

# **SECTION A- FOUNDATIONS AND BASIC COMMITMENTS**

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## SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in Milton is vested in the will of the people of Milton, as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein..."

The public educational system of Milton structurally is a department of the town, operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The school system consists of a high school (grades 9-12), a middle school (grades 6-8), and four elementary schools (grades PreK-5). The area served by the Milton Public Schools is coterminous with the Town of Milton.

Established by law.

CROSS REFERENCE: B-2, School Committee Legal Status

LEGAL REFERENCE: Constitution of Massachusetts, Part II, Chapter V, Section II, M.G.L. 71:1

Historical note:

Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

Original adoption: October, 1997

Readopted: November 16, 2004

Readopted: February 1, 2012

**THE PEOPLE AND THEIR SCHOOL DISTRICT**

The Milton School Committee is responsible for implementing statutory requirements pertaining to public education. It is also responsible for determining and responding to Milton residents' expectations for the education of Milton's youth.

At the same time, when citizens elect delegates to represent them in the conduct of public education, those representatives retain the authority and responsibility to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out their responsibilities.

The Milton School Committee therefore affirms and declares its intent to:

- Maintain two-way communications with the citizens of Milton. The public will be kept informed of the progress and challenges of the school system, and citizens will be urged to bring their hopes for and expectations of their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
- Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is delivering the best possible education to the children enrolled in our schools.
- Act as a truly representative body for members of the community in matters involving public education. The Milton School Committee recognizes that ultimate responsibility for public education rests with the state, but individual school committees have been assigned specific authority through state law. The Milton School Committee retains and exercises this authority, because it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

CROSS REFERENCE: A-2 The people and their school district

Original Adoption: October 1997

Readopted: November 16, 2004

Readopted: February 12, 2012

## NONDISCRIMINATION

Public schools have the responsibility to overcome discriminatory barriers that prevent children from achieving their potential. The Milton Public Schools are committed to this goal, including a specific commitment to combat discrimination. This commitment is affirmed in the following statements of Milton School Committee intent:

- To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation, and applicable judicial interpretations.
- To encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics, and who come from various socioeconomic, racial, religious, and ethnic groups.
- To work toward a more integrated school community, and to enlist the support of individuals, groups, and agencies, both private and governmental, in such an effort.
- To initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Milton School Committee's policy of nondiscrimination extends to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a Milton public school or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, gender, gender identity, religion, national origin, sexual orientation, homelessness, pregnancy or pregnancy related condition, disability and/or marital status.

Individuals or groups who feel that they have been discriminated against on the basis of race, color, gender, gender identity, religion, national origin, sexual orientation, disability and/or marital status are encouraged to register a complaint both with the Superintendent and the system's designated Title IX compliance officer, the Assistant Superintendent for Curriculum and Personnel.

LEGAL REFERENCES: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972  
Executive Order 11246, as amended by E.O. 11375  
Equal Pay Act, as amended by the Education Amendments of 1972  
Title IX, Education Amendments of 1972  
Rehabilitation Act of 1973  
Individuals with Disabilities Education Act  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

M.G.L. 76:5; Amended 2011  
M.G.L.76:16  
Massachusetts General Law Chapter 151B  
BESE Regulations 603CMR 26.00 Amended 2012  
BESE Regulations 603 CMR 28.00

CROSS REFERENCE: ACA-ACE, Subcategories for Nondiscrimination  
GBA, Equal Employment Opportunity

Original Adoption: November 16, 2004  
Reapproved: September 27, 2017  
First and Second Reading for Reapproval: August 13, 2018

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

The Milton School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the Milton Public Schools do not and will not discriminate on the basis of gender, gender expression, gender identity, gender conformity, gender variance, gender transition, transgender status or sexual orientation, in any of its programs, activities or operations. These include, but are not limited to, admissions, equal access to programs and activities (educational or otherwise), hiring and firing of staff, provision of and access to programs and services, as well as selection of volunteers, vendors and employers recruiting at the Milton Public Schools. We are committed to providing an inclusive and welcoming environment for all members of our staff, students, volunteers, subcontractors, and vendors. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The Milton School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to gender, to all of its students and employees.

