

# Bourne Public Schools



## Staff Resource Handbook 2018-2019

**Updated 08.15.18**

Approved by School Committee 08.15.18

Bourne Public Schools does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.

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## Bourne Public School District Personnel

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### School Committee

Chairperson	Mr. Christopher Hyildberg
Vice Chairperson	Mr. Mitch McClain
Secretary	Ms. Erika Fitzpatrick
Members	Ms. Ronda Tobey
	Ms. Jennifer O'Neil
	Mr. Stephen Strojny
	Mr. Robb Durpey

### Administration

Superintendent of Schools	Mr. Steven Lamarche	508.759.0660	x6033
Assistant Superintendent	Ms. Melissa Ryan	508.759.0660	x6023
Director of Special Education and Student Services	Mr. Craig Davidson	508.759.0673	
Director of Business Services	Mr. Jordan Geist	508.759.0660	x6029
Executive Administrative Assistant	Ms. Mel Coelho	508.759.0660	x6025
Technology [Computer] Systems Support Specialist	Mr. Nik Outchcunis	508.759.0690	
Athletic Director	Mr. Scott Ashworth	508.759.0674	
Transportation Coordinator	Ms. Sue Downing	508.759.0698	

### Principals

High School Principal	Ms. Amy Cetner	508.759.0670	x6228
Middle School Principal	Ms. Christine Borning	508.759.0690	x6403
Peebles Principal	Ms. Jane Norton	508.759.0680	x25
Bournedale Principal	Ms. Elizabeth Carpenito	508.759.3800	x4003

**Bourne Public Schools does not discriminate on the basis of age, disability, sex, race, color, sex, gender identity, religion, national origin, sexual orientation, or homelessness.**

# Bourne Public Schools

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## **OUR VISION:**

We are committed to fostering a community where each and every student of Bourne Public Schools graduates with the knowledge, habits and skills to collaborate effectively as our diverse society evolves. The Town of Bourne continually empowers students and staff to achieve personal goals and demonstrate life-long learning.

## **OUR BELIEFS:**

- Love what we do and always remember why we are here
- Pursue learning
- Build open and honest relationships

## **OUR MISSION IS TO:**

The Bourne Public Schools is committed to connecting individuals to their growth potential; engaging the community in ways to facilitate student achievement; guaranteeing a relevant, viable curriculum; and ensuring universal accountability that supports the maximum academic potential and civic success of all students.

## **OUR CORE VALUES:**

- All students can learn
- All decisions are made in the best interest of students
- All students learn best when actively involved in the learning process
- Meaningful learning comes from positive connections through school experiences

## **OUR OBJECTIVES ARE:**

1. Civic Responsibility: Support all students to demonstrate the intellectual skills essential for informed effective citizenship.
2. Assessment: Provide frequent and varied opportunities to establish a balanced approach in assessing student learning for college and career readiness.
3. Vision 2020: Engage the community in a district-wide improvement of learning and teaching through our transition to grade span schools.

## **EDUCATOR EVALUATION: 2018-2019 Areas of Emphasis**

### Standard I-C Analysis Indicator

Analyzes data from assessment, draw conclusions, and shares them appropriately

### Standard II-A Instruction Indicator

Uses instructional practices that reflect high expectations regarding content and quality of effort and work; engage all students; and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness

### Standard III-C Communication Indicator

Engages in regular, two-way, and culturally proficient communication with families about student learning and performance

### Standard IV-F Professional Responsibility Indicator

Is ethical and reliable, and meets routine responsibilities consistently

## Civil Rights and Responsibilities

Public schools have the responsibility to provide a hostile-free environment for its employees and to overcome barriers that prevent students from achieving their potential. These commitments are affirmed in Bourne School Committee Policies, in laws enforced by our state and the Office of Civil Rights, and in our Bullying Prevention and Intervention Plan.

Age Discrimination Act of 1975: Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. Age Discrimination in Employment Act: Prohibits employers from discriminating against workers and applicants who are 40 years of age and older, based on their age.

Family and Medical Leave Act: Gives employees the right to take time off from work in order to care for a newborn (or recently adopted) child, or to look after an ill family member.

Title I of the Americans with Disabilities Act of 1990: Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of employment.

Title II of the Americans with Disabilities Act of 1990: Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of educational programming and activities.

Title IV of the Civil Rights Act of 1964: Prohibits discrimination on the basis of race, color, or national origin.

Title VI: Title VI of the Civil Rights Act of 1964: Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of race, color or national origin.

Title VII: Title VII of the Civil Rights Act of 1964: Prohibits employment discrimination based on race, color, religion, sex, and national origin.

Title IX of the Education Amendments of 1972: Prohibits discrimination, exclusion from participation, and denial of benefits in educational programs based on sex.

Section 504 of the Rehabilitation Act of 1973: Prohibits discrimination, exclusion from participation and denial of benefits on the basis of disability.

MGL, Ch. 76, and Section 5: Massachusetts General Laws, Chapter 76, Section 5: Prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion, gender identity, and sexual orientation.

### **District Civil Rights Officer and District 504/ADA Coordinator**

Melissa Ryan, Assistant Superintendent for Learning and Teaching  
36 Sandwich Road  
Bourne, MA 02532  
508.759.0660  
[mryan@bourneps.org](mailto:mryan@bourneps.org)

**All employees of Bourne Public Schools are responsible for adherence to and implementation of all School Committee Policies of the Bourne School Committee. (Educator Rubric, IV-F)**

**SC Policy: AC**

**NONDISCRIMINATION**

Adoption Date: 11/3/1999, Revised: 1/29/2013

A - Foundations and Commitments

**I. Policy**

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

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

The committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability<sup>[1]</sup>.

**II. Procedures**

- A. The Superintendent shall designate a Civil Rights Officer for the school district.
- B. If you have a complaint or feel that you have been discriminated against because of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability, see Policy ACB: ADULT ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE; Policy ACAB: ADULT SEXUAL HARASSMENT POLICY OF THE BOURNE PUBLIC SCHOOLS; Policy ACEA: SECTION 504/ADA GRIEVANCE PROCEDURE; and/or Policy JIIA: STUDENT ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE for specific policies and procedures and grievance procedures applicable to such complaints.

[1] Included in this policy is the commitment of the Committee and its staff to make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs.

**Policy References:**

- Title VI, Civil Rights Act of 1964
- Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
- Executive Order 11246, as amended by E.O. 11375
- Equal Pay Act, as amended by the Education Amendments of 1972
- Title IX, Education Amendments of 1972
- Rehabilitation Act of 1973
- Education for All Handicapped Children Act of 1975
- M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
- M.G.L.76:5; Amended 2011
- M.G.L.76:16
- Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78
- Board of Education 603 CMR 26:00
- Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

**SC Policy – ACAB**

**ADULT SEXUAL HARASSMENT POLICY OF THE BOURNE PUBLIC SCHOOLS**

**1. Policy**

It is the policy of the Bourne Public Schools to promote a workplace and learning environment that is free of sexual harassment. Sexual harassment of employees, visitors and/or contractors occurring in the workplace, classroom or in other settings in which employees, visitors and/or contractors may find themselves in connection with their employment and/or learning is unlawful and will not be tolerated by this District. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. If any form of retaliation occurs, it could be considered grounds for dismissal of staff and contractual personnel. Additionally, referral to law enforcement may be made if warranted by the facts.

The conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees. Because the Bourne Public Schools takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**II. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or participation in school activities or programs; or

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

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace and/or learning environment that is hostile, offensive, intimidating, or humiliating to male or female employees, visitors and/or contractors 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 may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances -- whether they involve physical touching or not;
2. 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;
3. Displaying sexually suggestive objects, pictures, cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and,
6. Discussion of one's sexual activities.

Retaliation in any form against any person who has made or filed a complaint relating to sexual harassment is forbidden.

### III. Complaints of Sexual Harassment

Any employees, visitors and/or contractors who believe they have been subjected to harassment have the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of and/or all information received. This may be done in writing or orally.

Any employees, visitors and/or contractors who wish to file a complaint may do so by contacting the principal of the building in which he/she works or attends classes and/or by contacting the Civil Rights Officer, 36 Sandwich Road, Bourne, MA 02532; Phone: 508-759-0660 Phone; Fax:508-759-1107. The principal of the building in which one works is also available to discuss any concerns and to provide information about this policy on sexual harassment and the complaint process.

Any school employee, visitor or contractor who has information that would lead a reasonable person to suspect that a person covered by this policy is a target of sexual harassment and/or retaliation, shall immediately report it to a building administrator who shall immediately report it to the Civil Rights Officer; each school shall document any prohibited incident as soon as it is reported.

A good faith report from a staff member renders the staff member immune from discipline for

making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of good faith report of sexual harassment and/or the district's subsequent actions or inaction in connection thereto.

If an instance of staff member to student sexual harassment and/or student to staff member sexual harassment is reported to any employee or contractor, the employee or contractor shall inform both the building principal and the Civil Rights Officer immediately. In a situation involving a charge of student to staff member sexual harassment the staff member shall notify the building principal or the Civil Rights Officer.

Any complaints of sexual harassment of students must be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA.

It is the responsibility of every employee, visitor, contractor and parent to recognize acts of sexual harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented. Visitors and contractors are strongly encouraged to report sexual harassment according to the procedures set forth above.

#### IV. Sexual Harassment Investigation

When a complaint of sexual harassment is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be directed by the Civil Rights Officer, who may delegate the interviewing of witnesses and/or the gathering of facts from other sources to building principal(s) and/or counsel. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. . When the investigation is completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be inform of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the district will act promptly to eliminate the offending conduct, and where appropriate, will also impose disciplinary action.

#### V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one or more employees, students and/or contractors, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or expulsion from school, and/or such other forms of disciplinary action as is deemed appropriate under the circumstances.

#### VI. State and Federal Remedies

In addition to the above, any person who believes he/she has been subjected to sexual harassment may file a formal complaint with either or both of the government agencies set forth below.

Using the district's complaint process does not prohibit 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; OCR – within 180 calendar days after the harassment occurred.).

1. The United States Equal Employment Opportunity Commission ("EEOC")

Location: John F. Kennedy Federal Building

475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196

## 2. [The Massachusetts Commission Against Discrimination \("MCAD"\)](#)

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

### **SC Policy: ACB**

<b>ADULT ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE</b>
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Adoption Date: 11/3/1999, Revised: 1/29/2013

A - Foundations and Commitments

#### **I. Policy**

It is the policy of the Bourne Public Schools to provide an atmosphere for all employees, visitors and/or contractors free from discrimination and/or harassment. Discrimination, including harassment, (hereinafter referred to as "harassment") on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability (hereinafter "membership in a protected class") will not be tolerated. Retaliation against any employee, visitor, contractor, and/or other individual who has complained of discrimination, including harassment, or individuals, who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to prevent recurrence of such conduct, and will also develop procedures to accomplish this end. The district is responsible for providing a nondiscriminatory educational environment free from harassment, and to that end will enforce this policy in cases where harassment of an employee, visitor, and/or contractor is the result of actions not only by its agents and/or employees but also by students, outside contractors of the district, and/or others who have permission to be in contact with students.

#### **II. Definitions**

- A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.
- B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment.
- C. Hostile Environment: Harassment also occurs when harassing conduct (e.g., physical, verbal, graphic, or written) creates a hostile environment which interferes with and/or limits the ability of an individual to work and/or to participate in or benefit from the services, activities or privileges provided by the Bourne Public Schools. To determine whether a hostile environment exists, the harassment must be severe, pervasive or persistent. The harassment must in most cases consist of

more than casual or isolated incidents to establish a violation of this policy. To determine severity, the nature of the incidents will also be considered. Evidence may reflect whether the conduct was verbal or physical and other relevant facts which help define the nature of the incident. In some cases, a hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe. If it is determined that the harassment was sufficiently severe that it would have adversely affected the ability of an individual to work and/or to participate in or benefit from the services, activities or privileges provided by the Bourne Public Schools., the district will find that a hostile environment existed.

D. Harassing conduct based on a person's protected status may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements;
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property;
- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letter, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
- Defacing, damaging, or destroying school or another's property.

E. The Bourne School District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

### **III. Harassment Prohibited**

A. Harassment: Unwelcome verbal, written or physical conduct directed at a person based on His/her:

1. Disability - disability or perceived disability, including damaging or interfering with use of necessary, equipment, imitating manner of movement, using disability-related slurs, or invading personal space to intimidate.
2. National Origin - national origin, ancestry, or ethnic background such as negative comments about surnames, customs, language, accents, immigration status or manner of speaking.
3. Race - race or color, including racial slurs or insults based on characteristics of a person's race or color, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.
4. Religion - religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.
5. Gender Identity - actual or perceived gender identity, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

6. Sexual Orientation - actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.
7. Age – actual or perceived less favorable treatment because of age such as offensive remarks about a person’s age; slurs or insults based on actual or perceived characteristics of a person's age; graffiti or symbols promoting age related stereotypes; hostile acts based on age; nicknames based on age related stereotypes; negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.
8. Sex–actual or perceived less favorable treatment because of gender; slurs or insults based on actual or perceived characteristics of a person's gender; sexist and/obscene graffiti or symbols; hostile acts based on gender, nicknames based on gender stereotypes; negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

B. Sexual Harassment:

See Policy ACAB: ADULT SEXUAL HARASSMENT POLICY OF THE BOURNE PUBLIC SCHOOLS for policies and procedures dealing with the sexual harassment of adults.

- C. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone harassment in school, or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- D. This policy is not designed or intended to limit the schools authority to take disciplinary action and/or to take remedial action when such harassment occurs out of school but has a connection to school or is disruptive to or participation in school related activities. Reports of cyber harassment by electronic or other means occurring in or out of school will be reviewed and, when a connection to school exists, will result in discipline.
- E. It is responsibility of every employee, contractor, student and/or parent to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.
- F. Complaints of discrimination against and/or harassment of students on must be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA.

#### **IV. Grievance Procedure**

- A. Any employee, visitor, and/or contractor who believes that he or she has been subjected to discrimination and/or harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any and all information received.
- B. Any person who believes she or he has been subjected to discrimination and/or harassment may file a grievance under this procedure. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

- C. It is against the law and a violation of this policy for the ***Bourne School District*** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- D. Procedure:
1. Grievances must be submitted to the Superintendent of Schools<sup>1</sup> within ***ninety (90) days*** of the date the person filing the grievance becomes aware of the alleged discrimination and/or harassment. The Superintendent of Schools will forthwith forward grievances to the Civil Rights Officer to be processed in accordance with this procedure. This time limit may be waived as determined by the Civil Rights Officer on a case by case basis to avoid injustice. It is the policy of the ***Bourne School District*** to process all grievances in a fair, expeditious and confidential manner to the extent possible.
  2. A grievance must be in writing, containing the name and address of the person filing it, but if necessary, the Civil Rights Officer will assist the complaining party in drafting the complaint.
  3. The complaint must state the problem(s) or action(s) alleged to be discrimination and/or harassment and the remedy or relief sought. If the complaining party consents, the Civil Rights Officer will transmit the grievance to the appropriate principal for possible informal resolution. If the complaining party consents to informal resolution, he/she may at any time opt to return to the formal complaint process.
  4. Upon receipt of a grievance, the Civil Rights Officer shall make the complaining party aware of the availability of interim measures such as counseling, stay away mechanisms, and/or academic adjustments while the grievance is being investigated and decided.
  5. If no informal resolution is achieved within 14 days of such referral, or if the complaining party did not consent to a referral, the Civil Rights Officer (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to present witnesses and/or submit evidence relevant to the complaint.
  6. If there is no resolution in the course of the investigation, the Civil Rights Officer (or her/his designee) will prepare a written report of the investigation within forty-five (45) days of the receipt of the written grievance, which shall include the following:
    - a. A clear statement of the allegations of the grievance and remedy sought by the grievant.
    - b. A statement of the facts as found by the Officer.
    - c. A list of all witnesses interviewed and documents reviewed during the investigation.
    - d. A narrative describing attempts to resolve the grievance.
    - e. The Officer's conclusion based on the preponderance of the evidence as to whether the allegations in the grievance are meritorious. If the Officer believes the grievance as valid, the Officer will recommend appropriate action to the Superintendent of Schools.
  7. The Civil Rights Officer will maintain the files and records of the Bourne School District relating to such grievances.
  8. The person filing the grievance may appeal the decision of the Civil Rights Officer by writing to the Superintendent of Schools within 21 days of receiving the Civil Rights Officer's decision.

