

Amesbury Public Schools
District Personnel Manual
2021-2022 School Year



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School District Administration

Elizabeth McAndrews - Superintendent of Schools

Lyn Jacques - Director of Teaching, Learning, and Equity

Lynn Catarius - Director of Student Services

Joan Liporto - Business Manager

Matthew Bennett - Facilities Director

Danielle Ricci - Acting High School Principal

Alina Lingley - Acting High School Assistant Principal

Glen Gearin - High School Assistant Principal/Athletic Director

Eryn Maguire - Innovation High School Principal

Jarred Haas - Middle School Principal

Adam Denio - Middle School Assistant Principal

Jessica Stryhalaleck - Middle School Assistant Principal

James Montanari - Amesbury Elementary School Principal

Karina Mascia - Cashman Elementary School Principal

MISSION STATEMENT

The Amesbury School District is unconditionally committed to every child, ensuring that all students experience success through the development of attitudes and skill necessary for lifelong learning by providing the highest quality staff, meaningful learning experiences, and a vitally involved community.

DISTRICT GOALS

1. Strategically support staff and students as they reintegrate into and reconnect with the school community.
2. Provide meaningful learning experiences to support academic and personal growth, inclusion and diversity, and emotional well being for all.
3. Enhance opportunities for the greater Amesbury family to engage with educational staff to grow a nurturing and stimulating environment that supports teaching and learning.
4. Establish systems to report, prioritize, and communicate facilities, infrastructure, and field issues and responses.

All educational and non-academic programs, activities and employment opportunities at Amesbury Public Schools are offered without regard to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability, and any other class or characteristic protected by law

GENERAL

PERSONNEL

ACCURACY OF EMPLOYMENT APPLICATION

The district relies upon the accuracy of information contained in the employment application, as well as the accuracy of a resume or other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Salary/Benefits/Professional Development

SALARY

The Agreement between the Amesbury School Committee and Amesbury Federation of Teachers outlines the salary schedule and compensation for extracurricular duties. Teachers' salaries are based on years of teaching and graduate credits earned. The step scale is divided into classifications according to degrees and graduate work. The categories include: Bachelor's, B+15, Masters, M+15, M+30, M+45, M+60, MM/CAGS.

Mandatory and Voluntary Benefits Available to school employees with the City of Amesbury

Teachers Retirement, Massachusetts Teachers Retirement System (MTRS)

Established on July 1, 1914, the Massachusetts Teachers' Retirement System is the largest of the Commonwealth's 104 contributory retirement systems. They provide retirement, disability and survivor benefits to more than 94,000 active educators and over 67,000 retirees and survivors.

The MTRS is a defined benefit retirement plan that operates as a qualified plan under section 401(a) of the Internal Revenue Code. Under the MTRS defined benefit plan, retirement benefits are determined according to a set formula, and the amount is guaranteed regardless of fluctuations in the pension fund's performance; retirement benefits are payable for a retiree's lifetime.

Membership in a contributory retirement system is mandatory for all public employees who are regularly employed and are working 20 hours or more each week.

Your online enrollment form should be returned to the Payroll Department at the Superintendent's Office.

Deferred Compensation Plan (SMART Plan- Mandatory OBRA)

The City of Amesbury will automatically deduct from your gross salary to provide you as a seasonal, temporary or part time employee (who works less than 20 hours a week), with a defined contribution retirement plan instead of Social Security coverage, which is otherwise required under Internal Revenue Service. As an OBRA employee, you must contribute at least 7.5% of your gross compensation per pay period to the SMART plan. This contribution is deducted on a pretax basis, reducing your current taxable income. For more information and to access your account you can visit www.mass-smart.com or via the SMART plan service center at (877) 457-1900.

Voluntary Benefits

All new employees working 20 hours or more each week are allowed the following benefits:

Rates are listed bi-monthly with an effective date of 7/01/2021

Health Benefit Plans

Network Blue (HMO)		BCEP (PPO)	
Individual	\$115.84	Individual	\$206.77
2 Person	\$212.07	2 Person	\$378.59

Family	\$308.31	Family	\$550.35
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Dental Benefit Plans

Dental Blue Freedom (Low)		Dental Blue Freedom (High)	
Individual	\$7.06	Individual	\$13.06
Family	\$18.64	Family	\$34.49

Blue Cross Vision Plan (Starting July 1st 2021)

Individual	\$3.02
Couple	\$5.14
SPMD	\$5.29
Family	\$8.31

These benefits are deducted on a pretax basis.

Please complete the insurance applications and return them as soon as possible to the Human Resource office located in City Hall. Deductions start with your 1st pay check for coverage 30 days from the start of employment for health coverage and the first of the month following 30 days of employment for dental coverage. Employees can enroll in these plans or make changes during open enrollment or in the occurrence of a qualifying event.

For questions regarding our health, dental, and vision plans please contact Heather Worrall, Human Resource Coordinator at worrallh@amesburyma.gov or (978) 388-8108.

Basic Group Life Insurance

\$0.64 per pay period

The City of Amesbury offers \$10,000 of Term Life/ AD&D insurance to all eligible active employees with Boston Mutual Life Insurance Company. The City pays 80% of the cost and the premiums are deducted post tax. Upon retirement coverage is reduced to \$5,000.

Flexible Spending and Depended Care Assistant Accounts

The City of Amesbury through Benefit Strategies LLC offers a Health Care Reimbursement and/or Depended Care Assistance Account. By using these plans, you are allowed to divert pre-tax dollars from your paycheck into special accounts. You are then allowed to draw the money out of the accounts to reimburse you for the out-of-pocket medical and/or dependent day care expenses your family incurs during the plan year which are not reimbursed from insurance or other sources. Since the money you elect to put into these accounts is not considered taxable income, you save by paying less federal and state taxes.

Please read the information in the Flexible Benefit Enrollment Kit provided by Benefit Strategies.

New employees are effective the 1st day of the month following 30 days of employment.

Colonial Supplemental Insurance

The benefits available to employees working 20 hours or more per week are:

- Short Term Disability Insurance- Helps you pay everyday living expenses and out-of-pocket expenses not covered by major medical plans. Provides a monthly benefit to replace your income if you are unable to work due to a covered disability. Maternity benefits included!
- Accident Insurance- Initial treatment benefit of \$125! Helps offset unexpected medical expenses, like deductibles and co-pays that can result from a breaks, dislocations, or many other covered accidental injuries. Twenty-four hour protection for on and off job injuries.
- Cancer and Critical Illness Insurance- Pays \$5,000-\$75,000 (you select the amount) in the event of a Heart Attack, Stroke, Cancer, Major organ failure, End stage renal failure (dialysis), Coma, Blindness or Paralysis.
- Medical Bridge Insurance-Can help by paying benefits for covered hospitalizations. Pays \$500 when admitted to the hospital and \$200 or \$100 per day thereafter for up to 75 days.
- Life Insurance- You own these plans, and they travel with you at locked in rates/benefits if you leave employment. Whole life plans provide lifetime coverage with rates that never increase, and predictable cash value. Spouse and child coverage available. Great for peace of mind, final expense, mortgage protection, etc.

Further information on Colonial's Insurance plans is explained in their brochure, or you may contact Scott J Curtis at 1-800-833-3429 or email him at scott.curtis@coloniallifesales.com.

Boston Mutual Insurance Company

Voluntary Group Term Life- Available to all employees under the age of 75. The highlights of this plan include employee life insurance amounts up to \$500,000, Accidental Death and Dismemberment coverage, affordable group term rates and no change in benefit or cost until retirement. Dependent coverage is also available.

Rates for the Boston Mutual Voluntary Plan are listed in their brochure.

Supplemental Retirement Programs

Massachusetts Deferred Compensation SMART Plan

There is a supplemental retirement program for all employees that are exempt from both Federal and State taxes. This is for employee contribution only. You may call 1-877-457-1900 for information regarding this benefit.

