



**SWCEC**

Southern Worcester County Educational Collaborative

**SOUTHERN WORCESTER COUNTY  
EDUCATIONAL COLLABORATIVE**

**2017-2018**

**FACULTY HANDBOOK**



*Southern Worcester County Educational Collaborative*

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*Visit us at: [www.swcec.org](http://www.swcec.org)*

*Administrative Offices:*

*185 Southbridge Rd.*

*Dudley, MA 01571*

Dear Faculty,

The 2017-2018 school year is an exciting one and I am thrilled that you are part of our team. This handbook is designed to guide our practices so we are all working together as collaborative employees. That collective effort will provide us the clarity necessary to focus on our primary mission, educating students and supporting our member districts.

I hope you find this document helpful and informative.

I look forward to working with each and every one of you this year.

Yours in education,

*Beth*

Elizabeth S. Fitzmaurice

Executive Director

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## **OVERVIEW**

This Faculty Handbook is meant as a guide to provide direction regarding daily practices or procedures as a compliment to the collective bargaining agreement and Policies, set and approved by the Board of Directors, that pertain to employees of the Southern Worcester County Educational Collaborative (SWCEC). The policies, procedures and practices in this Handbook, however, may be changed at any time by the Board of Directors and is not intended to establish contractual rights.

The Board of Directors reserves the right to add to, delete from, or modify this Handbook either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved or implemented by the Board. The Board and its Executive Director retain the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the SWCEC. This Handbook supersedes and replaces any and all prior oral or written manuals, policies, procedures, and practices of SWCEC.

This Handbook is not, and should not be construed as an express or implied contract and does not modify any existing at-will status of any SWCEC employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and SWCEC has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

### **DEFINITION: CHAPTER 40, SECTION 4E**

Any school committee, acting for and in behalf of its city, town or regional school district, may enter into an agreement with one or more other such committees to conduct jointly, educational programs and services which permit such committees to supplement or strengthen school programs and services; provided that such agreement has been authorized by vote of such committee and approved by the Commissioner of Education.

## **THE COLLABORATIVE**

The Southern Worcester County Educational Collaborative mission is to provide programs and services to meet the unique educational needs of all of its students.

The Southern Worcester County Educational Collaborative was established in 1975 as an Educational Collaborative servicing regular and special education students and families. Southern Worcester County Educational Collaborative services students ages 3-22 in small, structured therapeutic and academic learning environments, paced to meet the needs of its students on an individualized basis. The Southern Worcester County Educational Collaborative programs offer a strong academic component designed to accommodate the learning needs of our students and to encourage their motivation to achieve.

SWCEC provides programs and services which are of high quality, comprehensive in nature, fiscally efficient, and student centered. Programs and services are developed and implemented according to those needs which have been identified by member districts. Highly qualified and dedicated staff believe in maximizing each student's potential for success. Program and services are conducted in facilities conducive to student achievement.

## **MISSION**

The Southern Worcester County Educational Collaborative mission is to provide programs and services to meet the unique educational needs of all its students.

## **VISION**

SWCEC provides programs and services which are of high quality, comprehensive in nature, fiscally efficient, and student centered. Programs and services are developed and implemented according to those needs which have been identified by member districts. Highly qualified and dedicated staff believe in maximizing each student's potential for success. Program and services are conducted in facilities conducive to student achievement.

## **INTRINSIC VALUES**

We believe:

- Education is the shared responsibility of students, school, home, and community.
- Investing in the education of our children benefits the community.
- All students are capable of life-long learning.
- A balanced education develops a student intellectually, socially, physically, emotionally, and creatively.
- All students are entitled to instructional excellence.
- Students learn best in a safe, healthy, and supportive environment.
- Students learn best when they are actively engaged in their own learning.
- Mutual respect, personal dignity, and social responsibility are essential.
- Education is the key to responsible global citizenship.

## **SWCEC Leadership Team**

***Executive Director***

***Assistant to the Executive Director***

***Director of Special Education and Professional Development***

***Assistant to the Director of Special Education***

***Business Administrator***

***Technology Coordinator***

***Grow Elementary Principal***

***Grow Middle/High School Principal***

***Assistant to the Grow School***

Elizabeth Fitzmaurice

Lena Travinski

Melissa Manzi, DPT

Heather Logsdon

John Love

Jhan LaTulippe

Kristine Hersey

Anthony Cacace

Shelley Johnson

## 2017-2018 SWCEC SCHOOL CALENDAR

The School calendar is approved by The Board of Directors in the spring of each year. The Collaborative follows a traditional school calendar consisting of 180 student days and 183 professional staff days. The calendar also includes four half day in- service days. The Board of Directors reserves the right to revise and modify this Calendar as deemed necessary in the best interest of the Collaborative.

<p><b>August</b>              8/30/17 ~ Full Day PD Day for Professional Staff              8/31/17 ~ All Staff Orientation Day</p> <p><b>September</b>              9/1/17 ~ No School: Labor Day Weekend              9/4/17 ~ No School: Labor Day              9/5/17 ~ 1<sup>st</sup> Day of School for Students</p> <p><b>October</b>              10/6/17 ~ No School: Professional Development              10/9/17 ~ No School: Columbus Day</p> <p><b>November</b>              11/9/17 ~ 1<sup>st</sup> Quarter Grades Close              11/10/17 ~ No School: Veteran's Day (observed)              11/17/17 ~ Report Cards Sent Home              11/22/17 ~ ½ Day Students              11/23/17-11/24/17 ~ Thanksgiving Break</p> <p><b>December</b>              12/25/17-12/29/17 ~ No School Holiday Break</p> <p><b>January</b>              1/1/18 ~ No School: New Year's Day              1/12/18 ~ ½ Day Students / Professional Development              1/15/18 ~ No School: MLK Day              1/26/18 ~ 2<sup>nd</sup> Quarter Grades Close</p>	<p><b>February</b>              2/2/18 ~ Report Cards Sent Home              2/19/18 ~ No School: President's Day              2/20/18-2/23/18 ~ Winter Break              2/27/18 ~ ½ Day Students / Professional Development</p> <p><b>March</b>              3/6/18 ~ ½ Day Students / Professional Development              3/12/18 ~ ½ Day Students / Professional Development              3/30/18 ~ No School: Good Friday</p> <p><b>April</b>              4/13/18 ~ 3<sup>rd</sup> Quarter Grades Close              4/16/18 ~ No School: Patriot's Day              4/17/18-4/20/18 ~ Spring Break              4/27/18 ~ Report Cards Sent Home</p> <p><b>May</b>              5/28/18 ~ No School: Memorial Day</p> <p><b>June</b>              6/14/18 ~ 4<sup>th</sup> Quarter Grades Close              6/15/18 ~ Last Day of School (Tentative)</p> <p>*Graduation Date to be set in early Spring 2017</p>
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**PROGRAM START TIMES AND LOCATIONS**

<b><i>Grow Elementary School</i></b> 121 Ashland Ave Southbridge, MA 01550 Kristine Hersey, Principal	8:00 am – 1:45 pm
<b><i>Grow Middle/High School</i></b> 185 Southbridge Rd Dudley, MA 01571 Anthony Cacace, Principal	8:15 am – 2:00 pm
<b><i>Career Development Program</i></b> 185 Southbridge Rd Dudley, MA 01571 Anthony Cacace, Principal	8:15 am – 2:00 pm
<b><i>Specialized Developmental – Autism Program</i></b> Bartlett High School 52 Lake Parkway, Webster, MA 01570 Dr. Melissa Manzi, Director	7:45 am – 1:45 pm
<b><i>Specialized Developmental – Medically Fragile (primary)</i></b> 185 Southbridge Rd Dudley, MA 01571 Dr. Melissa Manzi, Director	8:15 am – 2:15 pm
<b><i>Specialized Developmental – Medically Fragile (secondary)</i></b> Bartlett High School 52 Lake Parkway, Webster, MA 01570 Dr. Melissa Manzi, Director	7:45 am – 1:45 pm

## **PROGRAMMATIC INFORMATION AND EXPECTATIONS**

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### **1. NO SCHOOL ANNOUNCEMENTS OR DELAY OPENING**

Whenever it is necessary to cancel or delay school because of inclement weather or other unexpected emergencies, “no-school announcements” will be reported on television Channel 7 (NBC), Channel 5 (ABC) and Channel 4 (CBS) and radio WSRS 96.1 FM, WTAG 580 AM. Typically, an announcement is made by 6:00 a.m. on the day of the cancellation or delayed opening.

The NO school access line is available @ 508-764-8500, an automated phone message will be sent out and announcements is posted on Twitter @SWCEC\_MA.

The Southern Worcester County Educational Collaborative utilizes an automated phone system in the event of a delay or cancellation due to weather, and in an emergency situation at any one of the collaborative programs. This system will allow us to update parents and faculty quickly with pertinent information.

### **2. ATTENDANCE**

Consistent presence of faculty is abundantly important to supporting student success. If absence, due to illness is necessary, please contact your Principal/Director by 6:00 AM accordingly:

Grow Elementary School:	Kristine Hersey	508-612-7206
Grow Middle/High School & Career Development:	Anthony Cacace	774-230-3247
Developmental and Itinerant:	Dr. Melissa Manzi	508-733-2347
Nurses:	Sean Williams 508-989-4489 <u>and</u> Dr. Melissa Manzi	508-733-2347

It is essential that substitute information is readily available. Teachers should also contact tutors and educational assistants to notify them of the absence.

If planned absence is necessary, please speak directly to your Principal/Director and complete the appropriate paperwork 48 hours prior to the planned absence.

### **3. DRESS CODE AND APPEARANCE**

Personal appearance is an individual matter. No one, however, has the privilege of disregarding the norms of reasonable dress. Staff appearance is important. It not only establishes credibility with students, other staff and parents/guardians, it reflects on the professionalism of our organization. It is important that someone visiting our schools and programs can readily identify who the faculty members are. Staff members are expected to dress in neat, professional attire; often referred to as ‘Business casual’. Trendy clothing may not be ‘classroom appropriate’.

Jeans, dungarees or overalls, sport clothing (i.e. sweats, bicycle or running shorts, yoga pants etc.) or extremely casual clothing (i.e. tee shirts, tank or tube-tops, shorts, etc.) or open toe shoes (for individuals working directly with students) are not acceptable work place clothing.

Staff members are encouraged to participate in school spirit activities as long as the above criteria continue to be met. Specialists should dress appropriate for safe conduct of classroom activities.

#### **4. CONFIDENTIALITY**

The confidentiality of student information is extremely important and protected by state and federal law. Violations of student confidentiality will not be tolerated and may lead to disciplinary action up to and including termination. Casual conversations in corridors, teachers' rooms and other public places must be avoided. All personal information about students, school incidents, grades, tests scores, etc. is confidential. This information must not be discussed openly in class, with other students, in open audiences (i.e. office, Teachers' Room), in public or by e-mail.

*All SWCEC email is a public record subject to a Freedom of Information request, and any information sent by e-mail regarding a student becomes a part of their permanent record.*

#### **1. TELEPHONES**

There are a limited number of phone lines at SWCEC. A few are in private spaces. Keep personal calls to a minimum, especially at the end of the school day as all lines need to be free for incoming calls. When calling parents about a student, use a phone located in a private space. No long distance calls are to be made on school phones unless the call is regarding school business and has the approval of the administration. These calls must be recorded with the secretary in the office. Teachers who need a phone for personal calls should follow the specific building procedure.

Staff are encouraged to safeguard their personal electronic devices. Cell phones should be turned off and out of sight except during your duty free lunch break.

