

# *TEC Academy*

## Student Handbook

2025-2026



**Welcome and Contact Information**

Letter from the Director..... 3

School and Contact Information.....4

**Mission and Guiding Beliefs**

The Education and mission..... 5

TEC Academy Mission..... 5

Non Discrimination/ Equal Education Opportunity.....4

**Attendance**

Attendance..... 5

Massachusetts Law Pertaining to School Attendance.....5

Dismissal ..... 5

Excessive Absenteeism/Truancy.....6

Disenrollment..... 6

Cancellation of School/Delayed Openings.....4

**Academics**

Required Subjects/Diplomas..... 8

Standardized Testing – MCAS.....8

Academic Integrity.....8

Grading..... 10

Extra Help.....11

Incompletes.....11

Internships/Work Study Programs..... 11

Progress Reports and Report Cards.....11

**School Based Counseling**

Counseling and Guidance..... 7

**School Based Health Services/Nursing**

Nurse/School Based Health Care..... 11

Medication..... 12

Immunization..... 12

**Student Transportation**

Transportation for Students with Special Needs.....4

Transportation Vehicle Idling Restrictions..... 4

Driving to School..... 8

**Emergency Procedures**

Emergency Evacuation Procedures.....4

Physical Restraint..... 43

**Use of Technology, Phones and Devices**

Electronic Devices/Cell Phones..... 9

Guidelines for Acceptable use of Technology.....56

Chromebook Care and Use Guidelines.....57

Chromebook Care and Use Policy Guide..... 57

**Code of Conduct**

Student Dress Code.....7

Code of Conduct..... 12

Security Walkthrough.....8

Drugs/Alcohol..... 39

Tobacco Policy.....40

Possession of Firearms or Weapons..... 40

Search and Seizures..... 41

Behavior Management..... 41

Student Separation Resulting from Behavior Management..... **42**

**School Policy**

Discipline Policy.....44

Bullying Prevention..... 13

Anti-Hazing.....21

Non-Discrimination and Anti-Harassment Procedures..... 23

Sexual Harassment/ Title IX Policy..... 32

Grievance Policies and Procedures..... 53

Students with Limited English Proficiency..... 54

Placement Termination..... 52

Asbestos Policy ..... 67

Meals..... 69

**Student Records**

Student Health Records.....68

Records of Students Leaving TEC.....68

Obtaining Records of Former TEC Students.....68

**Release of Student Information**

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA).....66

**Appendix A**

Appendix A..... 71

## WELCOME AND CONTACT INFORMATION

"Collaboration-Let's Create a Better World!"

111 Robbins Road, Walpole, MA 02081

Phone: 781-352-5730

[www.tec-coop.org/special-education/tec-academy](http://www.tec-coop.org/special-education/tec-academy)

Dear Parent/Guardian:

The TEC Academy handbook is designed to provide students, parents, and guardians the opportunity to clearly understand the rules and regulations, policies, procedures, opportunities, and expectations by which all programs function at our school. As noted, TEC Academy is OUR school. It belongs to the students, teachers, parents, administrators, aides, community members, and anyone else who is proud to be known as a Collaborator. With that comes a responsibility to work together to make sure there is a positive, safe, orderly and enthusiastic school setting and atmosphere.

Our mission here at TEC Academy is to ensure that every student is college and/or career ready for the 21st Century learning and work environments. As a result, we have high expectations for students and ourselves as a faculty working to support your sons and daughters. Students will be held to high standards of behavior that will be centered on respect for oneself and others. We will review with all of our students that the policies in this handbook are guidelines but the individual has the ultimate say in the message they send about who they are and what they wish to accomplish.

As parents and guardians, we urge you to not only review this handbook with your sons and daughters but please discuss the contents with them as there is a great deal of information that is not only focused on the rules but more importantly on the great opportunities that are provided to our students. At TEC Academy, your sons and daughters have an opportunity to participate in comprehensive programming and therapeutic programming.

If you have any questions, please do not hesitate to contact us at your convenience. I look forward to working with you in the future.

Sincerely,



Lisa Freedman

TEC Academy Director

[lfreedman@tec-coop.o](mailto:lfreedman@tec-coop.org)

## School and Contact Information

Lisa Freedman	Program Director
Sean Nugent	Assistant Program Director
Samantha Marques	Counseling Coordinator/School Adjustment Counselor
Kerry Kubera	Nurse Leader
Madelyn Ricketts	Administrative Assistant

### TEC Academy, Phoenix Staff

Andrew Bevilacqua	Culinary Teacher
Shelly-Ann Bernard	Math Teacher
Brittany Brien	Science/Special Education Teacher
Joseph Powers	History Teacher
Greg Faiella	P.E. Teacher
Kristen Kaizer	Art Teacher
Siobhan Lennon	Special Education Teacher
Julie Vadala	English Teacher
Leah Rosen	SLP
Cameron Kubera	School Adjustment Counselor
Amy Sulkala	School Adjustment Counselor
Susan LeMay	School Adjustment Counselor
Vladimir Joseph	Student Support Specialist
Devin O'Connor	Instructional Assistant
Alexander Cameron	Culinary Instructional Assistant
Mara Herrera	Music Therapist

### TEC Academy, Lower Campus Staff

Kelly Palombo	BCBA
Brenda Wall	Instructional Assistant
Alexandra Preto	Instructional Assistant
Sebastian Key	Instructional Assistant

### TEC Administration

Emily Parks	Executive Director
Zachary Abrams	Director of Student Services
Dan Shovak	Director of Finance & Operations
Jean Kenney	Director of Professional Learning & Leadership
Michelle Fusco	Human Resources Manager
John Spears	Director of Information Technology

## The Education Cooperative Vision and Mission

The Education Cooperative (TEC) actively develops and coordinates educational and organizational programs to meet the needs of member communities and their students.

We believe...

- inter-district collaboration strengthens all participants and offers the opportunity to do more than one district can do individually;
- each student learns differently and should be provided with learning experiences designed to optimize individual potential to meet their personal goals;
- student centered decisions guide our planning and practices;
- high expectations are integral to student achievement;
- it is our responsibility to prepare our students to be contributing members of a global society;
- education is the shared responsibility among the student, the family, the school and the communities;
- all students want to learn and be successful life-long learners in a global society;
- hard work, effort and responsibility are fundamental to academic success;
- data-driven student centered decisions guide planning and practice;
- a school culture, which embraces diversity, change, risk-taking and shared decision making is the catalyst for change;
- it is important to recognize and respond to our TEC communities changing needs, and
- TEC's responsibility is to provide the environment for positive academic, physical, social, emotional and aesthetic growth of our students.

## TEC Academy Mission Statement

*TEC Academy prepares students for post-secondary education and training in an atmosphere of high expectations, strong support, and personal responsibility.*

### Academic Expectations:

TEC Academy students will effectively:

- Read to comprehend and evaluate
- Use technology
- Write for various audiences
- Think critically and creatively
- Engage in therapeutic intervention
- Apply scientific principles and processes
- Listen, discuss, speak, and present in formal and informal settings

### Social and Civic Expectations:

TEC Academy students will:

- Engage in activities that foster citizenship, public service and community awareness
- Demonstrate behavior that adheres to reasonable and appropriate standards of conduct
- Show respect for individual, cultural, and racial diversity
- Model behaviors that reflect dignity and respect for fellow students, staff and themselves



## **NON DISCRIMINATION/ EQUAL EDUCATION OPPORTUNITY**

The Education Cooperative does not discriminate on the basis of race, color, age, gender, religion, ethnic or national origin, disability, gender identity, sex, homelessness, limited English proficiency, sexual orientation in its educational activities or employment practices. The Education Cooperative is an equal opportunity employer.

## **CANCELLATION OF SCHOOL/DELAYED OPENINGS**

Announcements of cancellation of school and delayed openings due to hazardous storm conditions will be made as early as possible by TEC. Announcements of no school and delayed openings will be communicated as follows:

- In the event that we need to call a snow day, families will be notified through an automated telephone call and text message.
- If all TEC programs are closed, it will be posted on TEC's website.
- Your child's program director will communicate additional information as needed via email and/or text message.

## **UNEXPECTED SCHOOL CLOSING**

In the event that school is to be dismissed early because of storm conditions or for reasons of an emergency nature, children will take their usual means of transportation home.

Please inform the office and your child where they should go in case no parent is home at the time of an emergency dismissal.

## **TRANSPORTATION FOR STUDENTS WITH SPECIAL NEEDS**

Transportation of students with special needs will be determined by the student's IEP (Individual Education Plan). Transportation services for these students will be coordinated by the student's sending district Director of Special Education and delivered in accordance with state and federal law.

## **EMERGENCY EVACUATION PROCEDURES**

Periodic fire/lock down drills are conducted to ensure a rapid and safe evacuation of the building or simulation of sheltering in place. Students must exit the building by following the instructions posted in the classroom. Students should remain with their teacher for the duration of the drill. Persons responsible for false alarms will be subject to arrest. Teachers are responsible for taking student attendance once evacuated from the building, so students are asked to cooperate and report directly to the predetermined outside location to check-in with the classroom teacher.

## **TRANSPORTATION VEHICLE IDLING RESTRICTIONS**

In accordance with section 16B of Chapter 90 and regulations adopted by the DESE, operators of school buses, vans and personal motor vehicles, including students, staff members, and visitors, are restricted from idling such vehicles on school grounds.

## ATTENDANCE

The requirements for the receipt of a diploma include an acceptable level of attendance in a Public School secondary level educational program. Exceptions to attendance criteria can be made only by the Program Director and/or designee pursuant to a transcript review. This attendance policy is in conjunction with a student successfully passing all necessary academic subjects and achieving the minimum credits needed for a diploma. A student must be in attendance pursuant to MGL C 76§1.

All students are expected to attend school on a regular basis. When a student is absent from school, a parent or guardian must telephone the Administrative Assistant's office by 9:00 a.m. on the morning of the absence.

Parents/guardians must:

- ensure that a child in their care attends school. G.L. c. 76, §2.
- call the school at 781-352-5730 by 9:00am to report a child's absence and reason for it. G.L. c. 76, §§1A, 1B.

## Massachusetts Law Pertaining to School Attendance

Massachusetts law (G.L. c. 76, §1B) requires that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence. TEC Academy will also notify the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year.

Massachusetts law (G.L. c. 76, §1B) requires that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student, and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing, and nonprofit agencies.

If a call is not received every effort will be made to contact the parent/guardian. Additionally, when returning to school from an absence, the student must bring a note signed by the parent/guardian explaining the reason for his/her absence to the TEC Academy Director's office. Members of the administrative team reserve the right to excuse absences based on other forms of communication. Notes to excuse an absence must be received within three (3) school days of the absence. If a valid note is not received, the student will be marked as unexcused. *Personal appointments, whenever possible, should be made during non-school hours!*

*The final say, as to whether or not an absence is excused resides with administration.*



## **Dismissal from School**

Parental contact by telephone and/or note is necessary for every dismissal. A reason for dismissal must always be given, and will be limited to the following:

- Illness
- Family emergency
- Legal or medical appointments that cannot be made outside school hours (you should bring a note back from the person that you saw.)