The Milton School Committee has designated the Assistant Superintendent of Curriculum and Human Resources to act as the school system's Title IX compliance officer. All students and employees will be notified annually of the name and office address and telephone number of the compliance officer.

CROSS REFERENCES: AC Nondiscrimination

LEGAL REFERENCES: Title IX of the Education Amendments of 1972  
45 CFR, Part 86, (Federal Register, 6/4/75)  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
BESE 603 CMR 2600  
Massachusetts General Law Chapter 151B

Original Adoption: November 16, 2004

Reapproved: February 12, 2012

Reapproved: February 10, 2016

Reapproved: November 9, 2016

## **SEXUAL HARASSMENT**

It is the goal of the Milton School Committee and the Milton Public Schools to promote a school environment and workplace that is free of sexual harassment. Sexual harassment is unlawful, and will not be tolerated by the Milton Public Schools. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Milton Public Schools take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and end the harassment, prevent its reoccurrence, and, as appropriate, remedy its effect and impose such corrective action as is necessary, including disciplinary action where appropriate.

While this policy – which applies to all employees of and students in the Milton Public Schools, and individuals with whom we do business – sets forth the Milton School Committee's goals of promoting an environment that is free of sexual harassment, the policy is not designed nor intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfied the definition of harassment.

### **Definition of sexual harassment**

In Massachusetts, the legal definition of sexual harassment is:

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

- a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of, or as a basis for, employment or instruction or participation in schools activities or programs;
- b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

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

Similarly, any case in which submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions constitutes sexual harassment.

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

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

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities; and
- Conduct that targets a student based on gender identity, gender expression, gender variance, gender conformity, transgender status or gender transition is sexual harassment; and
- Failure of school personnel to use a student's chosen name and pronouns appropriate to a student's gender identity or expression, regardless of the student's assigned birth sex.
- Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, failure to allow all students to participate in a manner consistent with their gender identity.

The person filing the complaint does not have to be of the opposite sex. The person filing the complaint does not have to be the person harassed but could be anyone affected by the offensive conduct. The harasser's conduct must be unwelcome.

As stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is unlawful, and will not be tolerated by the Milton Public Schools.

#### Effects of sexual harassment

In school, sexual harassment can affect a student's academic progress, self-esteem, extracurricular involvement, and social relationships. If sexual harassment is permitted to occur unchecked in schools, this may create a school climate detrimental to learning for all students. In such schools, students may not feel safe; they may not feel free to fully participate in classes and school activities, and they may not feel valued as members of their school community. Such a climate can lead to more serious offenses. Therefore:



1. It is the policy of the Milton Public Schools to provide a learning and working atmosphere for students, employees, and visitors which is free from sexual harassment.
2. It is a violation of this policy for any administrator, teacher, or other employee, to engage in or have knowledge of and not report, sexual harassment.
3. It is the responsibility of every employee to recognize acts of sexual harassment, and to take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.
4. Any employee or student who believes that he or she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint.
5. The building principal/designee (see below) shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to sexual harassment or inappropriate behavior of a sexual nature.

#### Complaint / investigation procedure

In school systems, sexual harassment may cross many lines, and may involve staff member and staff member, staff member and student, student and staff member, or student and student.

Any person who believes that a student, teacher, administrator, or other school personnel has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate school district official (as designated by this policy) verbally or in writing. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different individual than the one designated in this policy.

In the Milton Public Schools, the Assistant Superintendent for Curriculum and Personnel is designated as the Title IX officer, with responsibility to oversee the implementation of this policy.

In each school, the school Principal or Assistant Principal is the person responsible for receiving and investigating oral or written reports of alleged sexual harassment. If the report involves the building Principal, the report should be made to, or filed directly with the Superintendent. If the report involves the Title IX officer, the report should be made to, or filed directly with, the Superintendent. If the report involves the Superintendent, the report should be made to, or filed directly with, the chairperson of the Milton School Committee.

Upon receipt of a report or complaint of alleged sexual harassment, the designated school administrator shall initiate a timely investigation of the circumstances. The investigation will include personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and other who have knowledge of the alleged incident(s) or

circumstance(s) giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the school administrator.

When the investigation is completed to the extent appropriate, the school administrator shall inform the person filing the report or complaint, as well as the person alleged to have the offending conduct, the results of the investigation in writing.

