



LOKER ELEMENTARY SCHOOL

STAFF HANDBOOK 2016-2017

Revised September 2016

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FACULTY AND STAFF 2016-2017

Principal: Brian Jones

Administrative Assistant: Cathleen Holmes **Special Education Secretary:** Heather DeMasi

Room 1 - Kindergarten

Ilana Wyner
Jessica Dennehy (TA)

Room 2- Kindergarten

Rebecca Abrams
Colleen Cappellucci (TA)
Andrea Defina (TA)

Room 3- 1st Grade

Rose Marie Furey

Room 4- 1st Grade

Kathleen Germaine

Room 5- 2nd Grade

Janet Powers
TBD (TA)

Room 6- 2nd Grade

Brian O'Donnell

Room 9- 3rd Grade

Pamela Pingeton
Kelly Parente (TA)

Room 10- 3rd Grade

Michael O'Connor
Melissa Mee (TA)

Room 13- 4th Grade

Lindsay Doherty
Susan Olivier

Room 14- 4th Grade

Emeliza Ciavarro
Laura Trounson (TA)

Room 15- 5th Grade

Mike Moynihan

Room 16- 5th Grade

Jennifer Sole-Robertson
Patricia Arnheim (TA)

CURRICULUM SPECIALIST

Karyn Saxon: ELA & SS
Tricia O'Reilly: MA & SCI
Curriculum Secretary:
Lynn Featherstone

SPECIALISTS

ART: Jessica Sperandio
LIBRARY: Susan Allen
MUSIC: Kimberley Davis
STRINGS: Kimberley Davis,
Whitney Tandon
BAND: Tristie Keenan
P.E.: Daniel O'Connor
TECHNOLOGY: Stephanie Meyler

GUIDANCE

Laurel Pirelli

ELL

Amy Behr

METCO

Latisha Dukes-Pearson

SPECIAL EDUCATION

Karen Devine
Anne Johnson
Susan Lukianov
Janet Kaplan, OT
Paula Passi McCue, PT
Mindy Hochstadt, Speech

READING SPECIALIST

Debra Pellerin
Sarah Sontag

Math Coaches

K-2: Becky Lepow
3-5: Marie Pesaturo

FOOD SERVICES

Pauline Chin
TBD

HEALTH ROOM

Jennifer McLeod, RN

BUILDING SUBSTITUTE

Michael Kinsella
Caroline McCarthy
Lyssa McGrath

CUSTODIANS

Michael Silkonis (Head)
Roberto Bonilla
Rhanthy Rosirio

Computer Lab Assistant

Betsy Meindl

Recess Supervisor

Joe Libbin

WSCP Office

Connie Burgess
Nicole Curci
Kathy Hodge
Pat Keefe
Julie Potter
Rosemarie Teti

Superintendent's Office

Paul Stein	508-358-3774	Superintendent of Schools
Brad Crozier	508-358-3772	Assistant Superintendent
Susan Bottan	508-358-3750	Director of Business Affairs
Marlene Dodyk	508-358-3756	Director of Student Services
Gretchen Lutz	508-358-6818	Coordinator of Early Childhood/Out of District Program
BUS DISPATCHER		
Janet Delano	508-358-7543	

WAYLAND SCHOOL COMMITTEE

Ms. Ellen Grieco, Chair	Ellen_Grieco@wayland.k12.ma.us
Ms. Barb Fletcher, Vice Chair	Barb_Fletcher@wayland.k12.ma.us
Ms. Jeanne Downs	Jeanne_Downs@wayland.k12.ma.us
Ms. Kim Reichelt	Kim_Reichelt@wayland.k12.ma.us
Ms. Kathie Steinberg	Kathie_Steinberg@wayland.k12.ma.us

general email [info @ waylandschoolcommittee.org](mailto:info@waylandschoolcommittee.org)

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TEACHER CONFERENCES

The principal means of reporting to parents about their child's school adjustment and progress is through an individually scheduled conference with one or more teachers. These are scheduled two times during the year with every parent being invited to school at least twice.

The first conference period is scheduled during the early fall on the following Wednesday afternoons: October 5, October 19, October 26, November 2 and November 9. Teachers may choose to arrange times outside of these listed times as they deem necessary.

This conference will focus on each child's adjustment to the new grade, new teacher and new class composition. Emphasis at this meeting will be placed on sharing ideas, developing strategies and, if necessary, goal setting for the child. Each child's progress-to-date will be articulated at this time.

Again this year, in an attempt to spread out the periods when children's school progress is reported to parents, we have chosen the date of **January 26** to send out the first written report.

The second conference period will be held March 1, March 8, March 15, March 22 and March 29. Any subsequent meetings with parents will be scheduled by mutual agreement on an as-needed basis.

SCHOOL HOURS

Children should not arrive at school before **8:30 A.M.** since there are no teachers present for playground supervision before that time unless they are enrolled in the AM BASE program.

LUNCH PERIODS

11:30am-11:55am: 2nd/3rd Grade

12:05pm-12:35pm: K/1st Grade

12:45pm-1:10pm: 4th/5th Grade

There is no lunch period as part of the Half Day Kindergarten school day. Students should have a snack/recess during the morning and those children participating in the Full Day Kindergarten and BASE extended day program will be served lunch.

Student Expectations

The following are the student expectations for proper behavior throughout the school. Please be familiar with them as all staff is expected to assist students in adhering to all rules:

1. In the classroom, I

- follow directions.
- pay attention.
- listen to others' ideas.
- am serious and hardworking about learning.
- ask for help when I need it.
- act in a way so that everyone can learn.
- follow the classroom rules and routines.

2. In the hallways, I

- always walk.
- stay quiet, remembering to respect others' learning as I walk by.
- stay in line with my class.
- look at, but don't touch things in the hallways.
- keep the hallways clean, orderly, and attractive.
- leave others' belongings alone.

3. On the bus, I

- stay in my seat until it is my turn to get off.
- keep my hands, feet, and backpack, etc. in my own space.
- keep everything inside the bus.
- use a quiet voice, talk only to people close by.
- keep the content of my conversations appropriate.

- keep the bus clean and attractive.
- take turns being first in line at my bus stop.

Safety is the number one thing!
The bus driver is in charge at all times!

4. In the bathroom, I

- use a quiet voice.
- respect others' privacy.
- flush toilets and wash hands.
- place towels or other paper in trash cans.
- don't climb or play.
- keep sinks clean and never spray water at others.
- report problems to my teacher.

5. On field trips, I

- follow all the bus rules during the ride.
- pay attention to directions from the adults in charge.
- move in a quiet orderly way.
- use a school listening look.
- listen respectfully to any presentation.
- raise my hand if I need something or have a question.
- use an appropriate voice and appropriate language.
- clap politely when a presentation ends.
- finish any work that I am supposed to do.
- am a good representative of the community for Loker Elementary School.
- act in a way so that everyone there can learn and enjoy the event.

Safety is the number one thing. My chaperone is in charge at all times.

6. On the playground, I

- Stay on the playground where teachers can see me. I do not go into the woods or around the sides of the building.
- Ask a teacher first if I need to go back into the building.
- Include everybody.
- Use the structures and equipment safely.
 - I don't run, play chase games or tag on or around the equipment.
 - I go down slides and go feet first on slides.
 - I don't jump off equipment.
 - I use jump ropes for jumping.
- Take the first step. I try and solve my own problems first, then go get a teacher if that doesn't work.

- Report all Double D's to a teacher or other adult immediately. A Double D is anything dangerous or destructive.
- Don't bully or allow others to bully or be bullied. Bullying will not be tolerated.
- Play games fairly. I know that
 - all children can play at the beginning.
 - every student gets a turn.
 - every student follows the same rules.
 - rules are agreed upon before the game starts.
- Bring balls or other toys outside and bring them back outside. If I borrow equipment from another classroom or student, I return it to that classroom or student.