## **Excessive Absenteeism/Truancy**

Parents/Guardians will be notified if their child has five (5) or more unexcused absences in a year or if the child has missed two (2) or more classes due to absence for five (5) days or more. The Program Director or designee will make a reasonable effort to meet with the parents/guardians of a child who has five (5) or more unexcused absences for the purposes of developing action steps to improve the child's attendance (Ch. 222 of Acts of 2012).

A child who is chronically and habitually absent, truant, dismissed or tardy with or without valid cause (excused or unexcused) from school will be subject to the following non-exclusive list of consequences:

1. Parent or guardian conference
2. All future absences must be verified by a physician
3. Restriction or prohibition on the participation of extracurricular or intramural activities, field trips or other activities
4. School based consequences (e.g. detention, loss of course credit, grade retention, etc.)
5. Filing of a "Failure to send your child to school" with the court
6. Filing of a "Child Requiring Assistance" (CRA) with the court
7. Department of Children and Families (DCF) filing

## **Disenrollment**

An Administrator from the school the student has last attended will need to send notice within a period of 5 school days from the student's 10th consecutive absence to the student and his or her parent/guardian (M.G.L. c.76, sec.18)

## **COUNSELING AND GUIDANCE**

Parents are encouraged to meet with their child's counselor/therapist throughout their high school careers. Students will meet with their counselor/therapist as stated on the IEP Service Grid and as programmatically determined.

## **STUDENT DRESS CODE**

Students are responsible for dressing, acting and speaking like they are properly preparing themselves for continuing their education beyond high school. Therefore, students are expected to dress appropriately, and when a particular form of dress is deemed offensive or contributes in any way to the

disruption of the school, arrangements will be made for the student to change.

Students are expected to exercise maturity and responsibility in all matters including their dress and personal grooming. Students should remember at all times the five guiding principles of dress: neatness, suitability, moderation, cleanliness and safety.

Teachers and the administration will determine the interpretation of the guiding principles. Students' "clothing shall not disrupt or distract from the educational process."

While in school students will wear clothing that meets the following standards:

- Shirts must also cover the back of the student's torso.
- All Shirts must be of length that they can be tucked into pants
- No bare feet or unsafe footwear. Footwear must be worn at all times.  
No "see through" clothing.
- No clothing that displays words/graphics that are obscene, vulgar, violent, sexist, racist, or promote the use of drugs, alcohol or tobacco
- No gang or cult-related apparel
- No exposed undergarments
- No clothing with metal chains or other dangerous items
- No decorative masks or face painting
- Distracting objects are not permitted. Therapeutic fidget toys are encouraged
- No sunglasses worn in the building without medical documentation.

The Program Director or her designee will decide when clothing is inappropriate or disruptive.

***Administration will make the final determination in all dress code concerns.***

## **ELECTRONIC DEVICES/CELL PHONES**

Use of unauthorized electronic devices (cell phones, speakers, computers, etc.) are not permitted during the school day. All students must hand in their cell phone, smart devices, ipod, smart watch, etc., upon entering the building, where it is locked and secured for the day, to be returned at the student's dismissal. Any student who fails to comply with teacher and administration directives may result in disciplinary actions. **Any student using an electronic device to record without specific teacher permission, or recording an individual without their express permission, may result in immediate disciplinary action.**

## **SECURITY WALKTHROUGH**

TEC Academy has a security walkthrough metal detector at the entrance. It is our sincere hope that installing the metal detector will give our students and staff a measure of psychological assurance that the school is a safe educational environment. Please refer to page 44 regarding Search and Seizure.

## **DRIVING TO SCHOOL**

Students are transported by scheduled district vans or parent drop off. Special permission for students to drive themselves can be obtained by reaching out to the Program Director. The onsite parking spaces are reserved for staff and visitors.

## **POSTING - BULLETIN BOARDS**

The general bulletin boards may be used by students to publish information of general interest. Any posted material must be approved by a member of the administration.

## **REQUIRED SUBJECTS – DIPLOMAS**

TEC Academy follows the course requirements of a student's sending school district.

Students enrolled in TEC Collaborative programs receive high school diplomas or certificates of attendance/completion from their home School District.

Students receiving high school diplomas from their School District have satisfactorily completed the competency requirements for a diploma as prescribed by their School District's School Committee. Throughout students' enrollment at the Collaborative, the Program Director maintains close communication with Guidance Departments and other school district personnel to ensure that students are meeting the requirements of the School District. TEC Academy provides report cards with grades earned for individual courses, but home districts preserve the right to award credits, grant a diploma, and develop a permanent transcript.

## **STANDARDIZED TESTING – MCAS**

The Massachusetts Comprehensive Assessment System (MCAS) is designed to meet the requirements of the Education Reform Law of 1993. This law specifies that the testing program must: test all public school students in Massachusetts, including students with disabilities and limited English proficient students; measure performance based on the Massachusetts Curriculum Framework learning standards; report on the performance of individual students, schools, and districts. TEC Academy and students enrolled at TEC participate in the MCAS assessment program.

## **ACADEMIC INTEGRITY**

The TEC Community believes in the values of truth, integrity, personal accountability and respect for the rights of others. The community will promote an environment which fosters integrity and honorable conduct and maintain an atmosphere in which personal accountability is valued.

### **Definition of Academic Dishonesty**

Academic dishonesty consists of a student acting to obtain, or assist in another student obtaining, credit for work which is not the student's own, including plagiarism (see definition below). Examples of academic dishonesty may include but are not limited to the following:

1. Communicating with another student during an examination or quiz;

2. Copying material during an examination or quiz;
3. Copying another person's assignment;
4. Allowing a student to copy from one's examination or quiz;
5. Allowing a student to copy from one's assignment;
6. Using unauthorized notes or devices during an examination or quiz;
7. Using unauthorized notes, online resources, or devices;
8. Using unauthorized artificial intelligence technology;
9. Obtaining, removing, accepting, or sharing a copy of and/or information about an examination or quiz without the knowledge and consent of the teacher;
10. Submitting a paper or project which is not the student's work, including issues related to plagiarism (see definition below);
11. Sharing or supplying a student with a paper, project, or assignment that assists them in obtaining credit for that work, including issues related to plagiarism (see definition below);
12. Altering a teacher's grading system;

### **Definition of Plagiarism**

Plagiarism is the act of taking and using another's published or unpublished work or ideas and passing them off as one's own. This definition includes written work, computer programs, drawings, artwork, and all other types of work that are not one's own. Materials taken from other source(s) without adequate documentation may include, but are not limited to, the following:

1. Failing to cite with quotation marks the written words or symbols of another author;
2. Failing to cite the author and sources of materials used in a composition;
3. Failing to cite research materials in a bibliography or inaccurately attributing ideas to a source;
4. Failing to name a person quoted in an oral report;
5. Failing to cite an author whose works are paraphrased or summarized;
6. Failing to cite words translated by an electronic translator;
7. Presenting another person's creative work or ideas as one's own in essays, poems, music, art, computer programs or other projects;
8. Presenting the work or ideas of artificial intelligence technology as one's own in essays, poems, music, art, computer programs or other projects;
9. Copying or paraphrasing ideas from literary criticism or study aids without documentation.

### **Consequences**

If a teacher suspects a student of academic dishonesty, the teacher will consult their Program Director to determine if the student has violated the school's policy. If so, as an academic consequence, the student may receive no credit for any work involved in the violation. However, the teacher, with Program Director approval, may discuss alternative ways for the student to receive credit.

The teacher will discuss the assignment, the violation, and the academic consequences for the violation with the student and the student's parent(s)/caregiver(s). The teacher will also notify the administration about the

violation and its academic consequences; the teacher may also make specific, appropriate recommendations for additional consequences, if this is not the student's first offense.

An administrator will also discuss the violation with the student. If this is not the student's first offense, the administrator will determine appropriate disciplinary consequences in addition to the academic consequence. The administrator will communicate these additional consequences to the student and their parents, according to school discipline protocol.

Students have the right to appeal disciplinary decisions to the Program Director or designee.

A committee will continue to meet to review periodically the effectiveness of the Academic Integrity Policy.

## Grading

TEC Academy uses alphabetical grades:

A+ 97-100

A 93-96

A- 90-92

B+ 87-89

B 83-86

B- 80-82

C+ 77-79

C 73-76

C- 70-72

D+ 67-69

D 63-66

D- 60-62

F 59 and below

## Extra Help

It is the professional responsibility of every TEC Academy teacher to create opportunities for student success. Included within that expectation is to provide all necessary interventions, reteaching, and retesting to ensure all students have ample opportunities to reach desired levels of competence. It is also the responsibility of the student to seek extra help.

## Incompletes

Take advantage of all extra help opportunities provided. Incompletes must be made up within two

weeks after the close of grades. The TEC Academy Director may approve extensions should unusual circumstances warrant. Students should take the initiative to meet with their counselor and teacher to develop a plan.

### **Grades/Make-Up Work**

The grade a student earns will be entered upon his/her record. An excused absence is one in which the student will be allowed to make up work for credit. Students and guardians should refer to the teacher's course syllabus for specific policies regarding make-up work and class absences.

## **INTERNSHIPS/WORK STUDY PROGRAMS**

Internship opportunities are available to students who are interested in particular fields of study. To participate in an internship or work study, students must be in good academic standing, and have successfully participated in the culinary program.

Seniors who are in good standing to graduate are encouraged to do an internship or work study during the last quarter of their senior year. This can be for some or all of their school day. Such experiences should be designed to match student interest and foster career exploration. TEC Academy will be in contact with sending districts after second term grades are sent home to determine students who are eligible and verifying graduation criteria have been met. Parents will be included in the discussion and planning as well.

## **PROGRESS REPORTS AND REPORT CARDS**

Progress reports for student's academic classes may be requested by parents at any time. A school wide progress report day will be conducted each quarter at approximately the quarter's half-way point. These progress reports will be given to students to take home, and parents/guardians are encouraged to contact the appropriate teacher and/or counselor with progress report concerns. Grade reports are issued quarterly. See the school calendar for specific dates.

## **NURSE/SCHOOL BASED HEALTH CARE**

Kerry Kubera, RN, TEC Academy Nurse Leader, is available for TEC Academy students Monday through Friday from 8:00 am to 2:30 pm.

## **MEDICATION**

The TEC Academy Nurse Leader shall ensure that there is a properly signed medication order from a licensed prescriber that is renewed at the beginning of each academic year and thereafter as needed.

### **Special Medication Situations**

- For "over-the-counter" Medications, i.e., Tylenol, Advil, a written authorization from the parent/guardian as well as a signed order from the student's physician must be obtained. TEC Academy does not have "standing physician's orders" due to the complex needs of its students. Individualized orders are necessary to ensure consideration of multiple and complex diagnoses and treatment.

- For short-term medications, i.e., those requiring administration for ten school days or fewer, the pharmacy-labeled container may be used in lieu of a licensed prescriber's order; if the nurse has a question or concern, she may request a licensed prescriber's order.

## IMMUNIZATIONS

Massachusetts' immunization regulations specify minimum immunization requirements for enrollment in school (105 CMR 220.000). The law and regulations provide for exclusion of students from school if immunizations are not up to date, but permit exemptions for medical and religious reasons.