Upon completion of an investigation, if it is determined that inappropriate conduct has occurred, the Milton Public Schools will take appropriate corrective action under the circumstances. Such action may include, but is not limited to counseling, direction to stop the behavior in question, suspension, expulsion, transfer, termination of employment, or other such forms of disciplinary action as are appropriate.

Upon completion of an investigation, if a complaint or report is not substantiated, the school district shall so inform the person filing the complaint or report, as well as the person alleged to have committed the offending conduct, of the results of the investigation.

To the extent possible, all reasonable efforts shall be made to maintain confidentiality during an investigation.

Persons wishing to file a complaint may do so by contacting:

**Central Office/School Committee:**

Superintendent -617-696-4809

Chairman, Milton School Committee - 617-696-4809

Assistant Superintendent and Title IX officer - 617-696-4812

**Milton High School:**

Principal- 617-696-4470 X5505

Vice-Principal- 617-696-4470, X5504

Vice-Principal- 617-696-4470, X5507

**Pierce Middle School:**

Principal- 617-696-4569

Assistant Principal- 617-696-4568, X3603

Dean of Students, 617-696-4568, X3604

**Collicot School:**

Principal - 617-696-4283

**Cunningham School:**

Principal- 617-696-4286

**Glover School:**

Principal - 617-696-4289

**Tucker School:**

Principal- 617-696-4291

**Retaliation**

An individual who retaliates in the above manner will be subject to discipline, which may include suspension, expulsion, transfer, termination of employment and other such forms of disciplinary action as are appropriate.

**State and Federal Remedies**

If an individual believes that he or she has been subjected to or made aware of an incidence of sexual harassment, he or she- in addition to the above remedies - may also file a formal complaint with either or both of the government agencies set forth below. Note that these agencies may have a specified time period for filing a claim:

1. The United States Equal Employment Opportunity Commission (EEOC), John F. Kennedy Bldg., 475 Government Center, Boston, MA 02203. Phone: 800-669-4000
2. Office for Civil Rights (U.S. Department of Education), 5 Post Office Square, 8th Floor, Boston, MA 02109. Phone: 617-289-0111.
3. The Massachusetts Commission Against Discrimination (MCAD), 1 Ashburton Place, Room 601, Boston, MA 02108. Phone: 617-994-6000.

LEGAL REFERENCES: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

CROSS REFERENCE: A-15 Sexual harassment

Each year a copy of this policy will be provided to every employees. New hires will be provided a copy at the time of employment.

Approved: September 30, 2015

Readopted: November 9, 2016

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district, or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

The Milton Public Schools receive federal financial assistance, and therefore must comply with the above requirements. Additionally, the Milton School Committee believes that:

- Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
- To the extent possible, qualified disabled persons should be in the mainstream of life in a school community. Accordingly, employees of the school system will comply both with the above requirements of the law and with related policy statements of the Milton School Committee to ensure nondiscrimination on the basis of disability.

### Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

### Reasonable Modification

The district shall make reasonable modification in policies, practices, or procedures, if financially feasible when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

### Communications

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

### Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

### Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the school committee after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

### Notice

The Milton Public Schools shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American With Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the school committee and superintendent find necessary to apprise such persons of the projections against discrimination assured them by the ADA.

### Compliance Coordinator

The Milton Public Schools shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The Milton Public Schools shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated at least once annually and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA.

CROSS REFERENCE: AC Nondiscrimination  
IGB Special Instructional Programs and Accommodations  
IGBA Programs for Handicapped Students  
A-14 Nondiscrimination on the basis of handicap

LEGAL REFERENCES: Rehabilitation Act of 1973, Section 504  
Education For All Handicapped Children Act of 1975  
M.G.L. 71B:l et seq. (Chapter 766 of the Acts of 1972)  
Title II, Americans with Disabilities Act of 1992  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

## COMPLAINT PROCEDURE

### RESOLUTION OF DISCRIMINATION COMPLAINTS

It is the policy of the Milton Public Schools to provide learning and working environment free from discrimination of any kind. Any alleged discriminatory practices within the scope of Section 504, Americans with Disabilities Act, Title VI or any other civil rights statute should be addressed through the following grievance procedure.