Consequences

Consequences will be specific to the student(s) behavior and needs and in line with The Open Circle Program. The principal and SPED point person/liaison will work with the staff to help the children learn and grow from their times of trouble.

Note – The principal or other person in charge has the right to inspect a student's desk or personal belongings if he/she feels it is necessary in order to ensure the safety of any students or adults.

BACK TO SCHOOL/CURRICULUM NIGHT

Loker: Thursday, September 8, 2016 (Curriculum Night)

Claypit Hill & Happy Hollow: Wednesday, September 7, 2016 (Curriculum Night Grades 3-5)

Claypit Hill & Happy Hollow: Thursday, September 8, 2016 (Curriculum Night Grades K-2)

Middle School: Thursday, September 22, 2016 (Grade 6 Back to School Night)

Thursday, September 29, 2016 (Grades 7 & 8 Back to School Night)

High School: Thursday, September 15, 2016 (Back to School Night)

FACULTY MEETINGS

First Wednesday of each month @ **7:30am-8:30am** in the maker space lab.

September 7	February 1
October 5	March 1
November 2	April 5
December 7	May 3
January 4	June 7

SCHOOL MEETING/ASSEMBLY DATES:

Every other Wednesday from 9:05am-9:30am

NEWSLETTER DATES

On the second Friday of each month, the principal/school news, PTO news and community news will go out as a newsletter. This will be sent out electronically to anyone who has signed up for the Loker listserv. There will be a weekly email sent out to the Loker School community on Tuesdays in addition to the newsletter entitled the Loker School Scoop.

FACULTY/STAFF ABSENCES

In the event you are ill or cannot come into work, you are responsible for reporting your absence to Brian. **Please call as early as possible at 857-919-0196 (cell)**, Calls after 6:30 am will not be picked up. **Cell phone messages sometimes arrive in the message system late so please allow for a delay and consider the time it will take for a substitute to be notified and to drive to the school.** Leave a message and then **also** call the school (508) 358-8601 to duplicate the message.

STUDENT ATTENDANCE POLICIES**A. ABSENCE POLICY:**

Children returning to school from an absence must have a note from home explaining the absence. These notes are to be sent to the office. Written excuses for absences due to communicable diseases should be forwarded to the school nurse/office. **Please make sure to check your attendance for accuracy. It matters in our Safe to School Program. Your marks become part of the legal state documentation of student attendance.**

B. TARDINESS POLICY:

Any tardiness is considered to be a partial absence for which a written excuse, stating the reason for tardiness, is required. The names of children who are flagrant violators of this policy should be sent to the office for proper action. **Please inform the parents/students that they are to report directly to the office before being admitted to class when tardy.**

C. DISMISSAL POLICY:

No child may be dismissed from school without authorization from the office.

1. Parents who request the dismissal of their child must do so in writing. These requests are to be forwarded to the office for approval.
2. The school office will handle dismissal due to illness. Transportation will be arranged and the teacher notified of the child's dismissal by the school's Administrative Assistant.

3. In all cases of dismissal, the child must be picked up by the parents at the school office (or designated area by office staff) and signed out.

FIRST AID PROCEDURES:

A. The Public Health Nurse is available the entire school day in cases of emergency to give first aid in accidents, which seem to need medical attention. In such cases, the child should be made comfortable while the nurse is called.

B. Minor scrapes and scratches should be taken care of by the classroom teacher. All classes are provided with a First-Aid Kit for this purpose. All kits must be signed out with the Public Health Nurse and the classroom teacher is responsible for alerting her/him if the kit needs to be replenished.

C. Children whose injuries appear to be in need of further attention should be taken to the school nurse.

D. Teachers are to read the handbook provided by the Town Public Health Department and should be able to handle most situations.

E. Accident Report Forms are to be filled out by the teacher on duty at the time of the accident. The form is to be completed in triplicate within twenty-four (24) hours of the accident.

F. Pupil Accidents: When a pupil is injured in school or has his clothes badly torn, the teacher should gather all the facts and report them to the parent as soon as possible. Parents are entitled to know the facts in the case.

G. Adult Injury: All injuries to adults must be reported to the school Administrative Assistant before the close of the day. INDUSTRIAL ACCIDENT FORMS MUST BE FILED WITHIN 48 HOURS OF AN INJURY

TELEPHONE CALLS

Teacher Calls: Telephones located in the school are there for your convenience to use on school business, such as communicating with parents, other schools, outside resources, etc. There are times when it is necessary to conduct personal business during the school day, but this should be the exception rather than the rule. Personal toll calls should have the charges billed to your calling card. Teachers should not take calls in the classroom on their cell phones in the presence of students.

Student Calls: Students may use the office phone when deemed necessary by a staff member. Such times will be supervised by an adult and students should not be left alone when using a phone.

SUPERVISION OF STUDENTS

A. The classroom teacher will begin his/her workday fifteen (15) minutes before the starting time for students (8:45 a.m.) and will be permitted to leave when his/her professional responsibilities are fulfilled. Nonetheless, he/she shall not leave any sooner than thirty (30) minutes after the end of the regular school day unless granted permission to do so by the principal.

B. Morning bus duty is from 8:30 a.m. – 8:45 a.m. Teachers assigned to duty are to be at their station by 8:30 a.m.

C. Children will enter the building upon the direction of teachers on duty. There will be no before recess time so all students will enter the building at 8:30 a.m. and go directly to their classrooms.

D. Classrooms:

1. To ensure student safety, no teacher is to leave his/her group unsupervised at any time. Teachers have the responsibility of exercising proper and adequate supervision over pupils who have been placed in their charge.
2. If a teacher has to leave the room for an emergency, he/she should contract the office for someone to take over the class. In the meantime, the teacher next door can keep watch until the class is covered.
3. Teachers keeping children in from recess or after school for punishment must remain in the room with these children at all times. These children are not to be sent to the office for supervision unless the principal has been briefed about the necessity to do so.
4. If students are working outside the classroom in a small group, they must have an adult present at all times.

PLAN BOOKS

Plan books are to be filled out for at least three (3) days in advance, in detail. They are to be kept on top of the desk at all times for inspection and substitute use.

SEATING CHARTS

Up-to-date seating charts (or student name plates taped clearing in view on student desks or tables) should be available for all classes on the teacher's desk. This is an invaluable aid in helping substitutes control the class.

HOUSEKEEPING

Each class is responsible for keeping its room clean. All papers, pencils, etc. should be cleaned from the floor before the pupils leave for the day.

ATTENDANCE REGISTERS

The school Administrative Assistant will keep the class attendance registers. This will be taken from the daily attendance sheets filled out by the teachers. Teachers are responsible for making sure that all class lists, class enrollment figures and attendance sheets are accurate and up to date. Any and all discrepancies must be reported to the office immediately.

ATTENDANCE AT PROFESSIONAL CONFERENCES

Staff members are encouraged to attend professional conferences and visit other schools and classrooms. Since monies budgeted under each subject area are limited, it may not be possible to approve all requests. The principal will make decisions relating to the attendance at such conferences taking into account staff needs, curriculum priorities, funds available and matters relating to pupil coverage. The procedure to attend a conference is as follows:

- A. Discuss the conference with the principal.
- B. Complete the conference form and submit it for principal's approval.

Loker School
Bus Duty Schedule

- 1) Front Entrance
- 2) Front Entrance

The proper supervision of children is critical at all times. Supervisors are asked not to carry on conversations with colleagues or parents while performing this duty.

Area	Monday	Tuesday	Wednesday	Thursday	Friday
1	Kim	Karen	Daniel	Kim	Susan A.
2	Stephanie	Jessica S.	Stephanie	Brian	Daniel

Dismissal Schedule

Area	Monday	Tuesday	Wednesday	Thursday	Friday
1	Jessica S.	Daniel	Laurel	Anne	Daniel
2	Stephanie	Jessica S.	Kimberley	Jessica S.	Sue L.