9. The Superintendent of Schools shall conduct a hearing, and issue a written decision in response to the appeal based on the preponderance of the evidence no later than 45 days after its filing. A copy of said decision will be mailed to all parties and their representatives, if any; on the date it is issued. If a grievance is taken to the Superintendent for a hearing, the parties shall have the right to representation at their own expense and to present witnesses and evidence for consideration by the Superintendent of Schools. The scope of the witnesses and evidence presented to the Superintendent may extend beyond that that presented to the Civil Rights Officer.
10. In the event that that it is determined that discrimination and/or harassment in violation of this policy has occurred, the Bourne Public Schools will act promptly to take the actions necessary to end the discrimination and prevent its recurrence. Such steps include but are not limited to discipline of students and/or employees; referral of perpetrators to state and/or federal authorities for further action as appropriate; restricting contact between perpetrators and the victims of such conduct, and/or academic adjustments. Additionally, the Bourne Public Schools will promptly take reasonable steps to remedy the effects of the discrimination and/or harassment on the victims thereof.

#### **V. Other Options for Complainng Party**

Using the Bourne Public Schools' investigation and grievance procedure does not prohibit the filing of a formal complaint with the government agencies set forth below. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days; OCR – within 180 calendar days after the harassment occurred.).

At any time during the process, a grievant may file a complaint with any of these agencies.

#### **The United States Equal Employment Opportunity Commission ("EEOC")**

Location: John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196

#### **The Massachusetts Commission against Discrimination ("MCAD")**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Telephone: 617-994-6000  
TTY: 617-994-6196

#### **U.S. Department of Education Office for Civil Rights (OCR)**

U.S. Department of Education  
Office of Civil Rights  
J.W. McCormack Post Office and Courthouse  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-4577  
617.289.0111

**SECTION 504/ADA GRIEVANCE PROCEDURE**

Adoption Date: 1/29/2013

A - Foundations and Commitments

**I. Policy**

It is the policy of the Bourne School District to provide a learning and working environment free from discrimination of any kind. In compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA) the District prohibits discrimination on the basis of disability and retaliation against persons exercising their rights under these laws. The Bourne School District has adopted this internal grievance procedure to provide for prompt and equitable resolution of complaints alleging any action prohibited bisection 504 and Title II (i.e. failure to implement a 504 plan). Any complaints of harassment of students on the basis of disability should be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA. If you disagree with the 504 team's decision regarding the identification, evaluation, or placement of a student, you can contact the Massachusetts Bureau of Special Education Appeals at [www.doe.mass.edu/bsea/](http://www.doe.mass.edu/bsea/) or 617.626.7250.

Any student, parent, or third party who believes she/he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Bourne School District to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

The Section 504 and Title regulations may be examined in the office of the Assistant Superintendent Melissa Ryan, 36 Sandwich Road, Bourne, MA 02532 (508.759.0660), who has been designated to coordinate the efforts of the Bourne School District to comply with Section 504/Title II. The Section 504/ADA Coordinator will maintain the files and records of the Bourne School District relating to such grievances.

**II. Procedure:**

- A. Parents, students and/or other interested parties may file a grievance under this policy. Grievances must be submitted in writing to the Section 504/ADA Coordinator at the below listed address<sup>2</sup> within ninety (90) days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Persons seeking assistance in filing a complaint may contact the Section 504/ADA Coordinator prior to filing and assistance will be provided to them. This time limit may be waived as determined by the Section 504/ADA Coordinator on a case by case basis to avoid injustice. It is the policy of the Bourne School District to process all grievances in a fair, expeditious and confidential manner to the extent possible.
- B. A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. The 504/ADA Coordinator will reduce an oral complaint to writing, if necessary.
- C. The Bourne School District will make appropriate arrangements to ensure that persons with disabilities are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf,

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<sup>2</sup> Melissa Ryan  
504 ADA Coordinator  
Bourne Public Schools 36 Sandwich Road Bourne, MA 02532508-759-0660 Phone 508-759-1107 Fax

providing digital recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

- D. Upon receipt of a grievance, the 504/ADA Coordinator shall make the complainant aware of the availability of interim measures such as counseling, stay away mechanisms, and/or services or accommodations while the grievance is being investigated and decided.
- E. Informal Process: If the complainant consents, the 504/ADA Coordinator will transmit the grievance to the appropriate principal or immediate supervisor for possible informal resolution. The informal resolution process may be terminated at any time by either the complainant or the Bourne School District, and the formal complaint process will then be utilized. If no informal resolution is achieved within 14 days of such referral, the complainant will be referred to the formal process.
- F. Formal Process: A complainant may pursue the formal complaint process at any time. The Section 504/ADA Coordinator (or her/his designee) shall conduct an investigation of the complaint. Generally, the investigation will take no longer than 14 school days from the date the formal complaint is filed. This investigation will be thorough, affording all interested persons an opportunity to submit evidence and present witnesses to the complaint.
  - 1. The Coordinator will make a determination using the preponderance of the evidence standard. If the Coordinator finds that discrimination occurred, the Coordinator will act promptly to take the actions necessary to end the discrimination, prevent its recurrence, and take reasonable steps to remedy the effects of the discrimination and/or harassment on the victims thereof. Such steps can include, but are not limited to, discipline of students and/or employees; counseling for the victim and/or perpetrator; restricting contact between perpetrators and the victims of such conduct, and/or services or accommodations.
  - 2. Upon conclusion of the investigation, the Section 504/ADA Coordinator (or her/his designee) will prepare and issue to both parties a written report of the investigation which shall include the following:
    - i. A clear statement of the allegations of the grievance and remedy sought by the complainant.
    - ii. A statement of the facts as found by the Coordinator.
    - iii. A list of all witnesses interviewed and documents reviewed during the investigation.
    - iv. The Coordinator's conclusion as to whether or not discrimination was found.
    - v. If a violation occurred, information about corrective action consistent with applicable confidentiality laws.
  - 3. Appeals: Either party may appeal the decision of the Section 504/ADA Coordinator by writing to the Superintendent of Schools within 10 days of receiving the Section 504 Coordinator's decision. In the appeal, the party must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied *and* how this would change the Districts determination in the case.
  - 4. The Superintendent of Schools will issue a response to the appeal no later than 10 days after its filing. A copy of said decision will be mailed to all parties and their

representatives, if any, on the date it is issued.

### **III. Other Options for Complainin Party**

At any time during the process, a grievant may file a complaint with either of the following:

Massachusetts Department of Education  
Program Quality Assurance  
350 Main St.  
Malden, MA 02148-5023

U.S. Department of Education  
Office of Civil Rights  
J.W. McCormack Post Office and Courthouse  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-4577  
617.289.0111

#### **SC Policy: AF**

#### **BULLYING & HAZING POLICY**

Adoption Date: 4/7/2010, Revised: 1/29/2013

A - Foundations and Commitments

#### **I. Policy**

- A. It is the policy of the Bourne Public Schools to provide a learning and working atmosphere for students free from bullying and/or hazing. Bullying and/or hazing on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability (hereinafter “membership in a protected class”) will not be tolerated. Complaints of bullying and/or hazing based on a student’s membership in a protected class will be processed under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA.
- B. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone bullying and/or hazing in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of bullying and/or hazing.
- C. This policy is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such bullying and/or hazing occurs out of school but has a connection to school, or is disruptive to an employee's or student's work or participation in school related activities.

Reports of cyber bullying by electronic or other means, occurring in or out of school will be reviewed and, when a connection to work or school exists, will result in discipline. Parents of students alleged to have engaged in cyberbullying and/or hazing will be invited to attend a meeting at which the activity, words or images subject to the complaint will be reviewed. A student disciplined for cyber bullying will not be readmitted to the regular school program until his or her parent(s) attend such meeting.

- D. It is responsibility of every employee, student and parent to recognize acts of bullying and/or hazing, and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.

- E. Any employee or student who believes that he or she has been subjected to bullying and/or hazing has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of and/or all information received.
- F. The Building Principal or designee shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying and/or hazing.

## II. Definitions

### A. Bullying Prohibited

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result, no student or employee shall be subjected to harassment, intimidation, bullying, or cyberbullying in any public educational institute.

1. “Bullying and Cyberbullying” means unwelcome written, electronic, verbal or physical acts or gestures where a student or employee feels coerced, intimidated, harassed or threatened and under the circumstances (1) may cause a reasonable person to suffer physical or emotional harm to a student or employee, (2) may cause damage to another student’s or employee’s property, or (3) may cause 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 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:
  - a. That are being offered through the School District; or
  - b. During any education program or activity; or
  - c. While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities or at school sanctioned events;
2. 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.
3. As used in this section, “electronic communication” means any communication through an electronic device including a telephone, cellular phone, computer or pager.

### B. Hazing Prohibited

The term “hazing” shall mean any conduct or method of initiation, even if consented to, 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.

1. Such conduct shall include, but is not limited to, 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 person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

2. Whoever knows that another person is the victim of hazing and is at the scene of such activity, shall, to the extent that such person can do so without danger or peril to himself or others, report such activity to an appropriate law enforcement official as soon as reasonably practicable.

#### C. Retaliation Prohibited

Retaliation in any form against any person who has made or filed a complaint relating to bullying and/or hazing is forbidden. If it occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student. A referral to law enforcement may be made.

### III. Guidelines for Investigating Bullying and/or Hazing Claims

Complaints of bullying and/or hazing based on a student's membership in a protected class as defined in paragraph IA will be processed under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA. In school systems, hazing may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staff member to student, student to staff member, or student to student. Guidelines for dealing with any charge of hazing are as follows:

- A. By law, hazing is defined by the victim's perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as hazing by another person. Therefore, in order to protect the rights of both parties, it is important that the victim make it clear to the harasser that the behavior is objectionable.
- B. In all charges of hazing, bullying, or intimidation, the victim should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts. 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 clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard.
- C. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of hazing, bullying, or intimidation shall immediately report it to the administration; each school shall document any prohibited incident that is reported and confirmed, and report all hazing, intimidation, bullying or cyberbullying and the resulting consequences, including discipline and referrals, to the Superintendent's office as they occur.
- D. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of good faith report of hazing or the district's subsequent actions or inaction in connection thereto.
- E. If an instance of student to student hazing is reported to a staff member other than an administrator, the staff member **must** inform the Assistant Principal or the Building Principal.
- F. If a situation involving a charge of staff member to student hazing is brought to the attention of any staff member, the staff member should notify the Building Principal or Assistant Superintendent immediately.

- G. In a situation involving a charge of student to staff member hazing the staff member should notify the Building Principal or the Assistant Superintendent.
- H. In a situation involving a charge of staff member to staff member hazing the staff member should notify the Building Principal or the Assistant Superintendent.
- I. Once a charge of hazing has been made, including charges of mental, emotional or physical harassment as well as threats to a person's safety or position in the school or work environment, the following course of action should be taken.
  - 1. The Building Principal should investigate the charge through discussions with the individuals involved. In situations involving allegations against a staff member, he/she should be informed of his/her rights to have a third party present at the time of the discussion. In situations involving students the Principal should engage the appropriate classroom or special subject area teacher. Parents will be informed of the situation and invited to participate in resolution discussions. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit.
  - 2. If the harasser and the victim are willing to discuss the matter at a resolution meeting in the presence of the Principal/designee or Assistant Superintendent, a supportive faculty member and/or parent should be included in the discussion. During this discussion, the offending behavior should be described by the victim and administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If circumstances do not permit a fact to face meeting the administration will present the victim's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline.
- J. If after a resolution meeting with the involved parties, the Building Principal determines that further disciplinary action must be taken, the following could occur:
  - 1. In instances involving student to student or student to staff member hazing, the student may be subject to discipline including but not limited to counseling, suspension, and in appropriate cases expulsion.
  - 2. In instances involving staff member to student and staff member to staff member hazing, findings will be reported to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, consistent with the applicable law and collective bargaining agreement.
  - 3. In all cases a referral to law enforcement will be considered by the Principal or Superintendent based on the circumstances. School officials will coordinate with the Police Department to identify a police liaison for hazing cases.

#### **IV. Confidentiality:**

Reports of bullying and/or hazing should be kept completely confidential, consistent with necessary investigation procedures, with the goal of protecting the victim and stopping the behavior.

For further information about these guidelines or help with bullying and/or hazing problems or any other form of harassment, consult the Assistant Superintendent of the Bourne Public Schools.

If the alleged harasser is responsible for conducting an investigation, the Superintendent or School Committee shall designate an alternative Harassment Coordinator, who is the Assistant Superintendent.

**STUDENT ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE**

Adoption Date: 2/18/2013

J - Students

**I. Policy**

It is the policy of the Bourne Public Schools to provide an atmosphere for students free from discrimination and/or harassment. Discrimination, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability will not be tolerated. Retaliation against any student or other individual who has complained of discrimination, including harassment, or individuals, who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to prevent recurrence of such conduct, and has developed procedures to accomplish this end. The district is responsible for providing a nondiscriminatory educational environment free from harassment and, to that end, will enforce this policy in cases where harassment of a student is the result of actions not only by its agents and/or employees but also by other students, outside contractors of the district, and/or others.

**II. Definitions**

- A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.
- B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in the District's programs or activities.
- C. Hostile Environment: Harassment also occurs when conduct (e.g., physical, verbal, graphic, or written) based on a person's protected class status creates a hostile environment which interferes with and/or limits the ability of a student to participate in or benefit from the services, activities or privileges provided by the Bourne Public Schools. To determine whether a hostile environment exists, the harassment must be severe, pervasive or persistent. The harassment must in most cases consist of more than casual or isolated incidents to establish a violation of this policy. In some cases, a hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe. Additionally, the age and cognitive ability of the students involved and the special nature and purposes of the educational setting will be considered. If it is determined that the harassment was sufficiently persistent, pervasive or severe that it would have adversely affected the enjoyment of some aspect of the District's educational program by a reasonable student of the same protected class and similar age and development as the victim, the district will find that a hostile environment existed.
- D. Harassing conduct based on a person's protected class status may include, but is not limited to:
  - Degrading, demeaning, insulting, or abusive verbal or written statements;
  - Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
  - Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property;
  - Telling degrading or offensive jokes;
  - Unwanted physical contact of any kind;

- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letters, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
- Defacing, damaging, or destroying school or another's property.

### **III. Harassment Prohibited**

G. Harassment: Unwelcome verbal, written or physical conduct directed at a person based on his/her:

1. Disability - disability or perceived disability, including but not limited to damaging or interfering with use of necessary equipment, imitating manner of movement, using disability-related slurs, or invading personal space to intimidate.
2. National Origin - national origin, ancestry, or ethnic background including but not limited to negative comments about surnames, customs, language, accents, immigration status or manner of speaking.
3. Race - race or color, including but not limited to racial slurs or insults based on characteristics of a person's race or color, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.
4. Religion - religion, including but not limited to derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.
5. Gender Identity - a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, including but not limited to slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.
6. Sexual Orientation - actual or perceived sexual orientation, including but not limited to anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

#### **B. Sexual Harassment:**

1. *Quid pro quo* sexual harassment occurs when a person explicitly or implicitly conditions participation in a program or activity or bases a decision concerning a student on her/his submission to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the other person submits to the conduct. *Quid pro quo* sexual harassment, occurs, for example when a school employee causes a student to believe s (he) must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application recommendation unless the student dates the employee.
2. Hostile environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, a school employee, or third party on school property or at school related activities is

sufficiently severe, pervasive or persistent so as to interfere with or limit a person's ability to participate in or benefit from the District's programs or activities by creating a hostile educational environment. A victim may also be someone affected by conduct directed toward another individual of the same protected class. Sexual harassment may occur adult to student, student to student, adult to adult, male to female, female to male, female to female, and male to male.

3. Depending on the circumstances, sexual harassment may include, but is not limited to:
  - a. **Verbal forms of sexual harassment**, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, soliciting conversation regarding sexual activity and experiences, making unwanted gender-based references to a person's physical characteristics;
  - b. **Written forms of sexual harassment**, including offensive sexual notes, emails or other writing; sexual comments about the victim written in public places;
  - c. **Nonverbal forms of sexual harassment**, including offensive gestures, following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
  - d. **Visual forms of sexual harassment**, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or
  - e. **Unwelcome physical touching**, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.
- D. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- E. This policy is not designed or intended to limit the schools authority to take disciplinary action and/or to take remedial action when such harassment occurs out of school but has a connection to school or is disruptive to a student's work or participation in school related activities. Reports of cyber harassment by electronic or other means occurring in or out of school will be reviewed and, when a connection to school exists, will result in discipline.