#### **Definitions:**

*Grievance:* A complaint alleging a violation of any policy, procedure, or practice which would be prohibited by Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1992 and other federal and state civil rights laws, rules and regulations.

*Grievant(s):* A student, parent, guardian or employee of the Milton Public Schools who submits a grievance.

*Grievance Officer:* The employee designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints. The Milton Public Schools has designated the Assistant Superintendent as the Grievance Officer. If the allegation involves the Assistant Superintendent, the Superintendent shall act as the Grievance Officer.

*Day:* A working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays, and school holidays.

#### **Basic Procedural Rights:**

The Grievance Officer shall receive complaints and actively investigate the merit of complaints, and assist the parties in resolution of complaints. The Grievance Officer may be utilized as a resource by any party at any level of this procedure.

This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

In most instances, parents or legal guardians should be part of the hearing and resolution process.

Intimidation, harassment or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.

If a grievance is taken to the Superintendent for a hearing, the parties shall have the right to representation at their own expense and to present witnesses and evidence.

It is the policy of the Milton Public Schools to process all grievances in a fair, expeditious and confidential manner to the extent possible.

**Process:**

*Level 1: Principal or immediate Supervisor* (Informal and optional, may be bypassed by the grievant)

An informal meeting can solve many problems with the parties and the principal. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective.

*Level 2: Grievance Officer*

If the complaint or issue is not resolved at Level I, the grievant may file a written grievance stating: 1) the nature of the grievance; 2) the remedy requested; and 3) be signed and dated by the grievant. The level 2 written grievance must be filed with the Officer within fifteen (15) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

The Officer has authority to investigate all written grievances. If possible, the Officer will resolve the grievance. If the parties cannot agree on resolution, the Officer will prepare a written report of the investigation, which shall include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.
2. A statement of the facts as found by the Officer.
3. A list of all witnesses interviewed and documents reviewed during the investigation.
4. A narrative describing attempts to resolve the grievance.
5. The Officer's conclusion as to whether the allegations in the grievance are meritorious. If the Officer believes the grievance as valid, the Officer will recommend appropriate action to the Superintendent.

The Officer will complete the investigation and file the report with the Superintendent within fifteen (15) school days after the receipt of the written grievance. The Officer will send a copy of the report to the grievant.

*Level 3: Superintendent*

If either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receipt of the Officer's report for a hearing before the Superintendent. A decision shall be made and reported in writing to all parties within thirty

(30) days of that meeting. The Superintendent shall affirm, reverse, or modify the report of the Grievance Officer.

*Other Options for Grievant*

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

Massachusetts Department of Education  
Program Quality Assurance  
75 Pleasant Street  
Malden, MA 02148

U.S. Department of Education  
Office of Civil Rights  
5 Post Office Square, 8th Floor  
Boston, MA 02109

CROSS REFERENCE: Milton High School Teacher Handbook, 2003-2004

Adopted: November 1, 2004

Readopted: June 8, 2010

Reapproved: February 1, 2012

Readopted: November 9, 2016



**MILTON PUBLIC SCHOOLS**  
**BULLYING PREVENTION**

The Milton Public Schools strive to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. It is the goal of the Milton School Committee and the Milton Public Schools to promote a learning atmosphere for students free from all forms of bullying and ensure that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study. Because bullying affects not only students who are targets but also those who participate and witness such behavior, it is detrimental to student learning and achievement and will not be tolerated by the Milton Public Schools.

The Milton Public Schools prohibits all forms of harassment, discrimination and hate crimes based on race, color, religion, national origin, ethnicity, sex, sexual orientation, gender, gender identity or expression, gender variance, gender conformity, gender transitioning, transgender status, age, homelessness or disability. The civil rights of all school community members are guaranteed by law. We are committed to providing an inclusive and welcoming environment for all members of our staff, students, volunteers, subcontractors, and vendors. The protection of those rights is of utmost importance and priority to our school district. Further, the Milton Public Schools will also not tolerate Retaliation (as defined below) against persons who take action consistent with this policy.

“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” means 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 a:

- wire
- radio
- electromagnetic
- photo-electronic or photo-optical system, 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, the full cooperation and assistance of parents and families are expected.