All students entering collaborative programs are required to have up-to-date immunization records and will not be admitted without appropriate documentation unless exempt for sincere religious or medical reasons. For students already enrolled in collaborative programs, the immunization schedule recommended by the Massachusetts Department of Public Health will be followed.

## CODE OF CONDUCT

Throughout its special education programs, the TEC Collaborative is committed to promoting positive student conduct among students and staff. Through an integrated system of classroom rules, positive behavioral interventions, behavior support plans, and clinical intervention, TEC programs are designed to maintain safety and to foster a climate of mutual respect for the rights of others.

Throughout the school day, appropriate behaviors are modeled and taught to students, reinforcing constantly that students are responsible for conducting themselves in a manner that is acceptable for the school environment.

We look to each student to contribute positively to the school environment by making the effort to conduct themselves in alignment with the following guidelines for personal behavior:

- Exercise self-control
- Use courteous language
- Utilize appropriate staff to help resolve conflict with peers
- Be appropriately dressed and groomed
- Demonstrate a positive attitude
- Be a role model
- Be polite
- Be cooperative
- Respect the rights and feelings of others
- Act in a manner that does not disrupt others
- Treat others with courtesy and respect (i.e., put oneself in the place of another person, whether that person is another student, teacher, parent, community person, administrator, lunchroom or custodial worker, or any other person in the school).
- Take responsibility for school property
- Respect the school building, grounds, and property



- Keep school grounds free from trash
- Support the learning process
- Attend all classes regularly and on time
- Be prepared for class (i.e., bring assignments, books, and supplies)
- Listen carefully to instructions
- Participate in class activities

All students are expected to meet the requirements for behavior as identified in the program's student handbook, unless otherwise determined through the special education TEAM process. State and federal special education and civil rights laws require that additional provisions be made for students who have been found by an evaluation TEAM to be eligible for special education or whose program is described in an Individualized Education Plan (IEP). The IEP will indicate whether the student is able to conform his/her behavior to the regular discipline code or if a modification is required. If a modified disciplinary code is required, it will be written into the IEP.

## BULLYING PREVENTION

*Student-Related sections of the TEC Bullying Prevention and Intervention Plan are below, the full plan can be found on the TEC website, and copies are available from the TEC Academy Director.*

The Education Cooperative (TEC) is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, 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. TEC will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

Program Directors in conjunction with the Director of Student Services are responsible for the implementation and oversight of the Bullying Prevention and Intervention plan.

Acts of bullying and cyberbullying are prohibited:

- I. on school grounds, property immediately adjacent to school grounds, at a school sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school, or through the use of technology or an electronic device owned, leased, or used by a school district and
- II. at a location, activity, function, or program that is not school related, or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target, infringes on their rights at school, or materially and substantially disrupts the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who witnesses or has reliable information about bullying shall be prohibited.

#### A. Definitions

Aggressor is a student who engages in bullying, cyberbullying, or retaliation.

Bullying, as defined in M.G.L. c.71, §370, is the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- I. causes physical or emotional harm to the target or damages the target's property;
- II. places the target in reasonable fear of harm or damage to his property;
- III. creates a hostile environment at school for the target;
- IV. infringes on the rights of the target at school; or
- V. materially and substantially disrupts the education process or orderly operation of a school.

Bullying may include conduct such as physical intimidation or assault, including: intimidating an individual into taking an action against his/her will; oral or written threats; teasing; putdowns; name calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

Cyber-Bullying, as defined in M.G.L. c. 71, §370 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.

Cyberbullying shall also include:

- I. the creation of a web page or blog in which the creator assumes the identity of another person;
- II. 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 (i) to (v), inclusive, of the definition of bullying; and

III. 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 (i) to (v) inclusive, of the definition of bullying.

Hostile Environment, as defined in M.G.L. c. 71, §37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive so as to alter the conditions of the student's education.

Investigator TEC Administration staff member responsible for investigating reports of bullying, determining if the report is substantiated, and determining if disciplinary action is appropriate. The Investigator is most commonly the Program Director, but it could be the Director of Student

Services, Executive Director, a third-party independent investigator or TEC Board of Directors if the alleged aggressor is a member of TEC's Administration staff.

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

School 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.

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

## **E. Access to Resources and Services**

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of targets, student aggressors, families and others are addressed. If a student has been identified as a target or as an aggressor the following supports will be made available.

### **Identifying Resources**

TEC educational programs offer support to students in a protected environment with small class sizes (4-10 students) with a low student to teacher ratio. All staff members are highly trained to work with students with disabilities. In addition to teaching and therapy staff, students also have access to counseling through TEC's school adjustment counselors/social workers. Many students who attend TEC programs also receive services through outside private agencies. TEC staff members routinely work with families to solicit releases to directly communicate with outside providers and with this authorization communication is established between the school program and outside providers. Should a student require additional counseling or agency resources, TEC staff members work closely with families to identify needs, and to provide access to community resources. Also available to parents, through District request, are extensive home services offered through our Applied Behavior Analysis Home-Based Services program.

## **Counseling and Other Intervention Services**

As indicated above, counseling and positive behavior support services are available for all students at TEC. Should behavioral incident reports or bullying incident reports indicate a need for further counseling support, the Program Director will make an immediate referral to one of the TEC school adjustment counselors/social workers and/or behavior specialists. Additionally, positive behavioral support plans may be developed or modified based upon incident reporting through the intervention support of the Program Director. It is at the discretion of the Program Director, teaching staff, and school adjustment counselors/social workers as well as behavior specialists to develop a plan for involving and providing information to parents about bullying behaviors and steps they may take outside the school day.

## **F. Bullying and Retaliation Are Prohibited and Will Lead to Discipline**

TEC absolutely prohibits bullying, cyberbullying, and retaliation as defined above. Students or School Staff who engage in bullying or retaliation will be subject to disciplinary action, when appropriate; however, disciplinary action taken for students must balance the need for accountability with the need to teach appropriate behavior. The range of disciplinary action for students includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short term or long-term suspensions from school as determined by the school administration, subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration from taking disciplinary action against a student for conduct that does not meet the definition of bullying or cyberbullying, as defined above, but nevertheless is inappropriate for the school environment.

## **G. Reporting Obligations**

Reporting by Students, Parents/Guardians, and Others: TEC expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Program Director or designee, or to the Director of Student Services or designee when the Program Director is the alleged aggressor, or to the Executive Director or designee when the Director of Student Services is the alleged aggressor, or to the TEC Board of Directors or designee when the Executive Director is the alleged aggressor. An individual may make an anonymous report of bullying or retaliation using the procedure at the host school or that of TEC. However, no disciplinary action may be taken against a student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

**Reporting to Parents/Guardians:** The Program Director or designee will notify the parent/guardian of the alleged target and the alleged student aggressor of a report of bullying or retaliation once a pre-investigation of events has been conducted. If either the alleged target or alleged aggressor attends or works at a host school, the Program Director or designee will notify the School Principal of the host school, and Special Education Administrator or designee of the sending school district. If the alleged target and alleged student aggressor attend different schools, the Program Director or designee receiving the report shall inform the Program Director of the other program or Principal of the other student's school, who shall notify the student's parents of the report and procedures.

**Reporting to Local Law Enforcement:** At any point after the receipt of a report of bullying or retaliation, including during or after an investigation, if the Program Director or designee has a reasonable basis to believe that the incident may involve criminal conduct, the Program Director or designee will notify the local law enforcement agency. In addition, if an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school, or collaborative school, the Program Director or designee will notify local law enforcement if he/she believes that criminal charges may be pursued.

**Reporting to Administrator of Another School District or School:** If an incident of bullying or retaliation involves students from more than one school district and TEC is the first to be informed of the bullying or retaliation, then the Program Director or designee must, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

#### **H. Responding to a Report of Bullying or Retaliation**

Before fully investigating the allegations of bullying or retaliation, the Investigator will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the student aggressor in the classroom, at lunch, or on the bus; and identifying a staff member who will act as a "safe person" for the target.

The Investigator will take additional steps to promote safety during the course of and after the investigation, as necessary. Additionally, the Investigator will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

#### **I. Investigation**

The Investigator in collaboration with host school administration, as warranted, shall investigate promptly a report of bullying or retaliation, giving consideration to all circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

**Pre-Investigation:** Even before fully investigating allegations of bullying or retaliation, TEC personnel in collaboration with host school administration will consider whether there is a need to take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. In taking any such action, however, the rights of both the alleged target and alleged aggressor must be considered.

**Written Statement of the Complaint:** To confirm accuracy, and ask the complainant to sign the

document. If the complainant cannot or chooses not to sign, the Investigator may sign and date the document her/himself.

**Interviews:** Once the allegations of the complainant are established, the Investigator will gather other evidence, which often involves interviews of students, staff, witnesses, parents or guardians, and others as necessary. If appropriate, the Investigator should remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

**Confidentiality:** The Investigator will promptly notify the parents or guardians of the target and the student aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Investigator cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

## **J. Determination**

The Investigator will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Investigator will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Investigator will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Investigator may choose to consult with the students' teacher(s) and/or school counselor, and the target's or student aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The Investigator shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

## **K. Response to Bullying**

**Teaching Appropriate Behavior through Skills-Building:** Upon the Investigator determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, §370 (d)(v). Skill building approaches that the Investigator may consider include:

- offering individualized skill-building sessions based on the school's/district's anti bullying curricula
- providing relevant educational activities for individual students or groups of students, in consultation with school adjustment counselors and/or other appropriate school

personnel

- implementing a range of academic and nonacademic positive behavioral supports to help students understand prosocial ways to achieve their goals
- meeting with parents and guardians to engage parental support and to reinforce the anti bullying curricula and social skills building activities at home
- adopting behavioral plans to include a focus on developing specific social skills making a referral for evaluation

**Taking Disciplinary Action:** If the Investigator decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Investigator, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline of a student will be consistent with the Plan and with the student's individual behavior plan and/or Individual Education Program (IEP).

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline. If the Investigator determines that a student knowingly made a false allegation of bullying or retaliation, that student shall be subject to disciplinary action.

If the Investigator determines that disciplinary action is appropriate for a staff member, the Investigator will assess all available options, up to and including dismissal of the staff member from his/her position.

**Promoting Safety for the Target and Others:** The Investigator will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the Investigator may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Investigator will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Investigator will work with appropriate school staff to implement them immediately.

#### L. Students with Disabilities

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

#### M. Age Appropriate Instruction

TEC has identified current programs in place throughout the organization that address the social and behavioral wellbeing of our students. Current programs identified include: *CPI, Safety-Care, Positive*



*Behavioral Interventions and Supports (PBIS), and Social Skills Training.*

### **Specific Bullying Prevention Approaches**

Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students or school staff engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference

TEC initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan will be reviewed annually with all students in September.

### **General Teaching Approaches that Support Bullying Prevention Efforts**

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the Internet safely, and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength

### **N. Parent Education and Resources**

TEC parents will be eligible to attend local trainings through their sending districts as sponsored by the local PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organizations. In addition, TEC parents will be notified by classroom teachers when students are receiving curriculum instructions around this topic. Parent trainings will also be offered by TEC and individual parent trainings will be provided by TEC on a case specific basis.