#### **2. STUDENT SUPERVISION**

All teachers will be responsible to supervise students at all times. Students should never be allowed to transition without staff supervision.

Bathroom Procedures - Staff are required to check the status of the bathrooms prior to allowing students to use them. Additionally, staff is required to check bathrooms after student use. Any damage should be immediately reported to your immediate supervisor.

#### **3. CLASSROOM SECURITY AND APPEARANCE**

The Collaborative employs or contracts custodial staff in each building. A teacher's effort to hold students accountable for the classroom are greatly appreciated. Individual classrooms may have special instructions for end of the day clean up.

Teachers are required to keep closets, desks, windows and exterior doors locked at all times. Classrooms, work and storage areas are to be left as neat as possible by staff members and students to facilitate proper cleaning by custodial personnel.

Report all facility or custodial issues to the office so the appropriate work order can be completed.

## **8. ACCIDENTS**

### ***Staff Members:***

Any staff member who is injured on the job must notify his or her supervisor immediately and complete an accident report within 24 hours. Medical care required for the injury must be coordinated with Workman's Compensation and handled through the Central Office.

Failure to report an injury, file a report, or consult with the Central Office before seeking treatment may render the employee ineligible for Workman's Compensation coverage for the injury.

### ***Students:***

The SWCEC has developed procedures for dealing with injured students on school premises. Check with your immediate supervisor and nurse for more information. Each classroom provides direct communication capabilities with the main office.

Any student who has had an accident in school is to be treated with caution. The Principal's Office and the School Nurse should be notified at once. If, at any time, a student or staff member's safety is in jeopardy, "911" should be called immediately. The School Nurse or Principal/Designee will make the phone call to "911". Incident reports must be filled out by the staff member who observes or learns of the student accident within one (1) working day. An Incident Report must be completed without delay. Nurse will annotate injuries in the nurse data base without delay.

## **9. ALCOHOL, DRUGS, TOBACCO, WEAPONS**

The possession, sale, or use of alcohol, illegal drugs or controlled substances, tobacco, and weapons is prohibited on school property or at any school sponsored event. This policy applies to students, employees, and any other people who use the Collaborative facilities. Violation of this policy by employees will subject the employee to immediate disciplinary action, up to and including termination from employment.

It is the responsibility of all staff members to inform the administration immediately if they suspect or have any knowledge of the use or presence of alcohol, drugs, tobacco, or weapons at the Collaborative or at any Collaborative sponsored event.

## **10. CONFLICT OF INTEREST LAW**

The State Ethics Commission conflict of interest law applies to all Massachusetts public employees. The law requires that every employee shall, within 30 days after becoming an employee, and every 2 years thereafter, complete the online training program. (Educational Collaborative employees are municipal employees.) The online training can be found on our website.

## **11. CORI AND FINGERPRINTING**

Criminal Offender Records Checks (C.O.R.I.) are conducted on all employees at the time of job offer at the Executive Director's office, and all offers of employment are contingent upon satisfactory results as determined by the Executive Director. All criminal record checks will be done on a voluntary basis with prior written approval of the applicant. However, failure to comply with the request for a criminal records check will disqualify an applicant from further consideration for employment.

Each school employee must, as a condition of continued employment, also provide an authorization, properly completed, signed and dated, that permits the Collaborative to CORI information every three years thereafter. Central Office will communicate with Program offices about the need for updated CORI checks. An unsatisfactory CORI report may result in termination of employment. A CORI check is also required for EVERY school volunteer or individual providing contracted service on school grounds.

In addition, in accordance with Chapter 459 of The Acts of 2012, Massachusetts all employees hired by the Collaborative are required to submit to a state and national finger-print criminal background check prior to commencing employment with the Collaborative and as a condition of continued employment with the Collaborative. Fingerprinting is occurring at sites around the state. Fingerprinting locations can be found at [www.identogo.com/FP/Massachusetts.aspx](http://www.identogo.com/FP/Massachusetts.aspx). The individual employee or prospective employee is responsible for the cost of the national criminal background check. If fingerprinting occurred prior to employment, a suitability determination may be obtained from the school/district that maintains the information, at the discretion of the Executive Director. This process is managed through the central office. An unsatisfactory finger-print criminal background check will disqualify an applicant from further consideration for employment and for existing employees may result in termination of employment.

## **12. BENEFITS**

Each staff member within the Collaborative is eligible for a variety of benefits. There are various options for health, dental and life insurance benefits. The Human Resources and Finance Assistant at the Central Office will provide you with the most current information and the

necessary forms. After initial enrollment, a yearly "open enrollment" period is held for any changes or additions to coverage (see Collective Bargaining Agreement).

### **13. STUDENT ATTENDANCE: ABSENCE, DISMISSAL, TARDY**

When taking attendance, include recording the lunch count. (Teachers may want to consider some way for students to designate a lunch choice as they enter the room in the morning.) Teachers are required to record dismissals. Student attendance is to be carefully checked in homeroom and at the start of each class. Everyone has a responsibility to see that attendance is carefully monitored. The attendance records are legal documents and must be as accurate as possible. Therefore, taking attendance in homeroom/first block is to be done by the homeroom teacher/first block teacher, not by a student.

#### ***Student Attendance Procedure:***

All student attendance must be taken by 9:00 a.m. each morning and recorded in the student information system adopted by SWCEC unless directed by the front office to do otherwise (i.e., a late bus).

Students who are not present by 9:00 a.m. are to be marked truant unless the teacher/aide/counselor knows the reason that the student is absent (i.e., a note or phone call from a parent/guardian has been provided excusing a student's absence). In those cases, the student is to be marked "absent excused" and the office is to be given the note and/or notified by the teacher/assistant/counselor of the student's absence.

If the office receives a phone call or note from a parent/guardian pertaining to an excuse for a specific day, the office will change the student's attendance for that day.

If a student arrives late to school, the student must "check in" in the office. The office will then change the student's attendance to late if the student has arrived prior to 11:30. If not, the student's attendance may be changed by the office to truant or absent excused depending on the reason for the tardiness.

If a student is suspended from school, he or she is to be marked suspended for their daily attendance.

If a student is to be dismissed, is dismissed by staff, or dismisses him or herself from school for any reason, regardless of the time, please notify the office by e-mail immediately. The student will be marked appropriately in the attendance register by the office.

### **14. FIELD TRIPS**

If you have a suggestion for a field trip, discuss it first with your colleagues/administration and not with the students.

Professional Staff must receive prior approval from the Principal for all field trips. Information should include:

- Date of trip
- Departure time and approximate return time
- Approximate cost of trip
- Location(s) to be visited

- Planned activities and their relevance to the curriculum
- Number of students and chaperones attending
- Nurse Leader sign off
- Copy of the permission slip
- List of students and staff attending the trip and list of students and staff remaining at school

### ***Method of Transportation***

School vehicles approved by the transportation director will normally be the only vehicular transportation used for a field trip. Under certain circumstances private vehicles may be used to transport additional staff. However, permission to use private vehicles must be granted in advance by the Principal. Faculty will not use a private vehicle to transport students.

### ***Chaperones***

Whenever possible, chaperones of both sexes should be provided. Professional staff should check with the Director as to the requirement for chaperones. All chaperones must have an approved CORI on file with the Central Office.

### ***Authority***

Professional Staff in charge of the class shall have responsibility for control of the field trip. In detail, this means the Professional Staff in charge shall make all final decisions on routing the trip, necessary rerouting, points of embarkation and emergency measures that must be taken.

### ***Permission Slips***

Each student must turn in a signed permission slip prior to the day of the trip.

### ***Emergency Information***

Professional Staff are to bring a copy of the emergency information for each student taking part in the field trip. Professional Staff must also leave a cell phone number to be reached in case of an emergency. Check all students' folders for medication needed or allergies.

### ***Pupil Rosters***

Professional Staff in charge shall draw up a pupil roster for the field trip. Only students listed on the roster will be permitted to attend the field trip.

- Roster will include student names in alphabetical order with addresses and telephone numbers.
- Roster will be duplicated and disseminated to teachers, secretaries and administrators at least 3 school days prior to a scheduled field trip.

Prior to leaving, Professional Staff in charge is to take attendance and report discrepancies to the Office. Upon return, Professional Staff will maintain responsibility for and control of the students. Students will return to class or remain with the Professional Staff until dismissal or parent pick up.

### ***Accidents***

Accidents or problems encountered on the trip are to be reported to the Principal immediately. All necessary/applicable accident forms are to be completed. If your transporting vehicle is in any type of accident call emergency personnel immediately.

### ***Dress***

Teachers are required to indicate to students the appropriate dress for the field trip. Any deviation from conventional school dress (for staff or students) shall be directed by the teacher with Principal approval.

## **15. SUPPLIES AND BOOKS**

Teachers and Related Service Providers are responsible for working with their respective Principal/Director each year to identify needed materials for the coming school year. Textbooks and Literature should be labeled as 'Property of SWCEC' and signed out to students as needed. Any instructional material signed out to a student must be recorded on a log and teachers must work to recoup those materials at the end of the course or school year. If a student loses or destroys texts or other instructional materials, he or she is responsible for paying for the lost or destroyed books and materials. Payment for the materials will be handled through the specific SWCEC program office. Any collected fees will be turned into the SWCEC business office immediately. No staff or program office will maintain cash for any period of time.

SWCEC program offices will maintain a limited supply of expendable instructional materials. Faculty should utilize program procedures to obtain these supplies as needed.

## **16. HOMEWORK**

Designing meaningful homework is an important part of a teacher's job. Homework not only provides opportunities for students to practice skills but also can serve to inform parents of curriculum. Tip...make it a successful experience. Be clear with your directions and expectations. Don't assign more than you are willing to correct.

A well-conceived homework assignment can assist a student in developing independent study skills and habits while gaining mastery of content and skills. The following guidelines may be applied to homework assignments:

The care with which a homework assignment shall be given, the quality of the responses of students and the nature of the follow-up activities in the classroom shall be of greater importance than the quantity of work involved in a homework assignment.

The amount of homework and the length of time available to the student to complete the assignment shall be appropriate to the age, ability and maturity of the student. Additionally, a student's IEP accommodations must be considered when assigning homework.

## **17. GRADES**

Grades are reported four (4) times during the school year, in conjunction with IEP Progress Reports.

Report Card grades should be comprised of a combination of the following components: tests, quizzes, projects, classwork, class participation and homework. Student's unique situations and learning needs should be taken into consideration as should the gestalt of the essence of the student's content knowledge. No students should be assessed a grade below 50 without extensive Team Meeting discussion. This expectation ensures that all aspects of required specialized instruction and support are provided as part of the grading process.

Students who have excused absences or are suspended from school may make up the missed work within a reasonable amount of time for full credit. Students who hand in work late may earn partial credit for the late work.

Students may receive an incomplete for a course grade if they have excused absences during the quarter and have not completed the make-up work prior to the end of the quarter. A grade of "I" will remain for a maximum of forty-five (45) school days after report cards are issued. Should the student fail to make up the work within the forty-five (45) school day period, the student will receive a failing grade. Any extenuating circumstances which may necessitate an extension of a deadline must be approved by the Principal and may be addressed at a Team Meeting.

Teachers should not make any changes to grades (except incomplete grades) in the SWCEC-adopted student information system after grades close without express permission for the principal.