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

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At 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 District;

Bullying and cyber-bullying are 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 District 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 disrupt the education process or the orderly operation of a school.

### Prevention and Intervention Plan

The Superintendent and/or his/her designee shall develop, adhere to, and update a plan to address bullying prevention and intervention, 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 plan shall apply to students and members of school staff, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, coaches, advisors, and paraprofessionals. 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.

The bullying intervention plan will recognize that certain students may be more vulnerable to become a target of bullying and harassment based on actual or perceived differentiating characteristics, including “race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics.” The District’s bullying intervention plan will include the specific steps that each school will take to support these vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment.

### 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 obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students 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.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A member of a school staff shall immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee.

On an annual basis, the District will report bullying incident data to the Department of Elementary and Secondary Education (DESE).

### Investigation Procedures

The Principal or their designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

The school principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

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.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school Principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or his/her designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

When a determination is made that bullying has occurred, the school Principal will inform the parents/guardians of the victim about DESE's problem resolution system (administered through PQA) and the process for seeking assistance or filing a claim.

Disciplinary actions for students who have committed an act of bullying or Retaliation (as defined below) 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. A monthly report shall be provided to the Superintendent.

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

### Retaliation

Retaliation is defined as any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying. Retaliation shall be prohibited.

### Target Assistance

The District 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 employees and volunteers who have significant contact with students 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 students.

The District's plan will include provisions for informing parents/guardians about the bullying prevention curriculum as well as ways that parents/guardians can reinforce the curriculum at home. Parents/guardians will also be informed about the dynamics of bullying and online safety and cyber-bullying.

### 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.

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 District website.

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](#)

M.G.L. [71:37O](#); [265:43](#), [43A](#); [268:13B](#); [269:14A](#)

An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014

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

Adopted – June 11, 2014

Readopted: November 9, 2016

Reapproved: March 29, 2017

## EDUCATIONAL PHILOSOPHY AND CORE VALUES

The Milton Public Schools are committed to helping all students grow into adults who can express themselves confidently, participate fully, learn continually, and contribute meaningfully to society. We will encourage the development of a sense of personal and social responsibility, as well as the knowledge base and skills needed to make informed and intelligent decisions.

The mastery of basic skills is essential to our children as they prepare themselves to become responsible adults. Therefore, we must seek to create an environment in which all children can best develop and acquire the information, academic skills, critical judgment, and creativity needed for a better understanding of themselves, of each other, and of the world around them.

To achieve these goals, the Milton School Committee has adopted five core values for the Milton Public Schools. These values serve as our guiding principles and also as the touchstones for our long-range strategic planning. The values are:

1. High academic achievement for all students

We expect high academic achievement from every student, from Pre-kindergarten through grade 12, in every subject area and in every discipline – High expectations, and the belief that every student can learn, are self-fulfilling. Our purpose is to have every child in our care reach his or her potential. Our schools therefore academically challenge all children to the best of their ability, both in the classroom and through homework and independent study. By participating in a content-rich curriculum, our students will gain the ability to express ideas clearly, and to solve problems requiring skills in one or more disciplines.

Specifically, we will emphasize throughout the school careers of our students the critical skills of language – oral and written – in part through extensive and far-ranging reading. Equally, we will emphasize mathematics, science, technology, business, history, and fine and applied arts.

Additionally, we support the strongest possible programs in health, physical education, extracurricular activities and community service recognizing that these activities promote the physical and social-emotional well-being of our children, and help them reach their potential.

2. Excellence in teaching

The heart of the Milton Public Schools is the classroom, and the interaction that goes on there between teachers and students. The system has the responsibility to provide the support needed to establish the strongest possible teaching and learning

environment -- one that actively engages students in the learning process. This means we must recruit and hire the best people, and supervise and evaluate them in constructive ways. We must continually strive to create, implement, and improve programs that are compatible with appropriate curricula and provide opportunities for innovative teaching and learning.

Equally, we are committed to developing our administrative and professional staff, whose leadership is important to excellent education.