Tax Sheltered Annuities (403(b) Plan)

You may sign up for both pre and post-tax 403(b) options through OMNI group at the link below. There are eight different carriers in which you can sign up for benefits who offer a wide variety of options to tailor to your own financial needs.

www.omni403b.com/plandetail/7540

Snow Days

Please utilize the following procedure on weather emergency days during the school year:

Twelve-Month Employees

- All twelve-month employees are expected to be at work, even on days when students are not in school because of weather emergencies.
- If necessary, twelve-month employees must utilize a vacation or personal day if they are unable to be at work.
- No one is expected to risk his or her life to be at work at the normal time. Reasonable judgment should be used to determine when and how to get to work.
- Twelve-month employees must contact their immediate supervisors if they are unable to get to work, as well as to indicate potential lateness in getting to work.
- If the weather emergency is severe, the Superintendent may close all offices. Employees will be given appropriate notice if this is the case.

Other Employees

- Employees who have contracts of less than twelve months are not required to work on any weather emergency days, since they will be working on the makeup school day. These employees will not be paid for both days.

Absence Procedures

The procedures for reporting absences for **all employees** (except food service, crossing guard, and transportation workers) who are absent due to illness, personal days or bereavement leave are as follows:

1. The employee shall fill out the staff absence form online found on the District's website. If the form is not accessible, the employee may call the absence reporting line applicable to their school.
 - CES - 978-376-6519. Report by 9:00pm day prior to absence or between 6:00-6:45am the day of the absence.
 - AES - 413-335-7263. Please report before 7:00am the day of the absence
 - AMS - 508-982-3497 by 6:00am the day of the absence.
 - AHS - Please call or text Anne Nadeau: Office 978-388-4800, Cell 978-852-5461. Notify before 8pm the day prior or after 5am the day of absence.
 - AIHS - Call Eryn Maguire at 978-994-3144 by 6:45am.

These are the only numbers that may be used to report absences due to illness, personal days or bereavement. The employee shall fill out the appropriate paper absence report, when they return to work.

2. Emergency substitute teacher plans should always be on file with the principal.

Employees are expected to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the district. Employees are expected to be ready to work at their stated start time each workday. Employees should also return to work promptly after breaks and meal periods.

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence. If practicable, notification by the employee personally to his/her supervisor at least one (1) hour prior to the start of the regular workday is expected by employees who are unable to report to work or who will be late.

Poor attendance and excessive tardiness are disruptive and will not be tolerated, absent any special accommodations pursuant to state or federal law. Either may lead to disciplinary action, up to and including termination of employment.

Personal Leave - Teachers Only

1. Employees shall be granted three (3) days of personal leave annually to be used for personal affairs that cannot be conducted during non-school hours. Such leave may not be accumulated.

2. Whenever possible, an employee shall give twenty-four (24) hours notice of such absence due to personal reasons on a form provided by the Superintendent's office. The approval of requests made in advance of the required notice shall be completed and returned to an employee as soon as possible and normally within three (3) school days. Requests for Personal Leave shall not be unreasonably denied.

3. Personal leave will not be granted on the day or successive days immediately preceding or immediately following a holiday or vacation period or on a Monday or Friday separated from a holiday or vacation period by a weekend. Exceptions may be granted at the discretion of the Superintendent and shall not be unreasonably denied.

4. Personal leave will not be granted for recreation, vacations, job interviews, private business enterprises or political functions. Personal leave benefits will be prorated for employees who work less than a 1.0 FTE based upon a comparison to a full time schedule.

Long-Term Illness

Please notify the Director of Finance and Operations, prior to absence, of any pending long-term absences (more than five consecutive days) for any employee, as well as the reason for the absence so that any potential Family Medical Leave Act (FMLA) requirements can be addressed.

CORI/SAFIS - Employees, Volunteers, and Field Trip Chaperones

All new employees including student teachers, coaches and all contractors working in school buildings are CORI cleared by the Personnel Office before an official offer of employment is made. Additionally, all school department employees must have CORI checks periodically, not less than every three years, which is administered by the Personnel Office and the Superintendent.

In September 2013, Governor Patrick signed into law Chapter 77 of the Acts of 2013, "An Act Relative to Background Checks." Specifically, it requires a fingerprint-based state and national criminal record check for all school employees.

It is the policy of Amesbury Public Schools, as required by law, that a state and national fingerprint, criminal background check will be conducted to determine the suitability of full or part time, current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall also include, but not limited to, any apprentice, intern, or student teacher or individuals in similar positions.

Appointments can be made online @ <http://www.identogo.com/FP/Massachusetts.aspx> or by calling: (866)349-8130. Amesbury Public Schools ESE organization code is 00070000. There is a \$35.00 fee for non-licensed staff members and \$55.00 for all licensed staff members. Fees are subject to change.

Principals are required to have CORI checks completed on all building volunteers and field trip

chaperones. In the interest of managing this task, it is recommended that principals publicize this requirement twice per year: at the beginning of the year and at mid-year. Only those parents and other volunteers responding to the request are allowed to be volunteers and chaperones. Principals may forward the names of parents who have been CORI cleared as their children transition from elementary to middle school and middle school to high school, provided there have been no known indicators for concern.

Click here for link to [District Policy ADDA Criminal Offender Record Information](#)

Student Teachers

The following are the district guidelines for assigning student teachers to schools within the district:

1. All college and university student teacher representatives must contact the Building Principal or his/her designee for student teacher placements (PreK through Grade Twelve). In addition, a copy of their student teaching manual must be provided to the Director and cooperating teacher.
2. The central office secretary will provide a packet (including CORI forms) to each student teacher prior to their assignment.
3. The principal and prospective cooperating teacher may choose to interview the prospective student teacher.
4. The principal will contact the Director of Teaching, Learning, & Equity, in writing, with the student teacher's grade, subject(s) taught, school, dates of placement and cooperating teacher assignment.
5. The cooperating teacher will contact the principal with any concerns regarding the student teacher. If not resolved at the building level, the principal should contact the Director of Teaching, Learning, & Equity regarding the issue(s). If behaviors and/or performance do not meet the expectations of the cooperating teacher and/or principal, student teachers can be terminated from their placement and/or the district in this process.

Compensatory Private Tutoring

Private Tutoring is defined as giving additional instruction or providing lessons to students outside of the normal school day. Tutoring Amesbury Public School students for a private fee by an employee of the school district can lead to violations of conflict of interest and professional ethics laws and standards. The Amesbury Public Schools has an established policy that outlines expectations to guide any such activity by school district employees.

Gratuities

The State Ethics Commission interprets "gratuities" as anything of substantial value, given or received, for or because of an official action or an action under the public employee's official responsibility,

performed or to be performed. The purpose of such gratuities would be to influence a present or future act or as a reward for a job well done. The state maintains a \$50 limit on such gratuities and may aggregate such gifts if more than one is given. **When presented with a "gift", employees should ask "Why is this gift being offered?" and "What is the value?"**

Click here for summary of [Conflict of Interest Law](#)

EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

This policy does not and is not intended to create a contract of employment between the district and any of its employees, nor is it to be construed to constitute contractual obligations of any kind. Rather, it is provided for the guidance only of employees. The provisions of this Policy have been developed at the discretion of the district and, except for its policy of employment at will, may be amended, modified, revoked, rescinded or added to at any time, in the sole discretion of the district as approved by the School Committee. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment. Generally speaking, we expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. Your avoidance of these activities will be to your benefit as well as the benefit of the School Department. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed, please see your supervisor for an explanation.

Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, employees are expected to follow the rules of conduct that will protect the interests and safety of all employees and the Organization. Employees are expected to be respectful of other employees at all times while on the premises or while representing the district. Harsh language and rudeness are not acceptable. Professional and appropriate attitude and demeanor are expected at all times.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, including

counseling, written warnings, suspension without pay, up to and including termination of employment*:

- Theft, vandalism or inappropriate removal or possession of property.
- Falsification of records.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace.
- Fighting or threatening violence in the workplace.
- Disruptive activity in the workplace.
- Negligence or improper conduct leading to damage of district owned property.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules.
- Smoking or vaping or using electronic cigarettes
- Sexual or other unlawful harassment or discrimination.
- Possession of dangerous or unauthorized materials, such as knives, weapons, explosives or
- Firearms in the workplace.
- Excessive absenteeism or any absence without notice.
- Unauthorized disclosure of confidential information.
- Inappropriate use of language and profanity.
- Violation of personnel policies.
- Unsatisfactory performance or conduct.
- Unexcused absenteeism or tardiness.
- Negligence in performance of duties.