## **SAFETY POLICIES**

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### **1. ACCEPTABLE USE POLICY**

Use of the SWCEC network is a privilege, not a right, and will be extended to individuals as long as they observe the rules of acceptable use as outlined below. Abuse of this privilege could result in loss of the privilege for the individual and possibly others through the organization. Access to network services will be provided to employees who demonstrate continual adherence to this policy. All data stored or transmitted on any Collaborative electronic device or transmitted from any device on the Collaborative's network may be monitored, retrieved, downloaded, printed, and/or copied at any time and without notice, as employees have no right to privacy with regard to such data. This information may be disclosed to others, including law enforcement agencies. "Network" refers to internal school network, as well as the Internet. E-mail, and related on-line services, are the property of the Collaborative and are to be used for business-related purposes only.

- Use the network only for activities which support education and research. If you are a student, your use of the network must align with assigned schoolwork. If you are a staff member, your use must be for professional, non-commercial purposes. The following Internet activities are NOT ALLOWED on the SWCEC network systems:
  - Personal e-mail accounts from any service provider (i.e. AOL, Yahoo, Gmail, Hotmail, etc.)
  - Viewing non-educational and/or personally created websites (e.g. YouTube, Facebook, Instagram, Snapchat, etc.)
  - Blogging, chat rooms, instant messaging, and unsolicited emails (spamming)
  - Bypassing schools' firewall by use of proxies
  - Downloading music, music videos, movie trailers, or videos of any type
- Use of the network for any illegal purpose or activity including, but not limited to, tampering with computer hardware or software, unauthorized entry into computers, or knowledgeable vandalism or destruction of computer files is PROHIBITED. Such activity is considered a crime under state and federal law.
- Do not send or receive copyrighted material without permission. Respect the copyright laws and rules regarding software, information, and attribution of authorship. Software may not be downloaded and/or installed on any device in the school system.
- Any use of the network including, but not limited to, obscenity, profanity, racism, sexism, personal attacks, bullying, threats or harassment is strictly PROHIBITED. Do not send or display offensive messages or pictures.
- Do not share your account/password with anyone or attempt to use the accounts, passwords, and files of others. Sharing passwords can result in sharing the consequences. All violations of this policy that can be traced to an individual account name will be treated as the sole responsibility of the owner of that account. Do not attempt to use pseudonyms or anonymity. Do not attempt to access information of others if you have not been given permission to do so.
- Do not knowingly degrade the performance of the network. Do not use the network in such a way that you would degrade or disrupt the use of the network by others. Avoid the knowing or inadvertent spread of computer viruses.
- Access only those areas of the network for which you are authorized. Do not access files, folders, hard drives or other devices for which you have not been given express permission to access/use. All staff members shall preview all Internet sites prior to any use with students.

- Report any violations of this policy at once. Students should report violations to their teacher. Staff members should report violations to their building administration immediately.

Any violations of this policy may result in disciplinary action including but not limited to the loss of network privileges or termination from employment.

Note: The SWCEC Acceptable Use Policy pertains to both staff and students. It is printed in its entirety on the SWCEC website ([swcec.org](http://swcec.org)). SWCEC reserves the right to change this policy without prior notice.

## **2. FACULTY/STUDENT BOUNDARIES**

It is the expectation of SWCEC that faculty conduct themselves with the utmost decorum at all times. Collaborative staff working with students have greater responsibility in today's society. In order to maintain the respect and confidence of one's colleagues, of students, of parents and of members of the Collaborative community, staff members should strive for the highest possible degree of ethical conduct at all times. You are expected to model professional behavior, values and responsibilities, both in and out of school. Any discussion with or about students that is at their expense, sarcastic or derogatory is unacceptable. Additionally, initiating or participating in a relationship that extends beyond an appropriate faculty/student relationship is strictly prohibited. The Collaborative expects all staff members to observe appropriate boundaries when interacting with students, such as, but not limited to:

- a. All staff members are encouraged to form positive, professional relationships with students that are appropriate to their school roles.
- b. Staff should treat all students fairly and avoid situations that appear to show favoritism for an individual or selected group of students. As such, staff should not purchase or take anything from a student that gives the appearance of favoritism.
- c. All student, both current and former, communication should be conducted face-to-face, or through Collaborative e-mail accounts, Collaborative-sponsored on-line learning management systems or Collaborative web pages. It is inappropriate to communicate with either current or former students via personal e-mail or cell phone, text messages, IM, blogs, or social networking accounts or sites.
- d. Within school, staff members should avoid meeting with individual students in locations that are not ordinarily and routinely accessible by other students and staff.
- e. Staff should not transport individual students in their personal vehicles.
- f. Employees are expected to use caution with self-disclosure about their personal life.

It is everyone's job to address or report behavior that we reasonably believe does not adhere to these guidelines.

### **3. REPORTING SUSPECTED ABUSE OR NEGLECT**

Under Massachusetts General Laws Chapter 119, Section 51A, any public or private school teacher, administrator, guidance or family counselor, attendance officer, psychologist, nurse or other medical practitioner, or social worker, or other professional who has reasonable cause to believe that a child under eighteen years is suffering physical or emotional injury resulting from (1) abuse, including sexual abuse, which causes harm or substantial risk of harm to the child's health or welfare; (2) neglect, including malnutrition; or, (3) physical dependence upon an addictive drug at birth must immediately report such conditions to the Department of Children and Families (DCF).

SWCEC staff must adhere to the following guidelines in the handling of suspected abuse and neglect cases.

1. Any staff with concerns related to suspected student abuse or neglect will contact the SWCEC Director of Special Education or Principal. The SWCEC Director of Special Education or Principal will:
  - Review the circumstance and document any physical signs of abuse.
  - If indicated, file a 51A with the Department of Children and Families (DCF) and, where appropriate, contact the parents/guardian.
  - Will keep the Executive Director informed about the situation. The Executive Director may become directly involved in the process.
2. If the suspected abuse/neglect is the result of an action of a staff member or another student, DESE Form 2 will be completed and forwarded to the DESE by the SWCEC Director of Special Education or Principal.
3. If the student is 18 years of age or older, the SWCEC Director of Special Education or Principal will file a report with the Massachusetts Disabled Persons Protection Commission.

The name of all reporters remains confidential; DCF will not share this information. However, the reporter's identity may be deduced from the content of the report. It is important to note that educators are protected from civil or criminal actions provided that the report was made in good faith.

Failure on the part of staff to report incidents of suspected abuse or neglect may result in disciplinary action up to and including termination from employment.

### **4. FIRE DRILLS AND BUILDING EVACUATION**

The buildings must be vacated each time the fire alarm is sounded. Directions for exiting the building are posted in each classroom and are explained by the teacher of each class. The following rules must be observed: (1) Students must move quickly and quietly to a safe distance 50 ft from the building; (2) Students must adhere to any directions given by the teacher; (3) No students may reenter the building until the all-clear signal is given; (4) Students will return directly to class after the drill is over unless otherwise directed.

If students refuse to comply, procedures to ensure student safety will be implemented.

## **5. STAFF INFORMATION SHEET**

Faculty will be asked to complete a Staff Information Sheet each year. This sheet will contain emergency contact information and, if staff are willing, important medical information that might help administration provide emergency medical support to said faculty in the event of an emergency.

## **6. STUDENT ELOPEMENT**

Elopement is defined as a student who leaves their assigned learning environment without permission of the supervising faculty.

A student who leaves a learning environment but stays on school grounds will be required to meet with his principal or counselor prior to returning to programming. Students may be subject to search in accordance with Paragraph 4 of the Code of Conduct Section of this Student Handbook upon re-entry.

If a student leaves the school grounds without permission, he or she may not be allowed to return to his school program for the balance of the school day. The student will be provided alternate programming and permitted to take his or her school bus home at the end of the day, provided that he or she is present at the school on time to do so, and he or she is behaviorally appropriate at the time. If a student leaves school grounds without permission, his or her parent/guardian/ or appropriate third party will be contacted.

In all circumstances, in accordance with individual behavior plans and therapeutic school practices, students may receive consequences including an IIP or suspension. It is the intent of the intervention to capture teachable moments and provide skill building restorative opportunities for students.

## **7. RUNAWAY STUDENT**

A “runaway student” shall be defined as: a student who has left the school environment without permission with the intent of not being followed or found and may be exhibiting unsafe and/or noncompliant behavior. A student that has left his or her designated space, but is within the immediate area and within the staff’s visual field is not a runaway student.

If a student is a Runaway the following procedure will be implemented:

- Immediately call the local police department, parent and notify the Executive Director.
- Complete an Incident Report form within 24 hours.
- Principal will notify the LEA.
- The Executive Director will notify the Department of Education.
- All notifications and Incident Reports will be filed in Student Record.

## **8. IMMEDIATE NOTIFICATION OF INCIDENTS**

When a serious incident occurs, the SWCEC Executive Director is notified immediately.

Upon notification of an incident within a SWCEC program the Administration gathers all pertinent information from involved parties. The SWCEC Incident Report Form is to be completed by staff the same day of the incident. The incident report form includes the incident, precipitating events, and any specific communication details. Copies of incidents reports will be sent to the parents, LEA representatives, any state agency involved in student care or program placement, and put in student file.

In the event a serious or unusual incident occurs, immediate notification by telephone, and copy of incident report will be sent to the parents, LEA representatives, any state agency involved in student care or program placement, and by mail to the DESE. Serious incidents are those that result in injury, safety concerns, substantial discipline code violations, significant damage or loss to school property or emergency personnel responses.

The protocol described below is followed for incidents that require immediate notification of the Department of Elementary and Secondary Education (DESE) or Department of Public Health (DPH). An Incident Report Form is submitted to DESE within 48 hours of the following types of incidents:

- Death of a student while present at school;
- Filing of a 51-A report with DCF, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student;
- Any action taken by a federal, state or local agency that might jeopardize the school's approval with the Department; and
- Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency.
- The hospitalization of a student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder that occurs while the student is in the program; (For students with complex health care needs, this will also require notification of the Department of Public Health (DPH) through the emergency response protocol.)
- Student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention;
- Serious student injury requiring emergency medical intervention resulting from a restraint;
- Student run away/bolting beyond building boundaries;
- Emergency termination of a student under circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others pursuant to 18.05(7)(d);
- Any other incident of serious nature that occurs to a student.

Failure to comply with the provisions of this section may result in disciplinary action up to and including termination from employment.

The Administration is responsible for notification to:

- Parents

- LEA representative
- DESE
- Executive Director

## **9. EMERGENCY PROCEDURES**

SWCEC Programs in separate settings abide by the SWCEC Emergency Response Procedures as outlined in said document. Faculty training will occur annually and drills will be scheduled at varying points during the year.

SWCEC programs located in public schools do not have discrete emergency procedures. The SWCEC Administration consults with building principals and district superintendents to ensure that SWCEC programs and staff are included in the building emergency protocols. The SWCEC Administration ensures that staff is aware of the emergency procedures of the building where the program is located and their responsibilities.

SWCEC emergency procedures include:

- A minimum of 2 evacuation drills conducted for each classroom at each location annually;
- Initial training, including a walkthrough of the setting, identification of sprinkler and fire extinguisher locations, and location of emergency number postings;
- Embedded program strategies to help all students understand the nature of the drills;
- Special provisions for the evacuation of any mobility-impaired student;
- Identification of the location of emergency information for students to be taken during an evacuation;
- A written log of each evacuation drill report sheets that includes date, time elapsed, participants (students and staff), witnesses, etc.

Each SWCEC program imbedded within a public school setting has an assigned and trained Collaborative Liaison to the building principal. The Collaborative Liaison participates in the annual staff training and has a more in-depth understanding of the overall evacuation/fire/emergency response options and acts as support to the other Collaborative staff within the building. The Liaison is known to the building principal and office as the contact person in case of emergency related to evacuation/lock-downs/fire/building emergencies. The Collaborative Liaison will ensure that all SWCEC program information relative to the drill or emergency situation is shared with the school district authority in charge of the building in which the program(s) are sited. The Collaborative Liaison also immediately shares information regarding the outcome of the drill or the status of the emergency with SWCEC Director of Special Education. SWCEC has general processes for all Collaborative programs.