#### IV. Grievance Procedure

- A. Any student who believes that he or she has been subjected to discrimination and/or harassment has the right to file a grievance and to receive prompt and equitable handling of the grievance. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure on any and all information received.
- B. Any person who believes she or he has been subjected to discrimination and/or harassment may file a grievance. This procedure does not deny the right of the grievant to file formal grievances with state and federal agencies and/or to seek private counsel for grievances alleging discrimination. Any complaints of discrimination on the basis of disability, other than

harassment, should be brought under the Section 504/ADA Grievance Procedure, Policy ACEA.

- C. It is against the law and a violation of this policy for the Bourne School District to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- D. The Bourne School District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Civil Rights Officer, Assistant Superintendent Melissa Ryan, will be responsible for such arrangements.
- E. Initiating a Grievance
  1. A student or parent of a student who believes that the student has been harassed or otherwise discriminated against is encouraged to report this information immediately to the Principal. If the student reports to another school staff person, and or if a school staff person observes the harassment, the staff person shall report to the Principal. If the grievance is against the Principal, the report can be made to the Civil Rights Officer or the Superintendent of Schools. Reports/grievances are to be filed within ninety (90) days of the date the student, or parent on behalf of a student filing the grievance becomes aware of the alleged discrimination and/or harassment. The time limit may be extended for good cause.
  2. The Principal, or designee, from here forward “Principal”, will process the grievances in a fair, expeditious and, to the extent possible, confidential manner. Upon receipt of a grievance, the Principal, of appropriate, shall make the person filing the grievance aware of the availability of interim measures such as counseling, stay away mechanisms, and/or services or accommodations while the grievance is being investigated.
  3. A grievance must be in writing but, if necessary, the Principal will assist the student or parent in writing the complaint.
  4. The grievance should state the problem(s) or action(s) alleged to be discrimination and/or harassment, identify any witnesses and written evidence, and what the person believes will stop the discrimination and or make the student feel safe from further discrimination. The Principal’s investigation shall include an interview of the grieving party and the accused; securing any physical and/or documentary evidence; and/or interviewing any other witnesses to events relevant to the grievance. This investigation must be thorough, affording all interested persons an opportunity to present witnesses and/or submit evidence relevant to the grievance.
  5. The Principal will submit a written report of the investigation to the parties within thirty (30) days of the receipt of the written grievance, which shall include the following
    - a. A clear statement of the allegations of the grievance.
    - b. A statement of the facts as found by the Principal and the basis for such findings.
    - c. A list of all witnesses interviewed and documents reviewed during the investigation.
    - d. The Principal’s conclusion as to whether or not a hostile environment was found applying a preponderance of the evidence standard of review to the evidence.

- f. If a violation occurred, information about corrective action and reported to each party to the extent allowed under applicable confidentiality laws.
6. In the event that it is determined that discrimination and/or harassment in violation of this policy has occurred, the Bourne Public Schools will act promptly to take the actions necessary to end the discrimination and prevent its recurrence. Such steps include but are not limited to counseling, development of a safety plan, discipline of students up to and including expulsion, discipline of employees up to and including termination; as appropriate, and if not done previously, referral of perpetrators to law enforcement; restricting contact between perpetrators and the victims. Additionally, the Bourne Public Schools will promptly take reasonable steps to remedy the effects of the discrimination and/or harassment on the victims thereof.
7. The Civil Rights Officer will maintain the files and records of the Bourne School District relating to such grievances.
8. Either party may appeal the decision of the Principal by writing to the Superintendent of Schools within 10 days of receiving the Principal's decision. The appeal will not be a *de novo* review of the Principal's decision. Rather the appealing party must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the District's determination in the case. Failure to do so may result in the denial of the appeal. The Superintendent of Schools shall issue a decision on the appeal no later than 15 days after its filing. A copy of said decision will be mailed to all parties and their representatives, if any, on the date it is issued.

#### **V. Other Options for Complaining Party**

Using the Bourne Public Schools' investigation and grievance procedure does not prohibit the filing of a formal complaint with the government agencies set forth below. Each of the agencies has a designated time period for filing a claim. Please contact these agencies to learn about their applicable time frames.

At any time during the process, a grievant may file a complaint with any of these agencies.

#### **U.S. Department of Education Office for Civil Rights (OCR)**

U.S. Department of Education  
Office of Civil Rights  
J.W. McCormack Post Office and Courthouse  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-4577

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

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
617.994.6000  
TTY: 617.994.6196

## **Bullying Prevention and Intervention Plan**

In December of 2010, the Massachusetts Department of Elementary and Secondary Education accepted the Bourne Bullying Prevention and Intervention Plan. It is the responsibility of all Bourne Public School employees to adhere to and implement the Bullying Prevention and Intervention Plan as presented below.

### **Introduction**

Bourne Public Schools expects that all members of the school community will treat each other in a civil manner and with respect for differences. Bourne Public Schools is committed to providing a learning and working environment for students, employees, and visitors that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process. Bourne Public Schools supports this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent /guardian involvement.

Consistent with state, and federal laws, and the policies of Bourne Public Schools, no person shall be discriminated against on account of race, color, sex, religion, national origin, sexual orientation, or gender identity. Nothing in this plan, however, prevents the schools or district from taking action to remediate bullying and/or cyber bullying based on a person's membership in a legally protected category under local, state, or federal law, or district policies. Bourne Public Schools takes specific steps to create a safe, supportive environment for vulnerable populations in the school community, including transgender students, and to provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, teasing, and any forms of retaliation.

Bourne Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber bullying or retaliation in our school buildings, on school grounds, or in/during school-related activities. All reports and complaints of bullying and retaliation will be promptly investigated, and the administration will take prompt action to end such behavior and restore a sense of safety for all.

Per Chapter 86 of the Acts of 2014 which amended G.L.c.71 §370, 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, sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The district/schools will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, including transgender students, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

### **Definitions**

**Aggressor** is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying, cyber bullying, or retaliation.

**Bullying** is defined as the repeated use by one or more students or by a member of a school staff including, but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: 1)

causes physical or emotional harm to the target or damage to the target's property; 2) places the target in reasonable fear of harm to himself or herself or of damage to his/her property; 3) creates a hostile environment at school for the target; 4) infringes on the rights of the target at school; or 5) materially and substantially disrupts the education process or the orderly operation of a school [Massachusetts General Laws (M.G.L.) c.71, § 370)].

Confidentiality is the expectation that anything done or revealed will be kept private.

Cyber bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings (M.G.L.c.71, § 370).

Hostile environment is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the condition of a student's education (M.G.L.c.71, § 370).

Retaliation is any form of intimidation, reprisal, or harassment directed against a person who 1) reports bullying, 2) provides information during an investigation of bullying, or 3) witnesses or has reliable information about bullying.

Target is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

### **Expectations**

It is a violation of this plan for any administrator, teacher or other employee, or any student to engage in or condone bullying in school or to fail to report or otherwise take reasonable corrective measures when made aware of an incident of bullying. This plan is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such bullying occurs out of school but has a connection to school, or is disruptive to an employee's or student's work or participation in school related activities. Reports of bullying occurring in or out of school will be reviewed and, when a connection to work or school exists, will result in a complete investigation and possible disciplinary action and corrective measures.

Bullying is hereby prohibited 1) on school grounds, property immediately adjacent to school grounds, at school-sponsored or related activities/functions both on and off school grounds, at school bus stops, on busses or other vehicles owned, leased, or used by Bourne Public Schools; 2) through the use of technology or an electronic device owned, leased, or used by Bourne Public Schools; 3) at a location, activity, function or program that is not school-related, or through the use of technology or electronic devices that are not owned, leased or used by Bourne Public Schools if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the educational process or the orderly operation of a school.

Retaliation in any form against any person is forbidden. If retaliation occurs, it could be considered grounds for dismissal of staff or personnel, and removal from the educational setting for a student.

### **Reporting**

It is the responsibility of every employee, student, and parent to recognize acts of bullying and take every action necessary to ensure that the applicable policies and procedures of Bourne Public Schools are implemented. Any employee or student who believes that he/she has been subjected to bullying has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.

The safety of suspected targets is our first consideration once a complaint is received. A safety

assessment is made immediately and provisional accommodations are implemented by appropriate staff members as deemed necessary; the designated official for reporting (DOR) also immediately notifies the Transportation Director of both suspected target and perpetrators.

Due to confidentiality issues, professional judgment is used in information disclosure. If there is an injury or emergency on school property, or the incident involves a former student under the age of 21 on school grounds, the Police Resource Officer liaison (PRO) is immediately notified. The PRO liaison is also notified if criminal charges have been filed.

At least once every four years beginning with the 2015/2016 school year, the district will 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.

### **Reporters**

Designated officials for reporting are as follows: 1) school principals at each school level; 2) the Assistant Superintendent at district level; 3) the Transportation Director for bus incidents; 4) Director of Student Services for anonymous reports. The Police Resource Officer liaison is the law enforcement liaison. The Superintendent of Schools has oversight for district compliance with this plan. Each DOR has a voice mail box and designated email address. Mail should be directed to building principals or the Assistant Superintendent.

All oral reports, in person or via telephone, are recorded on the Incident Report Form. Each designated official for reporting maintains a binder of these reports.

### **Investigation**

The DOR is responsible for conducting a prompt investigation. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations in the complaint. The investigation will generally include personal interviews with the complainant, the subject(s) of the complaint and others who witnessed or may have potentially relevant knowledge about the alleged incident giving rise to the complaint. Confidentiality guidelines will be followed. Review of documents, videos, voice mails, emails, websites, text messages, instant messages, and other items deemed relevant may also be included.

Throughout the investigatory and complaint resolution process, the DOR will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parents/guardians of the status of the investigation and estimated timing for making a determination. While the DOR will attempt to complete the investigation in three school days, no investigation will exceed fifteen school days except for good cause or with consent of all parties. Claims involving physical violence or serious threats of harm will be expedited.

The DOR, in consultation with the Assistant Superintendent, will take all steps deemed necessary to protect to the extent practicable the complainant, witnesses, and other individuals from further incidents or retaliation pending the outcome of the investigation. These steps may include, but are not limited to, ordering interim disciplinary action, appropriate adult supervision, reassigning classroom seating, temporarily transferring the student subject of the complaint from classes with the complainant or to an alternative school assignment, instructing the alleged perpetrator to avoid contact and maintain appropriate safe distance from the alleged target while on school property and at school events and monitoring compliance with any court-ordered protective orders. All interviewees, alleged targets, and alleged perpetrators will be warned against retaliation and made aware of the prohibition to speak about the matter in order to maintain the integrity of the investigation. All interim safety measures will be

monitored for success.

**Confidentiality** – Information from a student record of a target or aggressor may not be disclosed to a parent unless the information is about the parent’s own child. Disclosure of bullying or retaliation to a local law enforcement agency is allowed under 603 CMR 49.06 without the consent of a student or his/her parent. Such communication must protect privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances. Student record information about a target or aggressor may be disclosed in connection with a health or safety emergency if such information is necessary to protect the health and/or safety of the student or other individuals per 603 CMR 23.07(4) (e), 34 CFR 99.31(a) (10), and 99.36.603 CMR 49.07(3). This is limited, however, to instances where there is an immediate and significant threat; all such disclosures must be documented with reasons why the health and/or safety emergency existed. All employee records are confidential.

### **Documentation and Records**

The district has Bullying Prevention and Intervention Incident Forms for reporting and documenting bullying claims and investigations. Every DOR keeps written records of all oral interviews and written responses during the investigation. All investigatory reports, written items, documents, videos, and other types of evidence are kept in each DOR’s binder.

### **Responses to Bullying**

#### *1. Teaching Appropriate Behavior Through Skills-Building*

Once the DOR determines that bullying or retaliation has occurred, he/she will use a range of responses that balance the need for accountability with the need to teach appropriate behavior as required by M.G.L.c. 71 § 370(d)(v). These may include:

- Offering individualized skill-building sessions based on our anti-bullying curricula;
- Providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals.
- Meeting with parents/guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills
- Making a referral for evaluation.

#### *2. Taking disciplinary action*

If the DOR decides that disciplinary action is appropriate, the action will be determined on the basis of facts found by the DOR including the nature of the conduct, the age of the students involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the plan and the district/school code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education improvement Act, which should be considered in cooperation with state laws regarding student discipline.

If the DOR determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Parents of students alleged to have engaged in bullying or retaliation will be invited to attend a meeting at which the activity, words, and/or images subject to the complaint will be reviewed. A student disciplined for bullying or retaliation will not be readmitted to the regular school program until his/her

parents/guardians attend such a meeting.

### 3. *Promoting Safety for the Target and Others*

The DOR will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others. One strategy that may be used is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the DOR will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the DOR will work with appropriate school staff to implement them immediately.

### **Training and Professional Development**

**Annual Staff Training:** Annual training for all school staff will include staff duties as outlined in The Plan, an overview of the steps that the DOR will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades. All school staff will be trained in supporting the safety of particularly vulnerable populations, including transgender students. Staff members hired after the start of the school year will participate in school-based training during the school year in which they are hired unless they can demonstrate participation in an acceptable and comparable program within the last two years.

**Ongoing Professional Development:** As required by M.G.L. c. 71, § 370, the content of school and district wide professional development will be informed by research and will include information on:

- Appropriate supports for particularly vulnerable populations, including transgender students;
- Developmentally, age-appropriate strategies to prevent bullying;
- Developmentally, age-appropriate strategies for immediate, effective interventions to stop bullying incidents;
- Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- Research finding on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- Information on the incidence and nature of cyber bullying;
- Internet safety issues as they relate to cyberbullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs. This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by Bourne Public Schools for professional development include:

- Promoting and modeling the use of respectful language;
- Fostering an understanding of and respect for diversity and difference, including gender identity and expression;
- Building relationships and communicating with families;
- Constructively managing classroom behaviors;
- Using positive behavioral intervention strategies;
- Applying constructive disciplinary practices;
- Teaching students skills including positive communication, anger management, and empathy for others;
- Engaging students in school or classroom planning and decision-making;
- Maintaining a safe and caring classroom for all students.

### **Specific Bullying Prevention Approaches**

Bullying prevention curricula will be informed by current research which emphasizes the following approaches:

- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber bullying, including the underlying power imbalance;
- Emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications;
- Engaging students in a safe, supportive school environment that is respectful of diversity and differences.

Initiatives will also teach students about the student-related section of The Plan including how and when the district/schools will review The Plan with them.

**General Teaching Approaches that support bullying Prevention Efforts:** The following approaches are integral to establishing a safe and supportive school environment and will be emphasized in the Bourne Public Schools. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students with regard to:
  - Disabilities, physical appearance, lesbian, gay, bisexual, transgender students and homeless students.
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely;
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

**Counseling and Other Services:** Each school in the Bourne Public School District has an on-site social worker or adjustment counselor who works with students and parents/guardians. Upon request, referrals are made to the following community-based organizations:

- Crisis Intervention Cape Cod and Islands, 24-hour Access
- Child and Family Services
- Family Continuity
- Bay View Associates
- MSPCC
- Support groups at the Bourne Community Center
- Cape Cod Neighborhood Support Coalition
- 2-1-1

- Community Health Center
- Bourne Early Childhood Council
- The PRO liaison also works with parents as warranted.

**Students with Disabilities:** As required by M.G.L.c.71B, §3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student’s skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

**Collaboration with Families**

Bourne Public Schools will offer education programs for parents/guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or schools in collaboration with the PTA, School Councils, Title 1 Advisory Council, and Special Education Parent Advisory Council. Bourne Public Schools provides presentations for parents on bullying and cyberbullying from the assistant district attorney’s office and MARC. We have also held parent and community meetings to address Internet Safety and share the school’s current devices to protect students and staff.

Each year Bourne Public Schools will inform parents/guardians of enrolled students about the anti-bullying curricula being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. Bourne Public Schools will send parents’ written notice each year about the student-related sections of this plan and the district’s Internet Safety Policy. All notices and information made available to parents will be in hard copy and electronic formats and in the language most prevalent among them. This plan and related information will be posted on the Bourne Public Schools website.