*This list is for illustration purposes only and is not intended to be an exhaustive list of possible infractions.

Drug and Alcohol Use

In accordance with the provisions of the Drug Free Workplace Act of 1988 (United States Code, Title 41, Chapter 10), it is the district's desire to provide a drug free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Individuals under the influence of drugs or alcohol in the workplace pose serious safety and health risks, not only to themselves, but also to all those who surround or come into contact with them.

While conducting business-related activities, on or off building premises, no employee may use, possess, manufacture, distribute, dispense, sell, or be under the influence of alcohol, illegal drugs, or controlled substances. The legal use of prescribed drugs is permitted on the job only if it is pursuant to the instructions of a licensed medical care practitioner, it does not impair an employee's ability to perform the essential functions of the job safely and effectively, and it does not endanger other individuals in the workplace. This policy extends to instances and places where employees are in a position to be regarded or identified as representing the district, such as traveling on business or participating in community, organizational or professional meetings and affairs. Employees using prescription medication that may impair their ability to safely perform their jobs should contact their supervisor to discuss the issue of reasonable accommodation.

In accordance with the Drug Free Workplace Act, an employee must, as a condition of continued employment, notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

It is a requirement of the federal act that, upon receipt of notice of conviction of a drug statute violation committed in the workplace, the district must notify any federal agency providing funding through a grant. The district must give such notice within ten (10) days, and within thirty (30) days of receiving such notification either take appropriate personnel action against the employee, up to and including termination of employment or mandated participation in an approved drug abuse assistance or rehabilitation program. Personnel action against the employee convicted of a criminal drug statute violation committed in the workplace will depend on the nature of the violation, the sentence imposed (e.g. confinement, etc.) and employee work history. The employee's failure to notify the district of such a criminal drug statute conviction committed in the workplace within five (5) days, as required, will be subject to sanctions.

Click here for the link to [District Policy GBEC Drug-Free Workplace](#)

Smoking on School Premises

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

Click here for the link to [District Policy GBK Smoking on School Premises](#)

Click here for the link to [District Policy GBED Tobacco-Free Workplace](#)

Discrimination/Harassment Policy

District Policy GBCBC/JFCB

I. GOALS

The Amesbury Public School District is committed to providing our students equal educational opportunities and a safe learning environment free from harassment, bullying, discrimination, and hate crimes, where all school community members treat each other with respect and appreciate the rich diversity in our schools. This Policy is an integral part of the District's comprehensive efforts to promote learning, eliminate all forms of violent, harmful, and disruptive behavior and enable students to achieve their personal and academic potential and become successful citizens in our increasingly diverse society.

The District will not tolerate any unlawful or disruptive behavior, including any form of harassment, bullying, discrimination, or hate crimes in our schools or school-related activities. The District will promptly^[1] investigate all reports and complaints of harassment, bullying, discrimination, and hate crimes, and take prompt, effective action to end that behavior and prevent its reoccurrence. Action will include, where appropriate, referral to a law enforcement agency. The District will support this Policy in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

Additionally, students will be protected from being bullied by a member of the school staff, which includes, but is not limited to: educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff or paraprofessionals.

II. GENERAL STATEMENT OF POLICY

The Amesbury Public School District prohibits all forms of harassment, discrimination, and hate crimes based on race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The civil rights of all school community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to our School District. The District will also not tolerate retaliation against persons who take action consistent with this Policy.^[2]

A. APPLICATION

This Policy applies to all sites and activities that the District supervises, controls, or where it has jurisdiction under the law, including school grounds, property immediately adjacent to school grounds, or at a school-sponsored or school-related activity, function or program, at a school bus stop, on a school bus or other vehicle owned, leased or used by the District, or through the use of technology or an electronic device owned, leased, or used by a school district or school. The bullying policy applies to any location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the district, if the act or acts in question create a hostile environment at school for the target, infringe on the rights of the target at school or materially and substantially disrupt the education process or the orderly operation of the school. It applies to all students, school committee members, school employees, independent contractors, school volunteers, parents and legal guardians of students, and visitors to District schools. Nothing in this Policy, however, is designed or intended to limit the District's authority to discipline or take remedial action under General Laws Chapter 71, §37H or other authority, or in response to violent, harmful, or disruptive behavior, regardless of whether this Policy covers the conduct.

B. DISCIPLINARY AND CORRECTIVE ACTION

Violation of this Policy is a serious offense. Violators will be subject to appropriate disciplinary and/or corrective action to correct and end the conduct, prevent its reoccurrence, and protect and restore a sense of safety for the complainant and other similarly-situated individuals from harassment, discrimination, hate crimes, retaliation, and bullying in the future.

C. DEFINITIONS

The definitions of terms used in this Policy, including descriptions of conduct this Policy prohibits, appear in the "Glossary of Terms."

III. RESPONSIBILITIES

A. Each School Community Member is responsible for:

1. Complying with this Policy, where applicable;
2. ensuring that (s)he does not harass, discriminate against, or commit a crime against another person on school grounds or in a school-related activity because of that person's race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, pregnant or parenting status, gender identity or expression, sexual orientation, physical appearance, physical, mental, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.
3. Ensuring that (s)he does not bully another person;

4. ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, or a hate crime; and
5. Cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.

B. Each School Employee, Independent Contractor and School Volunteer is ALSO responsible for:

1. Responding appropriately when witnessing harassment, bullying, discrimination, retaliation, or a hate crime on school grounds or in a school-related activity;
2. Cooperating with the District's efforts to prevent, respond effectively to, and eliminate harassment, bullying, discrimination, and hate crimes; and
3. Promptly reporting all information s(he) knows concerning possible harassment, bullying, discrimination, retaliation, or a hate crime to a designated school official when (s)he witnesses or becomes aware of that conduct.

IV. PROTECTION AGAINST RETALIATION

The District will take appropriate steps to protect from retaliation persons who take action consistent with this Policy, or who report, or file a complaint or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action.

V. REPORTING AND RESOLUTION PROCESS

A. DESIGNATED OFFICIALS FOR REPORTING

1. In Each School Building

The school principal or the District's Equity Coordinator is responsible for receiving reports and complaints of violations of this Policy at the school level. A report or complaint of a violation of this Policy may be filed with the Equity Coordinator, Lyn Jacques, 5 Highland Street, Amesbury, MA, 978-388-0507.

2. For the Central Administration

The District Equity Coordinator is responsible for receiving and addressing reports or complaints of violations of this Policy at the district level. A report or complaint involving the District Equity

Coordinator should be filed with the Superintendent; a report or complaint involving the Superintendent with the School Committee.

B. REPORTING PROCEDURES

1. Any school employee, independent contractor, or school volunteer who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred must promptly report the alleged incident(s) to a designated official.
2. Any student or other person (who is not a school employee, independent contractor or school volunteer) who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred is strongly encouraged to and should promptly report the incident(s) to a designated official. In situations where a student or other person does not feel comfortable reporting the incident to a designated official, (s)he may report it to a trusted school employee, who must promptly transmit the report to a designated official.
3. Any school community member may also report possible incidents of harassment, bullying, discrimination, retaliation, or a hate crime directly to a Principal, the District Equity Coordinator or to the Superintendent. Students or other persons may also make anonymous reports.
4. Upon receipt of a written or oral report or complaint, the principal (or his/her designee) and the District Equity Coordinator will promptly notify one another of the facts alleged and any initial action taken.
5. When a report or complaint involves physical injury, the principal (or his/her designee) will promptly report the incident to the Superintendent.
6. All complaints or reports about a violation of this Policy must be documented on the District's "Reporting/Complaint Form". The form is available at the front office of each school and at the central office. If a complainant or reporter is either unwilling or unable to complete the District's Reporting/Complaint Form, the school principal (or designee) who receives the oral complaint or report will promptly prepare a written report, by filling out the District's Reporting/Complaint Form, using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.
7. On the District's Reporting/Complaint Form, the principal (or designee) will summarize any initial action taken and forward a copy to the District Equity Coordinator.
8. Reporting Sexual Abuse and Other Serious Criminal Conduct

- a. General Laws Chapter [119, Section 51A](#), makes administrators, teachers, school nurses, guidance counselors and other school staff members mandated reporters for purposes of reporting child abuse and neglect to the Department of Children and Families (DCF). Under G.L. [c. 119, Section 51A](#), a school staff member who has reasonable cause to believe that a student under the age of 18 years is suffering physical, sexual, or emotional abuse, or neglect, by a parent, guardian, school staff member, or other caretaker, must immediately report the abuse or neglect either directly to the DCF or to the person designated by the school to accept those reports, who, in turn, must promptly report the abuse to the DCF.
- b. The principal, Equity Coordinator and/or Superintendent will report certain forms of sexual harassment and conduct (i.e., unwanted sexual touching or sexual assault) that may constitute a crime to the local police.
- c. The principal, Equity Coordinator and/or Superintendent will report physical injury, destruction of public property, potential hate crimes, certain bullying conduct and other acts of a criminal nature to the local police for criminal investigation.