3. Collaborative relationships and communication

The Milton Public Schools strive for true collegiality among our educational community. We emphasize good communication: student to student, student to teacher, teacher to teacher, teacher to parent/guardian, school to school, and school system to parents/guardians and the community. This is the basis for effective education, and it is also the basis for strong community support. We are committed to working with all of Milton's residents to strengthen their belief in public education, and to reinforce their commitment to our schools as a key ingredient in the quality of life in our town.

4. Respect for human differences

The Milton Public Schools continually seek to create an atmosphere in which every child and adult is valued. We acknowledge the differences among us. We seek to build upon these differences as potential strengths: for the individual, and the community.

Specifically, we will protect the rights and dignity of all individuals and groups at all times.

5. Innovation and risk-taking for education

The Milton Public Schools seeks to remain open to new methods and practices for achieving excellence. Therefore, the Milton Public Schools seek to recognize and reward members of the Milton Public School community who innovate successfully, and thereby enliven and strengthen the curriculum. Similarly, we continually seek to utilize technologies that may enhance the educational process. Finally, we commit ourselves to searching for new educational concepts wherever they may be found, to mounting sound educational experiments that may benefit our children, and to taking prudent risks that hold a strong potential to move our system forward.

CROSS REFERENCE: ADA School District Goals and Objectives  
Student Handbooks – all schools  
A-3 Educational philosophy and core values

LEGAL REFERENCE: M.G.L. 71B

Original Adoption: November, 1997

Readopted: November 1, 2004

Readopted: February 15, 2012

**DEVELOPMENT OF DISTRICT OBJECTIVES**

The primary purpose of this policy is to ensure the timely development of district objectives each year such that those objectives can be used for academic year planning and the evaluation of leadership team performance. To the extent possible, objectives will be prepared using the SMART format resulting in objectives that are Specific, Measurable, Achievable, Realistic and Time-Bound. Objectives should be completed no later than September of each year.

The annual development of district objectives will commence in May of each year.

The Superintendent and the School Committee will do a year-end assessment of school system performance as soon as all relevant information is available. This will usually be in the June-July time-frame.

The year-end assessment of school system performance will be followed by a general discussion of priorities for the upcoming year. The Committee may also hold a retreat focused on short-term and long-term priorities for the school system during this time period.

The Superintendent will prepare draft objectives for discussion in late August or early September. Objectives will be finalized and approved at a September School Committee meeting.

Adopted: March 21, 2012



**DRUG-FREE SCHOOLS**

The Milton Public School district is committed to providing a drug and alcohol free learning environment and workplace. Drug abuse and alcohol abuse at school or in connection with school-sponsored activities on or off school grounds threaten the health and safety of our students and our employees and adversely affect the educational mission of the school district. The use of illicit drugs and the unlawful possession and use of alcohol are wrong and harmful.

For these reasons, the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs, alcohol or other controlled substances in the workplace, on school premises or as part of any school-sponsored activities is strictly prohibited. These standards of conduct are equally applicable to students and employees.

Details regarding consequences for violations of this policy can be found in student handbooks.

CROSS REF: JICHA, JICHB  
Student Handbooks

LEGAL REF: M.G.L. 71:37H

Adopted: March 14, 2012

## TOBACCO-FREE SCHOOL AND PROLONGED VEHICLE IDLING POLICY

### **1. Statement of Purpose:**

The School Committee is committed to providing a tobacco-free and smoke-free environment for the health and well-being of the entire school community – students, staff, and visitors to its facilities. Education about the consequences of tobacco use is an integral part of the Milton Public Schools Health Curriculum. The use of tobacco products has a direct link to numerous health problems. The exhaust fumes from idling vehicles can also be harmful to health. Tobacco prevention and education play critical roles in establishing life-long, positive health habits. The purpose of this policy is to comply with the requirements of the Massachusetts General Laws, Chapter 71, Sections 2A and 37H. It is the intention of the School Committee to prohibit the use or distribution of tobacco products at all times whether or not school is in session within school buildings, on school grounds, on school buses or in other school vehicles, and at all school-sponsored activities in order to improve the health of students, all school personnel and visitors. Further, it is the intention of the School Committee to prohibit any school or personal vehicle from prolonged idling while on school property.