**Notice**

Bourne Public Schools will provide students, employees, and parents/guardians, in age appropriate terms and in their most prevalent language, annual written notice of the Bullying Prevention and Intervention Plan. The Bullying Prevention and Intervention Plan applies to students and members of a school staff including, but not limited to, educators,, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisor to an extracurricular activity and paraprofessionals. The Plan will be included in Bourne Public Schools student handbooks, staff resource handbooks, and will be posted on the Bourne Public Schools website.

**PROHIBITION AGAINST TEEN DATING VIOLENCE**

Per M.G.L. 71 § 2C Bourne Public Schools prohibits dating violence on school grounds, at a school sponsored event, or at a school related activity, function, or program.

All complaints or reports of any alleged teen dating violence incidents on and/or off school grounds involving an enrolled student will be documented and promptly investigated per the procedures outlined above.

**SC Policy - JRA-R**

**STUDENT RECORDS**

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L. c. 71 and 34D which directs that "the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the commonwealth," and under

M.G.L. c. 71 and 34F which directs that "the board of education shall adopt regulations relative to the retention, duplication, and storage of records under the control of School Committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times." 603 CMR 23.00 was originally promulgated on February 10, 1975 and was reviewed and amended in June 1995. 603 CMR is in conformity with federal and state statutes regarding maintenance of an access to student records, and are to be construed harmoniously with such statutes.

### **Application of Rights**

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

1. These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.
2. If a student is from 14 through 17 years or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.
3. If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school principal or Superintendent of Schools who shall honor such request and retain a copy of it in the student's record. Pursuant to M.G.L. C. 71 and 34E, the parent of a student may inspect the student record regardless of the student's age.
4. Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a School Committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

### **Definition of Terms**

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

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

**Authorized school personnel:** shall consist of three groups:

1. School administrators, teachers, counselors, and other professionals who are employed by the School Committee or who are providing services to the student under an agreement between the School Committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the School Committee shall have access only to the student record information that is required for them to perform their duties.
2. Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the School Committee or are employed under a School Committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

3. The Evaluation Team evaluates a student.

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

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

**Parent:** shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother, or guardian. The term as used in 603 CMR 23.00 shall include a divorced or separated parent, subject to any written agreement between parents or court in order governing the rights of such parents that is brought to the attention of the school principal.

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

**School-age Child with Special Needs:** shall have the definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

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

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

**The student record:** shall consist of the transcript and the temporary record, including all information, recording and computer tapes, microfilm, microfiche, or any other materials, regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

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

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

#### **Policy References**

Family Educational Rights and Privacy Act of 1974, P.L. 93-380, Amended P.L. 113-382, 1994  
M.G.L. 66:10; 71:34A, B, D, E; Board of Education Student Record Regulations adopted 2/10/77 and June 1995

#### **Confidentiality Concerning Individual Educational Plans and 504 Accommodation Plans**

All documents pertaining to the student are confidential including IEPs and 504 Plans. It is important that this confidentiality is respected as every IEP and 504 includes information relevant to the student's performance and disability. Psychological and related reports may also be included in the file. These documents are written annually and are updated throughout the year as needed.

All discussions and information shared during an IEP or 504 meeting is confidential. All comments and conversations in the student support services department are confidential and should not be discussed with others. Specific concerns regarding a student should not be discussed with anyone outside the school setting who is not directly involved with the student unless the parent has provided a written consent or release of information. Any discussions and/or recommendations regarding a student's IEP/504 Plan should only occur within the context of the Team meeting

### **Mandatory Reporting**

Under MGL c. 119 §51A it is mandatory for school personnel to report child abuse and neglect to the Department of Children and Families. Please notify the principal or her/his designee when there is reasonable cause to suspect that a student under the age of 18 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.

A copy of G.L. c. 119 §21 may be found at: <http://www.mass.gov/legis/laws/mgl/119-51a.htm>.

### **SC Policy AG-**

*approved 08.17.2016*

### **LOCAL WELLNESS POLICY**

The School Committee recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the school district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

#### Wellness Committee

The school district will establish a wellness committee that consists of at least one (1): parent, student, nurse, school food service representative, School Committee member, school administrator, member of the public, and other community members as appropriate. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee. The school committee designates the following individual(s) as wellness program coordinator(s): Assistant Superintendent Melissa Ryan. Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy.

#### Nutrition Guidelines

It is the policy of the school district that all foods and beverages made available on campus during the school day are consistent with School Lunch Program nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will create procedures that address all foods available to students throughout the school day in the following areas:

- Guidelines for maximizing nutritional value by decreasing fat and added sugars, increasing nutrition density and moderating portion size of each individual food or beverage sold within the school environment;
- Separate guidelines for foods and beverages in the following categories:
  - Foods and beverages included in a la carte sales in the food service program on school

- campuses;
- Foods and beverages sold in vending machines, snack bars, school stores, and concession stands;
- Foods and beverages sold as part of school-sponsored fundraising activities; and
- Refreshments served at parties, celebrations, and meetings during the school day; and
- Specify that its guidelines will be based on nutrition goals, not profit motives.

### Nutrition and Physical Education

The school district will provide nutrition education aligned with standards established by the USDA's National School Lunch Program and the School Breakfast Program in all grades. The school district will provide physical education training aligned with the standards established by the Dept. of Elementary and Secondary Education. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address nutrition and physical education.

### Nutrition Education

- Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.
- Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the foodservice staff and other school personnel, including teachers.
- Students receive consistent nutrition messages from all aspects of the school program.
- Division health education curriculum standards and guidelines address both nutrition and physical education.
- Nutrition is integrated into the health education or core curricula (e.g., math, science, language arts).
- Schools link nutrition education activities with the coordinated school health program.
- Staff who provide nutrition education have appropriate training.
- The level of student participation in the school breakfast and school lunch programs is appropriate.

### Physical Education Activities

- Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students, and the integration of physical activity into the academic curriculum where appropriate.
- Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Schools work with the community to create ways for students to walk, bike, rollerblade or skateboard safely to and from school.
- Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.
- Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

### Other School-Based Activities

The wellness program coordinators, in consultation with the wellness committee, are charged with developing procedures addressing other school-based activities to promote wellness.

- An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.
- All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.
- Environmentally-friendly practices such as the use of locally grown and seasonal foods, school

- gardens, and non-disposable tableware have been considered and implemented where appropriate.
- Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

Evaluation

The wellness committee will assess all education curricula and materials pertaining to wellness for accuracy, completeness, balance and consistency with the state and district's educational goals and standards. Wellness program coordinators shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and are charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. Wellness program coordinators will report to the School Committee annually.

SOURCE: MASC

ADOPTED: April 20, 2006

LEGAL REFS.: The Child Nutrition and WIC Reauthorization Act of 2004, Section 204, P.L. 108 -265  
 The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769h  
 The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 - 1789

CROSS REFS.: EFC, Free and Reduced-Cost Food Services  
 IHAMA, Teaching About Alcohol, Tobacco and Drugs  
 KI, Public Solicitations/Advertising in District Facilities

**SC Policy IKAB-**

*approved 03.06.2013*

**REPORTING TO STUDENTS AND PARENTS/CAREGIVERS**

The Bourne Public School District believes that effective home-school communication is essential to maintain the partnership which must exist to maximize student achievement. Ongoing communication that allows a free exchange of comments, ideas and problem solving among the parents/caregivers, students and teachers is the best way to improve individual student performance.

Parents/Caregivers will receive performance reports a minimum of three times per year in grades PreK-12. Preschool teachers will report on the student's developmental progress a minimum of three times a year.

Students in grades K-12 will receive generalized progress reports in all curricula areas either handed to the student, online or through the mail. Progress reporting will be communicated once per quarter in grades 5-12. Throughout the year teachers in all grades will report the following to students and parents/caregivers during periods between formal progress reports:

1. All grades from homework, quizzes, and tests will be made available to parents/caregivers and students within ten school days of the material being handed in to the teacher. Teachers will communicate to students and parents/caregivers when assignments will not be returned within 10 days for a grade (e.g. lengthy papers, large scale projects, etc.)
2. All grades for a given semester will be made available to students and parents/caregivers by the close of the grading period.
3. A pattern of missing homework assignments or homework detrimental to the student's success

will be communicated to students and parents/caregivers.

4. When a student's performance has a significant decline, dropping twenty (20) points or two full letter grades between formal reporting periods, communication by the teacher will be initiated with the student and parent/caregiver. Teachers will offer students and parents/caregivers the opportunity to meet to discuss the change in performance and to develop an improvement plan for said student.
5. Inappropriate classroom behavior or significant change in classroom behavior will be communicated to the student and parent/caregiver by the teacher.
6. If a student is removed from the classroom for inappropriate conduct, parents/caregivers will be notified on the day of the occurrence by an administrator in consultation with the teacher. If a student is excluded from a special school event for inappropriate conduct, the teacher in consultation with administrator will communicate the occurrence with the parent/caregiver.
7. Teachers will communicate when student performance/conduct improves based upon above actions or plans utilizing pre-established communication systems.

<b>M.G.L. C. 149 s. 185 Whistleblower Protections</b>
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An employer shall not take any retaliatory action against an employee because the employee does any of the following:

(1) Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or of another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment;

(2) Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy or practice which the employee reasonably believes poses a risk to public health, safety or the environment by the employer, or by another employer with whom the employee's employer has a business relationship; or

(3) Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

(c)(1) Except as provided in paragraph (2), the protection against retaliatory action provided by subsection (b) (1) shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy or practice in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment, to the attention of a supervisor of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy or practice.

(2) An employee is not required to comply with paragraph (1) if he: (A) is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature; (B) reasonably fears physical harm as a result of the disclosure provided; or (C)

makes the disclosure to a public body as defined in clause (B) or (D) of the definition for “public body” in subsection (a) for the purpose of providing evidence of what the employee reasonably believes to be a crime.

(d) Any employee or former employee aggrieved of a violation of this section may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein. The court may: (1) issue temporary restraining orders or preliminary or permanent injunctions to restrain continued violation of this section; (2) reinstate the employee to the same position held before the retaliatory action, or to an equivalent position; (3) reinstate full fringe benefits and seniority rights to the employee; (4) compensate the employee for three times the lost wages, benefits and other remuneration, and interest thereon; and (5) order payment by the employer of reasonable costs, and attorneys’ fees.

(e)(1) Except as provided in paragraph (2), in any action brought by an employee under subsection (d), if the court finds said action was without basis in law or in fact, the court may award reasonable attorneys’ fees and court costs to the employer.

(2) An employee shall not be assessed attorney's fees under paragraph (1) if, after exercising reasonable and diligent efforts after filing a suit, the employee moves to dismiss the action against the employer, or files a notice agreeing to a voluntary dismissal, within a reasonable time after determining that the employer would not be found liable for damages.

(f) Nothing in this section shall be deemed to diminish the rights, privileges or remedies of any employee under any other federal or state law or regulation, or under any collective bargaining agreement or employment contract; except that the institution of a private action in accordance with subsection (d) shall be deemed a waiver by the plaintiff of the rights and remedies available to him, for the actions of the employer, under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law.

(g) An employer shall conspicuously display notices reasonably designed to inform its employees of their protection and obligations under this section, and use other appropriate means to keep its employees so informed. Each notice posted pursuant to this subsection shall include the name of the person or persons the employer has designated to receive written notifications pursuant to subsection (c).

### **Staff Attendance Review Procedures**

Standards and Indicators of Effective Teaching Practice identify consistent attendance as an indicator of effective teaching practice (indicator IV.F.2).

If necessary, whenever an employee exceeds five occurrences of absence or establishes a pattern due to their use of sick leave\* the principal of the building to which they are assigned may conduct a non-disciplinary attendance review subject to the following terms and conditions:

1. An occurrence of absence is defined as any absence of one or more consecutive days regardless of duration.
2. Although no discipline will result from the meeting, a union representative may be present at the employee's option.
3. The following topics will be discussed at the meeting:
  - i. Any assistance which the bargaining unit member believes might help avoid future absence. However, this provision creates no requirement that the employee request such assistance and/or that the employer grant the assistance requested.

- ii. Any anticipated future absences in the current school year;
  - iii. Steps which may be taken to ameliorate the effects of absences on the students for which the unit member is responsible; and
  - iv. An expression by the Principal as to specific concerns, if any, which the Principal has concerning the unit members' past absences or anticipated future absences. The unit member is not expected to reply to any such concerns at this meeting.
4. Once a staff member has been absent for three consecutive absences, the building administrator will notify Superintendent.
  5. Weekly attendance will be reviewed by the designated Administrative Assistant responsible for Substitutes Online and the building Principal.

\*CBA Article XII (§) 1

### **Leave for Domestic Violence Victims**

A new law recently signed by Massachusetts Governor Deval Patrick mandates that public and private employers with 50 or more employees grant up to 15 days of unpaid leave in any 12-month period if the employee or a covered family member of the employee is a victim of abusive behavior. The bill was signed into law on August 8 and became effective immediately. Covered employers are required to notify employees of their rights and responsibilities under the law.

Key features related to employee rights and responsibilities include the following: 1) the leave must be directly related to the abusive behavior, including, for example, seeking medical attention, counseling, victim services or legal assistance; 2) employees are required to exhaust all available leave before using the unpaid domestic violence leave, unless this requirement is waived by the employer; 3) employees cannot lose any benefits accrued prior to the leave and employees are entitled to restoration of their original job or an equivalent position; 4) employees must provide employers with advance notice of their decision to utilize the leave unless a threat of imminent danger exists; and 5) employees who fail to give advance notice of the decision to utilize leave are required to notify the employer within three workdays that the leave is being taken under the law.

Key features related to employer rights and responsibilities include the following: 1) employers cannot take any negative actions against employees with unauthorized absences if, within 30 days of the last absence, the employee submits documentation that the absence was due to domestic violence; 2) employers may require documentation showing that the employee or the employee's family member has been a victim of abuse; and 3) employers may not retaliate or discriminate against employees for exercising their rights under the law.

The law is enforced by the Attorney General, who can seek injunctive and equitable relief against violators of the law. Additionally, employees may bring private enforcement actions under the same enforcement provisions used to pursue private claims for violations of the Massachusetts wage and hour laws. As a result of the passage of the new law, covered Massachusetts employers will need to develop domestic violence leave policies that comply with the law, update their employee handbooks, and educate their employees on the new leave requirements.

### **Family Medical Leave Act (FMLA)**

#### **What is FMLA?**

FMLA provides eligible employees up to 12 weeks of unpaid leave for their own serious illness, birth or adoption of a child, or the care of a seriously ill child, spouse or parent. FMLA also provides up to 26 weeks in a single 12-month period for military caregiver leave for employees caring for a parent, spouse,

child or “next of kin” who is a “covered service member” with a serious injury/illness incurred in the line of duty. FMLA also provides up to 12 weeks of leave to parents, spouses or children of National Guard or Reserve personnel on active duty (or call to active duty status) for “qualifying exigencies” (\*see definition below).

### **Who is covered?**

All Bourne Public School employees who have worked in the district for at least 12 months and worked 1250 hours over the previous 12-months. The district defines the 12-month period as a “rolling” 12-month period, i.e. the 12 months begins when the employee takes his or her first FMLA day.

### **What are the Reasons for a Leave under FMLA?**

Eligible employees may seek leave during any 12-month period for the following reasons:

- The employee requires medical leave for a serious health condition that makes him/her unable to perform his/her job.
- Among other things, this generally includes when the employee needs to be absent from work for a period of time due to surgery. Short-term conditions for which treatment and recovery are very brief generally are not “serious health conditions.”
- Caring for a newborn child, or newly adopted son or daughter
- Placement with the employee of a son or daughter or child in foster care
- Caring for the employee’s spouse, son or daughter, or parent, who has a serious health condition

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the “continuing treatment” requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider; or one visit and a regimen of continuing treatment; or incapacity due to pregnancy; or incapacity due to a chronic condition. Other conditions may meet the definition of “continuing treatment.” A serious health condition of either the employee or family member requires either inpatient care or continuing treatment by a health care provider. “Continuing treatment” is defined as two or more visits within 30 days of the first incapacity. Chronic conditions, i.e. conditions that continue over an extended period of time that may cause episodic periods of incapacity may be a “serious health condition” under FMLA.

- Any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is deployed to active duty in a foreign country (or has been notified of a call or order to active duty in a foreign country) and who is in the regular armed forces, National Guard or Reserves.

### **Special leave entitlement relating to an employee’s family member in the Armed Forces:**

A spouse, son, daughter, parent, or “next of kin” may request up to 26 workweeks of leave in a single 12-month period to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury/illness incurred (including the aggravation of a preexisting condition) in the line of active duty. (Such leave is available for up to five years after the military member’s separation from the military).