C. FILING A COMPLAINT OR REPORT

1. The complainant or reporter files a written complaint or report with a designated official, using the District's Reporting/Complaint Form, identifying the name(s) of the subject of the complaint, if known; describing the facts and circumstances of the incident or pattern of behavior; providing the time(s) and date(s) of the incident(s); and identifying any witnesses and relevant documentary information.
2. A complainant or reporter may also file an oral complaint or report. In those circumstances, a designated official will complete the District's Reporting/Complaint Form based on the oral information, using, to the extent practicable, the complainant or reporter's own words. The complainant will sign the Reporting/Complaint Form.

D. PROCEEDINGS

STEP ONE

1. The designated official will separately meet in a timely manner with the complainant and the subject of the complaint. If a student is involved, the parent(s) or guardian(s) will be notified and may be invited to attend the meeting. The official will talk about the formal process, explain the prohibition against retaliation, and determine the corrective action the complainant seeks. The designated official will also explain that the investigation will be kept as confidential as possible, but that the District cannot promise absolute confidentiality, and may not be able to withhold the complainant's identity from the subject of the complaint, since such a promise

could interfere with the District's ability to enforce its Policy, conduct a fair and thorough investigation, or impose disciplinary or corrective action.

STEP TWO

2. A designated official will conduct an investigation in accordance with the procedures described in Section E, Investigations.

STEP THREE

3. The designated official, in consultation with the District Equity Coordinator, will determine whether the allegations have been substantiated, and whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct, has been violated. If the complaint is substantiated, the designated official, in consultation with the District Equity Coordinator, will decide, based on the investigative findings, on the appropriate action. If legal issues arise, the designated official will seek the advice and guidance of legal counsel for the District.

4. The designated official, in consultation with the District Equity Coordinator, will prepare a written report that includes the investigative findings, the investigative steps taken, and the reasons for those findings. These findings will specify whether the allegations have been substantiated, whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct, has been violated, and any decision for disciplinary and corrective action.

5. The principal, the employee's supervisor (if the subject of the complaint is an employee), or the Superintendent (if the subject of the complaint is an assistant principal or principal) or school committee (if the subject of the complaint is the superintendent) will impose any disciplinary or corrective action. The disciplinary actions will balance the need for accountability with need to teach appropriate behavior. The disciplinary actions will be consistent with the Student Code of Conduct, and state and federal law.

STEP FOUR

6. The designated official will promptly notify the complainant and the subject of the complaint in writing to let them know whether the complaint has been substantiated. If the complaint is substantiated, the designated official will also promptly notify the complainant of any non-disciplinary corrective action imposed to protect him/her from future Policy violations. If the complaint is substantiated and the offender remains a student in the school, the designated official will meet with the offender and his/her parent or guardian, to describe the disciplinary and/or corrective action imposed, the school's expectations for future behavior and the potential consequences for retaliation or future violation of the Policy.

7. If a complaint is substantiated, a report of the incident and its resolution will be placed in the offender's applicable student record or employee personnel file.

8. File Retention: If the incident occurs at the school level, the principal (and if the principal is the subject of the complaint, the District Equity Coordinator), will (a) maintain in a separate confidential file the original completed Reporting/Complaint Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials, (b) provide a copy of the file to the District Equity Coordinator, and (c) maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the district level, the District Equity Coordinator will maintain the original documents.

9. If the District's investigation results from a third party report, the designated official will inform that person that the District has taken steps consistent with the Policy, while not providing information about any disciplinary action imposed or any other information that would violate applicable state and federal confidentiality laws or student record regulations.

10. Any disciplinary or corrective action against a student or employee must conform to the due process requirements of federal and state law.

STEP FIVE

11. A designated official will monitor the situation, and will follow-up with the complainant at least weekly for two months to determine whether there are further incidents or concerns, and whether the corrective action imposed has been effective. The designated official will maintain a written record of the follow-up.

STEP SIX

12. The complainant may ask the District Equity Coordinator to review, and, if appropriate, revise any non-disciplinary corrective action imposed through a Formal Proceeding, if the complainant believes that the corrective action is not adequate to protect him/her from future harassment, discrimination, bullying, retaliation, or a hate crime.

13. Any right of appeal from a disciplinary decision is governed by the Student Code of Conduct, the school's disciplinary code, applicable collective bargaining agreements, and Massachusetts and federal law.

E. INVESTIGATIONS

1. Prompt and Thorough Investigations: The school or District, through a designated official, in consultation with the District Equity Coordinator, will promptly investigate all reports or complaints of an alleged violation of this Policy (even where the offender is unknown), as set forth below. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant

to the allegations of the complaint. No complaint is considered frivolous; on the other hand, culpability is never presumed. These procedures are intended to protect the rights of a target and the rights of a wrongfully accused individual.

2. Emergencies: School officials will immediately call 911 in case of a threat of imminent physical harm or actual physical harm to a school community member or where police, fire, medical, or other emergency assistance is needed.

3. Opening Investigations: Upon receipt of a report or complaint, a designated official, in consultation with the District Equity Coordinator, will promptly undertake an investigation or authorize a third party designated by the District or school to undertake an investigation.

4. Investigative Procedure: The designated official investigating the incident will gather and preserve evidence, and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or other acts of a serious criminal nature, the designated official will confer with the local police department or other law enforcement agencies prior to gathering or preserving evidence to determine if the incident requires law enforcement involvement. Until the designated official confers with the local police, however, s(he) will secure the evidence from contamination or removal. The investigation will generally consist of personal interviews with the complainant, the subject(s) of the complaint and others who witnessed or may have potentially relevant knowledge about the alleged incident or circumstances giving rise to the report or complaint. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances. The designated official should take notes during interviews, or prepare them soon thereafter, for the purpose of maintaining accurate records. The designated official will also generally review and evaluate any other information or document, including video recordings, voice mails, e-mails, instant messages, information regarding any prior incident(s) committed by the subject of the complaint, or any other item deemed relevant to the allegations.

5. Communication During Investigation: Throughout the investigatory and complaint resolution process, the designated official will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, and the anticipated timing for concluding the investigation, and making a determination. The designated official will notify each person interviewed or made aware of the investigation that the investigation is confidential and should not be discussed with other students or District employees. The designated official will tell them that the District will not tolerate retaliation against the complainant or reporter, or anyone else who cooperates with the investigation. The District will notify the parents or guardians of a target of the action taken to prevent any further acts of harassment, bullying, discrimination or retaliation.

6. Time for Investigations: The designated official will complete his/her investigation as soon as practicable after (s)he receives the complaint or report.

7. Ensuring Safety During Investigation: The designated official, in consultation with the District Equity Coordinator, will take any step s(he) determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation. Those steps for students may include, but are not limited to, ordering interim disciplinary action under the Student Code of Conduct, appropriate adult supervision, reassigning classroom seating, temporarily transferring the student subject of the complaint from his/her class(es) with the complainant or to an alternative school assignment, instructing the subject of the complaint to avoid communication or contact with the complainant and to maintain a safe distance (for example, fifteen feet) from the complainant while on school property or in school-related activities, and monitoring compliance and reporting non-compliance of protective orders issued by a court. Prior to a resolution of the complaint or report, the designated official will make reasonable efforts to monitor the success of the interim measures in achieving their goals. At the discretion of a school and/or District administrator, a student complainant may also temporarily transfer classes or schools, where available, but only where the student and his/her parent or guardians voluntarily consent to the transfer.

