

## Section G

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(Also JLIF)

## **PROCEDURE FOR HIRING PERSONNEL**

The School Committee establishes the following policy to promote consistency, fairness and uniformity in its district-wide hiring practices. All employees, except the Superintendent, will be hired in accordance with the procedures outlined herein. These procedures are intended only to supplement relevant collective bargaining agreement(s) and state and federal laws and not supersede such external provisions. It is not intended to create contractual rights or impinge upon contractual rights.

1. For each funded position in the Ware School District an appropriate title will be assigned and job description maintained setting out the qualifications, certification (if appropriate), and duties and responsibilities. The Superintendent will submit a statement of job requirements to the School Committee for approval prior to any new position. Changes in qualifications to existing positions will be approved by the School Committee.
2. All funded positions will be advertised.
3. All applications for employment will be made on the appropriate forms and maintained in the main office of the Ware School District in an active file for a period of one (1) year. Each application on file will be reviewed prior to hiring any staff for a position in order to develop a pool of qualified applicants for interview.
4. Interviews will be conducted by teams composed of the building principal for building-based personnel, program director(s) and/or other staff deemed appropriate by the Superintendent. For system-wide staff, the Superintendent will designate the interview team. Teams should include an expert in the field for which the candidate is being interviewed.
5. Upon completion of the interview process and review of applicant credentials, for building based personnel, the principal shall appoint and submit the name along with supporting written rationale to the Superintendent for approval.
6. The Superintendent shall review the recommended candidate for compliance with job requirements and qualifications, certification (if appropriate), budgetary constraints, School Committee policy and any other relevant factors. Final approval shall then be granted or denied by the Superintendent.

7. For system-wide personnel, the Superintendent may solicit input, as deemed appropriate; however, the determination of appointment is the decision of the Superintendent.
8. All personnel hired, including the source of funding, must be reported, for information purposes only, to the School Committee at its next regular meeting.
9. Funding for all personnel positions must be approved by the School Committee prior to being appointed.
10. The School Committee shall be given two weeks notice prior to employing immediate family of the Superintendent, Central Office Administration or School Committee member, or the assignment of immediate family of a principal to the principal's school.

LEGAL REFS.: M.G.L. 71:41; 71:42; 71:47-A; 71:53; 71:59; 71:59-B; 71:67; 71B:3a; 151B

CROSS REF.: GBA (Equal Opportunity Employment)

Adoption Date: July 17, 1997

Revision Date: September 3, 2008

Last Date Reviewed: September 3, 2008

## EQUAL OPPORTUNITY EMPLOYMENT

The School Committee will take action to ensure that any individual within the district who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, creed, color, age, sex, national origin or sexual orientation. Applicants will be selected on the basis of qualifications, merit and ability.

LEGAL REFS.: Civil Rights Act of 1964, as amended and regulations promulgated there under;  
Equal Employment Opportunity Act of 1972 as amended and regulations promulgated there under;  
Title VII as amended and regulations promulgated there under;  
Education Amendments of 1972 as amended and regulations promulgated there under;  
Rehabilitation Act of 1973 as amended and regulations promulgated there under,  
M.G.L., 151B, as amended and regulations promulgated there under;  
Americans with Disabilities Act

CROSS REFS.: ACAB – GBAA Subcategories for Sexual Harassment  
AC – ACA – ACE Subcategories of Nondiscrimination  
JB – Equal Educational Opportunities

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **SEXUAL HARASSMENT POLICY/COMPLAINT PROCEDURE FOR STUDENTS**

**Purpose:**

To create for all Ware School District students a study environment free of sexual harassment.

The Ware School District is committed to safeguarding the right of all persons associated with the Ware School District, including students, employees, Ware School Committee members and volunteers to a work and educational environment that is free from all forms of sexual harassment. Therefore, the Ware School District condemns and prohibits all sexual harassment on its premises.

All individuals associated with the District, but not necessarily limited to the Ware School Committee, the administration, the staff, students and members of the public while on campus, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community or while on school property will be in violation of this policy.

Appropriate disciplinary action, up to and including dismissal, will be taken in any instance where an employee violates this policy. Sexual harassment by a student will result in disciplinary action up to and including expulsion. Sexual harassment by others will result in their being excluded from School premises or if it is required that they enter the premises, they will be accompanied by a School District representative at all times.

If the sexual harassment is criminal in nature, the offense shall be reported to the police department as well as a Title IX Coordinator. If the sexual harassment requires the intervention of State social service or protective agencies, the proper authorities will be contacted. In these circumstances, the School's attorney will be immediately contacted to give advice and guidance on how to process these actions with the appropriate authorities.

Any student who believes that he or she has been subjected to sexual harassment should make a complaint to any administrator, the Title IX Coordinators, or directly to the Superintendent, so that appropriate action may be taken at once.

Management representatives are charged with the responsibility of discouraging any sexually harassing behaviors within or outside of their areas of supervision. This includes directly confronting the harasser when a management representative observes harassing behavior, and immediately reporting the activity to the Title IX Coordinators.

A Title IX Coordinator will investigate complaints promptly, and corrective action will be taken where appropriate. No person will suffer retaliation or intimidation as a result of using the internal complaint procedure.

A copy of this policy and its accompanying regulations are posted in appropriate places, and made available to individuals upon request.

The Title IX Coordinators for the Ware School District are:

ASSISTANT PRINCIPAL

or

ASSISTANT PRINCIPAL

Tracy Lyon

Robert Warren

SMK Elementary School

Ware Junior-Senior High School

4 Gould Road

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**Sexual Harassment Definition**

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is either explicitly or implicitly made a term or condition of a student's education; or
2. Submission to or rejection of such conduct is used as a basis for education decisions affecting such student; or
3. Such conduct has the purpose or effect of substantially interfering with a student's educational performance, or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may include, but is not limited to:

1. Assault, inappropriate touching, intentionally impeding movement, comments, gestures, or written communications of a suggestive or derogatory nature.
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
3. Implying or actually withholding grades earned or deserved, suggesting that a poor performance evaluation will be prepared, or suggesting that a scholarship recommendation or college application will be denied.
4. Coercive sexual behavior used to control, influence or affect the educational opportunities, grades and/or the learning environment of a student.
5. Offering or granting favors or educational benefits, such as grades or recommendations, in exchange for sexual favors.

Other sexual harassing behavior directed towards students, whether committed by management, staff, or students, is also prohibited. Such conduct includes but is not limited to:

1. Unwelcome sexual flirtations, advances or propositions;
2. Sexually explicit language or gestures;
3. Touching that an individual interprets as sexual in nature;
4. Any unwelcome physical contact;
5. The presence of sexually provocative photographs, pictures or other material, and the telling of sexual stories or jokes;
6. Verbal or non-verbal behavior about an individual's body that is interpreted as sexual in nature.

**Complaint Procedure Informal Process for Students**

In determining whether an alleged incident constitutes sexual harassment, the Title IX Coordinators will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure outlined below, unless the Title IX Coordinator is the subject of the complaint.

1. Any student of the District who believes that he/she has been subjected to sexual harassment is to report the incident(s) to any administrator, Title IX Coordinator, or directly to the Superintendent. The administrator and/or Superintendent are to immediately contact the Title IX Coordinators. A written record of the complaint will be made by the party receiving the complaint. A separate file system will be maintained, apart from the student's personal record, regarding these complaints and as to all matters relating to the complaints.
2. If the alleged harassment involves the Title IX Coordinators, the Superintendent of Schools will act as the Title IX Coordinators.
3. If the alleged harassment involves the Superintendent of Schools, the Chairman of the Ware School Committee will act as the Title IX Coordinators.
4. The Superintendent and the Title IX Coordinators will look at the totality of the circumstances and the context in which the alleged incidents occurred. They will attempt to resolve the problem by conferring with both parties in order to obtain a clear understanding of the facts. All matters involving sexual harassment complaints will remain confidential to the extent possible.
5. Students may be accompanied, at any phase of this process or subsequent hearing before the Committee, by a parent, guardian or representative of their choosing. Parents will be immediately notified by the Title IX Coordinators of the existence of a student's report of sexual harassment.
6. The Title IX Coordinators will explain each phase of the Informal and Formal Complaint Process to a student who wishes to file a complaint and will assist the student in the processing of the complaint. In addition, the Title IX Coordinators will inform the student of additional forums for resolution of the complaint such as the Office of Civil Rights (O.C.R.) and the Massachusetts Commission Against Discrimination (M.C.A.D.).
7. Under normal circumstances, a Title IX Coordinator's investigation will be completed within five working days of the initial complaint. Upon completion of the investigation, the Title IX Coordinators shall issue his/her findings in writing to the student and the alleged harasser.