## **10. COMMUNICATION AND SOCIAL NETWORKING**

### Internet Acceptable Use Policy still in effect

This guidance is in addition to, and not as a substitute for, the school's Internet Acceptable Use Policy, which governs the use of the school district's technological resources.

SWCEC recognizes the usefulness of online conversation between staff members and parents/guardians or even students in some circumstances. However, due to the nature of social networking sites, there exists a risk that, without care and planning, appropriate boundaries may not be maintained between one's professional life and personal life, and between staff and

students. Students are provided with technology necessary to participate in learning activities. It is expected that students utilize these devices appropriately and in accordance with faculty expectations and acceptable use. To ensure student safety, any violation of these expectations may result in parental notification and disciplinary measures.

## **11. VIDEO SURVEILLANCE**

Purpose: SWCEC supports the use of video cameras for the purpose of enhancing school safety and security. Video surveillance will be used to promote a safe and secure teaching and learning environment for students and staff, to protect school property and to deter and prevent criminal activity.

Signage and Notification: Signage will be posted to notify students, parents, staff and the general public of SWCEC use of security cameras. Students, parents, and staff will receive additional notification at the beginning of each school year regarding the use of video surveillance cameras. Such notification may include staff and student handbooks.

Camera Placement: The video surveillance will only be installed in public areas. These areas include, but are not limited to, grounds, exterior entrances or exits to school buildings and large gathering areas such as corridors, cafeteria, lobby and main entries. Cameras will not be used where there is a reasonable expectation of privacy, including but not limited to restrooms, changing rooms, private offices, nurses' offices or locker rooms.

Viewing: There will be no monitoring of live recordings, except in the case of a suspected emergency or safety concern. Reviewing the recordings will occur only when a suspected incident is committed inside or outside the building (e.g. vandalism, graffiti, etc.). Viewing the data is to be performed by authorized personnel that have been expressly designated by the Executive Director or designee. No sound is to be monitored or recorded in connection with the video surveillance system. Documentation shall be maintained of all episodes of access to or use of recorded materials.

Limited Access to Recordings: Any video recordings used for security purposes in school buildings or on school grounds are the sole property of SWCEC. Release of such videos will be made only as permissible pursuant to applicable laws and with the permission of the Executive Director or his/her designee.

Storage: All video data will be stored in a secure place to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

## **HEALTH CARE POLICIES AND PROCEDURES**

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### **1. HEALTH**

The return to school is an exciting time for students and families. In addition to school supply lists and preparatory visits, parents often request assurance that their child's health needs will be met while at school. There are many components to good health, and students who are healthy are more likely to be ready to learn. Back to school is a unique opportunity for families to evaluate and review their student's individual health care needs and to make the important connection to their school health service provider.

Please note: School entry serves as a "Safety net" to ensure that children have health services in place. It is important for the child's wellness and education that he/she has a primary care provider, dental provider and health insurance at school entry. If the parent needs assistance in accessing resources, he/she should contact the school nurse.

School nurses are key clinical health providers in the school setting and are a strategic link in meeting the myriad of health needs presented in schools. It is important for parents to learn to know their child's school nurse and to maintain ongoing communication regarding their child's health considerations. This relationship is essential to effective and successful health outcomes during the school day. Because there are a range of health policies across school districts in the Commonwealth, it is important for families to understand both the state and their local school health policies. The following is a brief summary of health information that will assist families in preparing for the return to school.

The following are health requirements for students attending SWCEC (The Grow School and Developmental Programs):

- No student may be admitted to school without documentation of updated immunizations, according to Massachusetts State Law. To ensure continued attendance in school, immunizations must be kept up-to-date. Complete immunization certificate/record are required at admission to SWCEC (regardless of grade), transfers/readmission, 4th grade, 7th grade, 10th grade, and anytime a vaccine record is updated (annual PE, vaccine administration visit).
- Documentation of at least one lead screening (date and result) is required at admission (regardless of grade entering).
- Documentation of a TB test and/or TB vaccine, and/or MD documentation of student's risk (typically documented onto a student's annual PE) is required at admission (regardless of grade).
- Copy of the most recent Physical Exams is required at admission (regardless of grade), as well as in grade 4, grade 7, grade 10, and transfers/readmission. This Physical should include a screening (high-risk or low-risk) for Tuberculosis.
- Vision, Hearing, Postural and BMI screenings are done annually by the School Nurse. Notices are sent out prior to the screenings. Parent/Guardian will be informed of BMI results for those students in Grade 1, 4, 7. Parent/Guardian will be informed of results of Vision/Hearing/Postural screening only if a referral is being made.
- Emergency cards sent home at the beginning of each school year should be filled out completely and returned immediately. Phone numbers and addresses should be kept up-to-date.

- Lead Poisoning Screening: Each child must present documentation of lead poisoning screening upon admission to any of the SWCEC programs.
- Please keep your child's Teacher, Counselor and the School Nurse informed of any medical problems.

## **2. IMMUNIZATIONS**

Immunizations are a vital communicable disease control mechanism, and evaluation of current immunization status is recognized as an important checkpoint in determining the student's affiliation with a primary health care provider. State regulations require each child to meet grade entry immunization requirements. Parents may opt out of immunizing their child, per state law, either due to sincere religious beliefs or due to a medical exemption. Documentation must be provided annually by parent/guardian stating their child is not immunized due to their sincere religious beliefs or a letter submitted by the child's HCP stating the child is medically compromised.

## **3. MANDATED SCREENING PROGRAMS**

Per state mandate, the school nurse coordinates and implements screenings each year.

- VISION SCREENING: Annually grades K-12
- HEARING SCREENING: Annually grades K-4, then once in grade 7, and grade 10
- POSTURAL SCREENING: Annually grades 5-9
- BMI: Annually grades 1, 4, 7
- HEIGHT and WEIGHT: Annually grades K-12

For students who are unable to participate in these screenings; the school nurse will inform the parent/guardian and request the screening be performed by the student's health care provider. Documentation of screening/exam results will be requested to be sent to school by the parent/guardian to be maintained in the student's at school confidential health record. Parent/Guardian will be informed when screenings are occurring during the school year, and results will be sent regarding outcome of BMI. Results of Vision, Hearing, Postural screenings will only be sent (attached to the daily behavior sheet and/or home log) if a referral is being made.

## **4. MEDICATION ADMINISTRATION**

When a child requires medication (over-the-counter or prescription) during the school day, parents are required to contact the school nurse and provide:

- Completed Physician's order for each medication being administered at school (
- Completed Parental consent form for each medication being administered at school
- Medication in original pharmacy supplied container with prescription label attached (30d maximum allowed). For short term prescription medications (10 days or less); the prescription label on the bottle/box can replace the Physician's order. A parental consent form is still required.

The administration of medications to children at school is managed by a school nurse with provisions for self-administration of selected medications, as determined by the school nurse. The SWCEC does not permit students to carry any medications on their person at all during the school day or at school.

Medications cannot be transported to or from school by the student; a responsible adult (parent/guardian or his/her designee) must deliver medication to and from school to be handed directly to the school nurse or the administrator at the front office/desk.

Medications will not be administered at school to your child without an up to date completed Physician order or up to date and completed parental authorization/consent form on file. These are renewed annually at the start of the school year.

Over-the-counter medications may be administered in school with parental consent. These include Acetaminophen (Tylenol), Ibuprofen (Advil, Motrin), Diphenhydramine (Benadryl), Calcium Carbonate (Tums). The above over the counter medications are kept on hand at school. For students with other over the counter medications (Dye-Free versions of the above Fast Melt tabs of the above) are not stocked at school and will need to be supplied by the parent/guardian. Any other over the counter medications not mentioned are not stocked at school and cannot be given unless there is a Physician's order, parental consent, and supply of the medication delivered to school by the parent/guardian.

Please remember that medications must be delivered to the school by a responsible adult in their original container with a prescription label. Medication brought to school by students will be given to the school nurse and the parent/guardian contacted promptly regarding plans for retrieval of the medication and to review school policy on medications at school.

No more than a 30-day supply will be kept at school. The parent/guardian will be notified of any unused medications and will have 30 days to pick up the medication. Otherwise it will be destroyed by the school nurse.

Please notify the school if your child's medications have changed (dose increase or decrease) or have been discontinued, or in the event that your child has been prescribed any new medications, including short-term medications. Medication Change Forms are available through the school nurse. In the event that your child's medication status has changed, a form will be sent home and you will be expected to complete the form and return it to school in a timely manner. All changes are considered new orders, and there must be a completed Physician's order and parental consent form on file for all medications given at school that matches the current dose being given.

## **5. CHILDREN WITH SPECIAL HEALTH CARE NEEDS**

If a child has asthma, allergies, diabetes, seizures, attention deficit disorder, or any other condition requiring special health services in the school and/or is assisted with medical technology, etc., it is vital that the parent meet with the school nurse and develop an Individual Health Care Plan prior to school entry. Physician's orders for care in school will need to be shared with the school nurse. For complex care requiring a team approach, a team meeting before school entry is recommended with the goal that services are in place prior to the start of school so the child is ready to learn.

## 7. FIRST AID/ILLNESS/DISMISSAL FROM SCHOOL

Assessment and treatment by the school nurse are provided for minor injuries or illnesses during the school day. The nurse will dismiss any child who is too ill to be in school, requires further assessment or treatment for an illness or injury, or is considered to be contagious or susceptible to disease.

If a student becomes ill or is seriously injured, but the situation is not life-threatening, his/her parent or guardian is notified immediately. If a parent cannot be reached but the student requires further treatment, he/she will be transported via ambulance to the appropriate medical facility.

A student who exhibits symptoms of a communicable disease may be temporarily excluded from school/work, M.G.L. c.71s.55A. A physician's note authorizing the student return to school will be required prior to the student being allowed back to school/work.

Communicable diseases include but are not limited to:

Chicken Pox	Chlamydia	Conjunctivitis
Contact Dermatitis	Genital Herpes	Head Lice
Hepatitis C	Infectious Mononucleosis	Measles
Meningococcal Disease	Mumps	Pubic Lice
Salmonella	Scabies	Tuberculosis (TB)

The nurse will notify all parents/guardians of students attending any program at SWCEC (The Grow School and Developmental Programs) and referring agencies of reportable communicable diseases as they present themselves. The nurse will make available to parents/guardians directions to follow if their child presents with any symptoms of a communicable disease, such as head lice.

Confidentiality will be maintained by the staff of the school and health departments, with an absolute minimum of staff informed of the student's condition.

Fever greater than or equal to 100: Your child should be fever free without the use of fever reducing medications for 24h prior to returning to school.

Vomiting: Greater than or equal to one occurrence across the school day (or on the bus coming to school). Your child can return to school once he/she has been free of any vomiting for 24h without the aid of medication.

Diarrhea (explosive watery stool): Greater than or equal to three occurrences across the school day and/or any one occurrence of diarrhea accompanied by vomiting, fever (temperature  $\geq$  100) and/or severe abdominal pain. Your child can return to school once he/she has been free of diarrhea for 24h without the aid of medication.

Severe sore throat/Suspected Strep throat: Children who are diagnosed by a HCP as having strep throat can return to school when he/she has taken 24h of Antibiotics. It is requested parents/guardians contact the school nurse if his/her child is diagnosed with strep throat so an informational fact sheet can go home with other students.