8. Target Assistance: The designated official (or his/her designee) will make appropriate referrals for target assistance, including counseling and crisis intervention, if requested, or as needed.

9. Target Non-Cooperation: Where a violation of the Policy has been reported by a third party, and the alleged target fails to cooperate with the investigation, or denies the incident occurred, disciplinary and corrective action may be precluded, or limited, depending on the circumstances and the availability of information from other sources.

10. False Charges: Any person who makes knowingly false charges or brings a malicious complaint is subject to disciplinary and/or corrective action.

F. BASIS FOR DETERMINING WHETHER POLICY VIOLATED

A designated official, in consultation with the District Civil Rights Coordinator, will determine whether a particular action or incident constitutes a violation of this Policy. The determination will be based on all the facts and surrounding circumstances, including the context, nature, frequency and severity of the behavior, how long the conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and whether the conduct adversely affected the education or school environment of the target or other school

community members or materially or substantially disrupts the education process or the orderly operation of the school.

G. CONFIDENTIALITY

The District will respect the privacy of the complainant, the subject(s) of the complaint, and the witnesses to the extent possible consistent with its obligations under federal and state law and regulations and its Policy to investigate, report, and take appropriate disciplinary and corrective action, and consistent with applicable and state and federal confidentiality laws and student record regulations.

VI. DISCIPLINARY AND CORRECTIVE ACTION

A. IMPOSING DISCIPLINARY AND CORRECTIVE ACTION

If a designated official, in consultation with the District Equity Coordinator, concludes that the subject of the complaint has violated this Policy, the District will in a timely manner impose disciplinary measures and/or corrective action reasonably calculated to end the complained of conduct, deter future conduct, and protect the complainant(s) and other similarly situated individuals. In imposing disciplinary and corrective measures the District will take into account harm the target and other members of the school community suffered and any damage to school climate or property. The decision whether discipline is imposed and the nature of any disciplinary action must comply with the District and school's disciplinary policies and state and federal law.

B. ACTION CONCERNING STUDENTS

Disciplinary and corrective action concerning a student may include, but is not limited to, a written warning; classroom or school transfer; short-term or long-term suspension; exclusion from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; exclusion, expulsion, or discharge from school; adult supervision on school premises; parent conferences; an apology to the target; awareness training (to help students understand the impact of their behavior); participation in empathy development, cultural diversity, anti-harassment, anti-bullying or intergroup relations classes; mandatory counseling, or any other action authorized by and consistent with the Student Code of Conduct, school disciplinary code, or state and federal law. In appropriate cases, the District may contact law enforcement agencies or other state agencies.

Discipline for Students with Disabilities

The District will comply with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal "Individuals with Disabilities Education Act" ("IDEA"). Students who receive their education pursuant to an IEP may not be removed from his

or her current placement for more than 10 school days without a determination as to whether or not the behavior that forms the basis of the disciplinary action is related to the student's disability. The District Director of Special Education will be notified regarding the discipline of any student with a disability. For more information regarding the discipline of students with disabilities please contact the Director of Special Education, Lynn Catarius at 978-388-0531.

Discipline for Students with a 504 Plan

Section 504 of the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U.S.C. § 794 and its implementing regulations, 34 C.F.R. 104 et seq. School personnel may not suspend a student on a 504 plan for more than ten (10) school days without first conducting a manifestation determination. For more information on the discipline of students on 504 plans, contact the Equity Coordinator, Lyn Jacques at 978-388 0507.

C. ACTION CONCERNING SCHOOL EMPLOYEES

Disciplinary and corrective action concerning a school employee may include, but is not limited to, a written warning, suspension, transfer, demotion, removal from certain duties, employment termination, supervision, training, and counseling.

D. ACTION CONCERNING INDEPENDENT CONTRACTORS

Disciplinary and corrective action concerning an independent contractor may include, but is not limited to, a request to the employer of the independent contractor to warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related activities; terminating the contract with the District or school, and training.

E. ACTION CONCERNING SCHOOL VOLUNTEERS

Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, a written warning, suspending or terminating the volunteer relationship, limiting or denying access to school premises or school-related activities, supervision and training.

F. ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS

Corrective action concerning any other school community member, including parents and legal guardians of students, and visitors to District schools may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor's access to school premises or school-related activities.

G. PREVENTION AND REMEDIATION

The District will employ a variety of prevention and remediation strategies to maintain to the extent practicable a safe school climate conducive to learning, and ensure that all school community members assume responsibility for their behavior and its consequences.

H. ACTION CONFORMING TO LAW AND APPLICABLE CONTRACTS

Any disciplinary or corrective action taken for violation of this Policy will be consistent with the requirements of applicable collective bargaining agreements, Massachusetts and federal law, and District policies. The District will contact law enforcement agencies if and as appropriate.

VII. ADDITIONAL PROVISIONS

A. OVERSIGHT OF DISTRICT'S COMPLIANCE WITH POLICY

The District designates Lyn Jacques as the District Equity Coordinator who, under the supervision of the Superintendent, will ensure the successful administration of and compliance with this Policy. The District will post conspicuously in the central office and in each school the District Equity Coordinator's name and his/her mailing address, telephone number and email address. The District Equity Coordinator's responsibilities include:

1. Maintaining complaint and investigation records under this Policy and of Informal and Formal Proceedings;
2. Maintaining and regularly analyzing documentation of incidents of harassment, bullying, discrimination, retaliation, and hate crimes throughout the District;
3. Advising and assisting with and/or conducting investigations of complaints and reports of violations of this Policy;
4. Regularly assessing the need for and arranging training of school and District personnel and students on the requirements of and compliance with this Policy;
5. Assisting the Superintendent in regularly reviewing the effectiveness of the District's efforts to correct and prevent harassment, bullying, discrimination, retaliation, and hate crimes and proposing improvements in those efforts, consistent with 603 CMR [26.07](#) (1) & (4);
6. Ensuring that appropriate District and school officials are informed about violations of this Policy and the adequacy of the response;
7. Reviewing this Policy annually for compliance with state and federal law and updating it as necessary; and

8. Ensuring that s(he) and the District and school Title II, Title VI, Title IX and Section 504 coordinators are provided appropriate training to serve in this capacity and receive regular updates on changes in laws, regulations, policies and procedures concerning harassment, bullying, discrimination, retaliation, and hate crimes.

B. POLICY DISSEMINATION

1. At the beginning of each school year, the District will distribute this Policy to all school employees, provide a summary of the Policy to volunteers and independent contractors, and publicize the Policy within the school community.
2. The District and its schools will incorporate a summary of this Policy in the Student Handbook and in each school's code of conduct, and explicitly state that a violation of this Policy is subject to disciplinary action under the school's code of conduct. These documents will be provided to students, parents and guardians each year and will inform them of this Policy in the same manner that they inform parents and students of other policies. The Superintendent will publish disciplinary policies in Student Handbooks, which shall prohibit bullying and shall include the bullying prevention and intervention plan required by Chapter 71, §370 of the Laws of the Commonwealth. Student handbooks shall include age-appropriate summaries of the student-related sections of the district's bullying prevention and intervention plan.
3. The District will ask each student (if in grade 5 and over) and his/her parent or guardian to provide written confirmation that they received, read and understand the Student Handbook that includes a summary of this Policy, and agree to comply with the Handbook's provisions.
4. To the extent practicable, the District will translate a summary of the Policy into the non-English languages spoken at home by a significant number of parents or guardians of District students.
5. The District will post this Policy and a summary of the Policy on its District's website and conspicuously in each school building in areas easily accessible to students and staff.

C. TRAINING OF SCHOOL EMPLOYEES AND STUDENTS

1. The District will provide in-service training at least annually for all school employees, independent contractors, and school volunteers regarding the prevention and appropriate methods for reporting and responding to harassment, bullying, discrimination, retaliation, and hate crimes; their responsibilities under the Policy; requirements imposed by state and federal civil rights and education laws, including CMR 26.00; and the District's mission, goals and requirements under this Policy.
2. The District will provide education at least annually for all its students in the fifth through twelfth grades regarding how to identify, report and file a complaint or report under this Policy;

their rights and responsibilities under civil rights and education laws; and the District's goals and requirements under this Policy. The District will also provide instruction at least annually to all students in kindergarten through fourth grade regarding how to identify and report harassment and bullying.