Complaint procedure formal process for students

1. A complainant may file a formal complaint immediately or may do so after the Superintendent and the Title IX Coordinator's efforts to reach a settlement under the informal process have proven unsuccessful.
2. The complaint will state clearly and concisely the complainant's description of the incident and it will also indicate any remedy sought. The complaint must be signed by the complainant. The Superintendent's office will send the respondent a copy of the complaint within five working days after it is received. A separate file system shall be maintained as to all matters relating to the complaint. Confidentiality shall be maintained to the extent possible.
3. The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign his or her statement which will then be appended to the original complaint. Within three working days, the Superintendent's office will forward both statements to the complainant and the respondent.
4. There will be two modes of resolution for formal complaints. A complaint may be settled through mediation or through a hearing. If the complainant and respondent agree to pursue mediation, a date mutually acceptable to both parties will be set within ten working days. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to both parties. If the mediation does not result in an agreement, the case will be forwarded to the Superintendent for a hearing unless the Superintendent is the alleged harasser in which case the hearing will be before the Ware School Committee.
5. When a hearing is requested, the Title IX Coordinators will inform the Superintendent or the Ware School Committee, as the case may be, and the case will be heard at the next regularly scheduled meeting of the Ware School Committee pursuant to the provisions of the Commonwealth's Open Meeting Law and/or before the Superintendent pursuant to M.G.L., c. 71, § 42.

Complaint procedure formal process for students

The purpose of the Superintendent or Ware School Committee Hearing is to determine whether the school system's policy on sexual harassment has been violated, and, if so, to determine the appropriate consequences for the violation.

1. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Superintendent or Ware School Committee is not bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves, although, if desired, each party may be accompanied by counsel or an advocate.
2. The presiding officer of the hearing may have counsel present for purposes of assisting in the orderly conduct of the hearing and the questioning of witnesses. The complainant and the respondent will be asked to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, at the start of the proceedings the points of agreement and disagreement will be reviewed. The Superintendent or the Committee, as the case may be, will hear testimony and consider whether the Ware School Committee Policy on Sexual Harassment has been violated, and, if so, will recommend appropriate consequences.
3. The presiding officer will:
  - a. ensure an orderly presentation of all evidence;
  - b. ensure that the proceedings are accurately recorded by means of a tape or stenographic recording;
  - c. see that a decision is issued no later than ten working days after the conclusion of the hearing or, when written arguments are submitted, ten working days after their submission.
4. The Superintendent or the Committee, as the case may be, will:
  - a. conduct a fair and impartial hearing which ensures the rights of all parties involved;
  - b. define issues of contention;
  - c. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;
  - d. ask relevant questions of the complainant, respondent, and any witnesses if needed to elicit information which may be of assistance in making a decision; and
  - e. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence which may establish their claims.

**Decision of the Superintendent or the School Committee**

1. After all the evidence, testimony, and written arguments have been presented, the committee will convene for deliberations to determine whether the school system's policy on sexual harassment has been violated. If the Committee finds after a roll call vote that the policy has not been violated, that fact will be registered in the records of the hearing, and the written decision will be forwarded to the complainant and the respondent no later than fifteen working days after completion of the hearing. In hearings before the Superintendent, if the Superintendent finds that the policy has not been violated, the Superintendent will issue a written decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.
2. If the Committee finds after a roll call vote that the charge of violating the school system's policy on sexual harassment has been substantiated, the hearing Committee will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Committee will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing. In hearings before the Superintendent, if the Superintendent finds that the charge of violating the school system's policy on sexual harassment has been substantiated, the Superintendent will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Superintendent will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.  
The findings of fact as well as the penalty and relief will be based solely on the testimony and evidence presented at the hearing.
3. The penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file or student record, probation, suspension without pay, dismissal, demotion, or removal from administrative duties within a department; students may be subject to suspension or expulsion proceedings following a finding that the policy has been violated. The Committee or Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.

Legal References: Title VII, Section 703, Civil Rights Act 1964 as amended 45 Federal Regulations 746776 issued by Chapter 622/EEOC Title IX of 1972 Education Amendments

Adoption Date: July 17, 1997  
Revision Date: September 12, 2007  
Last Date Reviewed: September 12, 2007

## **SEXUAL HARASSMENT POLICY/COMPLAINT PROCEDURE FOR EMPLOYEES**

### **Purpose**

To create for all Ware School District employees a work environment free of sexual harassment.

The Ware School District is committed to safeguarding the right of all persons associated with the Ware School District, including students, employees, Ware School Committee members and volunteers to a work and educational environment that is free from all forms of sexual harassment. Therefore, the Ware School District condemns and prohibits all sexual harassment on its premises.

All individuals associated with the District, but not necessarily limited to the Ware School Committee, the administration, the staff, students and members of the public while on campus, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community or while on school property will be in violation of this policy.

Appropriate disciplinary action, up to and including dismissal, will be taken in any instance where an employee violates this policy. Sexual harassment by a student will result in disciplinary action up to and including expulsion. Sexual harassment by others will result in their being excluded from School premises or if it is required that they enter the premises, they will be accompanied by a School District representative at all times.

If the sexual harassment is criminal in nature, the offense shall be reported to the police department as well as the Title IX Coordinators. If the sexual harassment requires the intervention of State social service or protective agencies, the proper authorities will be contacted. In these circumstances, the School's attorney will be immediately contacted to give advice and guidance on how to process these actions with the appropriate authorities.

Any employee who believes that he or she has been subjected to sexual harassment should make a complaint to any administrator, the Title IX Coordinators, or directly to the Superintendent, so that appropriate action may be taken at once.

Management representatives are charged with the responsibility of discouraging any sexually harassing behaviors within or outside of their areas of supervision. This includes directly confronting the harasser when a management representative observes harassing behavior, and immediately reporting the activity to the Title IX Coordinators.

The Title IX Coordinators will investigate complaints promptly, and corrective action will be taken where appropriate. No person will suffer retaliation or intimidation as a result of using the internal complaint procedure.

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3. Suggesting that a poor performance evaluation will be prepared, or suggesting that promotional opportunities will be denied.
4. Coercive sexual behavior used to control, influence or affect the employment opportunities, and/or the employment environment of an employee.
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**Complaint procedure informal process for employees**

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2. If the alleged harassment involves the Title IX Coordinators, the Superintendent of Schools will act as the Title IX Coordinator.
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4. The Superintendent and the Title IX Coordinators will look at the totality of the circumstances and the context in which the alleged incidents occurred. They will attempt to resolve the problem by conferring with both parties in order to obtain a clear understanding of the facts. All matters involving sexual harassment complaints will remain confidential to the extent possible.
5. Employees may be accompanied, at any phase of this process or subsequent hearing before the Committee, by a representative of their choosing.
6. The Title IX Coordinators will explain each phase of the Informal and Formal Complaint Process to an employee who wishes to file a complaint and will assist the employee in the processing of the complaint. In addition, the Title IX Coordinators will inform the employee of additional forums for resolution of the complaint such as the Office of Civil Rights (O.C.R.) and the Massachusetts Commission Against Discrimination (M.C.A.D.).
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Complaint procedure formal process for employees

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3. The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign his or her statement which will then be appended to the original complaint. Within three working days, the Superintendent's office will forward both statements to the complainant and the respondent.
4. There will be two modes of resolution for formal complaints. A complaint may be settled through mediation or through a hearing. If the complainant and respondent agree to pursue mediation, a date mutually acceptable to both parties will be set within ten working days. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to both parties. If the mediation does not result in an agreement, the case will be forwarded to the Superintendent for a hearing unless the Superintendent is the alleged harasser in which case the hearing will be before the Ware School Committee.
5. When a hearing is requested, the Title IX Coordinators will inform the Superintendent or the Ware School Committee, as the case may be, and the case will be heard at the next regularly scheduled meeting of the Ware School Committee pursuant to the provisions of the Commonwealth's Open Meeting Law and/or before the Superintendent pursuant to M.G.L., c. 71, § 42.

