' determination that a COVID-19 vaccine is required for general school attendance.

Here however, the Policy Committee is considering vaccine requirements only for voluntary activities which are not required to access the school curriculum.⁴ As such, you are afforded substantially more discretion. In the interests of crafting the soundest and fairest policy, it is strongly advised that the Committee:

- Consult local public health officials for the record;⁵
- Take care to describe the public health goal of the extra-curricular vaccination policy;

⁴ Similar assessments of the public health and legal landscapes likely informed Cambridge Public Schools decision to enact similar requirements for school-sponsored before and after school activities.

⁵ The Committee may have already so consulted Arlington Public Health personnel and officials.

- Emphasize the policy applies to voluntary, school-sponsored activities provided directly by the School Department, its partners, or vendors outside of learning time;
- Codify exemptions consistent with c. 76 sec. 15 and 220 CMR 500 for sincerely held religious beliefs and medical conditions; and
- Ensure the policy is non-discriminatory (relative to protected classes of persons as defined by the law)⁶

This Office understands there is disagreement on many issues related to the policy proposal before the Committee. It may be possible for reasonable persons to disagree on the costs and benefits of the risk management and mitigation contemplated by the Committee. Nonetheless, the authority to make policy and decisions, especially relative to discretionary programs of the School District remains clear.

⁶ For example, as defined in G.L. c. 151B or the Article II Art 9 sec. 2(C) of the Arlington Town Bylaws.



Town of Arlington, Massachusetts

File ACAB - Sexual Harassment (P. Schlichtman)

ATTACHMENTS:

	Type	File Name	Description
▢	Policy	ACAB_-_Sexual_Harassment_Policy.pdf	ACAB - Sexual Harassment Policy
▢	Policy	KAA_ACAB_march2022.pdf	KAA Edits - ACAB

SEXUAL HARASSMENT

SUBSTITUTE THIS TEXT, REPLACING CURRENT POLICY

The Arlington School Committee and Arlington Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Arlington Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to 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). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools 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. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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; and,
- Discussion of one's sexual activities.

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.

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

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

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee 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 or employee termination.

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.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;

- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;
- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

The district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school’s response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Arlington Public Schools to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District’s Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School
Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

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Phone: 617-994-6000.
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LEGAL REF.: M.G.L. 151B:3A
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BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC December 2021

CURRENT POLICY

File: ACAB - HARASSMENT

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Arlington Public Schools (the District). The alleged harassment must involve conduct that occurred within Arlington Public Schools programs or activities, on premises owned or substantially controlled by the Arlington Public Schools, and/or under circumstances where the Arlington Public Schools exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is explicitly understood to be in effect while students are on school grounds, School District property or property within the jurisdiction of the district, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity or expression, creed, color, citizenship, national origin, residency status, sexual orientation, religion, marital status, military status, sources of income, or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to 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). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. [119, Section 51 A](#), requires that public schools 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. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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BESE 603 CMR [26:00](#)

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SOURCE: MASC July 2020

Adopted by the Arlington School Committee: September 10, 2020

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SOURCE: MASC December 2021

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File: ACAB - HARASSMENT

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Arlington Public Schools (the District). The alleged harassment must involve conduct that occurred within Arlington Public Schools programs or activities, on premises owned or substantially controlled by the Arlington Public Schools, and/or under circumstances where the Arlington Public Schools exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is explicitly understood to be in effect while students are on school grounds, School District property or property within the jurisdiction of the district, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity or expression, creed, color, citizenship, national origin, residency status, sexual orientation, religion, marital status, military status, sources of income, or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to 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). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. [119, Section 51 A](#), requires that public schools 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. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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; and,
- Discussion of one's sexual activities.

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.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly

to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

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

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee 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 or employee termination.

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.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision -maker separate from the Title IX Coordinator or investigator;
- 3) The preponderance of the evidence, subject to limitations;
- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to "rape shield" protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;

6) Title IX Coordinators , investigators, and decision-makers must be free from bias or conflict of interest;

7) Equal opportunity for parties to appeal, where schools offer appeals;

8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Arlington Public Schools to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District's Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each school.

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination,
• 1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.

LEGAL REF.: M.G.L. [151B:3A](#)

Title IX of the Education Amendments of 1972

BESE 603 CMR [26:00](#)

34 CFR 106.44 (a), (a)-(b)

34 CFR 106.45 (a)-(b) (1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC July 2020

Adopted by the Arlington School Committee: September 10, 2020



Town of Arlington, Massachusetts

File FF: Policy for Special Dedications of School Facilities and Policy FF-E: Draft Procedures for Naming AHS Special Spaces (E. Homan)

ATTACHMENTS:

Type	File Name	Description
▢ Policy	Policy_FF_and_FF-E.pdf	Policy FF and FF-E

File: FF - POLICY FOR SPECIAL DEDICATIONS OF SCHOOL FACILITIES

Naming a school is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a name. It is expected that an orderly, announced procedure will lessen the community or factional pressures that so quickly build up when the selection is delayed or seems uncertain.

From time to time the School Committee may choose to recognize outstanding service to the youth of Arlington by dedicating or naming an appropriate area (i.e. playground, library, gymnasium, auditorium etc.) in honor of some exceptional individual(s) who have unselfishly given their time and energy in promoting excellence in education.

At the request of the Superintendent or any individual School Committee member the Chairperson will place a dedication request on the agenda of a regular school committee meeting for discussion and a vote to refer via letter from the Chairperson such request to the Public Memorial Committee for an advisory opinion. The Chairperson will place such a proposal before the Committee as soon as the Committee has sufficient biographical and/or other data available to enable the full Committee to adequately reflect or deliberate a formal motion of dedication. Upon receipt of the Public Memorial Committee's advisory opinion or at least thirty days after the referral to the Public Memorial Committee, whichever is sooner, the Chairperson will again place the request on the agenda for a final vote.