3. The Superintendent will develop administrative guidelines and procedures for implementation of this policy, consistent with the requirements of M.G.L. Chapter 71, §370 and related guidelines issued by the Department of Elementary and Secondary Education.

LEGAL REMEDIES

Any school community member may also pursue legal remedies or other avenues of recourse, including filing a complaint with the Massachusetts Department of Elementary and Secondary Education (Problem Resolution System), at (781) 338-3700; the Massachusetts Office of Attorney General, Civil Rights Division, at (617) 727-2200; the Office of Civil Rights of the United States Department of Education, at (617) 963-2917, the Massachusetts Commission Against Discrimination, at (617) 994-6000 or the Equal Employment Opportunity Commission, at 1 800-669-4000; filing a civil lawsuit; or pursuing criminal prosecution.

GLOSSARY OF TERMS

AGGRESSOR

A student or staff who engages in bullying, cyberbullying, or retaliation.

BULLYING

Bullying, as defined in M.G.L.c. 71 & 370 is the repeated use by one or more students, or members of school staff, of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (a) causes physical or emotional harm to the target or damage to the target's property; (b) places the target in reasonable fear of harm to himself or of damage to his property; (c) creates a hostile environment at school for the target; (d) infringes on the rights of the target at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this policy and related procedures, bullying shall include cyber-bullying. (See Student Code of Conduct for how the District addresses bullying not covered by this Policy.)

COMPLAINANT

A person who complains about conduct covered by this Policy who is the alleged target of the conduct, and if a student, their parent or guardian.

CYBER-BULLYING

Cyber-bullying is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (a) the creation of a web page or blog in which the creator assumes the identity of another person or (b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (a) to (e), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (a) to (e), inclusive, of the definition of bullying.

DISABILITY

A physical or mental impairment that substantially limits one or more major life activities (a) where the person has such an impairment, (b) has a record of such an impairment, (c) is regarded as having an impairment, or (d) has an individualized education program (IEP).

HARASSMENT

Harassment is oral, written, graphic, electronic or physical conduct on school property or at a school-related activity relating to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, gender identity, sexual orientation, age, or disability (i.e., protected status), that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the district's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. For purposes of this Policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational or work environment. A single incident, depending on its severity, may include;

- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays (such as swastikas), or symbols on school or another person's property (e.g., books or backpacks);
- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letters, e-mails, instant messages, or websites;
- Defacing, damaging, or destroying school (e.g., desks, lockers or school walls) or another person's property; or throwing objects (eggs, paint).

HAZING

The term "hazing" shall mean any conduct or method of initiation, even if consented to, into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include, but is not limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Whoever knows that another person is the target of hazing and is at the scene of such activity, shall, to the extent that such person can do so without danger or peril to himself or others, report such activity to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such behavior shall be subject to discipline.

SEXTING

Sexting is the act of sending sexually explicit photos, images, or messages electronically, primarily by cell phone and/or the Internet.

INDEPENDENT CONTRACTOR

Any person, organization, or company who contracts with and/or provides goods, supplies, or services to the District or a school, and who is not a school employee and is not under the direction or control of the District (for example, bus drivers and school vendors).

NATIONAL ORIGIN

A person's ancestry, country of origin, or the country of origin of the person's parents, family members or ancestors.

RETALIATION

Any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this Policy, or for taking action consistent with this Policy.

REPORTER

A person reporting an incident who is a third party and not the target of the alleged conduct that violates the Policy.

SCHOOL COMMUNITY MEMBER

Any student, District or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school-sponsored function or activity.

SCHOOL EMPLOYEE

Any District or school administrator, teacher, school counselor, nurse, secretary, librarian, and any other professional or support staff member employed by the District, and subject to the District's direction or control (and who is not a school volunteer).

SCHOOL-RELATED ACTIVITY

Any school-sponsored activity, such as a field trip or an athletic competition; any school-related function or event, such as a PTO meeting; where school officials have supervisory responsibility for students; or where students are using school transportation or are at a designated school bus stop.

SCHOOL VOLUNTEER

Any person who without compensation provides goods, supplies, or services to the District or its schools on a one-time or an ongoing basis, and who is not a school employee or independent contractor.

STAFF

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

[1] Whenever this policy refers to any time frame, it shall mean as soon as practicable under the circumstances.

[2] **Any other conduct harmful to school climate and subject to discipline is governed by the Student Code of Conduct and other District policies.** This Policy only covers conduct directed at a target because of his/her race, color, religion, national origin, ethnicity, sex, gender identity, sexual orientation, age, or disability, or to bullying behavior. **See Glossary of Terms.**

[3] Where there is a felony complaint or conviction of a student involving reported or complained-of conduct in violation of this Policy, the principal of the school where the student is enrolled may decide to proceed under the requirements of General Laws Chapter [71, § 37H 1/2](#).

[4] Pursuant to state law, bullying is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed

at a target that: (a) causes physical or emotional harm to the target or damage to the target's property; (b) places the target in reasonable fear of harm to himself or of damage to his property; (c) creates a hostile environment at school for the target; (d) infringes on the rights of the target at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this policy and related procedures, bullying shall include cyber-bullying.

Legal Refs.: M.G.L. c.71, §37H & 37H 1/2

M.G.L. c.119, §51A

Section 504, Rehabilitation Act of 1973

29 U.S.C. §794

34 C.F.R. 104 et. seq.

603 CMR 26.07 (1) & (4) & CMR 26.00

Replaces: JFCB/GBCBC & GBCBC/JFCB

Adopted: 2005

Revised: 2006; 2007; 2008; 2010; 2011; 2012; 2017; 2020

Any employee, student, or parent acting for a student may file a complaint with the following:

The U.S. Equal Employment Opportunity Commission (Boston Area)

J. F. Kennedy Federal Building, Room 475

Government Center

Boston, MA 02203

Telephone: 617-565-3200

Massachusetts Commission Against Discrimination

Boston Office:

One Ashburton Place, Room 601

Boston, MA 02108

Telephone: 617-727-3990

Massachusetts Commission Against Discrimination

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

United States Department of Education

The Office for Civil Rights

Boston Office:
33 Arch Street, Suite 900
Boston, MA 02110-1491
Telephone: 617-289-0111

Attorney General's Office

Civil Rights Division

Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Telephone: 617-727-2200

Essex County District Attorney's Office

10 Federal Street
Salem, MA 01970
Telephone: 978-745-6610

Fairness to Pregnant Workers

Amesbury Public Schools shall provide a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy (which includes, but is not limited to, lactation or the need to express breast milk for a nursing child) to enable the employee to perform the essential functions of the employee's job, unless the requested accommodation would impose an undue hardship to Amesbury Public Schools. A reasonable accommodation may include, among other things: (1) more frequent or longer paid or unpaid breaks; (2) time off to attend to a pregnancy complication or recover from childbirth with or without pay; (3) acquisition or modification of equipment or seating; (4) temporary transfer to a less strenuous or hazardous position; (5) job restructuring; (6) light duty; (7) private non-bathroom space for expressing breast milk; (8) assistance with manual labor; or (9) a modified work schedule.

Employees seeking pregnancy-related accommodations should make a request to their Principal and Superintendent. After the employee has requested an accommodation, Amesbury Public Schools and the employee will engage in an interactive process to determine the feasibility of a requested accommodation. During the interactive process, Amesbury Public Schools may require documentation about the need for a reasonable accommodation from an appropriate health care or rehabilitation

professional unless the employee has requested more frequent restroom, food or water breaks, seating, limits on lifting over twenty (20) pounds, or a private non-bathroom space for expressing breast milk. Amesbury Public Schools may also require documentation when an employee seeks an extension of the accommodation beyond the originally extended accommodation.

In determining whether an accommodation constitutes an undue hardship, Amesbury Public Schools will consider the nature and cost of the needed accommodation, the overall financial resources of Amesbury Public Schools, the overall size of the business of Amesbury Public Schools with respect to the number of employees and the number, type and location of its facilities, and the effect on expenses and resources or any other impact of the accommodation on Amesbury Public Schools program, enterprise or business.