Formal hearing

1. The purpose of the Superintendent or Ware School Committee Hearing is to determine whether the school system's policy on sexual harassment has been violated, and, if so, to determine the appropriate consequences for the violation.
2. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Superintendent or Ware School Committee is not bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves, although, if desired, each party may be accompanied by counsel or an advocate.
3. The presiding officer of the hearing may have counsel present for purposes of assisting in the orderly conduct of the hearing and the questioning of witnesses. The complainant and the respondent will be asked to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, at the start of the proceedings the points of agreement and disagreement will be reviewed. The Superintendent or the Committee, as the case may be, will hear testimony and consider whether the Ware School Committee Policy on Sexual Harassment has been violated, and, if so, will recommend appropriate consequences.
4. The presiding officer will:
  - a. ensure an orderly presentation of all evidence;
  - b. ensure that the proceedings are accurately recorded by means of a tape or stenographic recording; and
  - c. see that a decision is issued no later than ten working days after the conclusion of the hearing or, when written arguments are submitted, ten working days after their submission.
5. The Superintendent or the Ware School Committee, as the case may be, will:
  - a. conduct a fair and impartial hearing which ensures the rights of all parties involved;
  - b. define issues of contention;
  - c. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;
  - d. ask relevant questions of the complainant, respondent, and any witnesses if needed to elicit information which may be of assistance in making a decision; and
  - e. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence which may establish their claims.

Decision of the Superintendent or the School Committee

1. After all the evidence, testimony, and written arguments have been presented, the committee will convene for deliberations to determine whether the school system's policy on sexual harassment has been violated. If the Committee finds after a roll call vote that the policy has not been violated, that fact will be registered in the records of the hearing, and the written decision will be forwarded to the complainant and the respondent no later than fifteen working days after completion of the hearing.

In hearings before the Superintendent, if the Superintendent finds that the policy has not been violated, the Superintendent will issue a written decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

2. If the Committee finds after a roll call vote that the charge of violating the school system's policy on sexual harassment has been substantiated, the hearing Committee will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Committee will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

In hearings before the Superintendent, if the Superintendent finds that the charge of violating the school system's policy on sexual harassment has been substantiated, the Superintendent will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Superintendent will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing. The findings of fact as well as the penalty and relief will be based solely on the testimony and evidence presented at the hearing.

3. The penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file or student record, probation, suspension without pay, dismissal, demotion, or removal from administrative duties within a department; students may be subject to suspension or expulsion proceedings following a finding that the policy has been violated. The Committee or Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.

Legal References: Title VII, Section 703, Civil Rights Act 1964 as amended 45 Federal Regulations 746776 issued by Chapter 622/EEOC Title IX of 1972 Education Amendments

Adoption Date: July 17, 1997

Revision Date: September 3, 2008

Last Date Reviewed: September 3, 2008

**ACKNOWLEDGMENT OF RECEIPT  
OF SEXUAL HARASSMENT POLICY**

I hereby acknowledge I have received a copy of the sexual harassment policy.  
I understand it is my obligation to immediately read the policy and abide by the  
Policy at all times.

---

Date

---

Employee/Student Signature

---

Employee/Student Name  
(Please Print)

## USE OF RESTRAINT POLICY

In accordance with G.L. Chapter 71, Section 37G and the Massachusetts Department of Education's regulations concerning the Use of Restraint, 603 C.M.R. 46.00 et seq., the Ware School Committee hereby adopts this Use of Restraint Policy. In the event of any conflict between this policy and the law or regulations, the latter shall prevail. A copy of the Massachusetts Department of Education's Use of Restraint regulations, this policy, and a list of staff members who have received in-depth physical restraint training shall be available for inspection in each school building. This policy applies to all events and activities sponsored by the school district whether or not they occur on school grounds.

### I. WHAT IS A RESTRAINT?

Restraint encompasses the limitation of a student's physical freedom by:

1. The use of physical intervention (physical restraint);
2. The use of a physical device to restrict the movement or normal function of a student or a portion of the student's body (mechanical restraint);
3. The administration of medication for purpose of restraint (chemical restraint); or
4. Physically confining a student alone in a room or limited space without access to school staff is prohibited in public education programs (seclusion restraint).

The touching or holding of a student without the use of force for the purpose of directing the student constitutes a physical escort, not a physical restraint for purposes of this policy.

### II. WHEN MAY RESTRAINT BE UTILIZED?

Chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian and, even then, only when necessary and in accordance with the proper written authorizations.

Physical restraint shall only be used:

1. In situations involving the threat of imminent, serious, physical harm;
2. After other less intrusive alternatives (non-physical interventions) have failed or been deemed inappropriate;
3. With extreme caution; and
4. When able to do so without putting another individual in harm's way.

Physical restraint *cannot* be used in response to property damage, disruption of school order or the failure to obey a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.

**III. WHO CAN ADMINISTER A RESTRAINT?:**

Only school personnel who have been trained in accordance with the DOE’s use of restraint regulations may administer a restraint.

Whenever possible, the administration of restraint shall be witnessed by at least one (1) adult who does not participate in the restraint.

**IV. HOW MUCH RESTRAINT CAN BE APPLIED AND THE PROPER ADMINISTRATION OF A PHYSICAL RESTRAINT?:**

When restraint is necessary, school personnel shall use only the minimal amount of restraint necessary to protect a member of the school community from imminent, serious physical harm. The safest restraint method available and appropriate to the situation shall be utilized. Restraint shall be administered in such a way so as to prevent or minimize physical harm. Floor and/or prone restraints can only be administered by school personnel who have had in-depth training and only when necessary to protect the safety of the student or others present.

No restraint shall be administered in such a way that the student is prevented from breathing or speaking.

The restraint must be immediately discontinued once it is determined that the student no longer poses a threat of imminent, serious physical harm.

In the rare event that a restraint continues for more than twenty (20) minutes, it shall be considered an “extended restraint” and shall be subject to special reporting requirements.

Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

**V. STUDENTS WITH DISABILITIES:**

Restraint administered to a student with a disability pursuant to an IEP or other written plan developed pursuant to state and federal law to which the school district and the student’s parent or guardian have agreed shall be deemed to be in compliance with this policy *provided* that it is otherwise in compliance with this policy’s provisions concerning:

1. Chemical, mechanical and seclusion restraints;
2. Training requirements; and
3. Reporting requirements.

**VI. DUTY TO MONITOR DURING ADMINISTRATION OF RESTRAINT:**

During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including the skin color and respiration. A restraint shall be immediately released if a student demonstrates significant physical distress and school staff shall take steps to seek prompt medical assistance.

**VII. FOLLOW UP PROCEDURES:**

After a student is released from a restraint, the following follow up procedures shall be implemented:

1. An administrator shall review the incident with the student to address the behavior that precipitated the restraint.
2. An administrator shall meet with the staff person(s) who administered the restraint to discuss the situation, including but not limited to the specific circumstances leading up to the use of a restraint, the type of restraint that was applied and the duration of the restraint. The administrator shall determine whether proper restraint procedures were utilized. If additional investigation is required before such a determination can be made, such investigation shall be promptly conducted.
3. An administrator shall determine whether any follow-up is appropriate for students who witnessed the incident.

**VIII. TRAINING:**

All program staff shall receive annual training during the first month of each school year. For program staff hired after the school year begins, training shall occur within a month of their first day of work.

Training shall cover, at a minimum: the restraint policy; interventions which may obviate the need for restraint, including de-escalation of problematic behaviors; types of restraints and related safety issues (i.e., increased risk of injury from restraint use); the administration of physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to individual students; identification of program staff who have received in-depth training in the use of physical restraint.

At the commencement of each school year, the principal or program director shall identify program staff that is authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint in accordance with the Massachusetts Department of Education Regulations 603 C.M.R. 46.03 (3), (4).

**IX. REPORTING REQUIREMENTS:**

*Verbal Report* – Any staff member who administers or participates in the administration of a restraint must verbally inform the building principal of the restraint on that same day, if possible in the event of any of the following:

1. The restraint lasts for a duration of five (5) minutes or longer; OR
2. The restraint results in any injury to a student or staff member; OR
3. When otherwise ordered by an administrator

*Written Report* – Any staff member who administers or participates in the administration of such a restraint must also submit a written report to the building principal no later than the school working day following the administration of the restraint. If a restraint is administered on the last work day of a semester or year, the written report must be submitted to the building principal that same day before the end of the reporting employee's work day. The written report must contain the information specified below.