### **2. Definitions:**

**School:** All school buildings that are a part of the Milton Public Schools.

**School Grounds:** Property owned or controlled by the Milton Public Schools, including but not limited to school buildings, structures, open space, playgrounds, sports or recreational facilities whether enclosed or not, vehicles owned or leased by the Milton Public Schools for the purpose of transporting students, school driveways, and school parking lots.

**School Personnel:** A person who performs services for the Milton Public Schools, including but not limited to administrators, teachers, teacher's aides, school counselors, coaches, assistant coaches, school nurses and therapists, cafeteria workers, administrative staff, janitorial staff, volunteers, interns, security guards.

**School-sponsored Activity:** An activity at least partially funded or controlled by the Milton Public Schools or the parent-teacher organization to which students are invited and which occurs on or off school grounds, such as, but not limited to, graduation, sporting events, work internships, job shadowing, dances, field trips or class picnic, etc.

**Student:** A person enrolled in the Milton Public Schools.

**Tobacco cessation:** An intervention program applied to treat tobacco addiction.

**Tobacco Use:** The inhaling, exhaling or consuming of any lit or unlit tobacco product or carrying of any lit tobacco product; also, the possession by a student on school grounds of a tobacco product.

Visitor: Any person on school grounds who is not a student or staff member. Examples include repair or delivery personnel, security personnel, presenters, consultants, students or staff from other schools, parents, outside facility users.

**3. Tobacco Product Use Prohibited:** No student, school personnel or visitor shall use a tobacco product at any time while on school grounds, on school buses or other school vehicles, or at a school-sponsored activity as defined herein.

**4. Idling of Vehicles Restricted:** Operators of school vehicles and personal vehicles are prohibited from any prolonged idling of said vehicles while on school grounds except when such idling is necessary to operate defrosting, heating or cooling equipment to ensure the health or safety of a driver or passengers. In addition, the Registry of Motor Vehicles shall notify all individuals certified and endorsed to be school bus drivers of their obligations under the law related to this policy.

**5. Violations:** Violations of this policy should be referred to a school administrator and will be addressed with the appropriate sanctions or remedies. Nothing contained herein shall operate to limit the authority of any person or the sanctions that may otherwise be imposed by law for violating this policy or the law.

**6. Visitors:** Announcers at all events will remind visitors that the Milton Public Schools is a tobacco-free environment and that schools are required by law to keep school premises tobacco free.

**7. Severability:**

If any provision of this policy is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

**8. Conflict with Other Policies, Laws or Regulations:**

Notwithstanding the provisions of this policy, nothing in this policy shall be deemed to amend or repeal applicable fire, health or other laws or regulations so as to permit smoking in areas where it is prohibited by such fire, health or other laws or regulations.

LEGAL REF: M.G.L. 71:2A  
M.G.L. 71:37H

CROSS REF: JICG and KF  
Student Handbooks  
Faculty Guide  
ADC Tobacco-Free Schools

Original Adoption: November 1, 2004

Readopted: March 14, 2012

## **ADD**

### **ENVIRONMENTAL HEALTH AND SAFETY OF SCHOOL FACILITIES POLICY**

The Milton School Committee, in accordance with Massachusetts General Laws c. 71 Section 68 has the responsibility to oversee all School Facilities in the town and to keep them well maintained. The Milton School Committee and the Environmental Health and Safety Subcommittee of the School Committee, work to protect the health and safety of school occupants and to promote a healthy learning environment.

The Environmental Health and Safety Subcommittee of the School Committee works to:

1. Maintain a healthy indoor environment by taking a proactive approach to preventing indoor air quality (IAQ) problems before they occur;
2. Identify and address IAQ problems where feasible;
3. Reduce the use of toxic products and materials in our schools and on the grounds under the responsibility of the school system;
4. Serve as a resource to the school community during school construction and renovation.

In accordance with its interest in accomplishing the above goals and the existence of federal, state and local environmental and health and safety laws and regulations, the Milton School Committee seeks to incorporate toxic-use reduction and pollution prevention measures where at all possible and within the financial constraints of the district by:

1. Evaluating alternative practices that would eliminate or reduce use of toxic products and materials;
2. Maintaining a system for purchasing and disposing of all school products;
3. Using bid guidelines and contracts, where appropriate, to request the use of non-toxic or less-toxic products and materials by contractors and consultants in fulfilling contractual obligations with the school department;
4. Providing opportunities for staff awareness on the appropriate practices and procedures endorsed by this policy that promote the health and safety of school building occupants.