Faculty and Staff Rules for Acceptable Use of Wayland Public Schools Computers and Networks

A. Introduction

Wayland Public Schools (also WPS and the "District" elsewhere in this document) is committed to providing a robust information technology environment to support its students and faculty in the pursuit of their academic and instructional objectives. Wayland Public Schools makes available a range of information technology resources, which are intended to be used for educational and professional purposes and in accordance with the mission of the Wayland Public Schools only. "Professional Purposes" refers to those tasks and requirements for fulfilling professional duties as related to working at Wayland Public Schools. All those who use the information technology resources at Wayland Public Schools must comply with the written policies covering their use as well as the "spirit and intent" of those policies.

B. Network and Computing Facilities Provided by Wayland Public Schools

Email

Email allows employees to communicate with people from within our district and throughout the world.

World Wide Web

The Web provides access to a wide range of information in the form of text, graphics, photographs, video, and sound, from throughout the world. The Web is a valuable research and publishing tool.

Telnet

Telnet allows the user to log in to remote computers.

File Transfer Protocol (FTP)

FTP allows users to download large files and computer software.

Local Area Network

Desktop computers are connected to local file servers to enable users to easily store and share files and share resources.

Software

A full suite of personal productivity software (word processor, spreadsheet, database, email, web browser, desktop security) is available on every networked computer in the district. Other software, including curriculum specific software is widely available on various computers throughout the district. Gradebook software is available for every computer at the High School and Middle School, as well as for the home computers of teachers.

Peripherals

Printers, digital cameras, scanners, and projection devices are provided as widely as possible throughout the district for student and staff use.

C. Appropriate Use

Appropriate use of the network and computing facilities include those uses that support:

Instruction

Independent Study

**Research
 Career or Professional-Development Activities
 Official Work of the Offices and Departments of the Wayland Public Schools
 Limited High-Quality Self Discovery / Exploration**

D. Inappropriate Use

There are unacceptable uses of the District computing facilities and network. Inappropriate uses can be classified into two categories: illegal and prohibited. Examples of illegal and prohibited activities follow. This list is not to be viewed as comprehensive but as explanatory. Wayland Public Schools is responsible to refer any and all illegal activities to the appropriate law enforcement agency. **Illegal uses include:** *obscenity, libel, threats, hate postings, sexual harassment, and copyright violations.* Prohibited activities are based on the *intended* use of the instructional network and computing facilities. Therefore, **examples of prohibited activities are:** *pornography, profanity, plagiarism, commercial use, political lobbying and anonymous messages.* Any use that does not directly support educational and professional purposes and is in accordance with the mission of the Wayland Public Schools is considered prohibited.

Employee violations of the Staff Acceptable Use Policy will be referred to the appropriate supervisory personnel.

Examples of **inappropriate** activities include (but are not limited to):

Commercial Use

WPS computing facilities should not be used for commercial services, defined as "offering or providing products or services."

Political Lobbying

The use of a district system 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 also be appropriate. But engaging in fundraising or other political activity will be considered unacceptable.

Obstructing or Disrupting Computing Facilities

Any activity that intentionally obstructs or hinders network traffic, network resources, or desktop security is prohibited. Such actions are illegal. Activities included in this category are any that harm other people, damage the computer, network, or information that belongs to someone else.

Accessing Improper Material

Use of the district computing facilities to access material that is profane, vulgar, or obscene (pornography), that advocates or condones the commission of unlawful acts (illegal), or that advocates or condones violence or discrimination towards other people (hate literature) is prohibited.

Accessing the Files of Others

Any attempt to access the files of another individual is strictly not allowed. This includes attempting to log in 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

directories for this purpose and staff is encouraged to use these shared locations when they want to share a "non-private" file with others.

Etiquette

Activities covered under general computing and network etiquette include viewing, sending, or displaying offensive messages or pictures, or wasting limited resources such as disk space or printing capacity.

Sharing Accounts or Passwords

Your network login and password are for your own individual use. Do not share your account or password with anyone. If you suspect that someone may have obtained your password, change it immediately. Conversely, using someone else's password to access services or data is also a violation of policy, regardless of how the password was obtained. Do not use anyone else's password, account, or email

E. Privacy

The information systems of Wayland Public Schools and the files that reside on the computers are the property of Wayland Public Schools. Therefore, there is only a limited expectation of privacy within the network, just as there is for any storage facility in the schools. The District has the right to examine all data stored on computers or disks, which are the property of the District to ensure that users are in compliance with these regulations.

Individuals should be aware that our computing systems *do* generate logs of the activities of users including login and logout times, web sites accessed, software launched, etc. Routine maintenance and monitoring of the system and these logs may lead to discovery that a user has violated or is violating the Staff Acceptable Use Policy, or the law. Please be aware that any misuse (as outlined in this document) of the computing facilities provided by Wayland Public Schools will be referred to the appropriate supervisory personnel.

Email is simply another system resource. It is data that is stored on District computers, and is regularly backed up to tape. Under normal circumstances, system administrators will **not** access anyone's email. However, it should be noted that email *is* insecure and may be read by authorized information system management personnel when deemed necessary by the Superintendent or by local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted using the District system.

F. Email Use

Please do not overload the communications servers and please do not abuse your communications privileges. Email is a fast, convenient form of communication. However, the following list represents email activities, which are prohibited and/or discouraged.

Wayland Email Guidelines:

Chain Email Letters: Forwarding chain email is a violation of WPS computing policy. Phrases in the subject line can usually identify chain email, such as "Forward - do not

delete," "don't break the chain," etc. Some chain emails promise good luck, promise easy money, tell stories and ask for help, or warn of false email viruses. If there are a large number of addresses in the message, chances are very good that it is a chain email. "Get rich quick" schemes will invariably claim to be "completely legal." Do not be fooled. Delete all chain email from your account and do not forward.

"Bombing": Sending numerous or large email messages to one person is considered "email bombing." Even if no harm was intended or it was simply a "harmless prank," an email "bomb" can disrupt service to all users and is strictly forbidden.

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 (for example, the "From" in email, or the IP address in headers) is also prohibited.

Attachments and File Size: Users are discouraged from sending large files (greater than 2 MB) as this noticeably slows network traffic for all users. Files such as Internet "greeting cards" that contain animation and sound are discouraged for the same reason.

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 WPS policy. 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 the Director of Technology or your supervisor. Be sure to save copies of all harassing material.

G. District Limitation of Liability

Wayland Public Schools makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the District system 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.

File: JICFB

BULLYING PREVENTION

The Wayland Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve his/her own highest academic standards. No student shall be subjected to bullying, or cyber-bullying.

“Bullying” is the repeated use by one or more students or school staff members of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

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

“Cyber-bullying” is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photo-electronic or photo-optical systems, including but not limited to, electronic mail, internet communications, instant messages or facsimile communications-

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

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

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, parents or guardians of students involved in incidents of bullying, cyber-bullying or retaliation are expected to cooperate fully with the administration.

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

It is a violation of this policy for any student or school staff members to engage in Bullying, or for any employee of the Wayland Public Schools to condone or fail to report acts of bullying that they witness or become aware of.

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities, functions or programs, whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,

- Through the use of technology or an electronic device owned, leased or used by the Wayland Public schools;

Bullying is also prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Wayland Public Schools if the act or acts in question:

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or
- materially and substantially disrupts the education process or the orderly operation of a school, as determined by school administrators.

Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The Bullying Prevention and Intervention Plan shall represent the School District's philosophy of prevention built-on education, discipline, and intervention, and it shall set forth the administrative guidelines and procedures for the implementation of this policy. Such plan shall include, but not be limited to; procedures for reporting, responding to and investigating reports of bullying or retaliation; the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation or against someone for making a false accusation of bullying; procedures for remedying incidents of bullying and restoring a sense of safety for a target of bullying and assessing that target's needs for protection; strategies for protecting from bullying or retaliation a person who reports bullying or provides information during an investigation; any notification requirements consistent with applicable law; a strategy for providing counseling or referral to appropriate services for perpetrators, targets and family members; and provisions for informing parents about the School District's bullying prevention curriculum. The Bullying Prevention and Intervention Plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the Bullying Prevention and Implementation Plan within his or her school.