*Parental/Guardian Notice* – The principal or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible and by written report postmarked no later than three (3) school working days following the use of restraint. If the school normally provides report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent or guardian in that language. The parental/guardian notice must contain the information specified below:

1. The names and job titles of the staff who administered the restraint;
2. The names and job titles (if an employee) of any person who witnessed the restraint or the immediate circumstances giving rise to the restraint;
3. The date the restraint was administered;
4. The time the restraint began;
5. The time the restraint ended;
6. The name of the Administrator to whom the verbal report of the restraint was made;
7. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged in immediately prior to the use of physical restraint;
8. A description of the behavior that prompted the restraint;
9. A description of the efforts made to de-escalate the situation;

10. A description of the alternatives to restraint that were attempted;
11. A description of the justification for initiating the restraint;
12. A description of the administration of the restraint including the holds used and reasons such holds were necessary;
13. A description of the student's behavior and reactions during the restraint;
14. A description of how the restraint ended;
15. A description of any injury to the student and/or staff during the restraint and the medical care provided;
16. For extended restraints (lasting more than twenty (20) minutes), the written report shall also describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint;
17. Information regarding any further action(s) the school has taken or may take, including any disciplinary sanctions that may be imposed on the student;
18. Information regarding the opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

In the event the building principal is the person who administers or participates in administering the restraint, then the building principal shall make the required report to the Superintendent. The Superintendent shall, in turn, make the required report to the parents/guardians.

*Record of Reported Restraints* – The Building Principal or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which shall be made available for review by the Department of Education upon request.

*Report to Department of Education* – The School District shall submit a copy of the written restraint report containing the information specified above to the Massachusetts Department of Education, within five (5) school working days of the restraint along with a copy of the record of physical restraints maintained by the Principal for the thirty (30) day period prior to the date of the reported restraint whenever:

1. A restraint resulted in a serious injury to a student or staff member; or
2. An extended restraint (lasting more than twenty (20) minutes) has been administered.

*Parent/Guardian's Individual Waiver of Reporting* –A parent/guardian may voluntarily waive the reporting requirements for restraints which do not result in serious injury to the student or staff member and do not constitute an extended restraint. Individual waivers should only be sought for students who pose a high risk of frequent, dangerous behavior that may require the frequent use of restraint. Such waivers shall be maintained on site in the student's file and available for inspection by the Massachusetts Department of Education upon request. The waiver shall specify the reporting requirements which are waived and shall specify information regarding how and when the parent/guardian will be notified of all restraints to the individual student.

Admission or provision of services cannot be conditioned upon execution of a waiver. Waivers may be revoked at any time without penalty. Program-wide or classroom-wide waivers are not valid.

**X. POLICY SUPPLEMENTS – OTHER REPORTING REQUIREMENTS:**

Nothing in this policy shall be interpreted to relieve any person from any reporting requirements otherwise mandated by law, regulation or policy including but not limited to:

1. The right of any person to report to authorities the commission of a crime;
2. The exercise of an individual's responsibilities as a mandated reporter of suspected abuse or neglect pursuant to M.G.L. Chapter 119, 51A.

Nothing in this policy prohibits law enforcement, judicial authorities or school security personnel from exercising their responsibilities including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk.

**XI. REPERCUSSIONS FOR VIOLATION OF POLICY:**

The unnecessary or unreasonable use of physical restraint is hereby prohibited and will subject a person to disciplinary action, up to and including discharge, as well as criminal prosecution and/or civil liability.

**XII. COMPLAINTS CONCERNING THIS POLICY:**

Any student and/or his/her parent/guardian may file a complaint alleging a violation of this policy by submitting the complaint in writing to the Superintendent within thirty (30) calendar days after the restraint is issued. The complaint shall identify the date of the restraint, the staff members involved and what provision of this policy was allegedly violated. The Superintendent shall schedule a meeting with the student and his/her parent/guardian to review the complaint. Within fifteen (15) school working days following the meeting, the Superintendent shall respond in writing to the complaint.

LEGAL REF: M.G.L. 71:37G  
REG. REF: Use of Restraint, 603 CMR 46.00 et seq

Adoption Date: August 23, 2001  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## USE OF RESTRAINT REPORT

In accordance with the Ware School District's *Use of Restraint policy*, a use of restraint report must be filed with the Building Principal or designee no later than the school working day following the administration of the restraint when: the restraint lasts for five (5) or more minutes, the restraint results in any injury to a student or staff member, or when requested by an Administrator. Attach additional sheets if necessary.

1. Name of person filing report: \_\_\_\_\_

2. Job title: \_\_\_\_\_

3. Name of the individual restrained: \_\_\_\_\_

4. Location of incident:  
\_\_\_\_\_  
\_\_\_\_\_

5. Administrator to whom verbal report was made: \_\_\_\_\_

Verbal report date: \_\_\_\_\_ Time: \_\_\_\_\_

6. Report date: \_\_\_\_\_ Restraint date: \_\_\_\_\_

7. Restraint administered by:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

8. Observers (staff, student, etc.) who witnessed the restraint or the immediate circumstances giving rise to the restraint:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

**PRECIPITATING ACTIVITY:**

Description of activity in which the restrained individual and others were engaged immediately preceding the use of physical restraint:

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Behavior that prompted restraint:

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Efforts made to de-escalate and alternatives to restrained individual that were implemented:

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**PHYSICAL RESTRAINT:**

Justification for initiating physical restraint (check as many as apply):

Non-physical interventions were not effective.

To protect students and/or others from imminent, serious, physical harm.

Other (Explain: i.e. as directed by I.E.P.): \_\_\_\_\_

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Describe holds used and why such holds were necessary:

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Individual's behavior and reaction during restraint:

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Time Restraint Began: \_\_\_\_\_

Time Restraint Ended: \_\_\_\_\_

**CESSATION OF RESTRAINT:**

How restraint ended (check as many as apply):

\_\_\_\_\_ Determination by staff member that individual was no longer a risk to themselves or others.

\_\_\_\_\_ Intervention by administrators/others facilitated deescalation.

\_\_\_\_\_ Law enforcement personnel arrived.

\_\_\_\_\_ Individual exhibited physical distress and was released immediately

\_\_\_\_\_ Other (Explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was there any injury to individual and/or staff: \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please describe any injury to student and/or staff and any medical care provided:

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Medical Care Provider: \_\_\_\_\_

Incident report was filed with whom: \_\_\_\_\_

**FOR EXTENDED RESTRAINTS:** (Beyond 20 minutes):

Alternatives to extended restraint that were attempted:

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Outcome of those efforts:

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Justification for administering extended restraint:

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**FURTHER ACTION:**

The school will take the following action and/or disciplinary sanctions:

- Review incident with student to address behavior that precipitated incident.
- Review incident with staff to discuss whether proper restraint procedures were followed.
- Consider whether follow-up is necessary for students who witnessed the incident.
- Verbally informed parent/guardian on date of incident:
- Send written report home to parent/guardian within three (3) school days after incident:
- Other (Explain):

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**PARENT/GUARDIAN NOTIFICATION** (Required for all restraints):

Verbally informed of physical restraint on \_\_\_\_\_ by \_\_\_\_\_  
or document attempts to contact verbally:

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Written report sent to parent/guardian on \_\_\_\_\_ by \_\_\_\_\_

at \_\_\_\_\_  
(street address)

Parent/guardian was offered opportunity to discuss the administration of physical restraint and/or disciplinary sanctions with (teacher/administrator). Results of discussion:

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**REPORT TO MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION (MDESE):**

Required if restraint resulted in serious injury to individual staff member, or when an extended restraint has been administered.

Report sent to MDESE within five (5) school working days:

Date: \_\_\_\_\_ By: \_\_\_\_\_

Copy of the record of physical restraints maintained by program administrator for the thirty (30) day period to the date of the reported incident went on:

(Required)

Date: \_\_\_\_\_ By: \_\_\_\_\_

Legal Ref: 603 CMR 46:00

Adoption Date: August 23, 2001  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **SCHOOL COMMITTEE-STAFF COMMUNICATIONS**

The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

### **School Committee/Superintendent Communications**

When an issue or event occurs within the District where, because of the seriousness of the issue or event, law enforcement agencies, emergency services and/or the press are being notified about student(s), personnel, or activities of the School District, the protocols described below will be followed so that all members of the School Committee will be aware of the issue or event reported.

The protocols are as follows:

1. The administrator shall report the issue or event to the Superintendent.  
If the Superintendent is absent, it shall be reported to the Acting Superintendent.
2. That individual shall report the issue or event to the Chairperson of the School Committee. In the event of his/her absence, it shall be reported to the Vice Chairperson.
3. That individual shall report the issue or event to each member of the School Committee.

### **Staff Communications to the School Committee**

All communications or reports to the School Committee or any of its subcommittees from principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the School Committee from administrative decisions on important matters, except those matters that are outside of the School Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the School Committee's policy on complaints and grievances. Staff members are also reminded that School Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the School Committee's deliberations on problems of staff concern.

### **School Committee Communications to Staff**

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the School Committee's problems, concerns and actions.

**Visits to Schools**

Individual School Committee members interested in visiting schools or classrooms will inform the principals of the various schools, utilizing the visitor sign-in/sign-out procedure. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by School Committee members will be carried on only under School Committee authorization.