Crusted eyes/suspected Conjunctivitis: Children who are diagnosed by a HCP as having conjunctivitis can return to school when he/she has taken 24h of Antibiotics. Children with a suspected case of conjunctivitis during the school day may remain at school for that day as long as he/she is able to refrain from touching his/her eyes and/or does not have active discharge that is not manageable. For a student who remains a school with suspected Conjunctivitis he/she cannot return to school until either he/she has completed 24h of antibiotic treatment or a note from their HCP stating they are cleared to return.

Head Lice/Nits: Children with suspected and/or visualized head lice/nits will be dismissed and can return to school when he / she has completed prescribed treatment and is “nit” free. The School Nurse will do a head check on the first day back, and students may be dismissed if nits or lice are visualized.

Impetigo: Is a contagious bacterial illness, typically presenting as a rash/sore on the skin. A honey-colored crusted scab covers the sore and can ooze yellow drainage. A fever may be present. Children with a suspected case of Impetigo during the school day may remain at school for that day as long as he/she is able to refrain from touching the area, the area can be covered without the child disturbing it, and/or the area does not have active discharge (oozing) that is not manageable. For a student who remains in school with suspected Impetigo, he/she cannot return to school until either he/she has completed 24h of antibiotic treatment or submits a note from their HCP stating they are cleared to return.

Inexplicable Rashes: Rashes can be caused by many things; including allergies, viruses, or bacterial illnesses. A student presenting a rash will be assessed and evaluated by the School Nurse, and the parent will be contacted for pickup/dismissal if an illness is suspected to be the causative factor.

Student’s Presenting with the Following Illnesses will be dismissed from School:

- If a student presents with any of these problems during the day, he/she shall be brought to see the school nurse where an assessment will be made whether or not to call the parent/guardian and request that the child picked up from school.
- The student may return to school when the above symptoms are no longer present, the child has completed 24h or prescription medication, or doctor’s note states they are clear to return to school.
- Please be sure your emergency contacts can be reached and are able to pick up your child if he/she is sick: otherwise they will be brought to the nearest hospital.
- In the case of an emergency, 911 will be called and the student will be transported to the hospital via ambulance. A staff person, when available, will accompany the student to the emergency room. Parents/guardians will be called and asked to meet the child at the hospital, or to contact the hospital.
- Parents will be notified via telephone by either the school nurse, guidance, or the program coordinator when medical care other than basic first aid is administered to their child.

## **7. CONFIDENTIALITY**

Student health records are considered school records and are subject to the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Health records contain requirements for admittance to school such as physicals and immunization records, reports requiring health services provided to a student during the school day, medication information and student diagnosis, and correspondence regarding health issues. Health information will be stored in a locked file cabinet in the nurse's office.

Parents/guardians and students over the age of 18 have the right to inspect all health records concerning that student. They must put the request to inspect health records in writing to the school nurse at least 24 hours in advance. Parents have the right to appeal anything in a student's file which they consider inaccurate, misleading, or in violation of the student's rights of privacy or other rights.

School health records will be kept for up to 7 years and then destroyed.

Staff are expected to maintain and preserve the confidentiality of all student records, including health records. Failure to do so may constitute grounds for disciplinary action up to and including termination from employment.

## **LEGAL POLICIES**

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### **1. ATTENDANCE POLICY**

The Southern Worcester County Educational Collaborative (SWCEC) seeks to promote good school attendance. Massachusetts General Laws Chapter 76, Section 2 states that: Every person in control of a child...shall cause him to attend school as therein required, and, if he fails to do so for seven day sessions or fourteen (14) half day sessions within any period of six months, he shall, on complaint by a supervisor, be punished by a fine of not more than twenty dollars.

Massachusetts General Laws Chapter 76, Section 4 states: Whoever induces or attempts to induce a minor to absent himself unlawfully from school, or unlawfully employs him or harbors a minor who, while school is in session, is absent unlawfully therefore, and shall be punished by not more than two hundred dollars (\$200).

At SWCEC, students 17 years of age or older are also expected to conform to the same rules of attendance and must conduct themselves accordingly. Students arriving to school after 11:00 AM or dismissed prior to 11:00 AM are considered absent from school per state regulations and will be recorded as such under this policy. In conjunction with the LEA, as part of the TEAM Meeting, the school may file a CRA (Child Requiring Assistance) petition for excessive absences. Although students may receive a passing grade in a class, the credit normally awarded toward promotion or graduation may be forfeited. A student changing classes during a marking period will have his/her total accumulation of absences in the former class carried over into the new class.

**Pupil absence notification program:**

M.G.L. c. 76 has been amended to include section 1B, in which the school notifies a parent or guardian if the student was absent and the parent has not notified the school of the absence within 3 days of the absence.

In addition, the school will notify the parent or guardian of a student who has:

- Missed 2 or more periods unexcused over at least 5 days in a school year, or
- Missed 5 or more school days unexcused in a school year.

SWCEC will make reasonable efforts to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop an action plan for student attendance as prescribed in the statute.

Excused Absences will be exempt from the absence rule if they are for the reasons listed below. An excused absence carries with it the opportunity to make up all assignments upon the student's return to school.

- Illness verified through written documentation by a physician
- Death in the family/family emergency through written documentation
- Documented medical, dental, legal appointments
- Religious observance
- College interview or college visitation (3 maximum per school year), prior approval required from a student's counselor.
- School sponsored trips or representing SWCEC at a school activity
- Extenuating circumstances which have the prior approval of the administration
- Any form of suspension

All written documentation, which applies to the excused absence rule, must be turned in within 5 days of the absence or absences. Written documentation from parent/guardian for absences concerning medical and legal appointments is kept on file.

Unexcused Absences are subject to the absence rule that may result in loss of credit.

Unexcused absences are defined below and may result in further consequences:

- Cutting class
- Truancy, students committing truancy will be subject to an in-school consequence
- Any absence confirmed by a parent/guardian that does not correspond to the excused absence provision
- Tardy after 11:00 A.M. that does not correspond to the excused tardy provision.
- Skip days (beach days, ski trips, etc.) by groups of students are considered separate from the rules of truancy and are regarded as very serious offenses. A parent(s)/guardian(s) permission does not make this action permissible.

Parent(s)/Guardian(s) must notify the school if their child is absent. In order to properly distribute an accurate attendance list to staff, parents/guardians must notify the school no later than 8:16 AM. If we do not receive a call, school personnel will contact the parent/guardian at the home or work; you may request a change in the notification number by contacting the school

Main Office (ext. 1116). If no contact is made, a note is required upon the student's return. A phone call does not excuse any absence; it only verifies if the student is/isn't truant.

## **2. ANTI-HAZING POLICY**

Hazing is prohibited under Massachusetts General Laws, Chapter 269. Under the law, "Whoever is a principle organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than a year, or both fine and imprisonment." Any student who takes part in the organization of or who is a participant in the crime of hazing shall be suspended from school and the club, event, or activity to which the hazing was related and from all other clubs, events, or activities in which he/she is a participant. In addition, the incident and name of student(s) will be reported to the local police department for investigation and prosecution.

In addition, all employees are expected to comply with the Anti-Hazing Policy. Conduct by an employee found to be in violation of the statute, this policy or its intended purpose, may be grounds for disciplinary action. Failure by an employee to report incidents of suspected hazing of students may also constitute grounds for disciplinary action.

Please refer to Appendix B for the relevant sections of Chapter 269.

## **3. BULLYING INTERVENTION AND PREVENTION**

SWCEC complies with the Massachusetts Bullying Prevention Law, M.G.L. Ch. 71, s. 37O. It is the policy of the SWCEC to take pro-active, reasonable measures designed to provide a learning and working atmosphere for students, employees and other members of the school community free from sexual harassment, bullying, hazing and intimidation. These terms are referenced herein as "harassment", which is more particularly defined below. The Collaborative, in the strongest possible terms, condemns harassment. We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

It is a violation of policy for any administrator, teacher or other employee, or any student or other member of the school community, to engage in or condone harassment in school, on school grounds or at or in a school-related function, activity, communication or contact, or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.

This policy is not designed or intended to, nor shall it limit the school's authority to take disciplinary action to take remedial action when such harassment occurs out of school, but has a sufficient nexus to school under applicable law, or is disruptive to an employee's or student's work or participation in school-related activities.

Reports of harassment, including, but not limited to, cyber-bullying by electronic or other means, occurring in or out of school will be reviewed, and, when a sufficient nexus to school or school-related work exists, will result in discipline.

It is the responsibility of every employee, student and parent to recognize acts of harassment and take reasonable action to see that the applicable policies and procedures of SWCEC are implemented. All members of the school community are and must act as partners in such efforts if we are to have any reasonable chance of success in preventing or minimizing activity of this type, which is harmful to both the victim and the perpetrator.

Any employee or student who believes that he or she has been subjected to harassment has the right to file a complaint and to receive reasonably prompt and appropriate handling of the complaint. While proper enforcement of this policy foreseeably may require disclosure of any or all information received, all reasonable efforts will be made to maintain confidentiality to the extent consistent with such enforcement.

The Executive Director or Designee shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of harassment.

### Prohibition and Definitions

Harassment, may take a variety of forms. It is utterly unacceptable in a school or work environment. As a result, neither any student, nor employee nor other member of the school community shall be subjected to harassment, intimidation, bullying, or cyber-bullying in any public educational institute.

“Harassment”, including “Bullying”, the latter including but not limited to “cyberbullying”, as used in this policy means an unwelcome written, electronic, verbal or physical communication, act or gesture which: (1) reasonably causes a student or employee to feel coerced, intimidated, harassed or threatened and (2) under the circumstances foreseeably may cause: (a) a reasonable person to suffer physical or emotional harm, or (b) damage to a student’s or employee’s property, or (c) a disruptive or hostile school environment. The behavior must interfere with an employee’s ability to perform his or her duties or with a student’s academic performance or ability to learn, or interfere with a student’s ability to participate in or benefit from services, activities, or privileges:

1. That are being offered by or through the Collaborative; or
2. during any Collaborative-related educational program or activity; or
3. while in school, on or using Collaborative property or equipment, in a school vehicle, on a school bus, at school-designated bus stops, at school sponsored activities, at school-sanctioned events; or
4. through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute related to or provided or facilitated by the Collaborative; or
5. in circumstances otherwise having a sufficient nexus with the Collaborative.

“Electronic communication” as used in this policy means any communication through an electronic device, including but not limited to a telephone, cellular phone, computer or pager.

## Guidelines and Procedures for Investigating and Processing Harassment Claims

Harassment may take many forms. At SWCEC, such could involve an instance of staff member to staff member, staff member to student, student to staff member, or student to student. It conceivably could also include parent to a student other than the parent's child, staff member to parent, or parent to staff member. A staff member could be, but is not limited to: educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. This listing is illustrative and the procedures set forth herein are not intended to limit the definition of harassment, nor the Collaborative authority to take appropriate action as to same except to the extent that specific subject matter is expressly addressed herein.

### Guidelines and procedures for dealing with any charge of harassment are as follows:

In all charges of harassment, the victim should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts.

If possible, victim should sign the complaint. Oral and anonymous complaints will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result, no disciplinary action shall be taken on anonymous complaints unless verified by what the administration in the good faith exercise of its reasonable discretion deems to be clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard, namely whether the administration in the exercise of its aforementioned discretion, taking into account all material information and circumstances, concludes that a violation of this policy more likely than not has occurred.