Reporting

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are strongly urged to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying. Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

Each school shall have a means for anonymous reporting by students and adults of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous

report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

A member of a school staff (including but not limited to educators, administrators, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor, advisor to an extracurricular activity, or paraprofessional) who witnessed or becomes aware of alleged Bullying, Cyber-bullying or retaliation shall immediately report it to the school principal or ~~their~~ designee.

Investigation Procedures

The Principal or their designee, upon receipt of a viable report of alleged bullying, shall promptly conduct an investigation. The investigation shall be completed within a reasonable amount of time from the date of the report. At a minimum the Principal or his/her designee shall contact the parents or guardians as to the status of the investigation on an as necessary basis.

The school principal or a designee will use a Bullying/Cyber-bullying Report Form during his/her investigation, which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses. The school principal or designee may also contact the parents or guardians of the alleged target or perpetrator during the investigation.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

If the school principal or a designee determines that bullying has occurred he/she shall:

- Notify the parents or guardians of the perpetrator;
- Notify the parents or guardians of the target. and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying, cyber-bullying or retaliation;
- Take appropriate disciplinary action; and
- Notify the police if the principal or designee, after consulting with the Superintendent of Schools, believes that criminal charges may be pursued against the perpetrator.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

Retaliation

Retaliation against a person who reports bullying, provides information during an investigation

of bullying, or witnesses or has reliable information about bullying shall be prohibited.

Target Assistance

The Wayland Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

Training and Assessment

Annual training shall be provided for school faculty and staff in preventing, identifying, responding to, and reporting incidents of bullying.

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

Publication and Notice

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

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Wayland Public Schools website. Each building principal shall be responsible for the implementation and oversight of the Plan at his or her school. The building principal or designee shall assist students, parents and employees of the School District who seek guidance or support in addressing matters relating to any form of Bullying, Cyber-bullying or retaliation.

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

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
603 CMR 26.00
MGL 71:37O
MGL 265:43, 43A
MGL 268:13B
MGL 269:14A

CROSS REFS.: AC, Nondiscrimination
 ACAB, Sexual Harassment
 JBA, Student-to-Student Harassment
 JICFA, Prohibition of Hazing

 JK, Student Discipline Regulations

APPROVED December 11, 2015

File copies of **Bullying Investigation Form**, **Incident Reporting Form** (if any), **Behavioral Remediation Agreement** (if any), and **Individual Behavior Plan** (if any, for repeat offenders only) in student file.

	Victim (s)	Perpetrator (s)
Bullying Investigation Form	<input type="checkbox"/>	<input type="checkbox"/>
Incident Reporting Form	<input type="checkbox"/>	<input type="checkbox"/>
Behavioral Remediation Agreement		<input type="checkbox"/>
Individual Behavior Plan (repeat offenders)		<input type="checkbox"/>
Notify Special Education (repeat offenders)		<input type="checkbox"/>
Note on school alert system (e.g., iPass)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of reports to counselor	<input type="checkbox"/>	<input type="checkbox"/>

Wayland Public Schools			
INCIDENT REPORTING FORM			
<p>Directions: The Wayland Public Schools is committed to providing a safe environment to all members of our community. Despite our best intentions, incidents between students do occur at times. If you wish to report a disturbing incident between two or more students, complete this form and return it to the Principal at the student’s school. Contact the school for additional information or assistance at any time. This form can be completed anonymously by omitting signature and name. Every reported act of bullying will be investigated. Parents of offenders and targets will be contacted in cases of confirmed bullying.</p>			
Date of report:			
Name of student target:	Age:	Grade:	School :
Name(s) of alleged offender(s) (If known):	Age:	Grade:	School :
Name(s) of witness(es) (If known):			
Where did the incident(s) happen (choose all that apply)?			
<input type="checkbox"/> On school property <input type="checkbox"/> At a school-sponsored activity or event off school property <input type="checkbox"/> Online/via			

technology
 On a school bus On the way to/from school Other: _____

What best describes what happened (choose all that apply):
 Teasing Threat/Property Damage Stalking Theft/Property Damage
 Social exclusion Intimidation Physical violence Public humiliation
 Retaliation Sexual Harassment Other: _____

What did the alleged offender(s) say or do? (Include dates. Attach a separate sheet if necessary)

Did a physical injury result from this incident?
 No Yes, but it did not require medical attention Yes, and it required medical attention

Is there any additional information you would like to provide? (Attach a separate sheet if necessary)

Name Of Person Reporting Incident (Optional):
 Telephone (optional) _____ E-mail _____
 (optional): _____
 Place an X in the appropriate box: Student Parent/guardian Other: _____

Signature: _____ Date: _____

Administrative Action Taken: Date: _____

Administrator: _____

(Form modeled after Polk County Public Schools Harassment or Bullying Reporting Form)

Wayland Public Schools			
BULLYING INVESTIGATION FORM			
Investigation start date:			
Name of student target:	Age:	Grade:	School :
Name(s) of alleged offender(s) (If known):	Age:	Grade:	School :
<p>Investigation</p> <ul style="list-style-type: none"> Review & Attach Incident Reporting Form Review students' discipline and school records (include: IEP, 504s) Consult as needed with additional staff (e.g. SPED Liaison, METCO advisor, counselor, nurse). Include names here: Determine which additional staff, if any, needs to be present during student interviews and/or decision process. Include names here: Conduct students interviews Read back to each student a summary of his or her account to ensure accuracy of your notes. If physical injuries occurred, ask nurse to examine victim. The following checked items are attached to this report <ul style="list-style-type: none"> <i>Incident Reporting Form (if available)</i> 			

- Print-outs of blog posts, social networking pages, emails, etc.
- Copies of other evidence
- Copies of investigator's notes (e.g. transcripts of interviews, etc.)
- Nurse report(s)
- Police report(s)
- Written statements from interviewees, reporters, etc.

Determination:

- Check all that apply:
 - **repeated use** by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (must include at least of the following)
 - causes **physical or emotional harm** to the victim or damage to the victim's property;
 - places the victim in **reasonable fear of harm to himself** or herself or damage to his or her property;
 - creates a **hostile environment** at school for the victim;
 - **infringes on the rights** of the victim at school; or
 - materially and substantially **disrupts the education process** or the orderly operation of a school.
 - *Involves an imbalance of perceived or real physical or social power between victim and perpetrator(s)*
 - *Retaliation from reporting of previous incident*
- Provide brief description of the nature of the bullying (if any):
- Provide a Final determination:
 - Incidents **did not** meet the standard of bullying
 - Bullying has occurred and will be dealt with in-house
 - Criminal bullying has occurred and police should be notified of possible criminal charges

Response Plan (if any)

Disciplinary Actions:

Remediation Actions:

- *Behavioral Remediation Agreement* attached
- *Individual Behavior Plan* attached (repeat offenders only)

Student Safety Actions:

Administrator/Investigator Signature

Date:

Wayland Public Schools			
BEHAVIORAL REMEDIATION AGREEMENT			
Date:			
Name of student:	Age:	Grade:	School :
Reason for Behavioral Remediation Agreement:			
I agree to the following terms to change my behavior :			
I will need the following support(s) to help me meet the obligations of my agreement:			
The implications of me NOT meeting the expectations are as follows:			
Student Signature:		Date:	
Parent/Guardian Signature:		Date:	
Administrator/Investigator Signature		Date:	

Wayland Public Schools			
INDIVIDUAL BEHAVIORAL PLAN			
Date:			
Name of student:	Age:	Grade:	School :
Reason for Behavior Plan:			

Student Behavior Goal:	
1. Objective	
2. Objective	
3. Objective	
Student Supports	
Timeline/Monitoring Of Plan And Progress Towards Goals	
Daily__ Team Contact_____	
Weekly__ Team Contact_____	
Termination From Plan	
Date Of Termination:	
Student Signature:	Date:
Parent/Guardian Signature:	Date:
Plan Coordinator:	Date:
Administrator/Investigator Signature	Date:



In an effort to help plan our response in an emergency we have created the following procedures.