### **O. Notification Requirements**

Each year at the beginning of the school year either through the registration packet or the student handbook, TEC will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including

cyberbullying and online safety, as well as the student-related sections of the Plan and TEC's Internet and Network Acceptable Use Policy. TEC will post the Plan and related information on its website.

Consistent with state and federal laws, and the policies of TEC, no person shall be discriminated against in admission to a public school or any town or in obtaining the advantages, privilege, and courses of study of such public school on account of race, color, sex, religion, national origin, gender identity, homelessness, limited English proficiency or sexual orientation. Nothing in the Plan prevents TEC from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of TEC to take disciplinary action or other action under M.G. L. C. 71, §§ 37H, 37H ½, or 37H ¾ M.G.L. c. 71, §§41 and 42, M.G.L.c 76 § 5, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

At least once every four years beginning with 2015-2016 school year, TEC will administer a Department of Elementary and Secondary Education-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools. Additionally, TEC will annually report bullying incident data to the Department.

#### **P. Problem Resolution System**

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information are also available at the Executive Director's office.

## **ANTI-HAZING**

Hazing is prohibited by Massachusetts State Law and is forbidden at TEC Academy . As required by Massachusetts General Laws Chapter 269 Sections 17-19 below is a full copy of the An Act Prohibiting the Practice of Hazing, M.G.L. c. 269, §§ 17-19.

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include 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 other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education

and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## **NON-DISCRIMINATION AND ANTI-HARASSMENT PROCEDURES**

It is the policy of The Education Cooperative to maintain a learning environment that is free from harassment or discrimination of any kind, including sex-based harassment (under state law). Any allegations of sex-based harassment or sex discrimination will be addressed through The Education Cooperative's (TEC) Title IX policy. It is a violation of this policy for any member of the school community to harass or discriminate against another individual as outlined in this policy. Any allegation of harassment or discrimination will be investigated, and, if a violation of this policy is substantiated, disciplinary action will be taken. All reports of harassment or discrimination shall be investigated promptly, impartially and in a manner which will preserve the confidentiality of all concerned to the extent practicable under the circumstances.

Any employee, student or third party who believes that he or she has experienced harassment or discrimination on the basis of his or her actual or perceived race, color, creed, ethnicity, religion, national origin, sex/gender, pregnancy or pregnancy-related medical condition, homelessness, disability, sexual orientation, gender identity or age or who has witnessed or learns about the harassment of or discrimination against, another person in the school environment, should inform the principal of the relevant school site or appropriate discrimination/harassment complaint official immediately or as soon as possible. The Education Cooperative further does not deny equal access to or a fair opportunity to meet, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society. Harassment and discrimination is banned not just at school, during school hours, but also before or after school hours on all school property, including the school bus, school functions, or at school events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment taking into consideration the totality of the circumstances on and off campus.

Problems and complaints regarding discrimination and harassment should be resolved in a prompt and equitable manner. When possible, such problems and complaints should be resolved in an informal manner.

### **Definitions**

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, sexual orientation, sexual identity, religion, national origin, age, disability, or other legally protected group status.

Sex-based harassment includes both sexual harassment and gender-based harassment. Sexual harassment under state law consists of unwelcome sexual advances; requests for sexual favors; or

other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

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

Sexual harassment may include, but is not limited to:

- unwelcome sexual advances - whether they involve physical touching or not;
- sexual epithets, jokes, written or oral references to sexual conduct, gossip about one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures and cartoons;
- unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- inquiries into one's sexual experiences; and
- discussion of one's sexual activities.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature, including harassment based on gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the person's nonconformity with gender stereotypes, regardless of the actual or perceived sex, gender identity, or sexual orientation of the harasser or target of the harassment.

Sexual assault is the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger. Such contact is unwanted when it occurs without the consent of one or both individuals, when one of the individuals is incapacitated or incapable of giving consent, or occurs with the use of force.

Hostile environment is unwelcome conduct that is sufficiently severe, persistent, or pervasive to interfere with or limit one or more students' abilities to participate in or benefit from the education program or creates a threatening, intimidating or abusive environment or sufficiently severe or pervasive so as to alter the conditions of the victim's employment and create an abusive working environment.

Retaliation is any form of intimidation, threatening, coercion or discrimination, directed against a student/staff/third party who reports a sex-based harassment, provides information during, assists in

or participates in an investigation of sex-based harassment, or witnesses or has reliable information about sex-based harassment.

### Reporting Responsibilities

Everyone in the school community is responsible for immediately reporting incidents of harassment, discrimination and/or retaliation, by anyone, in any form, that are directed at or witnessed by them at school or at a school sponsored event or of which they otherwise learn. Failure to cooperate with an investigation of such an incident will result in disciplinary action. Deceptive reporting may also be subject to a disciplinary response.

An individual may report to either the principal of the relevant school site or appropriate discrimination/harassment complaint official at his or her discretion. Students may additionally report incidents that they believe involve harassment or discrimination to their guidance counselor, any teacher, administrator or any member of the support staff, and the staff member will refer the complaint to the principal or the discrimination/harassment complaint official. If a School Guidance or Adjustment Counselor, School Nurse, or any member of the teaching staff, is contacted concerning a complaint or possible complaint, he/she should refer the matter to the principal immediately. Staff who observe conduct which violates this policy are to report the conduct to the principal immediately.

Employees who need help or wish to talk about harassment should contact the school principal, the appropriate discrimination/harassment complaint official, the perpetrator's immediate supervisor or any other school administrator immediately.

If one of the discrimination/harassment complaint officials is the person alleged to be engaged in discrimination/harassment, the complaint may be filed with one of the alternate officials or any other school employee the student or employee chooses.

The discrimination/harassment complaint officials for The Education Cooperative are the following individuals on a TEC wide level:

Title II/ Section 504 (disability)

Title VI (race, color, national origin)

Title VII (employment discrimination based on race, color, religion, sex, national origin)

Sexual harassment (state law)

Age Discrimination/Boy Scouts

The school principals or program director will serve as the building level coordinators for these categories.

### Procedures for Investigating

The procedures set forth in this policy may be invoked even if other appeals and adjudication procedures have been provided by state law or federal law. Retaliation in any form for the filing of a complaint or reporting of harassment or discrimination is prohibited and will result in serious disciplinary action.

When a complaint of harassment or discrimination is received by TEC, that allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and to the extent consistent with the law and collective bargaining agreements. The grievance officer or discrimination/harassment complaint official will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

The investigation will include a private interview with the person filing the complaint and with witnesses. The investigation will also include an interview with the person alleged to have committed the harassment or discrimination. Each party will have the opportunity to provide evidence and witnesses.

In certain cases, the harassment of a student may constitute child abuse under state law. The Education Cooperative will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

The specific procedures to be followed in conducting the investigations are set forth more fully below.

1. Any staff member who receives a complaint verbally or in writing concerning harassment or discrimination or observes conduct which he/she believes may constitute harassment or discrimination is required to document the complaint and refer it to the school principal or discrimination/harassment complaint official immediately. Although The Education Cooperative encourages a written complaint, use of a formal reporting requirement is not required. Oral reports will be considered complaints as well. The principal or discrimination/harassment complaint official shall ensure that the report is documented in writing within two (2) school days of receiving the complaint. The principal must send copies to the relevant discrimination/harassment complaint official within two (2) school days.
2. Anyone may use the informal process in order to resolve the complaint, unless TEC believes that it is inappropriate.
3. If the alleged victim or the alleged perpetrator chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, he or she may proceed to the formal procedure. The informal process is completely voluntary and individuals can opt-out at any time.
4. The informal process will be a voluntary conversation between the alleged victim and the alleged perpetrator, which is facilitated by a school employee or by a designated discrimination/harassment complaint official. If the alleged victim or alleged perpetrator is a student under the age of eighteen (18), the facilitator will notify the student's parent(s)/guardian(s) if, after initial consultation with the student, it is determined to be in the best interest of the student. If the alleged victim and the alleged perpetrator feel that a resolution has been achieved, then the conversation remains confidential and no further action needs to be taken. The voluntary conversation must occur within five (5) workdays after receiving the complaint of discrimination or harassment. The results of an informal resolution shall be maintained by the facilitator, in writing.
5. If the alleged victim does not want to deal directly with the alleged perpetrator, or if the matter is not resolved informally, the complainant should immediately notify the school principal or the discrimination/harassment complaint official for formal resolution.
6. For a formal complaint, the alleged victim (or complainant, if not the alleged victim) will be asked to



complete the incident form which begins the formal investigation process conducted by the school principal or the discrimination/harassment complaint official. If the alleged victim is not able to complete the form, the principal or discrimination/harassment complaint official will complete it and ask the alleged victim to sign it. If requested, a Guidance / Adjustment Counselor, a School Nurse, or a School Psychologist may assist a student in completing the incident form.

7. During the investigation, the school principal or discrimination/harassment complaint official will:
  - Keep the investigation group as small as possible to protect the rights of all parties and to prevent the investigation from becoming overly publicized and to protect the alleged victim (in addition to the complainant, if not the alleged victim) from retaliation.
  - Complete the investigation as soon as possible from the date that it is reported, but no later than thirty (30) work days from the date of the complaint or report, unless impracticable. The investigation will include interviewing the complainant, the alleged victim (if different than the complainant), the alleged perpetrator and such other person(s) named by the complainant, alleged victim (if different than the complainant), or the alleged perpetrator who may have witnessed or have information pertaining to the incident. An opportunity will be provided for all parties to be heard and present witnesses.
  - Throughout the investigation TEC will maintain on-going contact with the alleged victim and the alleged aggressor. In determining whether the alleged conduct constitutes a violation of this policy, the school principal or discrimination/harassment complaint official shall consider the age and level of understanding of the student(s) involved, surrounding circumstances, any relevant documents, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of TEC's policy prohibiting discrimination or harassment based on the actual or perceived protected class status of a student, employee or third party, requires a determination based on all of the facts and surrounding circumstances. Given that victims often experience continuing effects of harassment in the educational setting, during the investigative process TEC will consider off campus conduct to determine whether there is a hostile environment on campus.
8. After completing the investigation, the school principal or discrimination/harassment complaint official will conclude whether a violation of the policy has occurred or not; complete the written investigation report form and send copies of the report to the discrimination/harassment complaint official, if the school principal is conducting the investigation, the alleged victim (or their parents if they are under 18) and the alleged perpetrator (or their parents if they are under 18). The report shall include:
  - a statement of the allegations investigated;
  - a summary of the steps taken to investigate the allegations;
  - the findings of fact based on a preponderance of the evidence gathered;
  - TEC's conclusion of whether discrimination or harassment did or did not occur; • the disposition of the complaint;
  - the rationale for the disposition of the complaint; and
  - if TEC concluded discrimination or harassment occurred, a description of the TEC's response.

The school principal or the discrimination/harassment complaint official shall determine whether the allegations have been substantiated as factual and whether they appear to be violations of this policy,

using a preponderance of the evidence standard. A “preponderance of the evidence” means that it is more likely than not that the alleged conduct occurred.

If the complaint is supported, the report should recommend what action, if any, is required and will identify what steps TEC is going to take to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

9. Formal disciplinary actions shall be imposed in the event that the preponderance of the evidence indicates that the alleged conduct occurred. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement. The seriousness of the offense, including the nature and degree of harm caused, shall be considered when deciding the appropriate disciplinary action.