Any school employee who has reasonably reliable information that would lead a reasonable person to suspect that a person may be a target of harassment, bullying or intimidation shall immediately, as a condition of employment report it to the administration. Each school shall document each prohibited incident that is reported and confirmed, and report each such incident and the resulting consequences, including discipline and referrals if any, to the Executive Director's office in timely fashion and without any avoidable delay.

If an instance of student to student harassment, as defined in Sec. II above, is reported to a staff member other than an administrator, the staff member must inform the Executive Director or Designee in a timely fashion. If the alleged harasser would otherwise be responsible for conducting an investigation, the Alternate Harassment Coordinator designated by the Executive Director, shall conduct the investigation and report to the alleged harasser's immediate supervisor.

If a situation involving a charge of staff member to student harassment, as defined above, is brought to the attention of any staff member, the staff member should notify the Executive Director immediately.

Once a charge of harassment has been made, the following course of action should be taken:

1. The Executive Director or Designee should conduct a reasonable, factual investigation by means of discussions with the individuals involved, any other witnesses if any, review of any documents and other, written or electronic materials, etc.

If the Director does not conduct the investigation, he should review the Designee's report and supporting documentation (by way of example only, any written, signed statements by the complainant setting forth the allegations, any such statement by the accused and witnesses, and any other materials such as those mentioned above), as appropriate to the then current stage of the investigation and before making any determination as to whether a violation more likely than not has occurred, and if the Director deems such necessary or advisable should conduct direct interviews himself during or following such review and before making a determination. In situations involving allegations against an employee, the employee should be accorded all rights provided by any applicable statute and/or collective bargaining agreement, including but not limited to being informed of his/her right to have a third party present at the time of the discussion if apt, and in the case of a teacher of the right to counsel if the any discussion could conceivably lead to a suspension (see, M.G.L. c. 71, sec. 42D).

In situations involving harassment of students, the Director should conduct an investigation with the appropriate classroom or special subject area teacher. Parents will be informed of the situation and invited to participate in resolution discussions if warranted.

Parents of students alleged to have engaged in harassment as to whom suspension is imposed shall be notified orally and in writing that they, or one of them, must attend a meeting at which the conduct giving rise to the complaint may be reviewed. Before any final decision is made as to whether to impose discipline exceeding ten (10) school days, and the nature of such discipline, the student and his/her parent(s) will be informed in reasonable detail of the factual allegations underlying the complaint and given an opportunity to respond to and provide any information material to same. At the Collaborative discretion, depending on its preliminary assessment of the seriousness of a reported incident of alleged harassment, a student accused of harassment may be suspended from school under the procedures for suspension set forth in the student-parent handbook and not readmitted to the regular school program until the student and his or her parent(s) attend such meeting. A satisfactory conference with the student and his or her parent(s) or legal guardian(s) must occur prior to the students' readmission. It is important that each situation be resolved as confidentially and as quickly as circumstances reasonably permit.

2. At any stage of the proceedings the alleged harasser and the victim may discuss the matter at a resolution meeting in the presence of the Executive Director or Designee and/or parent when appropriate. During this discussion, the offending behavior should be described by the victim and the administration. If warranted, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop and not recur. If circumstances do not permit a face to face meeting, the administration will present the victim's position. Follow-up verification procedures will be explained. Failure to comply after a resolution, if any, is voluntarily reached at such a meeting will result in appropriate discipline. The Director or his or her designee at the close of the meeting shall prepare a written summary of the discussion held at the meeting and of any resolution, if any, agreed to at same, and shall ask the parties attending the meeting to review, date and sign the agreement. The Director shall sign the summary, and if any party to the meeting refuses to sign shall note that fact thereon. No such memorandum must be included in a student's school record or an employee's personnel file unless otherwise required by law, but the Director shall keep a copy of same in her or his records.

If after a resolution meeting with the involved parties, the Director determines that further disciplinary action must be taken, the following may occur:

1. In instances involving student to student or student to staff member harassment, subject to applicable law and the disciplinary procedures set forth in the student-parent

handbook, the student may be subject to discipline, including but not limited to counseling, suspension or expulsion.

2. In instances involving staff member to student and staff member to staff member harassment, findings will be reported to the Executive Director for further action. Personnel action, up to and including discharge from employment, may also be initiated at this point, consistent with applicable law and collective bargaining agreement.
3. In all cases where in the good faith judgment of the Director or Executive Director the circumstances so warrant, a referral to law enforcement will be made. School officials will coordinate with the Police Department to identify a police liaison for harassment cases.
4. The Director or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

At least once every four years beginning with 2016/17 school year, SWCEC may administer a Department of Elementary and Secondary-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools. Additionally, the school or district will annually report bullying incident data to the Department.

#### Retaliation:

Retaliation is prohibited in any form against any person who has made or filed, or provided any information as to, a complaint relating to harassment. Any employee or student found to have engaged in same shall be subject to discipline in accordance with applicable law. In the case of an employee, up to and including dismissal from employment, and in the case of a student up to and including expulsion. If warranted, a referral to law enforcement shall also be made.

#### Confidentiality:

Reports of harassment should be kept completely confidential to the extent consistent with necessary investigation procedures, with the goal of protecting the victim and stopping the behavior. Confidentiality does not mean anonymity. SWCEC will not be able to assure anonymity in any investigation conducted under this provision.

#### Problem Resolution System:

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education (DESE) Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information are also available at the Executive Director's office.

## **4. DUE PROCESS AND STUDENT DISCIPLINE**

All students have the constitutional right to receive due process procedures including notice and the right to a hearing where required in matters of suspension, expulsion or removal.

Massachusetts General Laws Chapter 71, sections 37H, 37H ½, and 37H ¾, and the Massachusetts Student Discipline Regulations, 603 CMR 53.00 address the obligations of school districts in terms of student discipline.

#### Procedural Due Process under M.G.L. Ch. 71, s. 37H¾

In addition to written warnings, detentions, and other consequences, available to the Collaborative, the Massachusetts Student Discipline Regulations define the following:

(1) In-School Suspension: This is a removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or nor more than ten (10) school days cumulatively for multiple infractions during the school year. In-school suspension is also available as an alternative to short-term suspension for disciplinary offenses. There is no appeal to the Superintendent for an in-school suspension.

(2) Short Term Suspension: This is a removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. The school administrator may allow the student to serve a short-term suspension in school. There is no appeal to the Superintendent for a short-term suspension.

(3) Long-Term Suspension (under M.G.L. c. 71, s. 73H<sup>3/4</sup>): This is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year.

If the offense may result in the student's suspension for more than ten (10) consecutive days or cumulatively in a year, the parent/guardian and student have the following rights:

1. the right to review the student's record and the documents upon which the school may rely in making a determination to suspend the student or not;
2. the right to be represented by counsel or a lay person at parent expense;
3. the right to produce witnesses on student's behalf and present your explanation of the alleged incident;
4. the right to cross-examine witnesses presented by the school district;
5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request.

A long term suspension will not exceed 90 school days (this does not apply to suspensions under M.G.L. 37H and 37H<sup>1/2</sup>).

There is the right to appeal to the Superintendent any decision made to impose a long-term school suspension.

#### Superintendent's Hearing under M.G.L. c. 71, § 37H<sup>3/4</sup>

(1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.

(2) The student or parent shall file a notice of appeal with the superintendent within 5 calendar days (provided that within the five calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven additional calendar days). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

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

(4) The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts

to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

(5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

(6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).

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

(8) The decision of the superintendent shall be the final decision of the Collaborative with regard to the suspension.

#### Emergency Removal

A principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two school days following the day of the emergency removal, during which time the principal shall:

(a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal;

(b) Provide written notice to the student and parent;

(c) Provide the student an opportunity for a hearing with the principal, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent;

(d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

#### Exclusions under M.G.L. Chapter 71, s. 37H – DRUGS, WEAPONS, ASSAULT

The exclusion or expulsion of a student from school will be in accordance with Massachusetts General Laws, Chapter 71, Section 37H. The grounds for exclusion or expulsion include but are not limited to the following:

a) Any student who is found on school premises or at school-sponsored or school-related

events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun, a knife, or their facsimile, or anything used in the commission of assault and battery; or a controlled substance as defined in Chapter 94 C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

- b) Any student who assaults a principal, assistant principal, teacher, teacher's aide, or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at a hearing before the principal. After said hearing, a principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
- d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- e) If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan.
- f) Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal.
- g) Any student who is suspended or expelled pursuant to this statute for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

**FELONY COMPLAINT/CONVICTION – EXCLUSIONS UNDER M.G.L. C 71, s. 37H<sup>1/2</sup>**

Pursuant to Massachusetts General Laws Chapter 37 H <sup>1</sup>/<sub>2</sub>, the following procedures shall be implemented for students charged with or convicted of a felony:

- a) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of this right to appeal and the reasons for such suspension taking effect. Upon expulsion of such student, no school or school district shall be required to provide educational services to the student shall also receive written notification of this right to appeal and the process for appealing such suspension; provided however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.
- b) The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The

superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town, or regional school district with regard to the suspension.

- c) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a detrimental effect of the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.
- d) The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town, or regional school district with regard to the expulsion.
- e) Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal.
- f) Any student who is suspended or expelled pursuant to this statute for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER SECTIONS 37H, 37H1/2 AND 37H3/4:

Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and

make academic progress toward meeting state and local requirements, through the school-wide education service plan.

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

## **5. NON-DISCRIMINATION POLICY**

### **Introduction**

SWCEC has a commitment to maintaining an educational environment where intolerance, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic, status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics, are not tolerated.

The Collaborative prohibits harassment and discrimination, sexual or otherwise, of any of its students, as such conduct is contrary to the mission of the Collaborative and its commitment to equal opportunity in education.

Harassment, defined below, is prohibited by the Collaborative, and violates the law. For purposes of this policy, "school" includes school – sponsored events, trips, sporting events, and similar events connected with school or employment. Further, any retaliation against an individual who has complained about discrimination or harassment, or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint, is similarly unlawful and will not be tolerated.

SWCEC takes allegations of discrimination and harassment seriously and will respond promptly to complaints. Where it is determined that harassing conduct which violates the law and this policy has occurred, the Collaborative will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include school-related discipline.

### **Definition of Discrimination and Harassment**

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that is based on race, color, religion, ancestry, national origin, sex, socioeconomic, status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. Discrimination and/or harassment include, but are not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group based upon the criteria listed above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above because of one of the criteria listed 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 (as described above) to participate in or benefit from a school program or activity of the Collaborative; or (ii) creates an intimidating, threatening or abusive educational environment.

Many forms of harassment have been recognized as violations of the civil rights laws, including Section 504 of the Rehabilitation Act of 1973, the ADA, Title VI, Title IX and state statutes like M.G.L. 161C, by federal courts, state courts, the U.S. Department of Education, Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

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

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities, or as a basis for employment decisions.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment. While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:
  - Unwelcome sexual advances, whether they involve physical touching or not.
  - Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
  - Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess.
  - Discussions of one’s own sexual activities or inquiries into others’ sexual experiences.
  - Displaying sexually suggestive objects, pictures, cartoons.

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school environment that is hostile, offensive, intimidating, or humiliating to either male or female students may constitute discrimination, harassment and/or sexual harassment.

### Reporting Complaints of Discrimination and Harassment

If any Collaborative student believes, in good faith, that he or she has been subjected to sexual harassment or any other form of harassment or discrimination described above, the individual has a right to file a complaint with the Collaborative through the Executive Director, who is the Collaborative’s Non-Discrimination Compliance and Complaint Officer. This may be done orally or in writing. Teachers or other staff members who observe incidents of harassment involving students shall report such incidents immediately to administration. Administrators aware of harassment involving any employee shall report such incidents to the Collaborative Non-Discrimination Compliance and Complaint Officer (Executive Director or Designee).