Amesbury Public Schools will not:

- take an adverse action against an employee that requests or uses a reasonable accommodation;
- deny an employment opportunity to an employee because of Amesbury Public Schools' need to provide the employee a reasonable accommodation based on a known condition related to the employee's pregnancy;
- require an employee to accept an accommodation the employee chooses not to accept where the accommodation is not necessary to enable the employee to perform the essential functions of the job;
- demand that an employee take a leave of absence if another reasonable accommodation would suffice and would not pose an undue hardship to Amesbury Public Schools; or
- refuse to hire a person who is pregnant because of the person's pregnancy or condition related to pregnancy where the person can perform the essential functions of the position with a reasonable accommodation that would not impose an undue hardship to the Amesbury Public Schools.

Child Abuse and Neglect Reporting

Administrators are responsible to review annually the child abuse and reporting laws (M.G.L., Chapter 119, Section 51A) with all staff identified as mandated reporters. Materials relating to reporting procedures are available at each school and at the Central Office. Please note, that allegations that a child under the age of sixteen is engaging in sexual relations constitute a reportable condition. Reports may be made to our local Department of Children and Families at 978-469-8800.

Domestic Violence Leave Policy

IN ORDER TO QUALIFY UNDER THE LAW:

An employee or a family member of the employee must be a victim of abusive behavior.

An employee must be using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from court; appear

before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee

An employee must not be the perpetrator of the abusive behavior against such employee's family member.

The employer shall have the sole discretion to determine whether this leave shall be paid or unpaid. An employee seeking such leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking domestic violence leave, unless the employer waives this requirement. Please see the District's Domestic Violence Leave Policy for details.

Crisis Policy

All staff should be familiar with the Amesbury Public Schools Crisis Policy & Procedures. The School Crisis Staff Procedures Handbook including "Lockdown Mode" command at the middle and high school and at the elementary schools either "Secured Room Lockdown" or "Secured Room Mode" command procedures are reviewed with staff at the beginning of each school year. Schools have established building-based Crisis Teams. Response protocols are reviewed annually with staff, and Building Crisis Teams should meet no fewer than three times each school year.

Civil Rights Compliance and Bullying Prevention and Intervention

1. To assure that Amesbury Public Schools is compliant with all requirements imposed by federal and state regulations, the Superintendent's office will notify students and parents in writing each September of our Discrimination/Harassment and Bullying Policies and information specific to Chapter 504, Title IX and Chapter 622, and bullying including the name(s) address(es), and telephone number(s) of the Title VI, Title IX and Section 504 Coordinator(s).
2. Nondiscrimination notices should be posted on the school district website and in all student handbooks. Staff, students and parents should be informed by building administrators of who is responsible for investigating complaints and addressing compliance issues in each building. Equity Coordinators names should be posted throughout the building and on your website. A nondiscrimination notice should be included in all publications for students, parents and employees, including written materials and other media used to publicize a district and/or school related event specifically affirming that the school does not discriminate on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or, disability, and any other class or characteristic protected by law.
3. Principals and Administrators are responsible to review the District's Discrimination/ Harassment and Bullying Policies and our Bullying Prevention and Intervention Plan in their entirety each school year with all employees. Students and staff should be advised that written grievance procedures for students and for

employees relating to Title VI (race and national origin), Title IX (sex equality), Bullying, and Section 504 (disabilities) are available in the office of each school building and at Central Office. Each administrator should ensure that his or her school environment promotes respect and individual civil rights. Harassment prevention and intervention strategies should be employed throughout the school year. The district will provide in-service training for all school personnel at least annually regarding bullying, civil rights responsibilities including the prevention of discrimination/harassment and bullying, including cyberbullying, and appropriate methods for responding to it in the school setting. Principals and administrators are responsible to ensure that evidenced based bullying prevention curriculum is being utilized at all grade levels.

4. All new employees, coaches, contractors, paraprofessionals, and substitute teachers should be provided with a copy of the district Discrimination/Harassment and Bullying Policies and the Bullying Prevention and Intervention Plan.
5. Curriculum, activities, career day programs, occupational information, and employment and training recruitment materials should make it clear to students in writing and pictorially that all options are open to them regardless of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability.
6. Curriculum offerings should be reviewed by the Director of Teaching, Learning, & Equity to ensure that they present, in fair perspective, the culture, history, activities, and contributions or persons and groups of different races, nationalities, sexes and colors. All new purchases of curriculum materials should reflect such contributions and present non-stereotyped and non-detrimental characterizations of underrepresented groups and both sexes.
7. Every employer recruiting at or through any school in the system will be required to sign a statement that he/she does not discriminate in hiring or employment practices on account of race, color, sex, religion, national origin, sexual orientation, gender identity or disability.
8. Principals or their designee should review all promotional efforts and recruitment materials by outside recruiters or School-to-Work employers for students to ensure that they are free of bias and discrimination.
9. Principals or their designee should review all counseling materials and activities to ensure that they are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or, disability, and any other class or characteristic protected by law.
10. All scholarship and award donors, including booster clubs and internship providers, should be informed of the Amesbury Public Schools nondiscrimination policy regarding awards sponsored or administered by the school district.
11. Principals or their designees (middle and high school guidance counselors) should review placement patterns to assure that the requirements of Title II, Title VI, Title IX, Section 504, and M.G.L. Chapter 76, Section 5, are met.

12. Middle school and high school principals or their designees should review student information booklets to assure that they clearly state that all courses are open to both sexes, students of all races, and all nationalities.
13. The district will continue to use Pre-LAS and LAS-O to classify and evaluate students who are limited English proficient and who need special language assistance. Program notifications are to be made to effectively service limited English proficient students.
14. When students have parents or guardians with limited English language skills there should be a statement in their native language stamped on all documents disseminated to parents that provide them with the opportunity for translation services should they so need or desire.
15. District personnel policies and procedures should be free of discrimination and bias. District employee recruitment should be aimed at reaching all groups, including bilingual/bicultural persons, female/males in nontraditional roles and persons with disabilities. Interview questions should not include inquiries regarding a candidate's race, ethnicity, age, marital and parental status, national origin, physical attributes and religious background, health, health history and physical or mental condition.
16. All administrators and building principals should review the Department of Elementary and Secondary Education's compliance guidelines regarding bullying prevention and intervention and self-evaluation checklist each September. The Superintendent should be notified of any concerns or areas of noncompliance. Appropriate staff development will be scheduled, as necessary, for guidance counselors, occupational and vocational directors, new staff, and other responsible personnel on the requirements of Title II, Title VI, Title IX, Section 504, and M.G.L. Chapter 76, Section 5.
17. Annually the district central office and district administration will examine, evaluate, and remedy policies and programs that discriminate or limit educational access.

Mandatory Reporting of School Fires

Chapter 80 of the Acts of 2006 requires public and private school principals to report any incident involving the unauthorized ignition of any fire within the school building or on school grounds to the local fire department. The new law took effect on August 10, 2006. The principal or designee shall complete a written report on the appropriate form provided by the City of Amesbury Fire Department and deliver it within twenty-four hours to Amesbury's Central Fire Headquarters (fax 978 388-0184). The report shall be filed without regard to the extent of the fire or whether there was a response by the fire department. Remind staff annually.

School Safety, Evacuation Plans. and Lockdowns

Each school within the district will have a safety/evacuation and re-entry plan which includes, at a minimum, the following components: (1) a process for identifying visitors (any non-employee) and ensuring that visitors wear some form of identification while in the building, (2) procedures for ensuring that all building doors are always locked and that the buzzer system on each front entrance is utilized at all times, (3) an evacuation plan, including transportation, communication and pick-up procedures for parents, in case of emergency, and (4) a process for ensuring that the plans are communicated with parents and building employees. Each employee will be provided with an identification badge which must be worn at all times while in the building(s).

A copy of the Safety/Evacuation Plan for each building must be on file with the Superintendent of Schools and the Amesbury Police Department and should be reviewed in its entirety with staff each September. School staff should be familiar with evacuating the building. Teachers should be provided updated evacuation routes to post in each room annually. Schools must hold safety/evacuation drills four times during the year.