In the event of an emergency, please be sure you have your class list, emergency procedures booklet, and the red/green sign when you exit the building for a fire drill or any other emergency drill. Familiarize yourself with the evacuation routes on the map located inside your room. Be sure that this information is posted in your classroom so a substitute can find it. Include another copy in your substitute folder.

WHEN THE FIRE ALARM GOES OFF:

- ❑ Close the door to the hallway before you exit.
- ❑ Take the plastic sleeve with the information you need, exit through the nearest outside exit and go immediately to your assigned spot.
- ❑ When the class reaches their assigned spot assemble in alphabetical order to facilitate attendance. Hold up your red/green card: if everyone is accounted for hold up the green side; if you have students who are not with the class hold up the red side. Someone will come and get the names of missing students. These “runners” will be responsible for returning students to their classroom teacher or to the specialist who has the class at the time of the fire drill.
- ❑ All volunteers and other non-staff adults who do not have students with them at the time of the drill should exit the building and assemble at the front of the building.
- ❑ Runners: Assigned Teaching Assistants will sweep the playground to check for red cards. They will then get the names of children who are not accounted for by their classroom teacher. SPED Administrative Assistant or Administrative Assistant will check the parking lots and the kindergarten side of the building. When they find out which students are missing (and where they are believed to be) they will find the students and return them to either the classroom or the specialist who has the rest of the class. They will be assisted, as needed, by staff that does not have responsibility for children at that time. Runners will also distribute additional information to teachers as needed.

Bathrooms:

Office Administrative Assistants will check both bathrooms.

Kindergarten: Teaching Assistant will check the bathroom in their room.

Office:

Administrative Assistants will leave the building with the daily attendance sheet and the emergency cards. Nurses will leave with emergency meds and student information.

Halls: If a student is in the hall and not able to return to their classroom; please take the student with your class. If their class is nearby where you stand they can return to their own class. Otherwise be sure that a Runner knows you have that child so they can return them to their class.

Do not reenter the building until you hear a directive to do so. In the event that we need to reassemble somewhere else the Runners will give the information to teachers. If it is necessary to leave the school grounds and go elsewhere the students will not be released to parents until a time when it is deemed safe to do so. The principal will make that decision in conjunction with the Police, Fire, and Superintendent.

For a Shelter in Place, the office will announce that the school is going into a shelter in place. All teachers should move their children away from the windows, if possible closing the shades.

If you have a door wedge it should be placed in the door so that no one can enter the room without first saying an agreed upon “safe word”. Students should be instructed to stay where they are in the case of a shelter in place call. If they are in the bathrooms, they should close the doors and go to a corner away from the windows. Slide your red card out the door so that runners can locate children in other parts of the building when and if it is safe to do so.

- In the event of an intruder on school grounds, we will be following the ALICE/ALIE protocol. Information regarding this will be shared with staff at another time.

CONDUCT

Chapter 222 of the Acts of 2012

The Wayland Public Schools adheres to the provisions of Massachusetts General Laws Chapter 71, sections 37H, 37H ½ and 37H ¾ as well as 603 CMR 53.00 et seq.

Definitions:

1. **Short Term, In-School Suspension** is the removal of a student from regular classroom activities for ten (10) consecutive or cumulative school days or less in one school year. Please note that removal from participation in extracurricular activities does not count as a removal from school in calculating the duration of a suspension.
2. **Short Term, Out of School Suspension** is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive or cumulative school days or less in one school year. Please note that removal from participation in extracurricular activities does not count as a removal from school in calculating the duration of a suspension.
3. **Long Term Suspension** is defined as the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days in one school year, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A long term suspension can occur after ten (10) or more cumulative or consecutive school days of in-school suspension, as well as out-of-school suspension. A long term suspension may be served in school. Except for M.G.L. c. 71, sects. 37H and 37H1/2 offenses, a long term suspension may not be imposed for more than ninety (90) school days in a school year and does not extend from school year to school year.
4. **Emergency Removal** is a brief removal of a student from the school premises and regular classroom activities for no more than two (2) school days following the date of the emergency removal when the continued presence of the student poses a danger to persons or property.

5. **School Wide Education Service** is a document created by the Principal that “includes a list of educational services available for students who are expelled or suspended from school for more than ten (10) consecutive days”. This list will include events and activities which represent the student’s opportunity to continue to receive educational services and make progress while suspended or expelled.
6. Principal refers to the Principal or his/her designee. Superintendent of Schools refers to the Wayland Public Schools Superintendent of Schools or his/her designee.

PROCEDURES FOR A SHORT TERM IN-SCHOOL SUSPENSION

A short term, in-school suspension may be used as an alternative to short-term, out-of-school suspension. An in-school suspension means the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions in one school year.

If the Principal chooses this alternative, the Principal shall inform the student of the disciplinary offense charged and the basis for that charge; the Principal shall provide the student an opportunity to dispute the charge and explain the circumstances surrounding the charge. If an in-school suspension is issued, the Principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the offense, and the length of the in-school suspension.

The Principal shall also invite the parent to a meeting to discuss the student’s academic performance and behavior, strategies for student engagement, and possible responses to the behavior. This meeting shall be schedule on the day of the suspension, if possible, or as soon as possible thereafter. The Principal shall also send written notice to the student and parent about the in-school suspension, including the reason and length of the in-school suspension, and inviting the parent the above described meeting, if such meeting has not already occurred.

PROCEDURES FOR SHORT-TERM, OUT-OF- SCHOOL SUSPENSION

(exclusion of a student from school premises and regular classroom activities for a specified period of not more than ten school days.)

The principal, or his/her designee, may suspend students on a short-term basis. Unless a student poses a danger to persons or property, or the suspension/expulsion is pursuant to M.G.L. c. 71, sect. 37H or 37H 1/2 , the student will receive the following prior to a short-term suspension:

1. Oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
 - i. The disciplinary offense;
 - ii. The basis for the charge;
 - iii. The potential consequences, including the potential length of the suspension;
 - iv. The opportunity to have a hearing with the Principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student’s explanation of the alleged incident;

- v. The date, time, and location of the hearing;
 - vi. The right of the parent and student to interpreter services at the hearing; and
 - vii. If the student may be placed on a long-term suspension following the hearing with the principal:
 - 1. The rights set forth under the “Procedures for Long-Term Suspension”; and
 - 2. The right to appeal the principal’s decision to the superintendent.
2. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The Principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct the hearing without the parent, the Principal must be able to document reasonable efforts to include the parent. The Principal is presumed to have made reasonable efforts if the Principal sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
 3. Based on the available information, the Principal shall make a determination as to whether the student committed the disciplinary offences and what remedy shall be imposed. The Principal shall notice the student and parent in writing of his/her decision, the reasons for it, and, if applicable, the type and duration of the suspension and the opportunity to make up assignments and other academic work.
 4. If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

PROCEDURES FOR EMERGENCY REMOVAL

If the student’s continued presence poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal’s judgment, there is no alternative available to alleviate the danger or disruption, the Principal shall temporarily remove the student from the school. This temporary removal shall not exceed two (2) days following the day of the emergency removal and the superintendent shall be immediately notified of the removal. Additionally, the Principal shall make immediate and reasonable efforts to orally notify the student and student’s parent of the emergency removal, the reason for the emergency removal, and the other information required in a short-term suspension notification. The short-term suspension notice shall be provided in writing to the student and parent. The opportunity for a hearing with the Principal shall occur within two (2) school days, unless otherwise extended by the school and parent. A decision regarding the student’s continued suspension or other removal shall be rendered the same day as the hearing and written notice shall be provided the following school day. This written notice shall include all the information required based on the type of discipline imposed (short-term suspension, in-school suspension, long-term suspension, or expulsion).