If the School Committee approves a dedication, this will be followed as soon as possible by a formal dedication. The ceremony should encompass a presentation of an official proclamation and the placement of an appropriate plaque to commemorate the individuals' significant contribution to the Arlington Public Schools. A certain sensitivity and common sense must be reflected in the timing of any public recognition.

It is the policy of the School Committee that the names of existing structures or physical spaces under our jurisdiction will not be changed. Historical preservation and respect for our traditions are a key component in honoring our past.

File: FF-E - PROCEDURES FOR NAMING NEW SPACES AT ARLINGTON HIGH SCHOOL

The Arlington School Committee recognizes that it is traditional to designate spaces in school buildings with the names of important members of the educational community. In addition, there are many memorials and honors currently in the building and its surrounding area. This policy is meant to provide guidance and a process for naming and commemorations of new spaces at Arlington High School.

By majority vote and adherence to town bylaws, the School Committee has the authority to name spaces in the new AHS or any facility or property owned by APS. There is a School Committee policy and a Town bylaw that requires the SC to consult with the Town's Public Memorials Committee before naming any space owned by APS.

In order to name common spaces in new and existing APS buildings, the Superintendent will create and convene an Advisory Panel on Naming and Memorials at Arlington High School, with no more than 11 members.

The panel would include a minimum of one representative appointee from each of the following:

1. the Superintendent's Leadership Team
2. the School Committee
3. A school administrator from the school where the space is located,
4. 1-2 staff members from the school where the space is located, and
5. Where appropriate, a student representative from the school where the space is located.

The advisory committee would review the criteria for naming decisions, consult with the Arlington Public Memorials Committee, manage a process for receiving and reviewing proposals, and make recommendations to the school committee about naming and memorials at any and all APS facilities.

Charge of the Panel

The Advisory Panel on Naming and Memorials at Arlington High School recommends for the 7 major named spaces that will be completed by September 2024, the beginning of Phase 4.

The panel will create an ongoing process for naming additional spaces over time. The panel will create a timeline for naming of spaces rather than naming all spaces at the same time. This will create opportunities for the community to recognize people over time and create opportunities to note and honor each naming.

Criteria for Names

Our purpose is to create an inclusive process and guidelines for making recommendations for naming facilities in the new building in ways that honor the legacy and values of Arlington High School.

As has been past practice, it is our intent to name spaces after members of the Arlington High School Community who have made contributions to the education of students and the mission of Arlington High School. These would include staff, alumni, or Arlington educators.

The criteria allows for naming of spaces after living people, but we recommend that we do not name spaces for people who are critically ill or until 3 years after their passing. This helps to allow for the community to process a death without creating conflict around the naming in the midst of grief.

Timing

It is the recommendation of the AHSBC that the panel and School Committee wait until the conclusion of the building construction in 2024 before making naming decisions for the 7 major spaces in the new facility.

Primary Spaces to Name (September 2024):

- Phase 1 - February 2022
 - Discourse Lab
 - Auditorium - completed April 4, 2022
- Phase 2 - September 2023
 - Library
- Phase 3 - September 2024
 - Three Gyms
 - Black Box Theater

Additional Named Spaces (Ongoing)

- Smart Lab
- Immersion Lab
- Maker Shop
- Maker Lab
- Media Lab
- Production Lab
- Classrooms

Recommendation for naming of spaces should come periodically from the Advisory Panel on Naming and Memorials at Arlington High School to the School Committee.

Other Commemorations

Members of the Arlington community will have the opportunity to include honors or commemorations within the AHS facility. These items may be purchased with a donation to the Friends of Arlington High School Fund.

Option 1: Walk of Fame. Community members may purchase engraved bricks along the walkway through the playing fields. Bricks will cost \$100 each. They must be purchased by October 2024 and will be installed in phase 4. We will donate 200 bricks to student groups.

Option 2: Auditorium Plaques. Community members may purchase engraved plaques that will be inset in the armrests of the new Auditorium. These may be purchased or installed at any time. These will cost \$200 including the cost of engraving.

Friends of Arlington High School - Friends of AHS was formed at the request of the School Council in 2000 with a goal of financially supporting school and classroom-based teacher needs not covered by Arlington Public Schools school budget. Teachers can apply through the principal for funds as long as the funds support the learning needs of students.

Additional Comments and Programs

Memorial Garden

We have collected memorials around the current site and plan to move many of them to the new building. In addition, when there are deaths in the community, there is often a desire to identify a place where students, staff, and community members can go to express their grief and honor those we have lost. Our guidance has recommended that memorials not create triggers for students or create a space full of memorials.

For this reason, guidance recommends that spaces and processes for such commemorations be planned.

The outdoor amphitheater space could be a space to collect these commemorations (e.g., a memorial garden).

Displays and Installations?

There is money set aside, both in the project and in class gifts, to create different presentations or commemorations. In addition, there are various display spaces around the school. We need to identify those spaces, define their use, and assign the planning and supervision. These include:

- Alumni Hall of Fame
- History of Arlington High School (There are funds set aside for this)
- History of the Spy Ponder?
- Native American Land Acknowledgement
- Athletics history
- Musical history (possible location for Alan Hohavness)



Town of Arlington, Massachusetts

Future Agenda Items



Town of Arlington, Massachusetts

Adjournment



Town of Arlington, Massachusetts

Submitted by Paul Schlichtman