Workplace Injury

After an injury/accident occurs on the job, the injured staff member must notify their supervisor immediately if their injuries allow them to do so. A coworker or other party within the vicinity of the accident may notify the supervisor if the staff member cannot.

The injured staff must notify/visit the School Nurse immediately of the injury. The school nurse with the assistance of the injured staff (if able) will fill out the Accident Reporting Form. The Nurse will send all Accident Reporting Forms to the Central Office Secretary. The Nurse will inform the staff of options for further medical treatments if necessary.

The Central Office Secretary will then submit the forms to the workers' compensation carrier. The workers' compensation carrier will reach out to the injured staff member to administer workers' compensation, if required.

Allergy Protocol

The district has established an allergy protocol, which provides a consistent set of procedures for the treatment and maintenance of students diagnosed with life-threatening allergies. Our commitment to provide a safe and healthy environment for students and staff requires a cooperative and collaborative effort by students, parents, physician, school nurse, and staff. Each principal shall ensure that this protocol is implemented properly according to the needs of his/her building.

Policy: [JHCA-R - ALLERGIES IN THE SCHOOL SETTING](#)

IHP / Food Allergies

The building principal will confer with the school nurse and cafeteria staff to review each child's Individual Health Plan (IHP) and any dietary restrictions. The Director of Food Services will be informed of all children requiring dietary restrictions and will review cafeteria protocol with all managers. The Food Allergy policy will be reviewed with all cafeteria staff at the beginning of the school year.

- Diagnosis
- Transmission to Staff and Students
- Notification to Parents
- School Attendance Guidelines Reporting Requirements
- Treatment Plan

Corporal Punishment

Maintaining discipline upon school property does not include the right to inflict corporal punishment upon any student. Corporal punishment is defined as physical punishment, i.e., punishment that is inflicted upon the body. This shall not preclude any teacher or any employee from using such reasonable force as is necessary to protect students, other persons, and themselves from an assault from a student.

Policy: [JKA - Corporal Punishment](#)

Field Trips

The Amesbury School Committee recognizes that firsthand learning experiences provided by field trips are a worthwhile enhancement to the curriculum. It is the desire of the committee to encourage field trips as part of and directly related to the total school program and curriculum. Despite this, participation in field trips is voluntary and in the case of minor children, is subject to parental consent.

Specific guidelines and appropriate administrative procedures shall be developed to screen, approve, and evaluate trips and to ensure that all reasonable steps are taken for the safety of the participants. These guidelines and procedures should be developed by the Administration and reviewed and approved by the School Committee.

These guidelines and appropriate administrative procedures shall ensure that all field trips have the approval of the principal and that all overnight trips have the prior approval of the superintendent and the School Committee.

Policy: [JJOA - Field Trips](#)

Homeless Children

The federal McKinney-Vento Homeless Education Assistance Act is designed to ensure educational rights and protections for students experiencing homelessness. Homelessness is defined as children and youth who "lack a fixed, regular, and adequate nighttime residence."

Consistent with the Massachusetts Department of Elementary and Secondary Education guidelines, the Amesbury Schools afford homeless students and unaccompanied youth special consideration in addition to access to the same free, appropriate public education and opportunities thereof, that is provided to all other children and youth. The district will enroll homeless students even if they do not have the documents required for enrollment, such as school and medical records, or proof of residency. Homeless students and unaccompanied youth are entitled to receive free and reduced school meals, transportation, English language services, vocational and technical education, gifted and talented services, special education, and all extra curricular activities and Title I services.

Homeless Student Data Collection forms, which are required by the Department of Elementary and Secondary Education, must be completed when the homeless child(ren) first register at your school and forwarded to Central Office.

[Policy JFABD - Homeless Students: Enrollment Rights and Services](#)

Student/Family Support

Children Living in Foster Care and Kinship Families

In an effort to provide appropriate social and mental health services to "at risk" students, each principal should notify their school adjustment counselor or the Director of Student Services whenever a foster child registers in his or her building. Principals should facilitate entry for children living in foster and kinship families and ensure they are provided access to all services that will promote their well being and integration into our school community. It is suggested that a student or teacher buddy be assigned to help facilitate the new student's adjustment in Amesbury Public Schools.

Policy: [JFABF - Educational Opportunities for Children in Foster Care](#)

Social Services and Mental Health Referrals

Social Services and Mental Health Referrals Amesbury Public Schools recognize the importance of a behavioral health partnership with community and mental health providers and will work to access behavioral health services for our students.

Early intervention can minimize or prevent the development of secondary emotional, social, and/or academic problems. To that end, administrators are urged to encourage staff, specifically guidance and adjustment counselors, to work in partnership with parents to secure social and mental health services for children as needed. Administrators should further encourage guidance and adjustment counselors to seek a "release of information" from parents so they can communicate with providers. Within this collaboration of Amesbury Public School staff, family, and social and mental health providers, the academic and therapeutic impact can be amplified.

The Pettengill House, Inc.
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Non-Custodial Parent

All staff should be familiar with M.G.L., Chapter 71 , Section 34H regarding access of student records by parents who do not have physical custody of their children. As required, a non-custodial parent may have access to the student record in accordance with the following provisions.

A non-custodial parent is eligible to obtain access to the student record unless:

1. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
2. The parent has been denied visitation or has been ordered to supervised visitation, or
3. The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.

In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal annually. The initial request must include the following:

1. **A certified copy of the court order or judgment relative to the custody of the student that either indicates that the requesting parent is eligible to receive access as set forth in 603 CMR 23.07 (5) (a), or a certified copy of a court order specifically ordering that the student records be made available to the non-custodial parent, and**
2. An affidavit from the non-custodial parent that said court order or judgment remains in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.
3. Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district.

The non-custodial parent must submit a written request for access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access as set forth in 603 CMR 23.07 (5) (a).

Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5) (a).

The school must delete the electronic and postal address and telephone number information relating to either the work or home locations of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

At any time the principal of a school is presented with an order of a probate and family court judge which prohibits the distribution of information pursuant to M.G.L., Chapter 71 , Section 34H, the school shall immediately cease to provide said information and shall notify the requesting parent that the distribution of information shall cease.

Policy: [KBBA - Non-Custodial Parents Rights](#)

Special Education

Special education, under the (Massachusetts General Laws Chapter 71 B) and federal law (IDEA), is intended to provide services to students who have disabilities, and who, because of those disabilities, need help to make effective progress in the general education program of the school.

The purpose of 603 CMR 28.00 is to ensure that eligible Massachusetts' students receive special education services designed to develop the student's individual educational potential in the least restrictive environment in accordance with applicable state and federal laws.

Staff are responsible for following a student IEP, ensuring that accommodations and modifications are provided as well as the outlined services required to allow the student to access the general education curriculum and make progress.

Preliminary Actions

- Referrals for special education must follow the child study process set forth in each school.
- Educational Assessments A & B must be completed by general education staff (Elementary, Middle, and High School) and Guidance (Middle and High School) for all initial, re-evaluations or when a request is made for the assessment.
- All staff are responsible for following mandated timelines for completion and submission of assessment information and evaluation reports.

- Parent requests for an initial evaluation should immediately be forwarded to either the building special education facilitator or the Special Education Office.

504 Plans

Section 504 was enacted to "level the playing field": to eliminate impediments to full participation by persons with disabilities who do not qualify for an IEP. The principal in each building is responsible for ensuring that the procedures for 504 referrals are followed. A building principal, 504 coordinator or designee must attend all 504 meetings. All staff are responsible for following the 504 plan, and ensuring that outlined accommodations are provided to the student. Principals must review mandated training for all processes and procedures related to 504 Accommodation Plans in the district annually.

Preliminary Actions

- Determine if the student needs regular education accommodations in classroom setting as described in the District Curriculum Accommodation Plan.
- Determine if student needs **only** an Individual Health Plan (IHP). If a student is taking medication in school, and needs no other accommodations/modifications, he/she should be on an IHP and **not** a 504 plan.
- If a special education team determines that a student with a disability does not need specially designed instruction, but does require accommodations, or some type of related service in order to participate fully in the school program, the school must convene a 504 team **separately** and develop and implement a 504 plan for the student.
- Request testing through the Office of Student Services as determined by child study team if there is no written documentation the student has a disability.