The Principal may also remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on a student’s misconduct. This type of removal is not subject to the procedures for suspension and expulsion outlined in this policy.

PROCEDURES FOR LONG-TERM SUSPENSION

(exclusion of a student from school premises and regular classroom activities for more than ten school days.)

The principal, or his/her designee, may issue long-term suspensions at the building level. The Principal may also issue expulsions for the offenses set forth in M.G.L. c. 71, §37H and §37H½. Expulsions for other offenses are handled by the Board of Directors pursuant to M.G.L. c. 76, §16 and §17.

1. In the event of a long term suspension or expulsion, the student will be provided oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
 - i. The disciplinary offense;
 - ii. The basis for the charge;
 - iii. The potential consequences, including the potential length of the suspension;
 - iv. The opportunity to have a hearing with the Principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
 - v. The date, time, and location of the hearing; and
 - vi. The right of the parent and student to interpreter services at the hearing.
2. The Principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct the hearing without the parent, the Principal must be able to document reasonable efforts to include the parent. The Principal is presumed to have made reasonable efforts if the Principal sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
3. In advance of the hearing, the student shall have the right to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student.
4. The student shall also have the right to be represented by counsel or a lay person at the choice and expense of the student/parent.
5. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The student shall also have the right to produce witnesses and the right to cross-examine witnesses presented by the school. The student may request that the hearing be audio recorded by the Principal and may request a copy of the recording. All parties must be made aware that the hearing is recorded in advance of the hearing.
6. The parent, if present, shall have the opportunity to discuss the student's conduct and other information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.
7. The Principal shall make a determination as to whether the student committed the disciplinary offences and what consequences shall be imposed. The Principal shall notice the student and parent in writing of his/her decision, including the following information:
 - i. The disciplinary offence, the date on which the hearing took place, and the participants in the hearing;
 - ii. The key facts and conclusions reached by the principal;

- iii. The length and effective date of the suspension and the date of return to school;
- iv. The notice the student's opportunity to receive education services to make academic progress during the suspension;
- v. The student's right to appeal the principal's decision to the superintendent or his/her designee if a long-term suspension has been imposed. This notice of appeal shall include the process for appealing the decision, which requires the parent or student to file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension.
 - a. The superintendent shall hold the hearing within three (3) school days of the student's request, unless an extension is mutually agreed to.
 - b. The superintendent shall make a good-faith effort to include the parent in the hearing.
 - c. The hearing shall be conducted to determine whether the student committed the disciplinary offense and, if so, what the consequence shall be. The hearing shall be audio recorded and a copy of the recording shall be provided to the student or parent upon request.
 - d. All the same rights as are afforded in the above long-term suspension principal's hearing shall apply to the student in a superintendent's hearing.
 - e. The superintendent shall issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or lesser consequence than the principal.
 - f. The decision of the superintendent shall be the final decision of the school district.
- vi. If the student is in grades K-3, the Principal shall send a copy of the written determination to the superintendent and explain the reasons for the suspension before the suspension takes effect.

SCHOOL-WIDE EDUCATIONAL SERVICE PLAN

- During any suspension, the student may complete course work or assignments, have them marked, and graded without consequence. This includes long term assignments and projects.
- Should a student be suspended in excess of 10 consecutive school days, tutoring will be provided. Tutoring will be arranged for 2 hours per week per academic subject.
- Teachers, Administrators, and Counselors will maintain ongoing communication with the student during all suspensions. Communication may take the form of phone conversations, email communication, and/or meetings, as necessary.
- When necessary, teachers will be available to support students.



The Official Website of the State Ethics Commission

State Ethics Commission

[Home](#) > [Education & Training Resources](#) > [Mandatory Conflict Law Education Requirements](#) > [Municipal Employee Summary](#)

Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation : A town administrator accepts reduced rental payments from developers.

Example of violation : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board,

even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation : A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation : A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example : A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation : A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation : A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation : A selectman buys a surplus truck from the town DPW.

Example of violation : A full-time secretary for the board of health wants to have a second paid

job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example : While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example : A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

* * * * *

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 6: Revised May 10, 2013

File: JJIF

HEAD INJURY AND CONCUSSIONS IN EXTRACURRICULAR ATHLETIC ACTIVITIES POLICY

It is the policy of the Wayland Public Schools to provide information and standardized procedures for persons involved in the prevention, training, management, and return to activity decisions regarding students who incur head injuries while involved in extracurricular athletic activities¹ including, but not limited to, interscholastic sports, in order to protect their health and safety as required by Massachusetts law and regulations. The requirements of the law apply to all public middle and high schools, however configured, serving grades six through high school graduation. In addition to any training required by law, the following persons shall complete one of the head injury safety training programs approved by the Massachusetts Department of Public Health (DPH) as found on its website: coaches; certified athletic trainers; trainers; volunteers; school and team physicians; school nurses; athletic directors; directors responsible for a school marching band; guidance counselors; employees or volunteers; and students who participate in an extracurricular activity and their parents.

Upon the adoption of this policy by the Wayland School Committee, the Superintendent shall ensure that DPH receives an affirmation on school district letterhead that the district has developed a policy and the School Committee has adopted a final policy in accordance with law. This affirmation shall be updated as per the 105 CMR 201.000 Regulation.

The Superintendent shall maintain or cause to be maintained complete and accurate records of the district's compliance with the requirements of the Concussion Law, and shall maintain the following records for three years or, at a minimum, until the student graduates, unless state or federal law requires a longer retention period:

1. Verifications of completion of annual training and receipt of materials;
2. Pre-Participation Forms and receipt of materials;
3. Report of Head Injury Forms, or school based equivalents;
4. Medical Clearance and Authorization Forms, or school based equivalents;
5. Graduated re-entry plans for return to full academic and extracurricular athletic activities.

¹ Extracurricular Athletic Activity means an organized school sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director or marching band leader including, but not limited to, Alpine and Nordic skiing and snowboarding, baseball, basketball, cheer leading, cross country, track and field, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, tennis, ultimate frisbee, volleyball, water polo, and wrestling.

All interscholastic athletics are deemed to be extracurricular athletic activities.

The Wayland Public Schools' Head Injury and Concussions in Extracurricular Athletic Activities Protocol provides the process to promote the ongoing health and wellness of students with suspected or diagnosed head injuries and their safe return to academic and extracurricular athletic activities. This protocol shall be reviewed yearly by the Wayland Public Schools' Middle and High School athletic department and/or principal, guidance department, and nurses. The Wayland Public Schools' Head Injury and Concussions in Extracurricular Athletic Activities Policy shall be included in the student and faculty handbooks.

Legal Reference(s): M.G.L c. 111 sec.222; 105 CMR 201.00
Approved: February 27, 2012

File: AC-R

Wayland Public Schools

TITLE IX GRIEVANCE PROCEDURES

These Procedures have been established to ensure prompt and effective investigation into allegations of sexual discrimination, sexual harassment, or sexually harassing conduct against a student by other students, school employees, or third parties, as defined in Wayland School Committee's **Policy on Sexual Discrimination, Including Sexual Harassment, Against Students**.

Preventative Responsibilities

A copy of these Procedures and the Wayland School Committee's **Policy on Sexual Discrimination, Including Sexual Harassment, Against Students** will be distributed to each employee and published on the District's website. A summary of these Procedures will also be included in each school's Handbook.

At the beginning of each school year, Principals shall review these Procedures with employees. The District will also conduct periodic training for all staff on Title IX and sexual harassment.

District employees who witness or learn of potential sexual discrimination, sexual harassment, or sexually harassing conduct against a student shall immediately report said misconduct in accordance with these Procedures. No employee of the District shall destroy evidence relevant to an active investigation of discrimination or harassment.