Please note that while these procedures relate to the Collaborative policy of promoting an educational setting free from discrimination and harassment, including sexual harassment, as

detailed further in this policy, these procedures are not designed nor intended to limit the Collaborative authority to discipline or take remedial action for conduct which the Collaborative deems unacceptable.

### GENERAL POLICIES

1. No reprisals or retaliation shall be invoked against any employee or any student for processing, in good faith, a complaint, either on an informal basis or formal basis, or for participating in any way in these complaint procedures.
2. No reprisals or retaliation shall be invoked against any employee or any student who, in good faith, has testified, assisted, or participated in any manner in any investigations, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures.
3. Whenever possible, a conference should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs.
4. The Collaborative will work with an individual who files a complaint of discrimination or harassment; including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

### PROCEDURES

#### **1. Informal Resolution of Discrimination and Harassment Complaints:**

Before initiating the formal procedure, the student may wish, if possible, to resolve the complaint on an informal basis.

- a. The student can raise the issue with his/her teacher, Principal/Director, or Executive Director.
- b. SWCEC administration offices are located on 185 Southbridge Road, Route 131, Dudley, MA 01671. The Executive Director phone number is (508) 764-8500, ext. 1144.

The appropriate school or Collaborative administrator shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously within ten (10) working days of receiving the complaint.

Whichever option is chosen; attempts will be made to resolve the matter to the satisfaction of the student who has made the complaint. If the student is not satisfied with the resolution, or if the student does not choose informal resolution, then the student can begin the formal complaint process.

#### **2. Formal Resolution of Discrimination and Harassment Concerns:**

A student may file the complaint in writing to the Executive Director no later than twenty (20) calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. However, all students should know that the Collaborative will investigate any complaint no matter when it is filed. The student shall fill out a *Discriminatory Practice Review Form* that will state the name of the individual and the location of the school/department where the alleged discriminatory practice occurred, the basis for the complaint and the corrective action the student is seeking. An employee, at the request of the student, may put the complaint in writing for the student.

The appropriate administrator will conduct the necessary investigation promptly after receiving the complaint. In the course of its investigation, the administrator shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant and the person against whom the

complaint was filed and/or the principal or appropriate authority involved. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. For example, sometimes the employees or students that are involved in the complaint are not immediately available. The administrator, however, will make sure that the complaint is handled as quickly as feasible and will strive to complete the investigation within thirty (30) working days. When more than thirty (30) working days is required for the investigation, the administrator shall inform the student who filed the complaint that the investigation is still ongoing.

After completing the formal investigation of the complaint, the administrator shall make a decision on the complaint, and shall inform the complainant and the person against whom the complaint was filed, of the results of the investigation. If the administrator finds that there is reasonable cause for believing that a discriminatory or harassing practice has occurred, the administrator will refer the matter to Executive Director and/or his or her designee for appropriate action, up to and including discipline for either the employee or the student(s) who engaged in the harassing conduct.

If no satisfactory resolution can be reached through the informal or formal resolution procedures detailed above, the student or employee has the right to take the complaint to an appropriate state or federal agency. Moreover, it should be noted that using the Collaborative complaint process does not prohibit the complainant from filing a complaint with these agencies.

For students, complaints may be taken to the Office for Civil Rights, John W. McCormack Building, Post Office and Court House, Boston, MA 02109-4557 or to the Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, Massachusetts

### **Massachusetts Commission Against Discrimination (MCAD)**

Boston Office  
One Ashburton Place  
Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

Springfield Office  
436 Dwight Street  
Room 220  
Springfield, MA 01103  
Phone: 413-739-2145

### **United States Department of Education**

Office for Civil Rights  
33 Arch Street, 9<sup>th</sup> Floor  
Boston, MA 02110  
Phone 617-289-0111 Fax: 617-289-0160

## **6. STUDENT RECORDS**

### General Provisions

The student record contains all information concerning a student that is kept by the school district and which personally identifies the student; it consists of the temporary record and the transcript. SWCEC will maintain temporary student records for the purpose of fulfilling educational service contracts with the sending school district. Any parent action or request relative to any items in this section should be addressed with the sending district, not The Collaborative.

For purposes of these procedures, custodial parent refers to a divorced or separated parent who has physical custody of the child, and the non-custodial parent is the parent who does not have physical custody of the child. Non-custodial parents may not be eligible to access their child's student record, or may have to follow certain procedures in order to access the student record.

Each eligible student and custodial parent/guardian, except as limited herein for certain parents, has the right to see the student record for that student within ten (10) days of submitting a written request to see the records. All requests for records will be referred to the sending district. Copies of any records may be obtained upon request and shall be provided within ten (10) days of the request. The District may charge for the cost of reproducing copies.

The student's record is available to authorized school personnel who work directly with the student, or administrative/clerical personnel who need to have access to records in order to carry out their responsibilities. The term "authorized school personnel" includes, but is not limited to, administrators, teachers, counselors, therapists, paraprofessionals, administrative office staff, and clerical personnel. Authorized school personnel include those employed by SWCEC or under contract with SWCEC as an independent contractor. Authorized school personnel do not need permission to see student records.

No information in the student's record is available to anyone outside the school system without written permission from the eligible student and/or parent and/or guardian, unless the requesting party is listed as an exception as provided by the Student Records regulations. Exceptions to the requirement of written permission include, but are not limited to, a probation officer, court order, subpoena, where health or safety requires the disclosure of student information/records or upon transfer to another school district. However, eligible students and/or their parents/guardians will generally be notified before these records are released. A written release must be signed to have any part of the school record sent outside the school. This includes, but is not limited to prospective employers, other schools, and colleges.

An eligible student and parent/guardian have the right to request to add relevant information to the student's record as well as the right to request removal of information believed to be untrue or incorrect.

#### Directory Information Notice

SWCEC has designated certain information contained in the education records of its students as directory information for purposes of the Family Educational Rights and Privacy Act (FERPA) and the Student Record Regulations at 603 CMR 23.00 et seq.

The following information regarding students is considered directory information: (1) name, (2) address, (3) telephone number, (4) date and place of birth, (5) major field of study, (6) participation in officially recognized activities and sports, (7) weight and height of members of athletic teams, (8) dates of attendance, (9) degrees, honors and awards received, (10) post high school plans of the student.

Directory information may be disclosed for any purpose at the discretion of SWCEC, without the consent of a parent of a student or an eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as directory information; such refusal must be in writing and made annually. In that case, this information will not be disclosed except with the consent of a parent or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq. You are hereby notified that pursuant to this

notification, the school system will provide requested directory information to military recruiters unless the parent or eligible student specifically directs otherwise, as required by the No Child Left Behind Act.

Any parent or student refusing to have any or all of the designated directory information disclosed must file written notification to this effect with the principal on or before the 16th day of each September.

In the event that a refusal is not filed, it is assumed that neither a parent of a student or eligible student objects to the release of the directory information designated.

### Amending Your Child's Record

1. A parent has the right to add information, comments, data, or any other relevant written material to the student's record. The parent should submit the additional information in writing to the principal with a written request that the information be added to the student record.

2. A parent has the right to request in writing deletion or correction of any information contained in the student's record, except for information which was inserted into that record by the TEAM. Such information inserted by the TEAM shall not be subject to such a request until after the acceptance of the Individual Educational Plan (IEP), or, if the IEP is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

(a) If a parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student's record, the parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.

(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(c) If the principal's decision is not satisfactory to the parent, the parent may file an appeal to the Superintendent. Such appeal shall be in writing and submitted to the Superintendent within five (5) business days of receipt of the principal's decision. The Superintendent shall render a written decision on the appeal within two (2) weeks of receipt of the written appeal.

(d) If the Superintendent's decision is not satisfactory to the parent, the parent may appeal to the School Committee by filing a written appeal within five (5) business days of receipt of the Superintendent's decision. The School Committee shall conduct a hearing as required on the appeal as required by 603 CMR §23.09(4).

### Notice On Transfer To Other Schools

Pursuant to 603 CMR 23.07(g), notice is hereby given to parents and eligible students that the District forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. Such transfer of records takes place without consent of the parent or eligible student.

### Destruction of Records

1. Notice is hereby given that the temporary record of a student will be destroyed no later than seven (7) years after that student transfers, graduates or withdraws from the school system. When the student transfers, graduates or withdraws from school, and if the eligible student or the parent/guardian want the temporary record, they must request, in writing, prior to the last day of school, that the documents be provided to them. No additional notice, other than this notice in the handbook, will be provided to the student or his parent/guardian of such destruction.

2. In addition, each year, the principal and/or teachers and/or other service providers may destroy the following documents that are considered part of the student's temporary record: disciplinary records (other than documentation of suspensions/expulsions/exclusions), any notes from the Parent/guardian or other documents concerning absences, early dismissals, late arrivals, as well as examples of student work. If the eligible student or the parent/guardian want those records, they must request, in writing, prior to the last day of school that the documents be provided to them, rather than be destroyed. No additional notice, other than this notice in the handbook, will be provided to the student or his parent/guardian of such destruction.

### Display/Publication of Student Work

Notice is hereby given that there will be occasions when student work is seen and is on display within the school; for example, at open houses, exhibits, fairs, on bulletin boards, etc. Unless a parent/guardian informs the District in writing no later than September 16 of each school year, the District will assume that this publication/display of the student work is acceptable to the parent/guardian.

### Complaint Procedure

In addition to the appeal procedure, above, a parent/guardian/eligible student may file a complaint with the Family Policy Compliance Office (FPCO) of the federal Department of Education. The FPCO has the authority to interpret and decide issues involving student records under FERPA. FPCO's address is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue  
Washington D.C. 20202-5920

### The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) guarantees rights relative to educational records. SWCEC's Student Records Policy, included in the program Policies and Procedures Manuals, and includes the rights of parents/guardians to:

- Inspect and review his/her child's educational records.
- Make copies of these records.
- Receive a list of the individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds it is inaccurate, misleading, or violates the child's rights.

- Request a hearing on the issue if the program refuses to make the amendment.

## **7. SPECIAL EDUCATION OBSERVATION LAW**

In accordance with Chapter 363 of the Acts of 2008, parents can participate fully and effectively with school personnel in the consideration and development of appropriate educational programs for their child. A school committee shall, upon request by a parent, provide timely access to parents and parent-designated independent evaluators and educational consultants for observations of a child's current program and of any program proposed for the child, including both academic and non-academic components of any such program. Parents and their designees shall be afforded access of sufficient duration and extent to enable them to evaluate a child's performance in a current program and the ability of a proposed program to enable such child to make effective progress. School committees shall impose no conditions or restrictions on such observations except those necessary to ensure the safety of children in a program or the integrity of the program while under observation or to protect children in the program from disclosure by an observer of confidential and personally identifiable information in the event such information is obtained in the course of an observation by a parent or a designee.

## **8. MASSACHUSETTS ANTI-HAZING LAW**

### Chapter 269: Section 17. Hazing: organizing or participating; hazing defined

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

### Chapter 269: Section 18. Failure to report hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report a crime shall be punished by a fine of not more than one thousand dollars.

Section 19 of the Massachusetts General Laws, chapter 19 requires this anti-hazing law be distributed to all students and to all members of student groups, student Teams, and student organizations. Those who participate in and/or organize hazing shall be disciplined.

### Chapter 269: Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, Teams and organizations; report

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student Team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student

Team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, Teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, Teams or organizations.