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions, including suspension or job termination.
- If the person alleged to have violated this policy is a student, possible discipline includes reprimand, classes or instruction on appropriate behavior, counseling, class transfer, detention, suspension or expulsion, consistent with the Student Code of Conduct.
- Any discipline of students will focus on changing behavior and ensuring that students learn about the impact of their behaviors and attitudes. Possible remedial action includes:
  - o Interventions for the alleged victim, such as counseling, academic support, health services, assigning an escort to allow the student to move safely between classes, and instruction on how to report other incidents of harassment or discrimination.
  - o Training or other interventions for the larger school community to ensure that students, staff and parents understand the types of behavior that constitute harassment or discrimination, and how to report it.
  - o Interventions for the individual who engaged in the conduct, such as parent notification, counseling, guidance, education about the impact of the conduct, positive behavior support, referral to a student success team, transfer to alternative programs, denial of participation in extracurricular or co-curricular activities or other privileges, and discipline.
- If it is established that the conduct involves a violation of law, report the matter immediately to the appropriate law enforcement authorities.

#### Interim Measures

The Education Cooperative (TEC) shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. TEC will take interim measures to prevent retaliation against the alleged victim and alleged aggressor. Examples of interim measures include, but are not limited to:

- Providing counseling services via the school adjustment counselor and/or school psychologist for both the alleged victim and the alleged perpetrator;
- Providing academic support services;

- Ensuring no contact between the alleged victim and alleged perpetrator in TEC programs and activities (e.g., through stay away orders); TEC will take care to minimize the burden of such steps on the alleged victim;
- Providing an alternate schedule to ensure that the alleged victim and alleged perpetrator do not attend the same classes;
- Informing the alleged victim of how to report any recurring conduct or retaliation; • Providing the alleged victim or alleged aggressor with alternative movement between classes and activities; and
- Making community based referral to medical and counseling services.

In the case of alleged sexual assault, the school principal or the discrimination/harassment complaint official will take additional steps as necessary to ensure the alleged victim is safe. This may include, for example, referring the student to a rape crisis center, creating a safety plan and designating an individual at the site level to act as a support person during the investigation. If the circumstances suggest a threat to others, the school principal or the discrimination/harassment complaint official will ensure that TEC informs relevant members of the school community. This may include, for example, notifying parents and employees, if a student is sexually assaulted on the way home from school, or notifying employees of areas where harassment or discrimination frequently occurs.

### **Referral to Law Enforcement and Other Agencies**

Some alleged conduct may constitute both a violation of TEC policies and criminal activity. The school principal or the discrimination/harassment complaint official will refer matters to law enforcement and other agencies as appropriate under the law or TEC policy, and inform the complainant of the right to file a criminal complaint.

The school principal or the discrimination/harassment complaint official will follow this procedure regardless of whether the alleged conduct is also being investigated by another agency, unless the fact finding process would impede a law enforcement investigation. In such cases, the school principal or the discrimination/harassment complaint official will determine whether interim measures to protect the well-being of the complainant and the school community and prevent retaliation are needed while the law enforcement agency's fact-gathering is in progress. Once notified that law enforcement has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the school principal or the discrimination/harassment complaint official will promptly resume and complete the investigation.

Additionally, several behaviors listed as sexual harassment may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any persons involving sexual molestation or exploitation of a child, including, but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also constitute physical and/or sexual abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Children and Families within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse. All school personnel are identified as being mandatory reporters.

**Conflict of Interest**

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a neutral third-party investigator to conduct the investigation, or recusing from the process the person for whom a conflict or potential conflict of interest exists.

**Retaliation**

Retaliation in any form for the filing of a complaint, the reporting of discrimination, including harassment, or participating in an investigation is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. If retaliation is established, it can be considered grounds for disciplinary action. Any allegations of reprisal will be subject to the same kind of investigation and disciplinary action as described above. The school principal or the discrimination/harassment complaint official will inform all involved individuals that retaliation is prohibited, and that anyone who feels they have experienced harassment, coercion, intimidation, or discrimination for filing a complaint or participating in the resolution process should inform the school principal or the discrimination/harassment complaint official.

**Appeals**

The District offers the following process for appeals from a determination whether discrimination or harassment occurred:

The parties have the right to appeal the decision of the decision maker to the Superintendent in writing within ten (10) calendar days after the decision is formally made. The Superintendent of Schools will offer the other party an opportunity to respond in writing and then will send the parties a decision within thirty (30) calendar days.

**Right to Alternative Complaint Procedures**

In addition to the remedies set forth above, if you believe you have been subjected to harassment or discrimination, you may file a formal complaint with the government agency or agencies set forth below. Using TEC's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

**A. Students**

If you believe you have been subjected to harassment or discrimination, you may file a formal complaint with:

Massachusetts Department of Elementary and Secondary Education  
Program Quality Assurance Services  
75 Pleasant Street, Malden, MA 02148-4906  
Phone: (781) 338-3700  
FAX: (781) 338-3710

Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

The time period for filing a claim is one year from the action.

United States Department of Education  
Office for Civil Rights("OCR")  
5 Post Office Square  
Boston, MA 02109  
tel. (617) 289-0111

The time period for filing a claim with the United States Department of Education Office for Civil Rights is 180 days.

#### B. Employees

If you believe you have been subjected to harassment or discrimination, you may file a formal complaint with either or both of the government agencies set forth below:

1. United States Equal Employment  
Opportunity Commission ("EEOC")  
JFK Federal Building, Room 475  
Boston, MA 02203  
tel. (800) 669-4000

The time period for filing a claim with the EEOC is 180 days.

#### 2. Massachusetts Commission Against Discrimination ("MCAD")

##### Boston Office Springfield Office

One Ashburton Place, Rm. 601 436 Dwight Street, Rm. 220  
Boston, MA 02108 Springfield, MA 01103  
(617) 994-6000 (413) 739-2145

The time period for filing a claim with the MCAD is 300 days.

## **SEXUAL HARASSMENT/ TITLE IX POLICY**

This policy applies to the extent that there is an allegation of sexual harassment under the Federal definition of sexual harassment. If the allegations are under solely the state definition of harassment, the district will utilize other policies and procedures.

## Definitions

Under state law, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

Under Federal law, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

The Education Cooperative (TEC) will promptly investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the school district exercises substantial control, in a way that is not deliberately indifferent.

The following additional definitions apply:

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to any employee of the district, except that this standard is not met when the only official of the district with actual knowledge is the respondent (where the respondent is an employee). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever the district has actual knowledge of the allegation.

"Administrative leave" means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

"Consent" means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is

undertaken due the influence of fear, fraud, forcible compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Deliberate indifference” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

“Emergency removal” means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes a district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the district investigate the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures

## **Complaints and Reports of Sexual Harassment**

Upon receiving actual notice of alleged sexual harassment without a formal complaint, staff members must notify the Title IX Coordinator. The Title IX Coordinator must then contact the complainant within five school days of receiving the complaint and do the following:

- Discuss and offer supportive measures;
- Consider the complainant’s wishes with respect to supportive measures;



- Explain that supportive measures may be received with or without filing a formal complaint;
- Determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainant and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead the district to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require the school district to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The contact information for the Title IX Coordinator is:

Zachary Abrams, Director of Student Services, 141 Mansion Drive Suite 200, East Walpole, MA 02032, [zabrams@tec-coop.org](mailto:zabrams@tec-coop.org), 781-352-5700.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by TEC.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of the school TEC. Additionally, TEC has discretion to dismiss a formal complaint where the passage of time would result in TEC's inability to gather evidence sufficient to reach a determination regarding responsibility, or when TEC loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by TEC).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the school district's education program or activity, or did not occur against a person in the United States, then the school district must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. The school district must send written notice of any dismissal.

Investigations to allegations of sexual harassment will be prompt and the formal process will be completed within a sixty school day timeframe where feasible. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### **Written Notice**

Before any investigation can begin, TEC must send written notice to both parties including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that TEC's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

### **Informal Resolution**

Where appropriate, after notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Informal resolution may only be offered after a formal complaint is filed, and the parties must give written consent to engage in this process. Informal resolution may not be used if the allegation is against an employee respondent. Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties.

Informal resolution is entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal resolution has already begun. Similarly, respondents may elect to follow formal procedures and decline informal resolution.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within thirty (30) school days after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

## **Investigation**

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. The Title IX Coordinator is free to cast himself/ herself as investigator, where appropriate.

The investigator must not be biased against any of the parties at the outset of the investigation. The investigator will be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

Prior to completion of the investigative report, TEC will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator must avoid making any final determinations of responsibility for sexual harassment.

Findings should be written in a factual way in an investigative report. Credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

During the investigative process and any further hearings, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings. TEC will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

## **Findings of Responsibility**

After the investigator has completed the investigation, the designated decision-maker will be assigned to determine final responsibility or lack thereof for violating Title IX. The decision-maker must not be biased against any of the parties at the outset of this process.

Before TEC can determine responsibility, an investigative report will be sent to the parties and the decision-maker will offer both the complainant and respondent the opportunity to submit proposed relevant, written questions to ask of any party or witness, to respond to questions posed by another party, and to offer additional limited follow-up. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

After this process is complete, the decision-maker will create a written determination regarding whether sexual harassment has occurred using a preponderance of the evidence standard.

A “preponderance of the evidence” means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, TEC will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate. Such remedies may include supportive measures.

The written determination must be issued to both parties simultaneously and must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the recipient’s code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided by the recipient to the complainant; and
- (F) TEC’s procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion or termination. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit TEC from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people’s physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

### **Records**

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and TEC staff will document the basis for TEC’s conclusion that its response was not deliberately indifferent.

### **Training**

TEC will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

TEC will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

TEC also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **Appeals**

Any party may appeal the decision in writing to the Executive Director within five (5) school days of receipt of the findings of the formal procedure or a dismissal on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

TEC will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The Executive Director or designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

Contact information for the Executive Director:

Emily Parks, Executive Director  
141 Mansion Dr, Suite 200  
E. Walpole, MA 02032  
[eparks@tec-coop.org](mailto:eparks@tec-coop.org)  
781-3562-5711

### **External Grievance Procedure**

Any student, parent or employee who chooses not to use TEC's internal grievance procedures or who is not satisfied with the TEC's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921  
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone 617-994-6000, TTY: 617-994-6196

retaliation is found, take separate remedial and disciplinary action.

## **DRUGS/ALCOHOL**

Massachusetts law prohibits students from possessing, ingesting, selling or distributing alcohol, prescription, non-prescription or street drugs on school property or at school events. This is, therefore, the policy of The Education Cooperative (TEC). The use of drugs and/or alcohol will not be tolerated in school or at school events. If a student is involved in, or reasonably suspected of being involved in, a drug or alcohol-related activity, immediate action will be taken.

If a student is suspected to be under the influence or is in possession of drugs or alcohol, the Program Director or designee will search the Student and if found in possession, parents/guardians, and sending school district will be notified, as well as local police if appropriate. Appropriate disciplinary measures, such as suspension, will be implemented based on the specific factual circumstances and in accordance with M.G.L. c. 71, § 37H or 37H 3/4 and discipline processes detailed in Massachusetts Chapter 222. TEC may seek to terminate the student's enrollment or pursue an emergency termination of enrollment in accordance with 603 CMR 28.09.