## **STUDENT/STAFF USE AND/OR ABUSE OF CONTROLLED SUBSTANCES**

Pursuant to the Drug-Free Workplace Act of 1988 and any other appropriate State or Federal Legislation, the School Committee recognizes that it has a duty to take reasonable and responsible measures to prevent the introduction of any and all drugs that may be recreationally used and/or abused into the school environment and to take prompt remedial action should we learn that it has occurred. The term “drug” in this policy applies to, but is not limited to, the following: alcohol, marijuana, amphetamines, barbiturates, cocaine, heroin, codeine, hashish, LSD, methadone, organic solvent (glue, cleaner, aerosols), peyote, mescaline, etc., and any and all prescription medication improperly obtained from home or through non-medical transactions (although this does not include any legally obtained prescription or over-the-counter stop-smoking products). There will be absolutely no use of tobacco products (to include, but not be limited to, cigarettes, cigars, rolling papers, chewing tobacco, smokeless tobacco) of any kind on school grounds at any time by students and staff. Violators will be subject to student suspension and/or expulsion, and disciplinary action, including termination, for staff. In addition, it should be made clear that students and faculty will be disciplined for possession or use of any of the substances heretofore described. For purposes of clarification, the use and/or abuse of such substances shall be prohibited in school buildings, in school facilities, on school grounds, on school buses at any time or at any school-sponsored event. The School Committee further needs to encourage the school and the community to cooperatively develop and conduct programs that provide every child with a good understanding of the physical, psychological, and social dangers associated with drug abuse. The school administration will work cooperatively with police, medical and social agencies, and other community organizations, in the matter of drug education and drug abuse and prevention.

The Ware School District shall establish and maintain a referral system for any student enrolled in the school and seeking help with a personal problem that involves drug usage. The Ware School District recognizes that rehabilitation and education are the most significant factors in helping individuals. To this end students will have a curriculum that gives proper attention to the issues of drug abuse. All Ware School District faculty and staff shall hold confidential any and all student requests for referral to drug rehabilitation.

The Superintendent of Schools will develop guidelines and procedures, which shall provide a system of discipline and support services for students who possess, use, distribute, or sell drugs on school property and school buses or at any event sponsored by the school system. Such regulations are intended to discipline transgression of school rules, protect non-users of drugs and provide help for drug abusers.

This policy does not create regulations but does provide guidelines and establishes a framework for authority by which those regulations are supported. The administration is guided by the following:

1. Where there is evidence of a violation of this policy, the administration will conduct a thorough investigation of any student/staff, his/her locker or possessions.
2. Where there is evidence of violation of this policy, the administration will notify the parents of the student and the proper authorities for every infraction.
3. Evidence of possession and/or distribution of drugs will be referred to the police department but this shall not, in any way, diminish the right of school officials to take disciplinary action and/or make referral for rehabilitation.
4. “Under the influence” shall mean having made use of any substance prohibited under this policy and includes but is not limited to any perceptible degree of impairment of a student’s functioning.
5. A violation of this policy will be considered grounds for suspension and/or expulsion from school.
6. The Ware School District recognizes that parents have rights and responsibilities in matters that affect their children. The administration will take reasonable measures to notify students’ parents immediately whenever their children are found to be in violation of this drug policy or other drug regulations.
7. Persons who knowingly support or conceal the use, possession of, or distribution of drugs on school grounds shall be deemed to have violated school regulations and shall be subject to disciplinary action.
8. In matters involving student suspension and/or expulsion, the Ware School District will adhere to the district’s discipline policies and procedures.
9. Any employee who violates this policy shall be subject to disciplinary action per collective bargaining agreement.

Specifically regarding the use and abuse of non-medicinal tobacco products, it shall be the policy of the School Committee that:

- The school curriculum shall include information on the health risks associated with the use of tobacco products.
- Signs shall be posted at each school building indicating that smoking is prohibited by policy and requirements of state law.
- Any student who violates this policy shall be subject to student disciplinary procedures up to, and including, expulsion.
- Copies of this policy are available upon request from the principal of each school.
- This policy shall be promulgated to all staff and students in appropriate handbooks and publications.

LEGAL REF: M.G.L. 71:37H  
M.G.L. 272:40A  
CROSS REF: JIH: Interrogations and Searches

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **DRUG FREE WORKPLACE**

In accordance with the mandates of the *Federal Drug-Free Work Place Act of 1988*, the *Drug-Free Schools and Communities Act* as amended, and the Ware School Committee's long-standing policy in this area, we wish to reiterate the following:

The School Committee is committed to maintaining a drug and alcohol free workplace throughout the school system. Drug and alcohol use in the workplace has a tremendous cost in terms of lost time from work, apathy, inferior performance and danger to the health, safety and well being of the employee, his or her fellow employees and students.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol on any school property is strictly prohibited.

All employees are required to remain in fit physical condition at all times while at work and may not be under the influence of alcohol or any illegal drug at any time while working and/or on school property.

An employee who is convicted of any drug violation must notify the Superintendent in writing within five (5) days of any conviction, guilty plea, or no contest plea.

Compliance with these requirements and prohibitions is a condition of each employee's continued employment, and failure to comply may subject an employee to discharge and possible referral for prosecution. Any disciplinary action will be taken pursuant to applicable collective bargaining agreements or, in case of employees not covered by a collective bargaining agreement, in accordance with any applicable provisions of the Massachusetts General Laws.

Employees who seek counseling, rehabilitation, or re-entry to a service may obtain a list of support programs from the Massachusetts Department of Public Health or from the Massachusetts Teachers' Association. If requested, the School Department will assist individuals in determining what resources are presently available to them.

## **ACCIDENT/INJURY POLICY**

Accidents and injuries occurring to students and staff members on school grounds or while under school supervision shall be reported and filed promptly to the school office. The school office shall notify the central office of the incident. A written accident/injury report must be completed on the form provided and filed with the school principal. The accident/injury report must be completed by the injured employee (or in the case of a student by the supervising staff member) and submitted to the principal or his/her designee as soon as possible and no later than forty-eight (48) hours after the accident/injury. The detailed report must include the name, address and age of the injured individual(s), the nature of the injury, the specific body part(s) injured, what the injured person(s) was doing at the time of the injury or accident, the date and time of the injury, the names of any witnesses, the actions taken at the time and any other pertinent information regarding the accident.

A copy of the report shall also be promptly forwarded to the office of the Superintendent by appropriate staff.

**REPORT OF ACCIDENT-INTAKE FORM**

Employee name \_\_\_\_\_ Employee/student number \_\_\_\_\_

Employee address \_\_\_\_\_

Telephone #: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

Department \_\_\_\_\_ Occupation \_\_\_\_\_

Date of birth \_\_\_\_\_

Sex: Male  Female

Date of injury \_\_\_\_\_ Time of injury \_\_\_\_\_ Date of hire \_\_\_\_\_

Description of injury \_\_\_\_\_

Location of accident \_\_\_\_\_

Witnesses \_\_\_\_\_

Who was injury reported to \_\_\_\_\_

Did employee lose time from work? Yes  No

If yes, how much: \_\_\_\_\_

Was medical treatment sought? Yes  No

If yes, by whom: \_\_\_\_\_

**SUPERVISOR COMPLETE BELOW**

Provide detailed description of accident:

\_\_\_\_\_  
\_\_\_\_\_

Was individual wearing safety gear? Yes  No  (if no, explain)

Action taken to prevent similar accidents \_\_\_\_\_

Remarks \_\_\_\_\_

Investigated by \_\_\_\_\_

Date \_\_\_\_\_

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

### MEDICAL AUTHORIZATION

To: \_\_\_\_\_

Date: \_\_\_\_\_

and any other physician, hospital, clinic or medical care provider, presently unknown to me, who may have or subsequently acquire information concerning my physical condition. You are hereby authorized to give \_\_\_\_\_

\_\_\_\_\_ (or any of its representatives), all information, facts and particulars, including reports, records, results from diagnostic tests, X-rays and statement of charges which may be requested regarding my medical condition, diagnosis, treatment and to furnish them copies of such reports. You are further authorized to allow any physicians appointed by them to review all such reports, records and X-rays in your possession.

I approve that a photocopy of this authorization be accepted with the same authority as the original.

This information is to be used for handling my claim from an occupational injury or illness occurring on or about \_\_\_\_\_ and for no other purpose, now or in the future.