### **How can FMLA Leave be taken?**

The leave may be in on a continuous basis (e.g., a block of twelve (12) weeks), or if required, employees may take FMLA on an intermittent or reduced leave schedule (select days or hours, for example) because of the employee’s own serious health condition, when medically necessary to care for their parent, spouse

or child with a serious health condition, to care for a covered service member, or due to a qualifying exigency. Those eligible employees who are employed principally in an instructional capacity and request leave that is foreseeable based on planned medical treatment, and would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required either to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment, or to transfer temporarily to an available alternative position offered by the Schools for which the employee is qualified. Other rules exist for how instructional employees may use leave depending upon when it will coincide with the end of a semester, i.e., depending upon how many weeks before the end of a semester it would occur.

- For birth or adoption, intermittent or reduced workweek leave can only be taken with the employer's consent
- Whether or not you apply for FMLA leave, if you take sick leave or any other leave that meets the definitional requirements of an FMLA leave, the leave will be designated simultaneously as FMLA leave as well.

### **Will I get My Same Job Back When I Return?**

Bourne Public Schools is required to reinstate you to the same job or an "equivalent position" at the end of your FMLA leave.

### **What Will Happen to My Health Benefits?**

The Town will continue to pay for its portion of your health insurance for the time you are on leave; provided, however, that you must continue to make your regular payment of the employee portion of the premium.

### **How Much Notice do I Need to Give?**

You are required to give at least 30 days' notice if the need for leave is foreseeable. If the leave is not foreseeable, notice must be given as soon as practical. For planned treatments, you must consult with your Principal and make a reasonable effort to schedule the treatment so as not to unduly disrupt the School's operation, subject to approval of your health care provider. Employees are ordinarily expected to consult with their Principal before scheduling treatments in order to work out a treatment schedule which best suits the needs of both the employee and the School.

Prior to the commencement of any foreseeable leave, (or if the leave is unforeseeable, as soon practicable), you must submit a letter to the Superintendent requesting the leave.

### **What Documentation do I Need to Provide?**

After receiving the employer's request for certification, the employee must provide the requested certification within fifteen (15) calendar days, unless not practicable under the circumstances. An employee can voluntarily choose - but cannot be required - to comply with the certification requirement by providing the employer with an authorization, release or waiver permitting the employer to communicate directly with the health care provider of the employee or family member. Section 825.306(e).

When an employee submits a complete and sufficient certification signed by a health care provider, the employer cannot ask the health care provider for additional information. However, an employer is permitted to contact the health care provider for clarification and authentication of the medical certification, after giving the employee an opportunity to cure any deficiencies. Section 825.307(a). To make such contact, the employer must use a health care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee's direct supervisor contact the employee's health care provider.

In situations where the certification is incomplete, the employer shall advise an employee that the

certification is incomplete or insufficient and shall state in writing what additional information is needed. Employee must be given seven (7) calendar days (unless not practicable) to cure the problem by presenting additional information. Section 825.305(c). If employee does not comply, the employer may deny the leave. Section 825.305(d)

“Authentication” means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document. No additional medical information may be requested. Again, if the employee voluntarily provides a HIPAA compliant authorization, the employer can request records and discuss the condition with the provider.

“Clarification” means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employers may not ask health care providers for additional information beyond that required by the certification form.

If the Schools have reason to doubt the validity of the medical certification, we may request a second opinion at our own expense. In the event of conflicting opinions, the Schools may pay for a third opinion which will be final and binding.

A Certification is also required to take leave to care for a covered service member or a qualifying exigency.

Bourne Public Schools will require that you obtain a “fitness for duty” certification in order to return to work.

For more information, visit the United States Department of Labor’s web site at <http://www.dol.gov/esa/whd/fmla/>

### **Parental Leave**

Language has been proposed to the BEA and will be included upon agreement.

### **Responsible Use Guidelines**

#### I. Student Acceptable Use Policies

All staff members must be familiar with the student acceptable use policy *IME* for effective supervision of students using technology (known as software, internet and devices] in the Bourne Public Schools. If you have any questions or concerns about enforcing the policy *IME*, please contact your building principal.

#### II. Staff Rules for Acceptable Use

##### A. Introduction

We are committed to providing a robust technology environment to support students and staff in the pursuit of academic and instructional interests and objectives. A wide range of technology resources are available and intended to be used for educational and professional purposes. Professional purposes, refers to those tasks and requirements for fulfilling professional duties as related to working in the Bourne Public School District. All those who use technology resources

must comply with the written rules and policies covering their use as well as the "spirit and intent" of those rules and policies.

## B. Appropriate Use

Appropriate use of district technology includes uses that support: instruction, independent study, research, career or professional development activities, official work of the offices and departments of the Bourne Public Schools, and limited high quality professional inquiry.

## C. Inappropriate Use

There are unacceptable uses of district technology. Inappropriate uses can be classified as illegal and/or prohibited practices. Employee violations of the staff rules for Acceptable Use will be referred to the appropriate supervisory personnel. Bourne Public School administrators are responsible for referring all illegal activities to the appropriate law enforcement agency.

The following information is not intended to be all inclusive or comprehensive but serves as explanatory information.

- Examples of illegal uses include: obscenity, libel, threats, hate postings, sexual harassment, and copyright violations.
- Examples of prohibited activities are: pornography, profanity, plagiarism and anonymous messages.
- Examples of inappropriate activities include but are not limited to:
  - Commercial use: Technology should not be used for commercial services, defined as "offering or providing products or services."
  - Political lobbying: The use of technology by district employees for political lobbying activities is generally unacceptable. Most states allow public employees to express opinions on legislative measures and, therefore, using the district system for this purpose may be appropriate. But engaging in fundraising or other political activity will be considered unacceptable.
  - Obstructing or disrupting technology use: Any activity that intentionally obstructs or hinders network traffic, network resources, or technology security is prohibited. Activities included in this category are any that harm other people, damage technology devices, the network, or information that belongs to someone else.
  - Accessing files of others: Any attempt to access the files of another individual is strictly prohibited. This includes attempting to login through another person's account or accessing another person's "private" files. These actions are illegal, even if only for the purposes of "browsing." It is recognized that colleagues often need to share work. There are shared systems for this purpose and staff are encouraged to use these systems when they want to share a "non-private" file with others.
  - Etiquette: Activities covered under technology etiquette include viewing, sending, or displaying offensive messages or pictures, or wasting limited resources such as bandwidth or abuse of print centers.

## D. Expectation of Privacy.

The technology systems are the property of Bourne Public Schools. Therefore, there is only a limited expectation of privacy within the use of Bourne Public School technology. The district

has the right to examine all technology and data which are the property of the district. Individuals should be aware that our technology generates logs of the activities of users including login and logout times, web sites accessed, software launched, etc. An investigative review of these logs may lead to discovery that a user has or is violating the staff acceptable use rules, or the law. Please be aware that any misuse of technology provided by Bourne Public Schools will be referred to the appropriate supervisory personnel or legal authority.

#### E. E-mail Use

E-mail is simply another system resource. Under normal circumstances, system administrators will not access a staff member's e-mail. However, it should be noted that e-mail may be read by authorized personnel when deemed necessary by the Superintendent or by local, state, or federal officials to include any investigation concerning or relating to any inappropriate or illegal activities using district technology. Please do not abuse your communications privileges. E-mail is a fast, convenient form of communication.

- The following list represents some e-mail activities which are prohibited and/or discouraged.
  - Chain e-mail letters: Forwarding chain e-mail is a violation. Phrases in the subject line can usually identify chain e-mail, such as "Forward - do not delete," "don't break the chain," etc. Some chain e-mails promise good luck, promise easy money, tell stories and ask for help, or warn of false e-mail viruses. "Get rich quick" schemes will invariably claim to be "completely legal." Do not be fooled. Delete all chain e-mails from your account and do not forward.
  - Bombing: Sending numerous or large e-mail messages to one person is considered "e-mail bombing." Even if no harm was intended or it was simply a "harmless prank," an e-mail "bomb" can disrupt service to all users and is strictly prohibited.
  - Forgery: Altering any form of electronic communication and then claiming it to be original is prohibited. Further, creating, altering, or deleting the attribution of origin is also prohibited. For example, the "From" in e-mail, or the IP address in headers should not be altered.
  - Harassment: Any repeated or unwanted communication may constitute harassment. Any communication with the direct intention of harassing, threatening, implying or otherwise causing harm to individuals, or classes of individuals is a violation of Bourne Public Schools harassment policies. If you should receive any harassing messages electronically, you may consider notifying the sender. Often the sender may not realize that their communication is unwanted or offensive unless you tell them. However, if the sender continues after being notified, or you do not wish to contact the sender, or if the situation is serious, you should contact your supervisor. Be sure to save copies of all harassing material.

#### F. District Limitation of Liability

Bourne Public Schools makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the district technology systems will be error free or without defect. The district will not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. The district is not responsible for the

accuracy or quality of the information obtained through or stored on the system. The district will not be responsible for obligations, financial, legal or other, arising through the unauthorized use of the system.

#### IV. Internet Publishing Guidelines

The internet is an incredibly powerful publishing tool. Information posted to the web has the potential for having a far reaching audience in a matter of seconds. Publishing on the internet is strongly encouraged. If you are considering posting to the internet yourself, or having students post, you should familiarize yourself with the following guidelines concerning content.

Any material posted for the global community should reflect the high educational standard of the Bourne Public Schools. All published information and corresponding links must be related to the district's mission and educational objectives or related to school sponsored activities. Publishing student material is encouraged and supported.

#### Content and Review Guidelines for Student Publication:

Individual teachers will review their students' material before publication and posting. The quality and completeness of any published work should be such that both student and teacher are proud that it can reach a global audience. Any review procedures for publishing established by the school for publishing in other formats, such as newsletters, notices sent home, should be respected. Any reviewers should validate content and first level links. Teachers are encouraged to have colleagues review classroom projects or individual student work before publishing and posting on the internet.

#### Safety Rules for Student Publication:

Pictures that include the heads of students should be posted only if the parent or caregiver has not explicitly stated otherwise. Please check with your building principal before posting student pictures. No home addresses, telephone numbers or e-mail addresses of students are to be posted.

### **NONDISCRIMINATION ON THE BASIS OF GENDER IDENTITY-**

*An Act Relative to Gender Identity* (Chapter 199 of the Acts of 2011),<sup>3</sup> which became effective on July 1, 2012, amended several Massachusetts statutes prohibiting discrimination on the basis of specified categories, to include discrimination on the basis of gender identity. Among the statutes amended is G.L. c. 76, § 5, prohibiting discrimination on the basis of gender identity against students who enroll in or attend the public schools. G.L. c. 76, §5 now reads as follows:

Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. **No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.**

<sup>3</sup> The Act can be found at <http://www.malegislature.gov/Laws/SessionLaws/Acts/2011/Chapter199>,

In June 2012, the Massachusetts Board of Elementary and Secondary Education (Board) adopted revised Access to Equal Education Opportunity Regulations, 603 CMR 26.00, and Charter School Regulations, 603 CMR 1.00, to reflect the broadened student anti-discrimination provision in G.L. c. 76, §5. The Board also directed the Department of Elementary and Secondary Education (Department) to provide guidance to school districts to assist in implementing the gender identity provision.

All students need a safe and supportive school environment to progress academically and developmentally. Administrators, faculty, staff, and students each play an important part in creating and sustaining that environment. This guidance is intended to help school and district administrators take steps to create a culture in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide equal educational opportunities for all students, in compliance with G.L. c. 76, §5 and the state regulations.

Below are general principles based on the law that address common issues regarding transgender and gender nonconforming students. The guidance offers case studies based on experiences of schools and students in Massachusetts, and reflects the need to consider issues on a case-by-case basis. The list of issues is not exhaustive, and the examples are intended to be illustrative, not prescriptive.

## Definitions

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for students whose rights are protected under the law. The following terms appear in this document and are defined. Although these are the most commonly used terms, students may prefer other terms to describe their gender identity, appearance, or behavior. The term "gender identity" is specifically defined in the Mass. General Laws, as amended by *An Act Relative to Gender Identity* (the gender identity law).

- *Gender expression*: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- *Gender identity*: as defined in part at G.L. c. 4, § 7, is "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth..."
- *Gender nonconforming*: a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used.
- *Transgender*: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

## The Law

The gender identity law amended G.L. c. 76, § 5,<sup>4</sup> to establish that no person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of *gender identity*, among other characteristics. The amended Access to Equal Educational Opportunity regulations, 603 CMR 26.00, and the non-discrimination provision of the Charter School regulations, 603 CMR 1.00, require schools to establish policies and procedures, provide training, and implement and monitor practices to ensure that

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<sup>4</sup> The Act amends several other statutes as well, including G.L. c. 151B (governing nondiscrimination in employment), to prohibit discrimination on the basis of gender identity.

obstacles to equal access to school programs are removed for all students, including transgender and gender nonconforming students.

The gender identity law reflects the reality that transgender and gender nonconforming students are enrolled in Massachusetts public schools. These students, because of widespread misunderstanding and lack of knowledge about their lives, are at a higher risk for peer ostracism, victimization, and bullying. The 2011 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN), found that 75.4% of transgender students had been verbally harassed in the previous year, 32.1% had been physically harassed, and 16.8% had been physically assaulted. Educators play an essential role in advocating for the well-being of these students and creating a school culture that supports them.

### **Understanding Gender Identity**

The gender identity law defines “gender identity” to mean “a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.”<sup>5</sup> The law also states that “gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.”<sup>6</sup>

Transgender youth are those whose assigned birth sex does not match their internalized sense of their gender (their “gender-related identity”), and gender nonconforming youth are those whose gender-related identity does not meet the stereotypically expected norms associated with their assigned sex at birth. A transgender boy, for example, is a youth who was assigned the sex of female at birth but has a clear and persistent identity as male. A transgender girl is a youth who was assigned the sex of male at birth but has a clear and persistent identity as female. Gender nonconforming youth range in the ways in which they identify as male, female, some combination of both, or neither.

The responsibility for determining a student’s gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent.<sup>7</sup> One’s gender identity is an innate, largely inflexible characteristic of each individual’s personality that is generally established by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person’s social and familial social development.<sup>8</sup> As a result, the person best situated to determine a student’s gender identity is that student himself or herself.

*In one Massachusetts town, the parents of a pre-school-age biologically female child noted throughout the child’s early years that their child identified as a boy. For as long as the parents could remember, the child preferred to play with boys rather than girls, wanted a short haircut, rejected wearing any clothing that the child identified as “something a girl would wear,” and ignored anyone who called him by his stereotypically feminine name. When it was time for the child to enter kindergarten, the child said to his parents, “You have to tell them when I go to kindergarten that I’m a boy.”*

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<sup>5</sup> Mass. Gen. Laws. Ch. 4, § 7 (2012).

<sup>6</sup> *Id.*

<sup>7</sup> When used in this document, the term “parent” refers to parent as well as legal guardian.

<sup>8</sup> See Gerald P. Mallon, “Practice with Transgendered Children,” in *Social Services with Transgendered Youth* 49, 55-58 (Gerald P. Mallon ed., 1999). See also Stephanie Brill & Rachel Pepper, “Developmental Stages and the Transgender Child,” in *The Transgender Child*, 61-64.

Consistent with the statutory standard, a school should accept a student's assertion of his or her gender identity when there is "consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity." If a student's gender-related identity, appearance, or behavior meets this standard, the only circumstance in which a school may question a student's asserted gender identity is where school personnel have a credible basis for believing that the student's gender-related identity is being asserted for some improper purpose.

In most situations, determining a student's gender identity is simple. A student who says she is a girl and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of her life, should be respected and treated like a girl. So too with a student who says he is a boy and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of his life. Such a student should be respected and treated like a boy.

The statute does not *require* consistent and uniform assertion of gender identity as long as there is "other evidence that the gender-related identity is sincerely held as part of [the] person's core identity." Many transgender people experience discrimination, and some experience violence due to their status. Some environments may feel safe and inclusive, and others less so, challenging a person's ability to live consistently with one gender identity in all aspects of life. For example, it is possible that a biologically male student with a female gender identity who lives as a girl does not express her female gender identity all the time. In one case, such a student agreed to present as a boy when visiting relatives until the student's parents could explain the student's transgender identity to them. The fact that the student did not exclusively assert her female identity did not alter the fact that she had a female gender identity.