The above policies will be accomplished by having up to date Integrated Pest Management (IPM) and Asbestos Management Plans in place and by purchasing green and environmentally-friendly cleaning products.

In regard to any new or renovated school building projects, the School Committee endorses and promotes a design of facilities that supports healthy learning and incorporating elements of "green" sustainable building design as well as toxic-use reduction principles where feasible. In addition, the School Committee places the highest priority on maintaining the health and safety of school occupants during the construction and/or renovation phase of any building project.

Furthermore, the School Committee recognizes the importance of maintaining an Environmental Health and Safety Subcommittee for a continuing evaluation of the effectiveness of the environmental health and safety policies regarding the schools. The School Committee sanctions addressing environmental and conservation issues in the school curriculum and encourages students, parents and the school community at large to be cognizant of same.

CROSS REFERENCE: A-17 Environmental Health and Safety of School Facilities Policy

Original Adoption: June 19, 2001

Readopted: November 1, 2004

Readopted: February 15, 2012

## BACKGROUND CHECKS

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The school committee shall only obtain a fingerprint background check for current and prospective employees for whom the school committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the school committee shall review the results of the national criminal history check. The superintendent shall also obtain a state and national fingerprint background check for any individual, who regularly provides school related transportation to children. The school committee, superintendent or principal as appropriate may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the school committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available criminal offender record information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. This policy is applicable to any fingerprint-based state and national criminal history record check made for noncriminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

### **Requesting CHRI checks**

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

### **Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

### **Storage of CHRI**

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards. In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

### **Retention and Destruction of CHRI**

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

Historical reference and/or comparison with future CHRI requests,  
Dispute of the accuracy of the record  
Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent.

When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

### **CHRI Training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

### **Determining Suitability**

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

The name and date of birth of the employee or applicant;  
The date on which the school employer received the national criminal history check results; and, The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

### **Relying on Previous Suitability Determination.**

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

The suitability determination was made within the last seven years; and



The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

### **Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

Provide the individual with a copy of his/her CHRI used in making the adverse decision;  
Provide the individual with a copy of this CHRI Policy;  
Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

### **Secondary Dissemination of CHRI**

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI. The following information will be recorded in the log:

Subject Name;  
Subject Date of Birth;  
Date and Time of the dissemination;  
Name of the individual to whom the information was provided;  
Name of the agency for which the requestor works;  
Contact information for the requestor; and  
The specific reason for the request.

### **Reporting to Commissioner of Elementary and Secondary Education**

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

### **C.O.R.I. REQUIREMENTS**

It shall be the policy of the district to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the department of criminal justice informational services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal, or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education regulation, “‘Direct and unmonitored contact with children’ means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. “‘Contact’” refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.”

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

Access to CORI material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI material should be obtained only where the Superintendent had determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of the employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: “An applicant for employment with a sealed record on file with the commission of probation may answer ‘no record’ with respect to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer ‘no record’ with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution.”

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

LEGAL REFS.: M.G.L.6:167-178; 15D:7-8; 71:38R, 151B, 276:100A  
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)  
42 U.S.C. § 16962  
603 CMR 51.00  
803 CMR 2.00  
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

[FBI Criminal Justice Information Services Security Policy](#)  
[Procedure for correcting a criminal record](#)

[FAQ – Background Checks](#)

SOURCE: MASC 2014

**NOTE: The Department of Criminal Justice Information Services (DCJIS) has adopted regulations requiring that it maintain a model CORI policy and that any written policy must meet the minimum standards as found in the model. Therefore, MASC recommends that school districts retain both the school district specific policy incorporated here and the DCJIS model policy attached as ADDA-R.**

Original Adoption: June 11, 2014  
Revised and Reapproved February 4, 2015

## **DCJIS MODEL CORI POLICY**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

### **CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

### **ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, All district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### **VERIFYING A SUBJECT'S IDENTITY**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **DETERMINING SUITABILITY**

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;

- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

### **ADVERSE DECISIONS BASED ON CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

### **SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of Cori outside this organization, including dissemination at the request of the subject.

Adopted: June 11, 2014