This authorization is valid for the duration of the above condition.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

Employer: \_\_\_\_\_

Name of employee: \_\_\_\_\_

Employee#: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Claim #: \_\_\_\_\_ Date of accident: \_\_\_\_\_

## ACCEPTABLE USE OF TECHNOLOGY STAFF USE

### NETWORK

1. To use the Ware School District's network to promote the exchange of information that furthers education and research, and to be consistent with the mission of the Ware School District.
2. To use the equipment and system in a manner that respects the rights and property of others *and not to improperly access, misappropriate or misuse the files, data or information of others.*
3. To use the Ware School District network to communicate and exchange for professional development, for research and instruction, and any other activities which support and further the Ware Public Schools goals and objectives. All files and resources on the network are the property of the Town of Ware/Ware School District.
4. To efficiently use the network resources to minimize interference with others.
5. Not to use any of the Ware School District network for profit or commercial business use, personal (non-school based), political or religious purposes, illegal activity, or to send material that is offensive or objectionable to recipients.
6. Not to use programs that harasses other users or infiltrates a computing system and/or damages the software components.
7. It shall not be a violation of the Acceptable Use of Technology Policy for network administrators to access and review web sites or files or messages or other computerized information or data to verify use or access by staff. Network administrators are authorized to remove files, mail, materials or programs that violate this policy.
8. Computer logs showing internet activity and computer control sheets shall normally be maintained by the Ware School District for a ninety (90) day period. After such time, those documents will normally be discarded. School administrators and/or network administrators may elect to keep certain documents beyond the ninety (90) day period in the event they relate to an ongoing investigation or litigation (or potential litigation) or for other appropriate reasons.

**SECURITY**

1. To change passwords regularly, using combinations of letters and numbers, and avoiding standard English words and names.
2. Not to share the account with anyone or leave the account open or unattended. Users who provide their confidential password or account information to another or use another user's password or account shall be subject to disciplinary action on that basis and may also be held responsible for any improper activity conducted using his/her password.
3. Users will keep all accounts and passwords confidential and not accessible to others. Teachers must maintain computer access logs on their students for lab activities. Logs must be maintained for a ninety (90) day period.

**SOFTWARE**

1. Not to install copyrighted software, shareware, games or files for use on school system computers or on personal equipment used for school access. Software installations can only be performed by authorized system administrators or designated school personnel.
2. Duplicating copyrighted software, files or information is prohibited.
3. New software must be checked for compatibility prior to purchasing and inventoried by the technology department upon receipt.

**HARDWARE**

1. Vandalism will result in the cancellation of system privileges and will require restitution for costs associated with hardware, software and system restoration and may subject person(s) responsible to civil liability and/or criminal prosecution and discipline.
2. The use of portable school equipment and school laptops must be consistent with the conditions set forth in this policy. There shall be a record maintained by the main office at each school of all equipment which is authorized to be removed from the building and the person taking the equipment shall sign the log verifying the equipment taken, the purpose for removing the equipment from school grounds, the date and time of the removal and the date and time the equipment was returned. The building principal or designee shall sign the log confirming the authorization for the removal.
3. New hardware must be checked for compatibility prior to purchasing and inventoried by the technology department upon receipt.

**EMAIL**

1. To use the Ware School District's electronic mail system to exchange information consistent with the rules as defined by the *Acceptable Use of Technology* policy. Email is not for personal use or any other non-educational use.
2. The Ware School District's electronic mail system is the only permissible source of official electronic mail. Use of any other external form of electronic communications is discouraged.
3. The users will delete mail regularly from email directory to conserve disk space.
4. The Ware School District will put in place and follow all Federal guidelines pertaining to archiving emails.

**INTERNET SAFETY**

1. The Ware School District filters internet content in compliance with the *Children's Internet Protection Act*. The Ware School District's internet filter is intended to restrict minors access to inappropriate or harmful material. No filter is 100% effective.
2. The internet filter(s) may be temporarily disabled by an authorized system administrator for use by an adult to enable access for bona fide research or other lawful purposes consistent with this policy. Reactivation of all filters will immediately follow said research. Prior to deactivation, written approval must be obtained from the building administrator.
3. Users are not to access any obscene, pornographic or otherwise inappropriate internet and web material.
4. Users are not to subscribe or use any other form of electronic communications outside of those services approved by the school system.
5. Any attempt to harm, alter, remove or destroy equipment, materials, data or programs is prohibited. "Hacking" and other unlawful online activities are prohibited.
6. Disclosure, use and dissemination of personal information are prohibited. Users are not to give out any personal information about themselves or others, e.g. name, addresses, phone numbers or passwords.
7. All internet access on school premises must connect through the school system's network and internet filter unless approved by the school administration.

**WEB PAGE**

1. The purpose of the Ware School District's website is to support the school-community partnership by disseminating accurate, timely educational information. Authorization to post materials is restricted to the Ware School District Webmaster who:
  - a. Is granted approval via the Ware School District's Web Publication and Access Approval form.
  - b. Completes basic web development software training.
2. Published content:
  - a. Must be reviewed and approved by the principal and Superintendent or his/her designee prior to public viewing.
  - b. All content must demonstrate educational value in support of the Ware School District's Mission and Goals. All published content becomes the sole property of the Ware School District.
  - c. A signed release form must be on record at the school for each publication before a student's work and/or photo can be placed on a web page, and only first name (or pen name) will be used with either pictures or schoolwork.
  - d. Staff photos and information may be included with written permission only.
  - e. All published materials must be accurate and not harm an individual or entity.
  - f. All published works will represent original works. Reproduction of existing documents or images is prohibited unless written permission has been obtained from the originator or is acquired from the web management product's gallery of reproducible resources.
  - g. All content published on the Ware School District's web page will adhere to the following regulations:
    - i. Federal and State student record regulations.
    - ii. Federal Education Right to Privacy Act.
    - iii. Sexual Harassment Policy (ACAB).
    - iv. Advertising in the Schools Policy (KHB) prohibiting commercial advertisements.
    - v. Copyright laws, rules and regulations.
    - vi. District goals and policies.
    - vii. Ware School District's Web Page Guidelines and Technical Requirements.
3. The Ware School District is not responsible for any content that is hosted outside of the official District and/or School website and servers.
4. The Ware School District cannot provide a vehicle of transferring email messages through the <www.warepublicschools.com> to the Ware School District employees' personal email accounts. Only email accounts set up within the Ware School District can be used.

## Recommended Practices for School and Home

1. Take precautions to prevent viruses on personal equipment and the Ware School District system's equipment. Examples of good practice include:
  - maintain updated antivirus software
  - scan external media sources before access
  - open emails from trusted sources only
  - do not propagate chain letter emails
  - use discrimination when accessing list servers and websites
  - make back-up copies of documents which relate to school work or work for the Ware School District
2. If inappropriate information is mistakenly accessed, notify a technology staff member immediately.
3. Monitor file directories and delete obsolete files.

Misuse or damage to technology equipment, software, access, data and/or other technology equipment, property or resources, shall subject a user/monitor to disciplinary action up to and including discharge for a staff member and discipline in accordance with the Student Handbook for a student. The user will also be liable for full restitution for any damage, including costs of materials and labor including the cost of restoration of any lost data. The user may also be subject to criminal prosecution.

*Interpretation, application, and modification of this Acceptable Use of Technology Policy are within the sole discretion of the Ware School District system administration. **Violation of any condition of use described here or in the Faculty Handbook or Student/Parent Handbook shall be cause of disciplinary action up to and including discharge for a staff member and discipline in accordance with the Student Handbook for a student.***

## Staff Web Publication and Access Approval Form

To be completed by the school staff member requesting web publication access.

Print Name: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Purpose of Web Page:

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To be completed by the school administrator granting access

Reason for granting publication access:

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### Ware School District Website Publication Rights & Responsibilities:

I understand that this website is the sole property of the Ware School District. I understand that the web page that I have prepared for the website is for the express purpose as indicated above. Any photos, graphics or text placed on the site will be school related, appropriate and accurate. I understand that I am responsible for the information submitted and will verify that the content is accurate. All content will adhere to federal and state regulations, copyright law, district goals and policies, and the Ware School District web page guidelines and technical requirements.

I will ensure that signed permission forms are on file prior to the publication of student work or photo. I understand that my photo and/or information may be published, if permission is granted, as indicated below. I understand that the purpose of the Ware School District website is to disseminate educational, school-related information only. I will obtain content approval from the Principal and Superintendent or his/her designee prior to public viewing of posted web materials.

I give permission to have  my photo  my school-related information published on the Ware School District website.