Confirmation of a student's asserted gender identity may include a letter from a parent, health care provider, school staff member familiar with the student (a teacher, guidance counselor, or school psychologist, among others), or other family members or friends. A letter from a social worker, doctor, nurse practitioner, or other health care provider stating that a student is being provided medical care or treatment relating to her/his gender identity is one form of confirmation of an asserted gender identity. It is not, however, the exclusive form upon which the school or student may rely. A letter from a clergy member, coach, family friend, or relative stating that the student has asked to be treated consistent with her/his asserted gender identity, or photographs at public events or family gatherings, are other potential forms of confirmation. These examples are intended to be illustrative rather than comprehensive.

*In one Massachusetts middle school, a biologically male student explained to her guidance counselor that she was a transgender girl who expressed her female gender identity only at home. The stress associated with having to hide her female gender identity at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents asked if it would be okay if she expressed her female gender identity at school. The guidance counselor assured the student and her parents that she could do so. The fact that the student presented no documentation to support her gender identity was not a concern since the school had no reason to believe the request was based on anything other than a sincerely held belief that she had a female gender identity.*

## **Gender Transition**

Many, though not all, transgender youth undergo the experience of gender transition. The term "gender transition" describes the experience by which a person goes from living and identifying as one gender to living and identifying as another. For most youth, and for all young children, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition," whereby they begin to live and

identify as the gender consistent with their gender-related identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical intervention that may include hormone suppressants, cross-gender hormone therapy, and, for a small number of young people, a range of gender-confirming surgeries. The decision about whether and how to undergo gender transition is personal and depends on the unique circumstances of each individual. There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school.

Some transgender and gender nonconforming students are not openly so at home for reasons such as safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student's gender nonconformity or transgender status with the student's parent or guardian. For the same reasons, school personnel should discuss with the student how the school should refer to the student, e.g., appropriate pronoun use, in written communication to the student's parent or guardian.

### **Names and Pronouns**

The issue of the name and pronoun to use in referring to a transgender student is one of the first that schools must resolve to create an environment in which that student feels safe and supported. Transgender students often choose to change the name assigned to them at birth to a name that is associated with their gender identity. As with most other issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student, and in the case of a younger student, the parent, with respect to name and pronoun use, and agree on a plan to initiate that name and pronoun use within the school. The plan also could include when and how this is communicated to students and their parents. In the case of a transgender student who is enrolling at a new school, it is important that the school respect the student's privacy (see the following section) and chosen name.

*In one situation where a transgender girl was entering high school, she and her parent asked the principal to inform her teachers that even though her school records indicate that her name is John, she goes by the name Jane and uses female pronouns. The school principal sent the following memorandum to the student's classroom teachers: "The student John Smith wishes to be referred to by the name Jane Smith, a name that is consistent with the student's female gender identity. Please be certain to use the student's preferred name in all contexts, as well as the corresponding pronouns. It is my expectation that students will similarly refer to the student by her chosen name and preferred pronouns. Your role modeling will help make a smooth transition for all concerned. If students do not act accordingly, you may speak to them privately after class to request that they do. Continued, repeated, and intentional misuse of names and pronouns may erode the educational environment for Jane. It should not be tolerated and can be grounds for student discipline. If you need any assistance to make sure that Jane Smith experiences a safe, nondiscriminatory classroom atmosphere, please contact me or Ms. O'Neill. – Mr. Jones, Principal."*

Massachusetts' law recognizes common law name changes. An individual may adopt a name that is different from the name that appears on his or her birth certificate provided the change of name is done for an honest reason, with no fraudulent intent. Nothing more formal than usage is required.<sup>9</sup> Hence, when requested, schools should accurately record the student's chosen name on all records, whether or not the student, parent, or guardian provides the school with a court order formalizing a name change.

The Department has a procedure in place to update name changes and gender markers in the Student Information Management System (SIMS) upon request. The document *Assigning State Assigned Student*

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<sup>9</sup> For certain transactions, such as banking and applying for governmental benefits or licenses, it may be necessary to have a formal legal document establishing one's change of name for identity and other purposes.

*Identifiers (SASIDs) to Massachusetts' Public School Students*, which may be found at <http://www.doe.mass.edu/infoservices/data/sims/sasid/>, guides schools through changing names and gender markers on school records.

In sum, school personnel should use the student's chosen name and pronouns appropriate to a student's gender identity, regardless of the student's assigned birth sex. For those students who have been attending a school and undergo gender transition while attending the same school, it is important to develop a plan for initiating use of the chosen name and pronouns consistent with the student's gender identity.

### **Privacy, Confidentiality, and Student Records**

Under state law, information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, regardless of its form, is part of the individual's student record (*see* Massachusetts Student Records Regulations, 603 CMR 23.00), is confidential, and must be kept private and secure, except in limited circumstances. 603 CMR § 23.04.<sup>10</sup> One circumstance is when authorized school personnel require the information to provide administrative, teaching, counseling, or other services to the student in the performance of their official duties. For transgender students, authorized school personnel could include individuals such as the principal, school nurse, classroom teacher(s), or guidance or adjustment counselor.

When a student new to a school is using a chosen name, the birth name is considered private information and may be disclosed only with authorization as provided under the Massachusetts Student Records Regulations. If the student has previously been known at school or in school records by his or her birth name, the principal should direct school personnel to use the student's chosen name. Every effort should be made to update student records (for example, Individualized Education Programs) with the student's chosen name and not circulate records with the student's assigned birth name. Records with the student's assigned birth name should be kept in a separate, confidential file.

*One school nurse dealt with information in the student's file by starting a new file with the student's chosen name, entered previous medical information (for example, immunizations) under the student's chosen name, and created a separate, confidential folder that contained the student's past information and birth name.*

When determining which, if any, staff or students should be informed that a student's gender identity is different from the assigned birth sex, decisions should be made in consultation with the student, or in the case of a young student, the student's parent or guardian. The key question is whether and how sharing the information will benefit the student.

*In one case, parents of a transgender male-to-female elementary school student requested that only the school principal and the school nurse be aware that the student was assigned the sex of male at birth. After a discussion with the school principal, the parents agreed that the student's teacher, the school secretary, and the district superintendent would also be informed. In this situation, the school principal kept the student's birth certificate in a separate, locked file that only the principal could access, and put a note in the student's other file saying that the principal had viewed the student's birth certificate. In another situation, where a biological male came to school after April vacation as a girl, the school principal and guidance counselor, in collaboration with the student and her parents, developed a plan for communicating information regarding the student's transition to staff, parents, and students. The plan included who was going*

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<sup>10</sup> The federal Family Educational Rights and Privacy Act, 20 USC 1232g, also protects the privacy of education records and requires that personally identifiable information be kept secure and confidential.

*to say what to whom, and when the communication would take place.*

Transgender and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from his or her student record. If a student is under 14 and is not yet in the ninth grade, the student's parent (alone) has the authority to decide on disclosures and other student record matters.<sup>11</sup>

### **Gender Markers on Student Records**

A gender marker is the designation on school and other records that indicates a student's gender. For most students, records that include an indication of a student's gender will reflect a student's assigned birth sex. For transgender students, however, a documented gender marker (for example, "male" or "female" on a permanent record) should reflect the student's gender identity, not the student's assigned sex. This means that if a transgender student whose gender identity is male has a school record that reflects an assigned birth sex as female, then upon request by the student or, in the case of young students not yet able to advocate for themselves, by the parent or guardian, the school should change the gender marker on the record to male.<sup>12</sup> Schools are advised to collect or maintain information about students' gender only when necessary.

*One school reviewed the documentation requests it sent out to families and noticed that field trip permission forms included a line to fill in indicating the student's gender. Upon consideration, the school determined that the requested information was irrelevant to the field trip activities and deleted the line with the gender marker request.*

In addition, transgender students who transition after having completed high school, may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

### **Restrooms, Locker Rooms, and Changing Facilities**

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities. In meeting with the transgender student (and parent) to discuss the issues set forth in this section, it is essential that the principal and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear with the student (and parent) that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity. The following are

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<sup>11</sup> See 603 CMR §§23.01 and 23.07. If a student is from 14 through 17 years of age or has entered ninth grade, both the parent and the student may make decisions concerning the student record, or either the student or the parent acting alone may decide.

<sup>12</sup> As discussed in the section on Names and Pronouns, the Department's publication *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students* guides district staff through the process of adding or revising SIMS data.

examples of ways in which school officials have responded to these situations:

*In one elementary school, a transgender second-grader socially transitioned from female to male. The principal informed the staff: For the remainder of this year, he will use Nurse Margaret's restroom, and toward the end of the year we will make future determinations of restroom use in consultation with his family.*

*In one middle school, a male-to-female transgender sixth-grader socially transitioned after spring break. For the rest of the school year, she used the nurse's restroom and the other unisex restrooms at the school. Beginning in seventh grade, she used the girls' restroom.*

*In one high school, a transgender male-to-female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility.*

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students.

School staff as well as students and their families may find the use of restrooms and changing facilities to be among the more challenging issues presented by the gender identity law, perhaps due to issues of personal privacy. As emphasized in other sections, these issues should be resolved on a case-by-case basis, through dialogue with students and parents, and through leadership in creating safe and supportive learning environments.

### **Physical Education Classes and Intramural and Interscholastic Athletic Activities**

Physical education is a required course in all grades in Massachusetts' public schools, and school-based athletics are an important part of many students' lives. Most physical education classes in Massachusetts' schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity. With respect to interscholastic athletics, the Massachusetts Interscholastic Athletic Association will rely on the gender determination made by the student's district; it will not make separate gender identity determinations.

*At one school, a transgender girl joined the girls' cheerleading squad. The school supported the student's participation on the team. When the team was going to a regional competition, however, several of the team members raised a concern that the school would be made to compete in the coed cheerleading portion of the competition rather than in the all-girls portion for which they prepared. With the permission of the student, the principal wrote a letter that she gave to the coach to take to the competition in case officials at the competition questioned the team's participation in the all-girls' portion of the event. The letter explained: "Student, Jane Smith, is a transgender girl who has been a member of the girls' team since (date). Jane has a sincerely held female gender identity and, therefore, according to state law must be permitted to participate as a girl on the girls' cheerleading team." The team participated in the regional competition without incident.*

## **Other Gender-Based Activities, Rules, Policies, and Practices**

As a general matter, schools should evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not. In some circumstances, these policies, rules, and practices may violate federal and state law. For these reasons, schools should consider alternatives to them.

Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity.

The new law on gender identity provides a good opportunity for schools to review their gender-distinct policies. For example, some schools require students to wear gender-based garb for graduation or have gender-based dress codes for prom, special events, and daily attire. Schools should eliminate gendered policies and practices such as these. For example, one school that previously had blue graduation gowns for boys and white ones for girls switched to blue gowns for all graduates. The school also changed its gender-based dress code for the National Honor Society ceremony, which had required girls to wear dresses.

Similarly, some classroom teachers may routinely include gender-based practices in the classroom. For example, some teachers may have boys and girls line up separately to leave the classroom to go to lunch, the gymnasium, restrooms, or recess, and may never have considered the educational value of non-gendered alternatives, such as having students line up in the order of their birthdays, or alphabetically by name, or in the order in which they are sitting.<sup>13</sup>

## **Conclusion**

This section cannot anticipate every situation in which questions may come up in the implementation of this law, and the needs of each transgender or gender nonconforming student should be assessed and addressed on a case-by-case basis. The Department of Elementary and Secondary Education will continue to provide assistance, support, and resources as we work together to create a safe and supportive school environment for all students.

*This section was adapted from the DESE **Guidance for Massachusetts Public Schools - Creating a Safe and Supportive School Environment - Nondiscrimination on the Basis of Gender Identity***

### **Joint Labor Management 2018-2019**

- Building based BEA meetings are intended to be at ground zero for labor-relations concerns or issues brought forward to immediate supervisors/administrators for clarification and/or resolution. A building based BEA meeting has an established labor-relations agenda and subsequent outcomes that are to be shared with all employees via email within one week of the meeting. Joint Labor Management Committee – There will be a joint labor management committee that will meet on a monthly basis during the school year. The committee will be comprised of Central Office Administration, at least one member of the School Committee, other necessary

<sup>13</sup> Gender and Children: A Place to Begin for Educators [www.welcomingschools.org](http://www.welcomingschools.org)

administrative staff, and BEA leadership. Joint labor management committee items should be unresolved building-based agenda items. The committee will meet to discuss any major local, state, and/or federal initiatives, and new district initiatives, programs and curricula. The agenda will be created jointly one week prior to the meeting and shared with the School Committee, administration, and staff via email within one week of the meeting. Within one week after the meeting, the outcome(s) of the meeting will be jointly created and shared with the School Committee, administration, and staff via email within one week of the meeting.

<b>Educator Evaluation System Summary 2018-2019</b>
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### ONE-YEAR PLAN

DEADLINES: ONE- YEAR PLAN	ACTIONS	FORMS
<b>1<sup>st</sup> year of practice or 1<sup>st</sup> year assigned under new licensure and all NPTS</b>	At least one announced** and two unannounced observations required (unannounced no less than 10 minutes)  2 <sup>nd</sup> and 3 <sup>rd</sup> year NPTS require 2 unannounced only.	
<b>No later than September 15</b>	Superintendent, principal, or designee meets with evaluators and educators to explain the evaluation process	
<b>No later than October 1</b>	Evaluator meets with 1st year educators to assist in the self assessment and goal setting process	<i>Educator submits self assessment and proposed goals</i>
<b>No later than October 15</b>	Evaluator meets with educators in teams or individually to establish Educator Plans	<i>Educator submits Educator Plan</i>
<b>No later than November 1</b>	Evaluator signs Educator Plan forms within 5 days of receipt (retains copy)	<i>Educator Plan Form</i> signed by educator and evaluator
<b>No later than November 15</b>	First observations non-PTS completed	<i>Evaluator Record of Evidence Form</i> Includes brief written feedback within 5-7 days, delivered in person or in mailbox
<b>January 5 (or 4 weeks before Formative Assessment Report date)</b>	Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards if desired)	<i>Educator Collection of Evidence Form</i> signed by educator and evaluator

<b>No later than February 1</b>	Evaluator completes mid-cycle Formative Assessment Report	<i>Formative Assessment Report Form</i> signed by evaluator and educator.
<b>No later than February 15</b>	Formative Assessment meeting if requested by either evaluator or educator	
<b>No later than Friday before Patriots Day (April 12, 2019 or 4 weeks prior to Summative Evaluation date)</b>	Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards if desired)	<i>Educator Collection of Evidence Form</i>
<b>No later than May 15</b>	Evaluator completes Summative Evaluation Report	<i>Summative Evaluation Report Form</i> signed by evaluator and educator
<b>No later than June 1</b>	Evaluator meets with educators whose overall summative ratings are Needs Improvement or Unsatisfactory	
<b>No later than June 12</b>	Evaluator meets with educator whose overall summative ratings are Proficient or Exemplary	
<b>No later than June 12</b>	Educator signs Summative Report (and adds response if any) within 5 school days of receipt	<i>Educator Response Form</i> signed by evaluator and educator

**\*\*Announced Observations:**

- Date selected by evaluator
- Discussion about any specific goals for observation
- Within 5 days educator informs evaluator about nature of lesson, student population served, and other helpful information; draft of lesson or activity required; meeting optional; changed plan requires educator to update evaluator with new plan prior to observation
- Required post-observation conference within 5 school days
- Written feedback from evaluator within 5-7 school days of conference

**TWO-YEAR SELF-DIRECTED PLAN**

**At least one unannounced observation in evaluation two-year cycle required.**

Directed Growth Plan for 1 or less years for PTS educators rated needs improvement require at least 2 unannounced observations.

Improvement Plan for at least 30 days to 1 year for PTS educators rated unsatisfactory require 4 unannounced and 1 announced in a year; require 2 unannounced and 1 announced if plan is less than 6 months.