Procedure for Reporting Discrimination and Harassment

Any individual who believes that a Wayland Public Schools' student has been sexually discriminated against may immediately report the conduct to the Principal of the school building that the student attends. Complaints may also be filed directly with the Title IX Grievance Officer, Assistant Superintendent Brad Crozier, at 41 Cochrane Road, Wayland, MA, (508) 358-3772.

The report/complaint can be written or oral and should include the following information:

1. The name, age, and grade of the student allegedly subjected to sexual discrimination;*
2. A description of the alleged sexual discrimination and/or sexual harassment;
3. The date(s) and time(s) such conduct took place;
4. The location(s) where the conduct occurred;
5. The name(s) of the alleged Harasser(s) or person believed to be discriminating against the student;
6. The name(s) of any witness(es);
7. Action sought to remedy the situation; and
8. Any other details or information that would be useful for the school's investigation.

*The student may request that his/her identity remain anonymous. Please see the section title "Confidentiality," below.

In addition, the complainant should provide the Principal/Title IX Grievance Officer with any documentation (emails, notes, pictures, etc.) or other information in support of the allegation of sexual discrimination and/or harassment.

Investigation of Complaints

Upon receipt of a report or complaint, the District will take interim steps, as necessary, to ensure the safety and well-being of the alleged victim, in addition to the complainant if not the alleged victim, while the investigation is being conducted.

Upon receipt of a report or complaint, the Principal, Principal's designee, or Title IX Grievance Officer shall conduct a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, the alleged harasser, and any other appropriate party to provide information relevant to the consideration and resolution of the complaint. The investigator will also endeavor to promptly interview and obtain detailed written statements from witnesses.

The District reserves the right to immediately inform local law enforcement or other state agencies if the complaint alleges misconduct rising to the level of a state or federal crime. The school-based investigation will proceed whether or not there is a related police investigation; however, the District may defer to requests from law enforcement or other state agencies to coordinate or delay certain aspects of the school-based investigation.

Written Determination

At the conclusion of the school-based investigation, a written determination regarding the complaint and any resolution will be provided by the investigator to the complainant. Except in unusual circumstances, this written determination will be made within thirty (30) school/working days of District's receipt of the complaint. The complainant may also meet with the investigator to review the investigation's findings.

If the school-based investigation determines that sexual discrimination, including sexual harassment, has occurred, the District will take steps to immediately eliminate the discriminatory conduct, prevent its recurrence, and correct its discriminatory effect on the student(s) affected.

Such steps may include disciplinary action, counseling support, development of a safety plan, and other remedies as appropriate.

The complainant may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the investigator. The Superintendent's decision shall be final.

Consequences of Violating Policy – Discipline & Discharge

Any employee found to have violated the **Policy on Sexual Discrimination, Including Sexual Harassment, Against Students** will be subject to disciplinary action which may range from revocation of school privileges, detention, suspension, or expulsion from school. (Note: students with Disabilities will be subject to the District's applicable disciplinary procedures, which adhere to Individuals with Disabilities Education Act and Section 504 of Rehabilitation Act of 1973.) In appropriate circumstances, the District may also refer the matter to law enforcement officials for possible prosecution.

Please note that, since student and personnel records are confidential, the District cannot inform the complainant of disciplinary action taken against the respondent.

Confidentiality

Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under these Procedures. Wayland Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

State and Federal Authorities and Other Resources

In addition to the process described above, the complainant may, at any time, file a complaint with the federal or state agencies listed below, which are charged with enforcement of state and federal laws prohibiting sexual discrimination, including sexual harassment, in schools:

U.S. Department of Education
Office for Civil Rights
5 Post Office Square
8th Floor, Suite 900
Boston, MA 02109-3921
Telephone: (617) 289-0111
<http://www.ed.gov>

Massachusetts Department of Elementary and Secondary Education
Program Quality Assurance Services (PQA)
75 Pleasant Street, Malden, MA 02148-4906
Telephone: (781) 338-3700
<http://www.doe.mass.edu/pqa/prs>

Victims of sexual harassment or sexual violence may also wish to contact the following community resources:

Middlesex District Attorney Victim/Witness Bureau: (617) 494-4430
Town of Wayland Youth and Social Workers: (508) 358-4293

Wayland Public Schools

File: ACA

Wayland Public Schools

POLICY ON SEXUAL DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, AGAINST STUDENTS

All persons associated with the Wayland Public Schools including, but not limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so to provide an atmosphere free from sexual discrimination, including sexual harassment. This Policy covers any act of sexual discrimination, sexual harassment, or sexually harassing conduct against a student by other students, school employees, or third parties. Further, any act of retaliation for cooperating with an investigation of the afore-mentioned will be in violation of this Policy and will not be tolerated.

The Wayland School Committee takes all allegations of discrimination on the basis of sex, including sexual harassment, seriously. All such complaints will be investigated promptly in accordance with the District's **Title IX Grievance Procedures**. These Procedures will be published on the District's website, summarized in each school Handbook, and made available in the main office of each school upon request. Where it is determined that inappropriate conduct has occurred, the District will take corrective action to eliminate the conduct, prevent its reoccurrence, and impose disciplinary consequences to the extent appropriate.

Definition of Sexual Discrimination: Treating a student differently, or interfering with or preventing the student from enjoying the advantages or privileges afforded to others by the Wayland Public Schools, on the basis of the student's sex. Sexual discrimination includes sexual harassment.

Definition of Sexual Harassment: Oral, written, graphic, electronic, or physical conduct relating to a student's actual or perceived sex that is sufficiently severe, pervasive or persistent so as to interfere with or limit that student's ability to participate in the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment. Sexually harassing conduct 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
- Requests for sexual favors;
- 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

Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws, chapter 119, section 51A. The Wayland Public Schools shall comply with Massachusetts law in reporting suspected cases of child abuse.

Designated Officials for Addressing Sexual Discrimination and Harassment Complaints: In each school building, the Principal is responsible for receiving reports and complaints of violations of this

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Policy at the school level. Individuals may file a report or complaint of sexual discrimination, including harassment, with the Principal. A report or complaint of a violation involving the Principal should be filed with the Title IX Grievance Officer. Individuals may also file complaints directly with the District's Title IX Grievance Officer: Assistant Superintendent, 41 Cochituate Road, Wayland, MA. (508) 358-3772.

The Title IX Grievance Officer and/or building Principal shall process all complaints of sexual discrimination in accordance with the **Title IX Grievance Procedures**.

LEGAL REFS: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq*
M.G.L., c. 76, §5
603 C.M.R. 26.00

Approved by the School Committee April 27, 2015

Wayland Public Schools

Prevention of Physical Restraint and Requirements - Procedures

The Wayland Public Schools complies with the Department of Elementary and Secondary Education (hereinafter “DESE”) regulations governing the use of restraint, which can be found at 603 CMR 46.00 et seq. (hereinafter “Regulations”). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. Additional information including a copy of the regulations can be obtained from the Director of Student Support Services Office or obtained at www.doe.edu/lawsregs/603cmr46.html.

Only lawful physical restraint will be used in the Wayland Public Schools. Physical restraint shall be used with extreme caution, only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

The following are not considered physical restraint: brief physical contact to promote student safety (such as guiding a student or re-directing a student); providing physical guidance or prompting when teaching a skill; redirecting attention (such as to a shoulder, face or torso); providing comfort; physical escort that does not involve force.

Definitions

The use of mechanical restraint, medical restraint and seclusion is prohibited.

Mechanical Restraint: the use of any device or equipment to restrict a student’s freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.

Medication Restraint: the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Prone Restraint: a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the face-down position.

Seclusion: involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined below.

Physical Escort: a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical Restraint: direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Time-Out: a behavioral support strategy, developed pursuant to 603 CMR 46.04(1), in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

Requirements for Use of Physical Restraint

Physical restraint is considered an emergency procedure of last resort. This means that it may be used only when the student's behavior poses a threat of assault or imminent, serious, physical harm to self and/or others; *and* the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

Prohibitions

Physical restraint shall not be used:

- (a) As a means of discipline or punishment;
- (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a policy or directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm;
- (d) As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort. Mechanical restraint, medication restraint, and seclusion are prohibited in all public schools.