If a student is suspected of being under the influence of drugs or alcohol, the nurse leader will make a determination as to whether the student is intoxicated or under the influence of drugs or alcohol. If so, the parents/guardians will be called to pick up their child. In the event that a student is incoherent or nonfunctional, an emergency "911" call will be placed on the student's behalf.

The IEP Team will be reconvened to:

- Review behavior support and intervention plans
- Review whether the student's needs may continue to be met in the current school placement

## TOBACCO POLICY

In accordance with the Educational Reform act of 1993, Section 37 H, use of any tobacco products within the school buildings, the school facilities or on school grounds or school buses by any individual, student or staff member is prohibited. School grounds shall include, but are not limited to the parking lot and surrounding grounds within 500'. The law prohibiting use of tobacco on school grounds applies at all times. All tobacco products, vapes, E-Juice, Wax Vape Pens, lighters and matches will be confiscated and **will not be returned**. Repeat offenders will receive consequences as determined by their program. Possession and/or use of chewing tobacco, snuff, e-cigarettes, e-juice or any other tobacco product is strictly prohibited in school or on school grounds or at school sponsored activities and events.

## POSSESSION OF FIREARMS OR WEAPONS

- A student may be suspended or expelled for the possession of a dangerous weapon on school property or at school related events.
- A dangerous weapon is defined as any object/instrument that is likely to produce death or great bodily harm, such as a gun or knife or object/instrument that may be used as a weapon. Dangerous weapons include, but are not limited to, guns, BB guns, facsimile guns, razors, knives, sling shots, firecrackers, live bullets, brass knuckles, lighters, screwdrivers, metal stud bracelets and matches.
- Gestures of pointing a gun/making shooting noises.

The local police and the TEC Academy Director will be notified immediately if:

- A student is in possession of or uses a dangerous weapon in school premises, such as a gun or knife;
- A student appears on school property with a dangerous weapon and presents immediate danger to self, other students or staff;
- A student claims to have a weapon and refuses to relinquish the weapon when asked.

If a student is found to be in possession of a dangerous weapon, as defined above, TEC staff will:

- Remove the item immediately and deposit it with a supervisor, who:
- Will notify the parents/guardians and sending school district
- Will notify the Department of Children and Families, the Guidance Office, the sending school district, and the TEC Director of Student Services
- TEC along with the sending school district and the local police shall arrange an assessment of the student involved and refer the student to counseling
- Reconvene the IEP Team

**NOTE:** Violations of the weapons policy can result in out-of-school suspension and may result in a recommendation of an alternate placement or termination of services. In the event that such a violation occurs, The Education Cooperative shall process the infraction in accordance with the requirements of M.G.L. c. 71, 37H, 37H ½ , and 37H ¾ and Chapter 222 of the Acts of 2012- 603 CMR 53.00.

## SEARCH AND SEIZURES

Lockers, cubbies, desks, laboratory tables, school computers and the like are the property of the Collaborative, and students have no expectation of privacy when storing or placing items in/on this property. Therefore, the Collaborative has the right to search these at any time for any reason. When appropriate, the police and the use of trained animals may be used to conduct a search.

Property belonging to a student such as a backpack, handbag, and/or cell phone or the student him/herself may be searched if Collaborative staff has a reasonable suspicion that the student has evidence of a crime or an infraction of the discipline code in his/her personal property or on his/her person.

## BEHAVIOR MANAGEMENT

TEC Academy identifies that all individuals have the right to effective instructional, behavioral, and medical strategies. TEC Academy believes that positive behavioral supports should be used primarily as antecedent and pre-episodic preventions in an environment that strives to respect each individual's dignity and personal privacy. Preventive techniques and interventions used focus not only on eliminating challenging behaviors but also in identifying the function of such behaviors in order to provide proper instruction on replacing these with positive, socially expected behaviors.

A variety of techniques are used not only to manage student behaviors, but to assist the student to learn new skills and to replace aggressive or inappropriate behaviors with higher functioning behaviors/skills. TEC Academy offers many approaches in order to accomplish this:

- Student-centered environments
- Highly effective Student to Staff ratios
- Effective and ongoing analyses of student functioning in consult with therapeutic staff
- Positive reinforcement
- Active and engaging educational programming that builds on students' strengths and interests
- Relational approaches
- Positive behavior support plans
- Structured environments with clear limits and expectations
- Social emotional supports and services
- Connecting with outside agencies and physicians who treat the student
- Involving Parents/Guardians in behavior plan development
- Taking Space



- In-School-Suspension
- Saturday School

In addition to IEP accommodations, students may also have an individualized behavior support plan in place or maybe in the process of being developed. Behavior support plans are data driven, and are based on functional behavior assessment and/or direct assessment and analysis of behavior data. Plans identify specific challenging behaviors for decrease as well as positive alternative behaviors for reinforcement.

### **Restrictions**

Teachers, in consultation with the counselors, administrators, and/or BCBA, may limit a student's privilege to participate in certain activities or community outings due to inappropriate behavior and/or behavioral episodes. Meals will not be withheld or delayed as a form of punishment or behavior management (603 CMR 18.03(5)(e)).

Should a student's behavior warrant suspension or termination, the policies regarding suspension and termination detailed in this handbook under the headings Suspension Policy 3-5 Days, Suspension Policy 10+ days and Placement Termination Policy will be followed.

## **STUDENT SEPARATION RESULTING FROM BEHAVIOR MANAGEMENT**

TEC Academy does not utilize separation from students' classrooms to time out areas.

A space is available to students when they become upset or dysregulated. A student must always be accompanied by a staff member when accessing this space. It provides a safe and appropriate place where students may engage in self-calming behaviors through use of soft lighting, calming music, or a variety of sensory-based techniques and equipment.

Guidelines- When students become dysregulated and require a change of space and stimulation in order to regain self-control, they are instructed to "take space." At no time will the "take space" be used as punishment.

Persons Responsible- Staff assisting the student who is dysregulated will be trained in proper use of sensory materials and techniques, as well as crisis prevention techniques.

Duration-Students are allowed to take as much time as they need to regain self-control. When the student is calm and able to indicate he is comfortable re-entering the previous environment, he will be instructed to re-join the group. If the student must stay in the "take space" for more than thirty minutes, the Program Director must come and approve the continuation of the "take space" based on the student's continuing agitation.

Observation-The door to the "take space" will always remain open, and staff will always be in the room with the student.

At times students may become disruptive within the classroom. Disruptive behaviors are those that

interfere with learning and every day functioning within the classroom setting. Disruptive behaviors are challenging in that they do not pose risk of injury or harm to the individual engaging in them or others. However, disruptive behaviors are often antecedents to dangerous behaviors and therefore interventions should be identified and implemented as appropriate.

Disruptive behaviors include, but are not limited to: noncompliance, teasing or taunting of others, swiping items off of surfaces, banging on furniture or walls, ripping paper, yelling, inappropriate use of property, destruction of property, wandering around the classroom, or making excessive noise.

Staff must utilize de-escalation techniques and behavior management strategies to help students remain safe without the use of physical intervention. Staff should use their judgment to choose the safest option possible when intervening in a crisis situation. If it is possible to do safely, staff should “wait out” a student having difficulty.

Staff remains with the student causing the disruption at all times. If students are not settled enough to complete the activity or task they were engaged in prior to the disruptive behavior, the expectation for the student is to work with staff to identify strategies to become settled so that he or she can become re-engaged in the task or activity. Food is never withheld from students, nor is student seclusion ever permitted at TEC.

TEC students are always allowed to separate themselves voluntarily from their group or activity provided their separation does not result in safety concerns. In fact, students are encouraged to request a break when appropriate to assist in problem solving or seeking support. These breaks are not viewed as punitive, take place in an identified area of the classroom and are supervised directly by a licensed professional or a paraprofessional under the direction of a licensed professional.

## **PHYSICAL RESTRAINT**

The TEC BCBA and TEC administration will serve as restraint resources within the program.

TEC Academy identifies that all individuals have the right to effective instructional, behavioral, and medical strategies. TEC believes that positive behavioral supports should be used primarily as antecedent and pre-episodic preventions in an environment that strives to respect each individual's dignity and personal privacy. Preventive techniques and interventions used focus not only on eliminating challenging behaviors but also in identifying the function of such behaviors in order to provide proper instruction on replacing these with positive, socially acceptable behaviors.

As stated in 603 CMR 46.00, Physical restraint shall be used only in emergency situations of last resort, after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

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

As stated in 603 CMR 46.00, Physical restraint is prohibited as a means of punishment or discipline, as a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm. However, if such instances could escalate into, or could lead itself to serious, imminent harm to the student or to others, physical restraint is appropriate. Physical restraint cannot be used as a standard response for any individual student. No written individual behavior plan or IEP may include the use of physical restraint as a standard response to any behavior.

TEC Academy implements physical restraint with extreme caution. Training for all staff working directly with students is provided by a certified trainer.

TEC Academy staff physically intervene during a crisis only if, in their judgment, an individual's behavior is creating a situation that is more dangerous than the danger of using physical intervention.

- the Department of Elementary and Secondary Education upon request. Individual student logs will be maintained and be available for review by the student's District and Parents or Guardians upon request.
- Food and/or drinks are never withheld from students. If the student has not regrouped sufficiently to participate in instructional activities, regularly scheduled school work, related services, or clinical services, food and/or drink will be brought to the student.
- As stated in 603 CMR 46.00, when a restraint has resulted in an injury to a student or program staff member, the program shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Elementary and Secondary Education within three school working days of the administration of the restraint. The program shall also provide the Department with a copy of the record of physical restraints maintained by the program administrator pursuant to 603 CMR 46.06(7) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).
- Staff at The Education Cooperative are mandated reporters. Any injury that staff members have "reasonable cause" to believe resulted from abuse or neglect must be verbally documented and written pursuant of TECs Child Abuse Policy.

## DISCIPLINE POLICY

Prior to issuing any disciplinary consequences pursuant to G.L. c. 71, § 37H ¾ and not subject to G.L. c. 71, §§ 37H and 37H ½, as discussed below, the Principal or designee will consider alternative remedies to such consequences. This policy applies only to short-term or long-term suspensions or in-school suspensions, or expulsions that are not issued under G.L. c. 71, §§ 37H and 37H ½. This policy does not apply to disciplinary consequences issued under G.L. c. 71, §§ 37H and 37H ½, which include: assault of educational staff, possession of controlled substances or a dangerous weapon on school grounds, and felony charges or conviction.

The Program Director or designee will consider methods to re-engage the student in the learning process when deciding disciplinary consequences for the student. Specifically, the Program Director or designee will consider and use alternative remedies including but not limited to mediation, conflict resolution, restorative justice, and collaborative problem solving. The use and results of such alternative remedies will be documented in writing. The Program Director or designee will consider, use to the extent possible, and document in writing such alternative remedies before the Program Director or designee may suspend or expel a student. The Program Director will also implement school or district models to re-engage students in the learning process, including positive behavioral intervention and support models and trauma sensitive learning models. The Program Director or designee will not implement such models in direct response to a specific incident.