<b>DEADLINES YEAR ONE SELF-DIRECTED PLAN</b> Previous rating proficient or	<b>ACTIONS</b> All educators on 2- year plans must collect artifacts and	<b>FORMS</b>
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exemplary	evidence during both years.	
<b>YEAR ONE SELF-DIRECTED PLAN</b> Previous rating proficient or exemplary	All educators on 2- year plans must collect artifacts and evidence during both years.	
<b>No later than September 15</b>	Superintendent, principal, or designee explains the evaluation process	
<b>No later than October 1</b>	Evaluators meet with educators to assist with self-assessment and goals. (Evaluator retains copies.)	<i>Educator submits self assessment and proposed goals</i>
<b>No later than October 15 of 1<sup>st</sup> year</b>	Evaluator meets with educators in teams or individually to establish Educator Plans	<i>Educator submits Educator Plan</i>
<b>No later than November 1 of 1<sup>st</sup> year</b>	Evaluator signs Educator Plan forms within 5 days of receipt (retains copy)	<i>Educator Plan Form signed by educator and evaluator</i>
<b>No later than May 15 of 1<sup>st</sup> year (mutually agreed upon date)</b>	Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards if desired) for Formative Evaluation	<i>Educator Collection of Evidence Form</i>
<b>No later than June 10 of 1<sup>st</sup> year</b>	Evaluator complete Formative Evaluation Report and meeting (if any)	<i>Formative Evaluation Report Form</i>
<b>7 more school days</b>	Educator may reply in writing to Formative Evaluation Report and signatures required	<i>Formative Evaluation Report Form signed by evaluator and educator</i>
<b>DEADLINES YEAR TWO SELF-DIRECTED PLAN</b> <i>Previous rating proficient or exemplary</i>		
<b>No later than Friday before Patriots Day of 2<sup>nd</sup> year April 12 or 4 weeks prior to Summative Evaluation date)</b>	Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards if desired)	<i>Educator Collection of Evidence Form</i>
<b>No later than May 15 of 2<sup>nd</sup> year</b>	Evaluator completes Summative Evaluation Report	<i>Summative Evaluation Report Form</i>
<b>No later than June 10th of 2<sup>nd</sup> year</b>	Evaluator completes Summative Evaluation Meeting (if any)	

- **Announced Observations:**
  - Date selected by evaluator

- Discussion about any specific goals for observation
- Within 5 days educator informs evaluator about nature of lesson, student population served, and other helpful information; draft of lesson or activity required; meeting optional; changed plan requires educator to update evaluator with new plan prior to observation
- Required post-observation conference within 5 school days
- Written feedback from evaluator within 5-7 school days of conference

## SECTION II

# **Learning Community Responsibilities**

## Teacher contractual hours

Teachers at the high school and middle school level must be on duty 15(\*\*) minutes before the formal opening of school and high school teachers will remain 15 minutes and middle school teachers will remain 10 minutes after the formal closing of school, with the exception of applied art teachers at the middle school who are not required to remain past the formal closing of school. Teachers at the elementary level must be on duty 15 minutes before the formal opening of school and remain 30 minutes after the formal closing of school. (CBA Article 10, section 2) Contractual staff hours are as follows:

- Bourne High school 7:05 am-1:57 pm
- Bourne Middle School 7:45 am-2:32 pm
- Bourne Middle School Specialists\*\* teachers 7:45 am-2:22 pm
- Peebles and Bournedale Elementary Schools 8:45 am-3:30 pm

\*CBA Article X (s) 1

\*\*CBA Article X (s) 2§h

## Administrative Duties

Teachers who are assigned to duties perform a vital and necessary service to the school. Good supervision ensures smooth operation of the school and enhances the learning experience of the entire student body. Administrative duties may include, but is not limited to assignments in the following areas:

- Bus
- Recess
- Cafeteria
- Hallway
- Lunch/Recess Detention
- Parking lot
- Homeroom
- Directed study
- Library
- Main office
- In-school suspension
- Data Meetings
- Team Meetings
- Common Planning Time/Common Prep
- Opening/Closing of School
- Classroom Coverage

## Advertisements/Notices

Permission must first be obtained from the principal before any pupil or staff member may directly advertise or offer for sale any non-school paper, magazines, or other items on the school premises.

Teachers are expected to seek approval from the principal prior to the distribution of materials via teacher mailboxes or other media.

Teachers are expected to seek approval from a building based administrator in order to utilize the BPS distribution email list for communication purposes to all staff.

## **Cafeteria**

Students are able to socialize with peers during lunch. However, this should not interfere with the safety and enjoyment of others. Teachers monitoring lunches are expected to maintain a safe and pleasant atmosphere by arriving on time and providing a structure that inhibits roaming. Teachers monitoring lunches are expected to maintain the established list of cafeteria norms of behavior.

## **Change of Location**

Teachers must notify personnel in the main office and put a sign on the classroom door indicating where they have gone if a class is taken to another area or to the library/media center during a regularly scheduled period. A teacher should contact the office if he/she needs to remove their class to another location due to an emergency.

In the event that teachers want to take students outside for instructional purposes it is suggested that teachers give students 24 hour notice if proper clothing such as sneakers are required. Prior to relocating outside, teachers must inform the nurse and review the section on nurse contact (page 68). Staff members are expected to inform main office personnel when you leave and when you return. When outside, teachers are required to have either a working cell phone or a walkie-talkie. Teachers are expected to provide the office with the cell phone number in order to facilitate communication.

## **Classroom Attendance**

Teachers must maintain classroom period attendance for each class for the purposes of grade reporting and attendance.

All teachers must complete/export morning and/or period attendance within the first 15 minutes of the school day and/or period. Staff is responsible for reviewing the daily absence report and reporting any and all discrepancies to the office. Staff must report to the office immediately any students missing from their class.

## **Classroom Management**

It is the philosophy of the administration that discipline is a learning process whereby the individual learns to develop habits of self-control and recognizes his/her own responsibilities to society. Though prevention is the main criterion, corrective action may be employed as needed to prevent continued misbehavior.

Every teacher will follow a district set of norms for appropriate behavior with her/his students, post the norms in the classroom, and provide appropriate consequences for students that make poor choices by violating the norms or disrupting the learning environment. All will handle their own detentions for minor incidents occurring within the teacher's jurisdiction. Teacher detentions will be communicated home and will be assigned with a 24 hour notice or same day if communicated with parent/caregiver. If a student fails to report for a teacher detention, the teacher will confer with the student (parent/caregiver) and determine whether the student's explanation is acceptable. The student will be re-assigned a teacher detention if the explanation is acceptable or if the explanation is unacceptable, a written discipline referral will be made to administration indicating that the student failed to show to a teacher assigned detention and parent/caregiver communication of such has been completed.

Office referrals will result when teachers have exhausted classroom consequences and/or a behavior is extreme enough to warrant removal from class. Students removed from class should be sent to the designated area to meet with an administrator unless otherwise notified.

Secondary Staff Classroom Management Register: All teachers must maintain a register that includes the following information; *Date, Behavior, Consequences, Date Consequence was Served*, and if *Parent Contacted (Y/N), Notes*.

Teachers should not leave a class or directed study room unsupervised.

**NOTE:** Discretion is necessary if a teacher suspects a student is under the influence of alcohol or drugs. Notify administration immediately about the suspicion. All dress code violations should be reported and handled by the school nurse.

### **Multi-Tiered Systems of Support**

MTSS is a framework to ensure successful educational outcomes for all students by using a data based problem solving process to provide and evaluate the effectiveness of multiple tiers of integrated academic, behavior, and social-emotional instruction/intervention supports matched to student needs in alignment with educational standards. (Critical Components of MTSS). In order to implement positive behavior interventions and supports (PBIS) across the district, all members of the Bourne Public Schools community adhere to our agreed upon core values: Be Respectful, Be Responsible, Be Safe. These core values guide our interactions with one another, our work together in the classroom, and our behavior in the community.

### **Providing Student Assignments**

When a teacher's assigned students are placed in a temporary setting (e.g. out-of-school suspension, in-school suspension, special education classroom, main office), it is the responsibility of the classroom teachers to provide and assess required and/or alternative assignments, as requested.

For safety and confidentiality reasons and in order to maintain the least disruptive environment, teachers should not isolate students in the corridor or otherwise outside the classroom. If a student is to be removed from the room, the student must be directed to the main office or other supervised area.

### **Corporal Punishment**

Chapter 71, Section 37G of the Massachusetts General Laws strictly prohibits any kind of corporal punishment. Corporal punishment of students is prohibited. The power of the school committee or of any teacher or other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.

**All teachers should familiarize themselves with the *Code of Conduct* for students, which are outlined in the Student Handbook.**

### **Corridors/Lavatories**

Maintaining order in the corridors and lavatories leads to a safe and optimal environment for learning. These areas should be viewed as an extension of one's classroom. Staff members are expected to greet students at their classroom doors and be aware of students who may not be in their assigned classrooms.

All staff members are responsible for the conduct of all students throughout all school grounds and activities.

All teachers are required to maintain documentation for all students leaving the classroom. Documentation should include student name and destination. At the high school and middle school level the documentation should also include the time left the classroom, and the time returned to the classroom.

At the high school passes are required in the corridors therefore it is expected that teachers ask all students to see a pass. If teachers find students whose whereabouts are questionable, they should walk them back to class.

### **E-mails, Mailboxes, and Print Centers**

Because of the amount of written and electronic communication that often occurs during any given day, it is important that teachers check their e-mail and mailboxes before school each day and before leaving in the afternoon. Students are not permitted to pick up mail from your mailbox or use copy machines.

### **Cellular Telephones/Electronic Devices**

Staff members should model expectations for students with regards to the use of their personal communication devices. Staff members want to demonstrate discretion with the use of personal communication devices for personal use. It is expected that these devices will not be used in the presence of students for personal use.

### **Marking/Grading Belief Statement & Procedures**

It is the district's belief that grades reflect and communicate the acquisition of content and skills. Refusal to complete work is a behavior that should have a minimal impact on the student's overall grade and should be addressed through appropriate interventions. Students should be afforded opportunities to demonstrate learning through re-takes and/or make-ups. No student will receive any grade (quarter, trimester, final grade) less than 50 unless approved by administration (example for exception include cheating/plagiarism).

Teachers have the autonomy to exempt or adjust student workload based upon individual student needs and extenuating circumstances.

Every teacher is required to maintain grades and attendance using an electronic grade book, as provided by the district.

Teachers are required to update their electronic grade book within 10 school days after an assignment due date.

#### **Traditional Grading Expectations**

- Categories are defined and all categories are used to ensure accuracy with the grading formula.
- Weights within categories for different types of assignments are defined (i.e. tests, quizzes, projects, labs, etc.)
- Ensure that there are a minimum of five significant grades
- There must be no less than three graded assignments in any category weighted 40% or more
- When there are multiple weights within a category, those weighted the highest must have no less than three assignments (category=test/quizzes/projects 80%; if tests count 40% there must be a minimum of three).

## **Standards Based Grading Expectations**

To determine a trimester grade, teachers collect evidence of student learning through daily work, observation, formative and summative assessment. This evidence is used to determine whether the student has fully mastered the skill. Final reporting grades should be determined by considering at least three pieces of recent evidence per standard. Students should be able to consistently show proficiency. If three pieces of evidence do not show consistency, more evidence is needed.

A minimum of 5 substantial grades are required for every quarter, not including homework and class participation.

In subjects where homework is given, the teacher will determine each student's term grade in the following manner: Eighty percent of the grade will be determined by the substantial marks described above and other evaluation tools developed by the individual teacher.

All report cards will be accessible to parents through the district's Student Information System (SIS), PowerSchool. Parents Pre-K through 12 will be provided user access to PowerSchool to view final report cards.

## **Classroom Projects**

Classroom projects are a function of the schools; therefore teachers must plan for ample time in school for implementation and completion. To ensure student equity, classroom projects are to be completed in school.

## **Guest Speakers**

Guest speakers can enhance curriculum. However, before scheduling a speaker, teachers must obtain administrative approval. The administration must also be notified prior to the day a guest lecturer will be speaking.

## **Videos – Digital Viewing**

The viewing of movies and/or television shows as an instructional practice is strongly discouraged. Administrative approval is required for any video clip that is ten minutes or more in length and parents/caregivers must be notified one-week prior to the activity if the video clip is rated PG, PG-13, or R. Teachers are expected to preview all videos and identify all controversial segments as part of the approval process.

To conclude this process:

If parents/caregivers choose to exclude their student from the viewing, they have that right and it is necessary for you to have an alternative assignment that addresses the presented concepts.

## **Maintenance and Technology Requests**

All maintenance and technology requests must be submitted electronically.

## **Housekeeping**

Teachers are required to inspect their rooms regularly to maintain a clean, orderly learning environment.

Any graffiti, vandalism, or other damage in the room and desks must be reported immediately to administration. Any student who is caught intentionally vandalizing property must be referred to the office. Students should pick up large pieces of paper on the floor and place chairs on desks prior to exiting their last block class. Desks should be kept clean. Whiteboards should be reasonably clean. Bulletin boards should be utilized effectively to enhance the curriculum

Please close all windows and lock doors and turn off lights before exiting your classroom or office.

### **Movement of large pieces of furniture**

Please ask for assistance from our custodians when moving large cabinets, student desks, tables, and the teacher desks. They are more than willing to assist you.

### **Food**

All staff must refrain from serving students food in the classrooms. Staff will not permit the serving/distribution of food by students. Staff will be responsible for following the below procedure. The serving of food to teams or classes must adhere to the following procedure:

1. Food served or distributed through our cafeteria
2. Meet with school nurse to review food allergy procedures, food items to be served and class lists.
3. Administrative approval

At the high school and middle school levels classroom/team parties/celebrations including those prior to holidays, long weekends, weekends or school vacations are not permitted.

### **Leaving the Building:**

*Reference CBA Article 10, section 2(g)*

### **Teacher Planning**

It is expected that teachers will maintain a planning document that typically represents 3 days of advanced planning. While there is no district standard for administrative review of planning documents, they will be made available upon request.

### **Leave Requests**

<http://www.bourneps.org/Content2/62>

### **Pets/animals**

All staff members and students must receive approval from administration to bring an animal, (i.e. dogs, cats, birds, lizards, fish, geckos, etc.) to school at any time.

### **Text and Trade Books**

Teachers must keep a record of books issued to students and report any and all missing items and the replacement cost (if applicable) to the office.

## Teacher Absence from School

### Substitute Protocol - Absences:

1. Staff are required to submit all absences through Substitute Online [www.substituteonline.com](http://www.substituteonline.com)
2. For any staff member selecting “absence approved by principal” must have principal approval.
3. For any absence requiring administrative approval staff must submit said absence within one week of said approval.
4. Notice must be given to the building principal when a staff member knows that they will be out for consecutive days due to illness or injury to ensure proper planning and coverage.
5. Teachers may schedule a preferred substitute after confirming that the substitute is available.

**In the event that a staff member is going to be absent and has not yet reported it within an hour of the building start time, the staff member must contact the building principal. .**

### Emergency requests to leave school:

1. Requires direct communication with a building administrator
2. Must be submitted to Substitutes Online
3. Required forms must be completed following the absence

For questions regarding absences please contact building administrators.

## Classroom Coverage

Staff members may be assigned to cover a class in the event that there is shortage of staff. All efforts will be made to not impact preparatory time. Staff’s administrative duty may be reassigned for the purposes of supervising students in a classroom. If staff members volunteer to provide coverage during their preparatory time compensation will be provided as referenced in CBA Article 16, section 5(b).

## Substitute Plans

All teachers must maintain (and update as needed) emergency substitute plans. A copy of the substitute plans (not necessarily materials) should be submitted to the main office by the first Thursday of the school

Emergency plans left for substitutes should be simple and require no copying, gathering of equipment, or research on part of the substitute.

1. The following information must be submitted with your plans
  - a. Class lists
  - b. Seating charts for every class with students full name (if applicable)
  - c. At all times **three designated** days of emergency plans and location of class materials (Copies/book sets, etc.) must be in the front office
  - d. Teaching schedule
  - e. Your administrative duty
  - f. 504/IEP student accommodations
  - g. Medical/allergy information

## **Request for Information**

It is the responsibility of the teacher to seek permission from the building administrator prior to soliciting feedback from parents that is intended for decision making purposes.

## **Course Objectives/ Expectations**

A written explanation of the course expectations/requirements must be provided to every student within the first week of school. Copies are to be provided to parents at the scheduled Back to School Night and a copy must be on file in the main office no later than the Tuesday following Labor Day. Course objectives and expectations should be consistent with those listed in ATLAS.

## **Field Based Curriculum Experiences-**

All field trip proposals must be reviewed by the Principal and submitted on the district trip request e-form, 30 days in advance .A list of all students going on the field trip must be supplied to the main office. Every student must have a signed parental permission slip.

The following checklist has been designed to assist in the scheduling a field trip.