Staff person receiving approval: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator granting approval: \_\_\_\_\_ Date: \_\_\_\_\_

**For Office Use Only**

Full access site for: \_\_\_\_\_ Date posted: \_\_\_\_\_  
(School, Classroom or section name)

Posted by: \_\_\_\_\_  
(Technology Personnel)

**Parental/Guardian Media Permission Form  
Photos, Videos, Interviews and/or Web Publication  
For School Year 2008 - 2009**

**General Media and School Coverage**

Throughout the year there may be in-school programs, events or meetings (such as a school-wide assembly or PTO event) that are open to the public and where large group photographs or videotapes will be taken by the media or the Ware School District staff. In these cases, students would not be identified by name. Parents/Guardians are responsible to notify their child's school in writing that they do not want their child included in such photographs or videotapes.

**Specific Media Coverage and School Publications**

In addition to the above situations, there may be times the media (newspaper, television or radio) or Ware School District staff, with the approval of the building principal, may take photographs, audio/videotape students or interview students in a manner that would individually identify a specific student. The Ware School District may display student pictures and projects in a variety of ways that reasonably portray programs of the Ware School District, including pictures of field trips, science fairs, and other activities appearing in yearbooks or Ware School District publications. Student likeness and work may also appear on the public access cable TV Channel 15, or web site, thereby making it available to anyone with local cable or internet access. Please check (x) your choice for each area below.

I give permission for my child to be:

- Photographed by the media (newspaper, television) Yes  No
- Audio/videotaped by the media (newspaper, television, radio) Yes  No
- Interviewed by the media (newspaper, television, radio) Yes  No
- Photographed by the Ware School District personnel. Yes  No
- Audio/video taped by Ware School District personnel. Yes  No
- Interviewed by the Ware School District personnel. Yes  No

I give permission for my child's photograph:

- To appear on the Ware School District's website. Yes  No
  
- To appear in Ware School District publications Yes  No

I give permission for my child's full name and grade:

- To appear on the Ware School District's website. Yes  No
  
- To appear in the Ware School District publications. Yes  No

I further release the Ware School District of Ware, Massachusetts, and any of its employees or agents, from any compensation or damages in its use of photographs, audio/videotapes or interviews for the Ware School District dissemination via the website, print or on the public access cable TV Channel 15 or the media's use of same. I understand that if this form is not signed and returned within ten (10) calendar days, the Ware School District has permission to use pictures/video of my child. I further certify that I am of full legal capacity to execute the above authorization and release.

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

*Please Print*

Parent/Guardian Name: \_\_\_\_\_

*Please Print*

Parent/Guardian Signature: \_\_\_\_\_

## **ACCEPTABLE USE OF TECHNOLOGY PROCESS**

Each year the *Acceptable Use of Technology* forms must be read and acknowledged by all users. *Signed Access Release and Authorization* forms must be on file for all technology users prior to any school technology access.

### **Sign-in sheets:**

All computer users must print their name including date, time-in, time-out, and computer number. All users must inform school staff of any technology malfunctions. Upon completion of use, users must log-out of the school network and shut down all computer systems unless otherwise instructed.

### **Technology infractions:**

Students who commit technology infractions will face disciplinary action up to and including suspension, expulsion and/or administrative referrals. Staff/personnel who commit technology infractions subject themselves to disciplinary action up to and including discharge. Persons committing technology infractions may also be subject to civil liability and/or criminal prosecution.

Copies of student discipline referral forms pertaining to technology infractions will be distributed to staff as needed.

Requests for software installations or electronic repair must be submitted to the Technology Department. Upon approval, designated personnel will proceed to execute request(s).

Adult requests to temporarily disable the internet filter(s) for bona fide research or other lawful purposes must be communicated in writing. This request must be approved in writing by the building administrator prior to temporary deactivation. Once approved, the authorized system administrator will disable and reactivate the filter for a defined period of time.

**STAFF ACCESS RELEASE AND AUTHORIZATION FORM**

I understand that the use of the Ware School District’s system network is a privilege, and I agree to the following:

- 1. The Ware School District has the right to review, edit and remove any material stored on the Ware School District’s website. I hereby waive any right, which I may otherwise have in and to such material.
- 2. All information and services available on the internet and school networks are placed there for informational purposes.
- 3. The Ware School District does not guarantee that the network will be compatible, error free or uninterrupted. The Ware School District is not liable for any damages incurred in connection with the use, operation, or inability to use its school network.
- 4. In consideration for using and having access to public school networks, I hereby release the Ware School District and its officers, employees and agents from any claims and damages arising from my use, or inability to use its school network.
- 5. As a staff member, I agree to instruct students on acceptable use of internet and proper network etiquette.

I have read and agree to comply with the *Acceptable Use of Technology* policy. I also understand that any violation of the regulations constitutes improper conduct and my access privileges may be revoked and disciplinary action taken.

User name: \_\_\_\_\_ School: \_\_\_\_\_  
(Please print)

User signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Web Page Guidelines and Technical Requirements

### Publishing Procedures

1. Signed permission forms must be on file prior to web publication. The following release forms are included in file GBH:
  - a. *Web Publication and Access Approval* form;
  - b. *Parental/Guardian Media Permission for Photos, Videos, Interviews and/or Web Publication* form.  
(*Parental permission to publish student work or photo is required for each publication piece.*)
2. Submit content review requests to the principal, Superintendent or his/her designee via email. Forward all updates to the Technology Department.

### Content

1. All content must be school-related and demonstrate educational value.
2. All material must be accurate and not harm an individual or entity.
3. All published material must represent original works unless written permission has been obtained from the originator.
4. Links to external websites should be checked regularly for validity.
5. All materials must adhere to Federal, State and District regulations as noted in the *Acceptable Use of Technology* policy.

### Login

1. Passwords and access rights to the Ware School District website must never be shared.

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

It shall be the policy of the Ware School District to obtain all available Criminal Offender Record Information (C.O.R.I.) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who 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 C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent or his/her certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who 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 or his/her 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 or 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 C.O.R.I. Law Advisory dated February 17, 2003, "Direct and unmonitored contact with children" means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students."

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 a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. 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. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

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

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related 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 (see attached) 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 commissioner of probation may answer "no record" with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions." 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 the 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.

The district obtains certification from the criminal history systems board to receive C.O.R.I. data. The Superintendent must obtain such data for any person providing volunteer service as a condition of service.

LEGAL REF: M.G.L. 71:38R, 151B, 276, ss.100A, St2002, c.385  
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law  
(Feb 17, 2003)  
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

Adoption Date: February 1, 2006  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## C.O.R.I. REQUIREMENTS

**Employers may ask the following series of questions:**

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is “yes” please state whether you were convicted *more than five years ago* for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, & 100A.

**It is unlawful for an employer to make any inquiry of an applicant or employee regarding:**

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02, minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.

3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefore, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

## C.O.R.I. REQUIREMENTS

Applicants challenging the accuracy of the policy shall be provided a copy of the Criminal History Systems Board's (CHSB) *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, the Superintendent will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Superintendent may contact the CHSB and request a detailed search consistent with CHSB policy.

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in district policy, 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 crime 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;
- (i) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.

The Superintendent will notify the applicant of the decision and the basis of the decision in a timely manner.



## PERSONNEL RECORDS

Information about staff members is required for the daily administration of the Ware School District, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the School Committee's education reporting requirements. To meet these needs, the Superintendent will implement a comprehensive and efficient system of personnel record maintenance and control under the following guidelines:

1. A personnel folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.
4. Each employee will have the right, upon written request, to review the contents of his/her own personnel file.
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include his/her written response in the file.
6. Lists of the Ware School District's employees' names and home addresses will be released only to governmental agencies as required for official reports or by the laws.

LEGAL REF.: Family Educational Rights and Privacy Act, Sec. 438, P.L. 90-247  
Title IV, as amended  
88 Stat. 571-574 (20 U.S.C. 1232g) and regulations  
M.G.L. 4:7; 71:42C  
Ware Teachers' Contract

CONTRACT REF.: All Agreements

CROSS REF.: KDB, Public Right to Know

Adoption Date: September 3, 2008

Revision Date:

Last Date Reviewed: September 3, 2008

## **STAFF COMPLAINTS AND GRIEVANCES**

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the School Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the School Committee, except in those areas where the law has specifically assigned authority to the principal and/or the Superintendent and School Committee action would be in conflict with that law.
3. That all hearings of complaints before the Superintendent or School Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGAL REFS.: M.G.L. 150E:5; 150E:8; 71:59; 71:59B

CONTRACT REFS.: Teachers' Contract  
School Custodians' Contract  
Instructional Aides' Contract  
Secretarial/Clerical Employees' Contract

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **PROFESSIONAL STAFF POSITIONS**

All professional staff positions in the school system will be created initially by the School Committee. It is the School Committee's intent to have a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building. Although some positions may remain temporarily unfilled, only the School Committee may abolish a position it has created.