The Program Director or designee will document specific reasons where alternative remedies are unsuitable or counter-productive. The Program Director or designee will document specific reasons in situations where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm on another while in school, the Program Director or designee will document specific reasons.

**Procedures For Short-Term Suspension (exclusion of a student from school premises and regular classroom activities for a specified period of not more than ten school days.)**

The Program Director, or his/her designee, may suspend students on a short-term basis. Unless a student poses a danger to persons or property, substantially and materially disrupts the order of school, possesses a firearm, controlled substance, or assaults a school staff member, the student will receive the following prior to a short-term suspension:

1. Oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - i. The disciplinary offense;
  - ii. The basis for the charge;
  - iii. The potential consequences, including the potential length of the suspension;
  - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - v. The date, time, and location of the hearing;
  - vi. The right of the parent and student to interpreter services at the hearing; and vii. If the student may be placed on a long-term suspension following the hearing with the principal:
    1. The rights set forth under the "Procedures for Long-Term Suspension"; and
    2. The right to appeal the principal's decision to the superintendent.
2. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The Program Director shall make reasonable efforts to notify the parent orally of the opportunity to attend the

hearing. To conduct the hearing without the parent, the Program Director must be able to document reasonable efforts to include the parent. The Program Director is presumed to have made reasonable efforts if the Program Director sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

3. Based on the available information, the Program Director shall make a determination as to whether the student committed the disciplinary offenses and what remedy shall be imposed. The Program Director shall notify the student and parent in writing of his/her decision, the reasons for it, and, if applicable, the type and duration of the suspension and the opportunity to make up assignments and other academic work.
4. If the student is in a public preschool program or in grades K through 3, the Program Director shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

### **Procedures For Emergency Removal**

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

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

### **Procedures For An In-School Suspension**

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

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

reasons for concluding that the student committed the offense, and the length of the in-school suspension.

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

**Procedures For Long-Term Suspension (exclusion of a student from school premises and regular classroom activities for more than ten school days.)**

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

1. In the event of a long term suspension or expulsion, the student will be provided oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - i. The disciplinary offense;
  - ii. The basis for the charge;
  - iii. The potential consequences, including the potential length of the suspension;
  - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - v. The date, time, and location of the hearing; and
  - vi. The right of the parent and student to interpreter services at the hearing.
2. The Program Director shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct the hearing without the parent, the principal must be able to document reasonable efforts to include the parent. The Program Director is presumed to have made reasonable efforts if the Program Director sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
3. In advance of the hearing, the student shall have the right to review the student's record and the documents upon which the Program Director may rely in making a determination to suspend the student.
4. The student shall also have the right to be represented by counsel or a lay person at the choice and expense of the student/parent.
5. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The student shall also have the right to produce witnesses and the right to cross-examine witnesses presented by the

school. The student may request that the hearing be audio recorded by the Program Director and may request a copy of the recording. All parties must be made aware that the hearing is recorded in advance of the hearing.

6. The parent, if present, shall have the opportunity to discuss the student's conduct and other information, including mitigating circumstances that the Program Director should consider in determining consequences for the student.
7. The Program Director shall make a determination as to whether the student committed the disciplinary offenses and what consequences shall be imposed. The Program Director shall notice the student and parent in writing of his/her decision, including the following information:
  - i. The disciplinary offense, the date on which the hearing took place, and the participants in the hearing;
  - ii. The key facts and conclusions reached by the Program Director;
  - iii. The length and effective date of the suspension and the date of return to school; iv. The notice the student's opportunity to receive education services to make academic progress during the suspension;
  - v. The student's right to appeal the Program Director's decision to the superintendent or his/her designee if a long-term suspension has been imposed. This notice of appeal shall include the process for appealing the decision, which requires the parent or student to file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension.
    - a. The superintendent shall hold the hearing within three (3) school days of the student's request, unless an extension is mutually agreed to.
    - b. The superintendent shall make a good-faith effort to include the parent in the hearing.
    - c. The hearing shall be conducted to determine whether the student committed the disciplinary offense and, if so, what the consequence shall be. The hearing shall be audio recorded and a copy of the recording shall be provided to the student or parent upon request.
    - d. All the same rights as are afforded in the above long-term suspension Program Director's hearing shall apply to the student in a superintendent's hearing.
    - e. The superintendent shall issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or lesser consequence than the Program Director.
    - f. The decision of the superintendent shall be the final decision of the school district.
  - vi. If the student is in grades K-3, the Program Director shall send a copy of the written determination to the superintendent and explain the reasons for the suspension before the suspension takes effect.

## **Expulsion**

Expulsion is the removal of a student from the school premises, regular classroom activities, and

school activities for more than ninety (90) days, indefinitely, or permanently. Conduct that may lead to expulsion includes but is not limited to possession of a dangerous weapon, assault on school personnel or upon other students, possession of a controlled substance, and certain criminal convictions and charges. See also, the Policies and Laws Relating to Student Conduct section of the handbook. Procedures associated with expulsion are set forth under the Procedures for Expulsion section of the handbook.

### **Additional Procedural Protections For Special Education Students**

In general, special education students may be excluded from their programs for up to ten school days per school year just as any other student. However, when the district seeks to exclude a special education student from his/her program for more than ten school days in the school year, the student's special education Team must first determine whether the student's behavior was caused by, or was directly and substantially related to his/her disability or whether the conduct in question was the direct result of the district's failure to implement the student's IEP (a "manifestation determination"). If the Team determines that the behavior was a manifestation of his/her disability or was caused by a failure to implement the IEP, it must conduct a functional behavioral assessment and develop a behavior plan (or review and modify an existing plan, if necessary), and return the student to his/her current program, unless the student's parents and the district agree to a change in placement.

If the Team determines the behavior was not caused by, or directly and substantially related to the student's disability or failure to implement the IEP, the school may discipline the student according to the school's code of student conduct, except that during the period of suspension or expulsion, the district must continue to provide the student with a free appropriate public education (FAPE) and, if appropriate, conduct a functional behavior assessment and provide intervention services and modifications to prevent the conduct from recurring. If the conduct involves weapons, drugs, or serious bodily injury, a special education student may be removed to an interim alternative educational placement for up to 45 school days regardless of the behavior's relationship to his/her disability. Additional information regarding the procedural protections for students with disabilities can be obtained from the Director of Pupil Services at 978-567-6111.

### **Possession Of Weapons Or Controlled Substances Assault Of Educational Personnel**

Massachusetts General Law Ch. 71, §37H authorizes the principal to expel students as follows:

1. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in Chapter Ninety-Four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Program Director.
2. Any student who assaults a Program Director, Assistant Program Director, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the Program Director.



3. Any student who is charged with a violation of either paragraph (1) or (2) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, at his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (1) or (2).
4. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
5. Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.
6. Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.
7. Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

### **Suspension/Expulsion Based Upon A Felony Charge/Conviction M.G.L. C. 71, § 37h½**

Issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal of a school may suspend a student for a period of time determined appropriate by the Program Director if the Program Director determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the

effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the Program Director or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such a decision shall be the final decision of the city, town or regional school district with regard to the suspension.

The Program Director may expel a student who has been convicted, adjudicated, or admitted guilt with respect to a felony or felony delinquency, if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the Program Director or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such a decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

A copy of this law may be obtained in the main office.

**Educational Services And Academic Progress During Suspensions And Expulsion** Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, test, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom. The Program Director shall inform the student and parent of such opportunity in writing when such suspension or expulsion is imposed.

Any student expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through a school-wide education service plan. This plan will be developed by the Program Director and shall describe the services that the school district will make available to students who are expelled or suspended for ten (10) or more consecutive days.

The plan will include the process for notifying such students and their parents of the services and arranging the services.

**Legal Authority:** M.G.L. c. 71, § 37H

M.G.L. c. 71, § 37H ½

M.G.L. c. 71, § 37H ¾

M.G.L. c. 76, § 21

603 CMR 53.00

## PLACEMENT TERMINATION

A procedure is in place for the occasion when questions arise regarding the continuing appropriateness of a student's placement or to consider an emergency termination if the student's continued presence in the school presents a clear and present threat to the health and safety of him/herself or others

### Planned Terminations:

The program shall notify the responsible School District of the need for an IEP review meeting and will provide notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date.

### Emergency Terminations:

In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program will follow the procedures required under 603 CMR 28.09 (12)(b) and Chapter 222 of the Acts of 2012 and immediately notify the Department of Elementary and Secondary Education.

In accordance with 603 CMR 18.05 (7), the following procedures are in place with regard to termination:

1. A student shall not be terminated from the TEC Academy, even in an emergency circumstance, until the enrolling public school district is informed in accordance with Chapter 222 and assumes responsibility for the student. For an emergency termination, such a time period cannot exceed two weeks.
2. Each student's classroom teacher maintains regular contact with all of the collaterals responsible for a student's care, including the student's LEA and DCF or DDS case manager if appropriate.
  - a. In the event that the possible termination of a student is discussed, the classroom teacher will notify the LEA and any other collateral sources as soon as possible following the discussion to set up a TEAM Meeting.
  - b. The TEC Academy's ultimate goal is always to ensure that an appropriate

placement is located for a student prior to any termination.

3. In the event of a planned termination, the TEC Academy will complete the following tasks:
  - a. Notify the public school district of the need for an IEP review meeting and provide notice of this meeting to all appropriate parties 10 days in advance of the intended date of the meeting.
  - b. The meeting will develop a clear and specific termination plan for the student that shall be implemented in no less than 30 days unless all parties agree to an earlier termination date.
4. In the event of an emergency termination, the TEC Academy will follow procedures set forth in 603 CMR 28.06 (12) and in Chapter 222 of the Acts of 2012 (603 CMR 53:00):
  - a. Termination of the student will not be effective until the parent and student's school district are informed and the district assumes responsibility for the student.
  - b. With mutual agreement, Termination may be delayed for longer than two weeks
  - c. DESE is notified immediately by the district.
  - d. All prescribed notifications of parent and district are executed according to the rules of Chapter 222 of the Acts of 2012.

## **GRIEVANCE POLICIES AND PROCEDURES**

The Education Cooperative encourages parents and students, as well as staff, to share any concerns or complaints they might have regarding the students' education and care at the program. Specific inquiries should be directed to the following staff:

Zachary Abrams, Director of Student Services, is responsible for:

- Investigating and resolving complaints of discrimination under state law, Title IX, Title VI, Section 504/ADA, and Age Discrimination Act and regarding students' education and care by parents

Michelle Fusco, Director of Human Resources, is responsible for:

- Investigating and resolving discrimination complaints under state law, Title IX, Title VI, Section 504/ADA, Title VI and Age Discrimination Act made on behalf of staff
- (See Staff Policies and Procedures Manual)

The following grievance procedures are intended to provide prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness. Parent concerns about the care and education of their child at The Education Cooperative should follow the guidelines below:

## **Grievance Procedures for Parents and Students**

All complaints and concerns from Parents or Students Regarding the Education or Care of Student should first be directed to the Program Manager of the child's program: Antonio Nicolazzo, TEC Academy Director/Principal

Complaints can also be filed directly with the Director of Student Services, Zachary Abrams. Procedure for Investigating Complaints Regarding Education and Care of Students: The Education Cooperative (TEC) welcomes feedback from parents at any time. Should a parent wish to register a complaint regarding their child's education and care, the following procedure is followed:

- Parent(s)/guardian(s) and students may register their complaint either verbally or in writing with the teacher of their child's program or the program director of that program. Should the complaint be filed with the classroom teacher, he/she will share the parent concern with the program director or director of student services when appropriate.
- Once the complaint is registered, TEC will complete an internal investigation and attempt to resolve the situation. The parent(s)/guardian(s) will be notified of any findings and receive a written response within ten school days of the date of the complaint.
- Confidentiality of the complaint and investigation will be maintained to the extent consistent with TEC's obligations under law. The program will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.
- If the parent(s)/guardian(s) are not satisfied with the results of the investigation, they may appeal to the TEC Executive Director, who will review the complaint and make a final decision within ten days of the appeal.