- Arrangements must be made with the building principal one week in advance for any special assistance that is required including supports needed for students on an IEP or 504 plan.
- Price quote must be received in writing from trip destination
- Price quote must be received in writing from the bus company
- Obtain written directions to the destination for yourself and the bus driver
- Chaperones (Parents/Caregivers) must have CORI check 4 weeks or one month prior to trip
- Permission slips must be distributed and collected from students
- Specific details of field trip must be supplied to the main office

## **Teachers' Responsibilities**

- Twenty-days prior to the field trip, a list of teacher chaperones must be submitted to administration for approval. Note, teachers who have teaching responsibilities (students who are not designated to attend the field trip) may not be approved as chaperones.
- Ten days prior to the scheduled trip, teachers must meet with the school nurse to review attending students' medical needs.
- Teachers should make sure that they explain the rules to students/chaperones before the trip begins.
- Count the number of students, chaperones and teachers (including you), prior to departure.
- One teacher with the directions is to sit in front of the bus. One teacher or chaperone is to be seated in the last seat of the bus; the last seat on the other side may be used for coolers. Nothing is to be in the aisle or blocking the emergency door. It is suggested that one teacher or chaperone be seated in the middle of the bus. It is easier to maintain discipline on a moving vehicle when these procedures are followed. (The number of chaperones may vary with the principal's approval.)
- All passengers are to be seated at all times. Nothing is to be in the aisles or near the windows.
- Students will not be permitted to eat food on school busses.
- No one is allowed to board the bus without the permission of the teacher. If an incident occurs that requires you to be stopped, either the driver or teacher is to get off the bus and exchange the necessary information. Return to the bus, as soon as possible, and resume your schedule.

- Teacher chaperones must submit a contact cellular telephone number to the office prior to the time of departure.
- Be prompt in returning to the bus at the designated time of departure. Make sure all students and chaperones are accounted for.
- After the trip is completed, the bus should be cleaned of all garbage.

### **Out of State/Overnight Field Based Curriculum Experiences/Athletics**

Please review requirements as outlined on the electronic form.

### **Professional Development**

The best professional development is embedded in the life of our schools and, for that reason, faculty meetings and common planning time are focused on learning and teaching. Additionally, instructional learning coaches are on staff in each building to work with teachers on best practices through modeling, co-teaching, and working collaboratively on unit/lesson design and delivery. A district-wide Professional Development Committee meets monthly to assess overall needs in the district and to plan professional development opportunities to meet those needs on in-service days. Also, several teacher-facilitated workshops are offered after school annually and are published in the In District Course Catalog on PD Express where staff members can register for them. The Professional Development Committee encourages staff to submit proposals on PD Express for potential in district offerings throughout the school year. Professional Development Points are awarded for many of these in district opportunities.

Professional development can also be obtained through attendance at outside workshops, seminars, and educational courses/degree programs that, once acquired, will assist the employee in performing his or her essential job functions and increase the employee's contribution to the organization. Employees must request outside professional development approval through PDExpress to attend and to receive reimbursement. Upon satisfactory completion of the professional development, employees must provide documentation and submit with the Tuition Reimbursement Request form to receive reimbursement.

### **Tuition Reimbursement\***

In each academic year of this Agreement (July 1<sup>st</sup> through June 30<sup>th</sup>) the Committee will reimburse full-time regular bargaining unit members [Unit A] up to \$1,500 for costs of graduate level courses related to their teaching position satisfactorily completed with a grade of "B" or better (or a "P" in a pass/fail course situation) or for the costs of attendance at conferences, workshops, professional meetings, visitation to other school districts, or for acquiring CEU's or PDP's with the prior written approval of the Principal/Primary evaluator. Bargaining unit members [Unit A] shall be reimbursed pursuant to this article within 30 calendar days of submission of the necessary forms. Bargaining unit members must submit for reimbursement within thirty days of receipt of final grade or completion of the course/workshop/conference/meeting/school visit. Extensions may be requested in the event that the final grade has not been posted. Except for costs of attendance at professional development requested and/or required by the Administration, substitute costs incurred as a result of the attendance of bargaining unit members [Unit A] at activities covered by this Article during the workday will be deducted from the Committee's gross amount budgeted as set forth above.

## **Nurse Contact**

### **Dismissal for Illness**

If a student indicates a desire to see the nurse, the classroom teacher should allow the student to go to the health clinic. If a student appears to be in immediate need of help, the teacher is to call and get assistance from the nurse.

### **Universal Precautions**

Universal precautions refer to the usual and ordinary steps all school staff need to take in order to reduce their risk of infection with HIV, the virus that causes AIDS, as well as all other blood-borne organisms (such as the Hepatitis B virus).

These precautions are universal because they refer to steps that need to be taken in all cases, not only when a staff member or student is known to be HIV infected.

They are precautions because they require foresight and planning, and should be integrated into existing safety guidelines.

Appropriate equipment (mops, buckets, bleach, hot water, hand soap, disposable towels and latex gloves) are readily available to custodians who are responsible for the cleanup of body fluid spills.

1. Treat human blood spills with caution.
2. Clean up blood spills promptly.
3. Inspect the intactness of skin on all exposed body parts, especially the hands. Cover all open cuts or broken skin, or ask another staff member to do the clean up. Latex gloves contribute an added measure of protection, but are not essential if skin is intact.
4. Clean up blood spills with a solution of one part household bleach to ten parts water, pouring the solution around the periphery of the spill. Disinfect mops, buckets and other cleaning equipment with fresh bleach solution.
5. Always wash hands after any contact with body fluids. This should be done immediately in order to avoid contaminating other surfaces or parts of the body (be especially careful not to touch your eyes before washing up). Soap and water will kill HIV.
6. Clean up other body fluid spills (urine, vomit, feces) unless grossly blood contaminated, in the usual manner. They do not pose a significant risk of HIV infection.

Adapted from Universal Precautions for School Settings, Massachusetts Department of Education and Medical Update to Massachusetts Policy Guidelines: Infants, Toddlers and Preschoolers with HIV Infection / AIDS in Early Childhood Settings (June 1989).

### **Allergies**

Reference School Committee Policy JU for Peanut, Peanut Product, and Tree Nut Procedure

In addition, the Bourne Public Schools (BPS) will maintain a system-wide response plan to address life threatening allergic reactions. Parents/caregivers, primary care physicians and/or allergists are encouraged to provide recommendations in writing to the appropriate building principal regarding the content of an Individual Health Care Plan (IHCP) for any student who has a life threatening allergy.

## **I. IMPLEMENTATION OF THE LIFE-THREATENING ALLERGY PROTOCOL (LTA)**

The Bourne Public Schools (BPS) will:

- A. Provide life-threatening allergy awareness education and EpiPen training for all BPS employees based on Department of Public Health and Department of Elementary and Secondary Education recommendations.
- B. Ensure that the use of food for curriculum instruction or special luncheons during the school day will be restricted to approval by the principal and school nurse. The use of food as a reward in any classroom will be eliminated, unless otherwise specified in an Individualized Education Plan (IEP) or 504.
- C. Implement a “No Food or Utensil Sharing” practice, with particular focus at the elementary school level to be monitored by the principal or her/his designee.
- D. If necessary, each elementary school will provide allergy "specific" free tables in the cafeteria in the elementary schools. Reasonable efforts will be made for such tables to become “free” of identified allergens as deemed needed for an individual student through documentation from the student’s primary care physician or board certified allergist. At the middle and high schools accommodations will be made as needed.
- E. Not permit bake sales at the elementary or middle schools during the school day. Bake sales conducted outside the school day are limited to those at which only adults are allowed to purchase products. At the high school level, the sale of food products as a fundraiser will be at the discretion of the principal. BPS staff is not responsible for implementing the Life Threatening Allergy Policy and related protocols and procedures during (1) school sponsored events beyond the school day that are open to the public (e.g. school athletic contests, plays, or ceremonies) or (2) programs or events on BPS property that are sponsored by various staff, parent, community, or private groups. School nurses are not available after school hours.
- F. Make reasonable efforts to create LTA-safe classrooms for students at the elementary level, when a student’s medical need to be in an LTA-safe environment is clearly documented by a board certified allergist, and clear directions from the allergist are provided, BPS will make reasonable efforts to create LTA-safe classrooms for the student. BPS reserves the right to consult with a board certified allergist of its choice to review the recommendation to determine if it will authorize its implementation.
- G. Include how to respond to a life threatening allergic reaction in each school's Incident Management Plan. The plan will be reviewed annually by each building principal and will be part of all LTA and EpiPen administration training.
- H. Sponsors accept responsibility for assuring that appropriate provisions concerning LTA's of participants are in place for events outside of the regular school day which is neither sponsored by BPS nor part of the BPS curriculum.

## **II. EMPLOYEE/CONTRACTOR TRAINING AND EDUCATION**

- A. Life-threatening allergy (LTA) awareness training will be required of all teachers, aides, tutors, secretaries and student teachers in the school system.
- B. The custodial staff either will be included in staff LTA-awareness training or will be offered informational sessions on life-threatening allergies by the building principal.

- C. All substitute teachers contracted by the BPS will receive LTA-awareness training, following the BPS curriculum. No substitute will be employed in the system who has not received this training. The Director of Special Education and Students Services and the school nurses will be responsible for ensuring that personnel who provide contracted services to BPS students and substitute teachers are provided LTA-awareness training.
- D. Food-service personnel contracted by BPS will be given building-based LTA-awareness training annually.
- E. The BPS Director of Business Services Office will offer to bus drivers the opportunity for LTA-awareness training annually, and will as part of the specifications with the bus contractor, require their participation.
- F. Principals or their designees will be responsible to schedule LTA-awareness training in their schools and to ensure that all employees are trained.

## RESOURCES

MA Department of Public Health: 105 CMR 210.100

Sicherer MD, Scott, et al. "Prevalence of peanut and tree nut allergy in the United States ...A 5 Year follow-up study" (December 2003). *Journal of Allergy and Clinical Immunology*...

"Report on EpiPen Administration in Schools." (2009). Boston, MA: Massachusetts Department of Public Health School Health Unit.

"Managing Life-Threatening Food Allergies in Schools" Massachusetts Department of Education (2002).

Sheetz, A. H. & Goodman, I. F. (Eds.). (2007). *The Comprehensive School Health Manual*. Boston, MA: Massachusetts Department of Public Health.

### First Aid Procedures

- Stay with the student (do not move him/her).
- Contact the main office and send for nurse (via student messenger if appropriate)
  - Give location of injured person
  - Give brief description of problem
- Immediately move all other students/bystanders to an alternate location
- The teacher should communicate directly with the nurse/healthcare provider when they arrive on scene regarding specific details of the incident.

<h3>Staff Meetings*</h3>
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- (a) No more than two building based staff meetings per month not to exceed one hour in duration. On a district-wide basis, all faculty meetings shall be held on Wednesdays. These meetings shall be scheduled within the same three Wednesdays each month across the district, leaving one Wednesday open for other meetings. Start and end time of the staff meeting will be determined by the building level Principal. The meeting will start after all assigned duties are completed. An agenda item in one faculty meeting per month will be listed as "other" to allow for discussion and concerns to be raised where all staff members are present (i.e. not broken off for teamwork)
- All system-wide meetings; such meetings not to be called more than twice a year, except for an unusual circumstance.
- (c) All District Coaches and Extracurricular Advisors will not be absent or excused from a staff

meeting due to practices, rehearsals, events, or scrimmages. Coaches and Extracurricular Advisors shall be excused for scheduled games and competitions with advanced notice to the Principal.

- (d) Anyone who misses a staff meeting will be expected to follow up with the building level administration.

Peebles & Bournedale Elementary Schools faculty meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month, unless otherwise noted by the building principal. The joint PES/BES faculty meeting will be held on the second Wednesday of the month, rotating meeting locations. ESPs will be provided the dates of meetings that they are expected to attend. .

Bourne Middle School faculty meetings will be held on the 2<sup>nd</sup> Wednesday of the month and the content area meetings will be held on the 4<sup>th</sup> Wednesday of the month, unless otherwise noted by the building principal. ESPs will be expected to attend the content area meeting dates.

Bourne High School team leader meetings will be the first Wednesday of the month. Team meetings will be held on the 2<sup>nd</sup> Wednesday of the month and the faculty meeting will be held on the 4<sup>th</sup> Wednesday of the month, unless otherwise noted by the building principal. ESPs will be expected to attend the faculty meeting dates.

\*CBA Article X Hours 2015-2018 CBA

Teacher Licensure – Fingerprinting
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**In order to teach in the BPS(s), you must hold an active and valid Massachusetts teaching license.**

The Massachusetts Department of Elementary and Secondary Education is responsible for licensing all professional educators including teachers, psychologists, guidance counselors, nurses, speech language pathologists and many other professional positions in the Bourne Public Schools. You can apply for your license and maintain your license through your ELAR account at DESE. It is very important for you to be familiar with your ELAR account which houses your demographic data, schools attended, license information and status, as well as other important documents that have been scanned into your file such as correspondence from DESE, MTEL test scores and other important documents. At the bottom of your profile, you will find all of this information.

Whether you are applying for a new license or renewing an existing license, it may take many months for DESE to process your request. Please plan accordingly.

Your license allows you to teach in Massachusetts, and every public school system is required by law to employ only teachers with an appropriate, valid license. Please be sure your license is always up to date and in good standing. The Superintendent will assist you at any time you need help in understanding the process or to help navigate the DESE.

## ***Code of Ethics of the Education Profession***

### **Preamble**

*The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.*

*The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.*

*The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.*

## **PRINCIPLE I**

### **Commitment to the Student**

The educator strives to help each student realize his or her potential as a worthy and effective member of society.

The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student's access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
  - i. Exclude any student from participation in any program
  - ii. Deny benefits to any student
  - iii. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

## **PRINCIPLE II**

### **Commitment to the Profession**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

*Adopted by the NEA 1975 Representative Assembly*

## SECTION III

### **Emergency Planning and Procedures Staff Resource Handbook**

Bourne Public Schools plans to adopt a new strategy for school lockdowns known as A.L.I.C.E. A.L.I.C.E. is an acronym for Alert, Lockdown, Inform, Counter, and Evacuate and is a more sophisticated and enhanced approach to school lockdowns. The philosophy of A.L.I.C.E. is to use technology and information in a way so that staff and students can make informed decisions. In a crisis, this program recommends removing as many people as possible from the danger zone. Currently, our lockdown procedures call for staff to lock doors, move students to hidden areas of a classroom and to remain quiet until clearance is given. A.L.I.C.E. represents a new way of thinking to enhance student safety during a critical incident.

It is our intention to train new staff and students in this approach across the District this school year.

## **A Guide to Emergency Planning and Disaster Preparedness**

To ensure effective and timely execution of school emergency plans, staff must be trained in emergency response procedures. Drills and exercises are essential parts of emergency planning. They provide a real test of staff and student awareness and the plan's effectiveness. Exercises will be planned throughout the year.

### **Communications**

This guide includes instructions for paths of communication among administrators, staff, teachers, district officials and community emergency responders. Linking people through multiple means of communication is the key to a quick and accurate response.

### **Crisis Management Team**

**Members:**

- Building Administrators**
- School Nurse**
- Support Staff Members (2)**
- Secretary (1)**
- Custodian (1)**

- The crisis management team will meet at least annually and following any incident.
- Building administrator activates school's emergency response plan; assesses the threat; orders protective measures such as lockdown, evacuation or shelter-in-place; notifies district authorities and provides situational updates; requests resources; establishes priorities, identifies issues and prepares an action plan with incident commander.

**We all must work as a team, regardless of anticipated roles, in the event of any emergency.**

## EMERGENCY TELEPHONE NUMBERS

### Emergencies---911

Police Department (non-emergency)	508-759-4420
Fire Department (non-emergency)	508-759-4412
State Police Bomb Squad	508-820-2121
Protective Services-Department of Social Services	800-423-2338
Poison Control Center	800-682-9211
NSTAR Electric/Gas	800-592-2000
Telephone-line trouble	411
Tobey Hospital	508-295-0880
Falmouth Hospital	508-548-5300
Mental Health Department	508-747-1500
American Red Cross	508-586-4790
Boston Weather Bureau	617-561-5754
Emergency Response Network	508-747-7783

### Administration

Superintendent	508-759-0660
Principal, Bourne High School	508-759-0670
Principal, Bourne Middle School	508-759-0690
Principal, Bournedale Elementary School	508-743-3800
Principal, Peebles Elementary School	508-759-0680