Each such group, Team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, Team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, Team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, Team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, Teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## **9. PHYSICAL RESTRAINT POLICY GUIDELINES**

It is the policy of the Collaborative that physical restraint shall be used only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate and with extreme caution.

- Physical restraint may only be used in the following circumstances:
  - When non-physical interventions would be ineffective; and
  - The student's behavior poses a threat of assault or imminent, serious, harm to self and/or others.
- Physical restraint is prohibited in the following circumstances:
  - As a means of discipline or punishment;
  - When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
  - As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.

However, if the property destruction or the refusal to comply with a school rule or staff directive could escalate into, or could itself lead to serious, imminent harm to the student or to others, physical restraint is appropriate; or

- As a standard response for any student. No written individual behavior plan or IEP may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- Only school personnel who have received required training or in-depth training pursuant to this policy shall administer physical restraint on students with, whenever possible, one adult witness who does not participate in the restraint. The training requirements, however, shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- Physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or others from assault or imminent, serious, physical harm.
- A person administering physical restraint shall use the safest method available and appropriate to the situation. Floor restraints may only be administered by a staff member who has received in-depth training as specified in this policy and, when in the judgment of the trained staff member, such method is required to provide safety for the student or others.
- Physical restraint shall be discontinued immediately upon the determination that the student is no longer at risk of causing imminent, serious physical harm to self or others.
- Additional safety requirements:
  - Restrained student shall not be prevented from breathing or speaking. A staff member will continuously monitor the physical status of the student, including skin temperature and color and respiration, during the restraint.
  - If at any time during a physical restraint the student demonstrates significant physical distress, including but not limited to, difficulty breathing, as determined by the staff member, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
  - Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- At an appropriate time after release of a student from physical restraint, a school administrator or other appropriate school staff shall:
  - Review the incident with the student to address the behavior that precipitated the restraint.
  - Review the incident with the staff person(s) who administered the restraint- to discuss whether proper restraint procedures were followed.
  - Consider whether any follow-up is appropriate for students who witnessed the incident.
- The staff member who administered such a restraint shall verbally inform the principal of the restraint as soon as possible and by written report no later than the next school working day.
- The principal or designee shall verbally inform the student's parent(s)/guardian(s) of such restraint as soon as possible but no later than 24 hours after the event, and by written report postmarked no later than three school working days following the use of restraint. The principal or designee shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
- Restraints may be administered to a student with a disability pursuant to the student's Individualized Education Program or other written and agreed upon plan developed in

accordance with state and federal law, subject to the following exceptions:

o The limitations on chemical, mechanical, and seclusion restraint as stated above shall apply; and

o The training and reporting requirements described in this policy shall apply.

### **Use of Physical Restraint**

Training regarding SWCEC restraint policy occurs at the start of each school year; for staff hired after the school year begins, such training is provided within a month. Training includes information on the following:

- SWCEC restraint policy;
- Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- Types of restraints and related safety considerations;
- Physical escort: a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is agitated to walk to a safe location
- Physical restraint: direct physical contact that prevents or significantly restricts a student's freedom of movement Prohibitions: The use of mechanical restraint, medication restraint, and seclusion are prohibited in public education programs.
  - o *Mechanical Restraint*: The use of any device or equipment to restrict a student's freedom of movement The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
  - o *Seclusion*: Shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes he or she will be prevented, from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02. The use of "time out" procedures during which a staff member remains accessible to the student will not be considered "seclusion."
  - o *Medication restraint*: The administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not a medication restraint. This is not in use for SWCEC students but in case entering students have experienced this type of procedure, staff need to be aware of it.

Utilizing physical restraint is always conducted in accordance with known medical or psychological limitations applicable to each individual student. SWCEC programs do not employ any forms of mechanical, seclusion, or chemical restraint. Some students, under specific circumstances that are approved by a physician and parents or guardians in writing, are administered PRN medications on a voluntary basis to aid in behavior regulation (see Medical

Policy). No SWCEC student is ever forcibly given medication as a means of controlling behavior.

Members of the SWCEC Administration are designated to serve as a resource to assist in ensuring proper administration of physical restraint. The Restraint Trainers are responsible for providing in-depth training in the proper administration of physical restraint, including:

- Appropriate procedures for preventing the need for physical restraint, including de-escalation of problematic behavior, relationship building, and the use of alternatives to restraint;
- A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- Demonstration by participants of proficiency in administering physical restraint.

### **Proper Administration of Physical Restraint**

- Only school personnel who have received in-depth training will administer physical restraint with students. Whenever possible, the administration of a restraint will be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 does not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- Staff administering a physical restraint will use only the amount of force necessary to protect the student or others from physical injury or harm.
- Staff administering physical restraint will use the safest method available and appropriate to the situation.
- Staff administering physical restraint will discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, it will be considered an "extended restraint" for purposes of the reporting requirements.
- Additional requirements for the use of physical restraint:
  - No restraint will be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member will continuously monitor the physical status of the student, including skin temperature and color and respiration. A restraint will be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
  - Restraint will be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student will be released from the restraint immediately, and staff will take steps to seek medical assistance.
  - If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint and need for continued restraint.
  - Staff will review and consider any known medical or psychological limitations, known

- or suspected trauma history and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- Following the release of a student from a restraint, the staff will implement follow-up procedures. These procedures include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

### **Restraint Notification and Documentation Procedure**

- If a SWCEC student is restrained, the SWCEC Director or designee must be notified at the time of the restraint as well as the parent.
- Following any restraint, the student involved must be offered the opportunity to complete a Grievance form. Any comment or communication regarding the restraint made by the student must be documented and attached to the Restraint Report.
- If not already informed, staff will notify the student's SWCEC Director or designee immediately following the restraint.
- The staff member who administered the restraint will verbally inform the SWCEC Director or designee of the restraint as soon as possible and by written report no later than the next school day.
- SWCEC's Restraint procedures require the Collaborative to maintain an on-going record of all reported instances of physical restraint, which will be made available for review by the Department of Elementary and Secondary upon request.
- All incidents of restraint must be documented using both the Behavior Incident Report form. The Behavior Incident Report must be submitted to the SWCEC Director or designee within 24 hours of the incident.
- Notification to Parents: The principal or his/her designee shall make reasonable efforts to verbally inform the student's parents within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. Restraint Report mailings will be completed by the SWCEC Director or designee. If written communication is customarily provided to a parent or guardian in a language other than English, the written restraint report will be provided to the parent or guardian in that language.
- The written report will include:
  - The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint, and as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes.
  - A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
  - A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation

- of injury to the student and/or staff, if any, during the restraint and any medical care provided.
- Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student and/or any other related matter.

The Principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week.

SWCEC will report all physical restraints to the Department on an annual basis as directed by the Department. In addition, SWCEC will report to the Department any restraint-related injury to students or staff within 3 school working days of the administration of the restraint.

## **10. NON-DISCRIMINATION POLICY AND PROHIBITION AGAINST SEXUAL AND OTHER HARASSMENT**

### ***Introduction***

The Collaborative has a commitment to maintaining a working and educational environment where bigotry and intolerance, including discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, disability, marital status or age, are not tolerated.

The Collaborative prohibits discrimination and harassment, sexual or otherwise, of any of its employees, prospective employees, students, and visitors as such conduct is contrary to the mission of the Collaborative and its commitment to equal opportunity in the workplace and in education.

Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as race, color, national origin, sex, sexual orientation, religion, disability, or age. It is prohibited by the Collaborative, and violates the law. Further, any retaliation against an individual who has complained about discrimination or harassment, or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint, is similarly unlawful and will not be tolerated.

The Collaborative takes allegations of discrimination and harassment seriously. We will respond promptly to complaints of discrimination and harassment, and 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. This includes disciplinary action, up to and including termination, where appropriate.

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

### ***Definition of Sexual Harassment***

In Massachusetts, the legal definition for sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions; or

Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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

Unwelcome sexual advances - whether they involve physical touching or not;

Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

Displaying sexually suggestive objects, pictures, cartoons;

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

Inquiries into one's sexual experiences;

Discussion of one's sexual activities.

As stated above, retaliation against an individual who has complained about discrimination or harassment, including sexual harassment, and retaliation against individuals for cooperating with an investigation of a complaint of discrimination or harassment, including sexual harassment, is unlawful and will not be tolerated by Collaborative.

### ***Complaints of Discrimination and Harassment***

Any employee, who believes he or she has been subjected to discrimination or harassment, including sexual harassment, or has otherwise witnessed discrimination or harassment, including sexual harassment, is encouraged and expected to discuss the matter immediately with his or her direct supervisor, the Program Coordinator or the Executive Director. If any of our employees believes that he or she has been subjected to discrimination or harassment, including sexual harassment, the employee has the right to file a complaint with the Collaborative. This may be done in writing or orally. If you would like to file a complaint, you may do so by contacting:

Elizabeth S. Fitzmaurice, Executive Director  
Phone # (508) 764-8500 ext. 1144

The Executive Director is also available to discuss any concerns you may have and to provide information to you about our policy on discrimination and harassment, including sexual harassment, and our complaint process.

### ***Harassment Investigation***

When a complaint is received, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practical under the circumstances. Our investigation will include a private interview with the person filing the complaint and with any witnesses. We will also interview the person alleged to have committed the discrimination or harassment. When we have completed our investigation, we 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.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, including imposing appropriate disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as we deem appropriate under the circumstances.

### ***State and Federal Remedies***

In addition to the above, if you believe you have been subjected to discrimination or harassment, including sexual harassment, you may file a formal complaint with one or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC -300 days, MCAD -300 days).

The United States Equal Employment Opportunity Commission ("EEOC")  
Congress Street - 10th Floor  
Boston, MA 02114  
(617) 565-3200

The Massachusetts Commission Against Discrimination ("MCAD")  
Boston Office:  
One Ashburton Place - Room 601 Boston, MA 02108  
(617) 727-3990  
Springfield Office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

## UNDERSTANDING BY EMPLOYEE

I understand that the information in the Southern Worcester County Educational Collaborative Faculty Handbook represents guidelines only and that the SWCEC Board of Directors reserves the right:

1. To modify this Handbook; and
2. To amend or terminate any policies, procedures, or employee benefit programs whether or not described in this Handbook at any time, unless provided by contract, collective bargaining agreement, or statute.

As some of our employees are represented by a collective bargaining unit, or are working under an individual contract, I understand that the policies in this Handbook apply to those employees, except as provided by collective bargaining agreement, or individual contract. If covered by an individual contract or collective bargaining agreement, I understand that I should consult the terms of my applicable agreement.

I also understand that any changes made by the SWCEC Board of Directors with respect to its policies, procedures, or programs can supersede, modify, or eliminate any of the policies, procedures, or programs outlined in this Handbook, except as provided by contract, collective bargaining agreement, or statute. I accept responsibility for familiarizing myself with the information in this Handbook and will seek verification or clarification of its terms or guidance where necessary.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document and nothing in the Handbook creates an express or implied contract of employment, or a guarantee of employment for any specific duration between the Collaborative and me, and that I should not view it as such. I understand that I should consult my supervisor or the Executive Director if I have any questions that are not answered in this Handbook.

I also understand that no administrator or representative of the Collaborative, other than the Executive Director, has any authority to enter into any agreement guaranteeing employment for any specified period of time. I understand that any such agreement, if made, shall not be enforceable unless it is a formal written agreement signed by both the previously mentioned Executive Director and me.

I hereby acknowledge that I have read and understand the contents of the Southern Worcester County Educational Collaborative Faculty Handbook. I understand that I am expected to be familiar with, and adhere to the policies contained herein, and all Southern Worcester County Educational Collaborative policies.

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Print name of employee

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Employee's signature

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Date