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific documentation, are met: (1) the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff; (2) all other forms of physical restraint have failed to ensure the safety of the student and/or others; (3) there are no medical contraindications, as documented by a licensed physician; (4) there is psychological or behavioral

justification for the use of prone restraint and no psychological or behavioral contraindications, as documented by a licensed mental health professional; (5) the program has obtained consent to use prone restraint in an emergency and the use of prone restraint is approved in writing by the Principal; and (6) the program has documented all of the above before using prone restraint and maintains the documentation. The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with 603 C.M.R. 46.04(3).

Floor restraints are prohibited unless the staff administering the restraint has received in-depth training in accordance with 603 C.M.R. 46.04(3), and these trained staff members determine that such method of restraint is required to provide safety for the student or others.

Proper Administration of Physical Restraint

Only Wayland personnel who have received training (e.g. Crisis Prevention Intervention) pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

Each school has individuals certified in CPI that area able to implement restraints. School principals will notify their building staff of certified CPI trained staff at the beginning of each school year and how to contact their CPI trained staff member when a crisis should arise.

Nothing in these procedures shall preclude a teacher, employee or agent of the Wayland Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Staff Training

All school staff will receive training with respect to the district's restraint prevention and behavior support policy and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student. Staff training will occur at the beginning of each school year, and for new hires within one month of being hired.

Additionally, the principal will identify specific staff that is authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training in the use of physical restraint and implementation of the Regulations.

Reporting Physical Restraint Use

All physical restraints, regardless of duration, will be reported using the electronic forms provided by the Department of Elementary and Secondary Education. Please follow flow chart of Procedures for Reporting Physical Restraint attached.

Reporting within School and to Parents

Program staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The report shall be maintained by the school and made available for review by the Parent(s) or DESE upon request.

The principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint within 24 hours of the event, and shall notify the Parent(s) by written report within three school working days of the restraint. The information in the report shall comply with 603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided.

Reporting to the Department of Elementary and Secondary Education

The District will report to DESE all restraints that result in serious injury to either a student or a staff member within three (3) school working days of the restraint. Additionally, the District will provide DESE with an annual report of its physical restraint use.

Administrative Reviews of Physical Restraint Use

The Principal, or designee, will review restraint data on a weekly basis and convene a review team to assess the progress and needs of any student who has been restrained multiple times in the week and reach consensus on a plan for the student with the goal of reducing or eliminating the need for restraint.

The Principal, or designee, will review restraint data on a monthly basis to determine patterns of use, and make adjustments as necessary or appropriate to policy, conduct training, or take other action to reduce or eliminate the use of restraints.

Prevention of Dangerous Behavior

As set forth in the Regulations, the Wayland Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Parent Engagement

In accordance with the regulations, the Wayland Public Schools shall engage Parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure. The restraint policy and procedures will be posted on the district's website and within school handbooks.

Complaints

Complaints and grievance procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a written complaint as outlined in the Wayland Public School district policy (Public Complaints KE), and in the context of this policy beginning with the school building administrator. A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed. A written response will be developed by the investigator and provided to the complainant.

Preventing Restraints

Roles of Individuals:

- Students, families, and school staff each play a role in preventing restraint and ensuring the safety of the school community:
- *Students*- students should follow school rules and codes of conduct as outlined in district policies (e.g. student handbooks)
- *Families*- families should be made aware of school rules and codes of conduct, as well as district policies and procedures; regular communication between parents and school is important to facilitate family support
- *School Staff*- staff should inform students and parents of school rules and district policies, and abide by school policies and procedures, including adherence to Massachusetts restraint regulations.

De-escalation Techniques and Alternatives to Restraint

Staff should also consider a variety of behavioral interventions that may be effective in de-escalating the student, such as:

- Offering choices of activities
- Positive behavioral interventions
- Verbal redirection
- Verbal directive to cease behavior
- Opportunity for a break
- Reducing the demands/amount of work expected (without removing the expectations entirely)
- Reminding student of reinforcers available for engaging in appropriate behaviors (e.g. first work, then you can read)
- Prompting the student to use functional language to communicate their feelings or needs (e.g. if you are frustrated you can tell me “I need a break”)
- Offering opportunities to speak with professionals e.g. teacher, administrator, nurse, or guidance counselor
- Working in small groups outside classroom on academic related work
- Whenever there is a **behavior support plan** in place for a student, staff should defer to the specific interventions outlined in the behavior plan!
- Be familiar with your students’ behavior support plans and/or individualized education programs and the interventions and accommodations recommended in those documents.
- No written Behavior Plan or Individualized Education Program (IEP) may include “physical restraint” as a standard response to any behavior.

- If a student's behavior is significantly escalated, sometimes attempting to talk to the student can make them more agitated. Staff may consider using the "wait strategy" and limit their use of verbal language, while still visually monitoring the student at all times, and wait until the student shows signs of calming before they attempt to talk to the student.
- If a student cannot be safely maintained in an area, staff may also consider the use of a time-out space as a safer alternative to physical restraint.

Behavioral Support Procedures

Time-Out

Time-out is a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student:

- *Temporarily* separates from the learning activity or the classroom, either by choice or by direction from staff, *for the purpose of calming.*
- During time-out, a student must be *continuously observed* by a staff member.
- *Staff shall be with the student or immediately available* to the student at all times.
- The space for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.
- Time-out does not include time spent with administrators during investigations, visits to nurse, or working in small groups outside the classroom on academic related work.

Inclusionary Time-Out: a behavior support strategy that allows the student to remain fully aware of the learning activities of the classroom. This can include: "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom).

Exclusionary Time-Out: a behavior support strategy that includes the removal of a student from the learning environment. This should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring. A student may choose time-out for the purpose of calming. Any student removed from the instructional area due to escalated behaviors is considered to be time-out, e.g. guidance office, learning center room. It is not limited only to spaces labeled as time-out area. Exclusionary time-out **cannot** include the use of a locked door! Closed doors are permitted as long as staff are able to continuously monitor the student at all times, are continuously observed, and staff are immediately available at all times. Exclusionary time-outs need to be documented on appropriate district reporting forms.

If an exclusionary time-out period lasts 30 minutes, the principal or her/his designee must approve the continuation of time-out based on the student's continuing agitation. The time-out procedure should include seeking principal approval prior to the 30 minute time frame in order to proceed with the time-out.

The emphasis on the added definition of “time-out” in the regulations is to clearly identify time-out as a behavior support strategy that is non-punitive and where students are never left alone. A staff person is always in proximity and is able to view the student at all times.

The amended regulations explicitly prohibit seclusion. It should NEVER be used with students! A student **may not be left alone in a room until they calm down** without a staff member continuously observing her/him.

Documenting Exclusionary Time-Out

Staff will complete an in-district time-out reporting form for internal monitoring.

The District will annually review its Restraint Prevention and Behavior Support Policy and Procedures, provide it to all District staff, and make it available to parents of enrolled students.

File: JICH

ALCOHOL AND DRUG USE

In view of the fact that the use of alcohol and/or drugs can endanger the health and safety of the user and others, and recognizing the deleterious effect the use of alcoholic beverages or drugs can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any drug or alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who is under the influence of drugs or alcoholic beverages prior to attendance at, or participation in, a school-sponsored activity, will be barred from that activity and subject to disciplinary action.

This policy will be posted on the District’s website and notice shall be provided to all students and parents of this policy in accordance with state law. Additionally, the District shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

LEGAL REF.: M.G.L. c. 71:2A; 71:96;272:40A

CROSS REF.: GBEC, Drug Free Workplace Policy
IHAMA, Teaching About Drugs, Alcohol, and Tobacco
JLCD, Administering Medicines to Students

Approved: August 25, 2016