Each time a new position is established by the School Committee, the Superintendent will present for the School Committee's approval a job description for the position, which specifies the jobholder's qualifications and responsibilities. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

**PROFESSIONAL STAFF CONTRACTS  
AND COMPENSATION PLANS**

The School Committee believes that fair compensation plans are necessary to attract and hold highly qualified personnel/staff to administer and provide the quality educational program it desires in its schools.

Compensation for professional personnel who are members of a recognized bargaining unit will be established through collective bargaining.

The Superintendent, in accordance with the parameters set by the School Committee, shall establish compensation and terms of employment for professional employees not covered by any collective bargaining agreements.

Agreements/contracts with the teachers and administrators will be considered appendices to this manual and will have the full force of School Committee policy.

LEGAL REFS.: M.G.L. 71:38; 71:40; 71:41; 71:43; 71:59b

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **PROFESSIONAL STAFF LEAVES OF ABSENCE**

Professional staff members, who are not included in a bargaining unit, will receive leaves of absence in accordance with their individual services agreements.

Requests by professional staff members for leaves of absence, without pay, for five (5) days or less will be determined by the Superintendent or his/her designee and does not require School Committee action.

The Ware School District shall comply with the applicable provisions of the Family and Medical Leave Act and the Massachusetts Maternity Leave Act.

LEGAL REFS.: P.L. 103-3 "Family and Medical Leave Act of 1993"  
M.G.L. 149:105D; 71:41A

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **PROFESSIONAL STAFF VACATIONS AND HOLIDAYS**

While school is in session the Superintendent, the Director of Maintenance, as well as the Director of Business Services will not take simultaneous vacation or leave time. When school is not in session the same practice will be adhered to except under unusual circumstances and the Chairperson of the School Committee will be so notified.

In all instances, an administrator will be designated to be in charge.

## **SUBSTITUTE PERSONNEL**

A substitute will be a person who is qualified to teach in the Ware School District and who is employed for short periods of time when the regular employee is absent because of illness or professional duties. The Superintendent will be responsible for the interim and long-term appointment of substitute personnel under the direction of the principal.

Suitable means of assigning, orienting, monitoring and evaluating the work of substitute personnel will be provided under the direction of the principal or his/her designee.

Substitute personnel who do not carry out their responsibilities in an adequate fashion as determined by the principal or his/her designee may be removed from the substitute list by the Superintendent or his/her designee.

Rates of compensation for substitute personnel, long-term and short-term, will be set by the Ware School Committee. Substitute personnel are not eligible for fringe benefits of the Ware School District.

**SUBSTITUTE PERSONNEL**  
**(Rates of Pay – Subject to Collective Bargaining Agreements)**

**A. Short-Term Substitutes** (Less than 21 consecutive work days)

**Position**

- |  |   |                 |
|--|---|-----------------|
| <b>1. Teacher Substitutes</b>            | Certified as a teacher or with a 4-Year College Degree                            | \$75.00 per day |
|  | Without a 4-Year College Degree<br>(Minimum Requirements:<br>High School Diploma) | \$60.00 per day |
| <b>2. School Nurse Substitutes</b>       | R.N., B.S.N. and/or Mass. Dept. of Education Certification – Preferred)           | \$75.00 per day |
|  | Minimum L.P.N. – required   | \$65.00 per day |
| <b>3. Instructional Aide Substitutes</b> |   | \$55.00 per day |

*Note:* No substitutes for regular clerical/secretarial and custodial staff will be utilized on a per day/short-term basis

**B. Long-Term Substitutes** (21 Consecutive Work Days or More)

**Position**

- |                                    |   |                  |
|------------------------------------|---|------------------|
| <b>1. Teacher Substitutes</b>      | Certified as a teacher – Teachers Salary Scale (Bachelor’s Degree Level, Step 1)                    | \$166.02 per day |
|                                    | Not certified as a teacher but with a 4-Year College Degree   | \$100.00 per day |
|                                    | Without a 4-Year College Degree<br>(Minimum Requirements:<br>High School Diploma)                   | \$ 80.00 per day |
| <b>2. School Nurse Substitutes</b> | (Minimum L.P.N. – Required; R.N., B.S.N. and/or Mass. Dept. of Education Certification – Preferred) | \$101.25 per day |

- 3. Instructional Aide Substitutes** \$ 60.00 per day
- 4. Secretarial/Clerical Substitutes** – Per day rate based on entry level salary for position on salary schedule contained in Secretarial/Clerical Association Contract – when such substitutes are utilized.
- 5. Custodian Substitutes** – Per day rate based on entry level salary. Custodian on salary schedule contained in School Custodians Contract – when such substitutes are utilized.

## **PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES**

All requests from teachers and administrators to attend more than one-day conventions, conferences, seminars, or school visitations of any kind that are longer than one day within the state must first receive the approval of the Superintendent.

All requests from teachers and administrators to attend out-of-state conventions, conferences, seminars, or school visitations must first receive the approval of the School Committee, unless otherwise provided in a contract of employment or collective bargaining agreement.

## **REDUCTION IN PROFESSIONAL STAFF WORK FORCE**

If it becomes necessary to release any teacher because of a decrease in pupil enrollment, the School Committee will abide by state law and any applicable contract(s).

LEGAL REF.: M.G.L. 71:42

Adoption Date: July 17, 1997

Revision Date: September 3, 2008

Last Date Reviewed: September 3, 2008

## **RESIGNATION OF EMPLOYEES**

All resignations of employees in the Ware School District shall be considered accepted upon notice by the employee to the Superintendent's office.

## RETIREMENT OF PROFESSIONAL STAFF MEMBERS

Under Massachusetts law, all professional personnel will participate in a teachers' retirement plan, which provides several options on time of retirement and benefits granted to those who retire. The Law also sets limitations on the number of days a retired employee may be re-employed annually on a temporary basis by the Ware School District.

LEGAL REFS.: M.G.L. Chapter 32  
Age Discrimination in Employment Act

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS**

In establishing salaries and salary schedules for support staff personnel, the School Committee will take into account the responsibilities of the position, the qualifications needed, past experience of the individual, years of service in the school department, and any other relevant factors

Compensation plans will be reviewed in accordance with the employment agreements for all categories of staff. Such review, where applicable, will be carried out in connection with negotiations with representatives of recognized bargaining units.

The master agreements with these units will be considered appendices to this manual and shall have the full force of School Committee policy.

The rates of pay for personnel not covered by collective bargaining agreements will be set in accordance with School Committee policy.

LEGAL REF.: M.G.L. 71:38

CONTRACT REFS.: Instructional Aides' Contract  
School Custodians' Contract  
Secretarial/Clerical Employees' Contract

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

**SUPPORT STAFF  
LEAVES OF ABSENCES**

Requests by support-staff members for leaves of absence, without pay, for five (5) days or less will be determined by the Superintendent and does not require School Committee action.

The Ware School District shall comply with the applicable provisions of the *Family and Medical Leave Act* and the *Massachusetts Maternity Leave Act*.

LEGAL REF.: P.L. 103-3 "Family and Medical Leave Act of 1993"  
M.G.L. 149:105D; 71:41A

CONTRACT REFS.: Instructional Aides' Contract  
School Custodians' Contract  
Secretarial/Clerical Employees' Contract

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
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## **RETIREMENT OF SUPPORT STAFF MEMBERS**

All full-time, non-instructional personnel are required to participate in an appropriate retirement system. These retirement plans provide several options on time of retirement and benefits.

Periodically, the Superintendent will present to the School Committee the names of support staff members who have indicated their intentions to retire.

LEGAL REFS.:      Age Discrimination Employment Act  
                         M.G.L. 32

Adoption Date: July 17, 1997  
Revision Date: September 3, 2008  
Last Date Reviewed: September 3, 2008

## **SEX OFFENDER POLICY**

The Sex Offender Registry Law (M.G.L. c. 6, ss 178C through O) requires that all convicted sex offenders in the Commonwealth of Massachusetts register with the Police Departments in the cities or towns where they live and work. Offenders are classified on a level from one to three. It is our intent that this policy be established to ensure the safety of students and staff within the school setting.

Each year the Superintendent will request a list from the local Police Department of all sex offenders that are registered with the Police Department and living and working within a one (1) mile radius of any school building.

The principals will inform the necessary staff of any sex offenders that attend their school or live within one (1) mile of the school building. Staff will be informed of the confidential nature of this information and it will be used as a precaution to provide a safe school environment. Actual written lists will not be disseminated to the staff and will be retained in a secure file by the principal.

Any parent or community member may request SORI (Sex Offender Registration Information) directly from the Police Department, not from the school.