## **STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

TEC Academy enrolls and is responsible for serving students with Limited English Proficiency (LEP) and English Language Learners (ELL). TEC Academy takes responsibility for helping to identify resources and services for LEP and ELL students and will work with referring districts to ensure the language needs as well as the behavioral and social needs of these students are met.

TEC Academy, in conjunction with the sending school district, implements necessary program modifications and support services to identify and effectively serve students who need special language assistance. Such programs and support services are based on sound education theory, provide for English language development, provide for meaningful participation of limited English proficient students, and are evaluated and appropriately revised in an ongoing manner. These programs and support services are demonstrably useful in assisting students receiving such program modifications and services to gain English language proficiency. Unless the student's IEP specifies otherwise or the student has received a waiver, the student will receive sheltered content instruction from a trained and qualified teacher, and additional instruction in English as a Second Language by a certified ESL teacher. In addition, TEC Academy arranges for a person or community organization to provide translation services for any notices to parents/guardians and/or students and program information or material regarding TEC Academy to ensure the civil rights of any student and his/her family with limited English proficiency.

All LEP and ELL students are afforded the same opportunities to access and participate in TEC Academy programs and services as other students.

Program modifications are developed based on the individual student. Frequent assessments are completed to ensure student progress and to determine when modifications and support services are no longer required.

If a district's IEP Team determines that an LEP student needs placement in a therapeutic setting like TEC Academy based upon a social/emotional disability, TEC Academy will work with the sending school district and the family to determine how to meet that student's needs relative to accessing content through sheltered content instruction and/or developing English proficiency through additional instruction in English as a Second Language (ESL). When an LEP student enrolls, staff will consult with an ELL/ESL specialist (who delivers professional development in the category training) and with the sending district's ELL coordinator to ensure that the student's needs, special education and ELL, are being addressed.

## **ACCEPTABLE USE POLICY FOR STAFF AND STUDENTS**

### **Our Vision**

The Education Cooperative (TEC) provides technology tools to support an inquiry-based, collaborative learning environment where technology resources are integrated throughout the curriculum as part of daily classroom practice in a way that enhances teaching and supports the individual learning style of each student.

TEC recognizes that the use of computers, mobile devices, networked services, email, and the Internet have become, if used appropriately, an integral part of an engaging, student-centered, and collaborative learning environment. It is understood that all of our computer networked services are provided exclusively for educational purposes.

TEC filters all internet traffic for the purpose of safeguarding staff and students from harmful content. TEC also provides supervision and education related to appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyber-bullying awareness and response. However, it is still the responsibility of all computer users to make sure they comply with providing a safe and secure learning environment when using technology.

TEC encourages parents/guardians to supervise their child(ren) when using technologies from home.

### **Availability**

The Executive Director or designee shall implement, monitor, and evaluate the TEC's system/network for instructional and administrative purposes. Access to the system/network, including external networks, shall be made available to employees and students for instructional and administrative purposes and in accordance with administrative regulations and procedures.

Access to the system/network is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations and procedures governing use of the system and shall agree in writing to comply with such regulations and procedures. Noncompliance with applicable regulations and procedures may result in suspension or termination of user privileges and other disciplinary actions consistent with the policies of The Education Cooperative.

### **Acceptable Use**

Acceptable uses of the technology are activities that support classroom teaching and learning.

There are unacceptable uses of the network. These can be classified into two categories: illegal and prohibited.

- Illegal activities will be referred to the appropriate law enforcement agency and include, but are not limited to: obscenity, libel, threats, hate postings, sexual harassment, and copyright violations.
- Prohibited activities include, but are not limited to: pornography, profanity, plagiarism, commercial use, political campaign purposes, and posting anonymous messages.

### **Guidelines For Acceptable Use Of Technology**

- TEC will provide each user with copies of the Acceptable Use Policy and Procedures.
- Copyrighted software or data shall not be placed on the district system/network without permission from the holder of the copyright and Technology Coordinator. Users must comply with all copyright laws and license agreements.
- Access will be granted to students with a signed access agreement and permission of the program administrator or designee(s).
- Access will be granted to employees with a signed access agreement.
- Passwords are confidential. All passwords shall be protected by the user and not shared or displayed. Exceptions to this may be instituted based on the individual need for accommodation.
- Users shall not use another user's account.
- Individual users shall, at all times, be responsible for the proper use of accounts issued in their name.
- The system/network may not be used for illegal purposes, in support of illegal activities or any activity prohibited by TEC policy.

### **Violations Of The Acceptable Use Policy Include, But Are Not Limited To, The Following Conduct:**

- Any malicious attempt to harm or destroy equipment, materials, data files, or programs.
- Deliberate attempts to degrade or disrupt system performance.
- Vandalism.
- Forgery or attempted forgery.
- Attempts to read, delete, copy or modify the electronic mail of other users or to interfere with the ability of other users to send/receive electronic mail.

- Swearing, vulgarity, ethnic or racial slurs and other inflammatory language.
- Pretending to be someone else when sending/receiving messages.
- Sending, accessing, uploading, downloading, or distributing offensive, profane, threatening, pornographic, obscene, or sexually explicit materials.
- Spamming (sending unsolicited mass or inappropriate emails).
- Use or possession of hacking software.
- Revealing personal information, addresses, phone numbers, etc.
- Accessing the internet outside of TEC's content filters (i.e. by using a proxy).

The district will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the district's system/network.

### **AUP in Host Districts**

In many situations, employees of The Education Cooperative use networks within school districts. In this case, employees and students are expected to follow the same guidelines as the hosting district.

### **Privacy**

TEC staff and students are advised never to access, keep, or digitally send any correspondence that they would not want to be made public. Electronic mail transmissions and other use of electronic resources including electronic information that may be automatically stored on the school computer's backup or archiving system, shall not be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for instructional and administrative purposes.

### **Liability**

The Education Cooperative shall not be liable for users' inappropriate use of electronic resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. Users are required to pay costs associated with violations of this Acceptable Use Policy. TEC shall not be responsible for ensuring the accuracy or usability of any information found on external networks.

### **Solicitation And Distribution**

Generally, TEC does not permit the use of TEC's technology and network resources for solicitation, literature, or product distribution.

**ANY USER WHO VIOLATES THIS POLICY MAY BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING SUSPENSION FROM SCHOOL OR TERMINATION OF EMPLOYMENT. ILLEGAL USES WILL RESULT IN REFERRAL TO LAW ENFORCEMENT AUTHORITIES AND MAY RESULT IN CRIMINAL PROSECUTION AS WELL AS DISCIPLINARY ACTION BY THE EDUCATION COOPERATIVE.**

Further questions should be directed to the Director of Professional and Online Learning.

## **CHROMEBOOK CARE AND USE POLICY GUIDE**

Receiving Your Chromebook



Your Chromebook will be assigned to you. You are responsible for the care and use of the Chromebook and should always use the specific Chromebook assigned to you. Chromebooks will be used in class unless you are specifically advised not to do so by your teacher.

### **Returning Your Chromebook**

At the end of the school year, the condition of your Chromebook will be assessed by the staff. There may be a charge for any damage or missing components. (See below)

### **Taking Care of Your Chromebook**

Students are responsible for the general care of their assigned Chromebook issued to them by the school. Chromebooks that are broken or fail to work properly must be taken to your teacher as soon as possible.

#### **General Precautions**

- No food or drink should be near the Chromebooks.
- Cords, cables, and removable storage devices must be inserted carefully into Chromebooks.
- Chromebooks should not be exposed to extreme temperatures (hot or cold).
- Chromebooks must remain free of any writing, drawing, or non-removable stickers. Static-cling decals that peel off easily are permitted.
- Heavy objects should never be placed on top of Chromebooks.
- Do not place the Chromebook on an uneven surface where it might accidentally fall.
- Do not block air flow when the Chromebook is on. While your Chromebook does not get overly hot as a traditional laptop might, it does need to breathe.
- Chromebooks should not be used where a cord could be a tripping hazard (power cord, projector, etc.).

#### **Carrying Chromebooks**

- Always transport Chromebooks with care.
- Never lift Chromebooks by the screen.
- Never carry Chromebooks with the screen open.
- Do not put your Chromebook in your backpack or other book bag.

#### **Screen Care**

- The Chromebook screen can be damaged if subjected to heavy objects, rough treatment, some cleaning solvents, and other liquids. The screens are particularly sensitive to damage from excessive pressure.
- Do not put pressure on the top of a Chromebook when it is closed.
- Do not store a Chromebook with the screen open.
- Make sure there is nothing on the keyboard before closing the lid (i.e. pens, pencils, flash drive, etc.).
- Only clean the screen with a soft, dry microfiber cloth or anti-static cloth.

## **Asset Labels**

- All Chromebooks will be labeled with a TEC asset label. The asset label indicates the Chromebook is a property of TEC. Do not remove the asset label.
- TEC will maintain a log of all Chromebooks that includes the Chromebook serial number, asset label code, and name of the student assigned to the device.
- Each student is assigned the same Chromebook for the duration of his/her time at TEC. Take good care of it!
- Asset labels may not be modified or tampered with in any way. Students may be charged up to the full replacement cost of a Chromebook for tampering with an asset label or turning in a Chromebook without an asset label.

## **Using Chromebooks at School**

- At the start of the school day students will sign out their Chromebook.
- Chromebooks must be stored in the recharging cart at the end of school each day.
- Students will log into their Chromebooks using their school-issued Google Apps for Education account.
- Students will not log into personal accounts on their Chromebook, unless they are directed to do so by a teacher.
- Students should never share their account passwords with others, including faculty and staff. Exceptions to this may be instituted based on the individual need for accommodation.
- Inappropriate media may not be used as Chromebook backgrounds or themes. The presence of such media will result in disciplinary action.
- Sound must be muted at all times unless permission is obtained from a teacher.
- Headphones will be provided and may be used at the discretion of the teachers. Students should not share their headphones for sanitary reasons.
- Students may be able to print from their Chromebooks to a designated printer(s).
- Students must follow the instructors rules in the classroom for times of use.

## **Managing and Saving Digital Work With A Chromebook**

- Students will digitally publish and share their work with teachers and peers when appropriate.
- The majority of student work will be stored in Internet/cloud based applications and can be accessed from any computer with an Internet connection and most mobile Internet devices.
- Some files may be stored on the Chromebook's hard drive.
- Students should always remember to save frequently when working on digital media.
- TEC is not responsible for the loss of any student work.
- Students are encouraged to maintain backups of their important work on a portable storage device or by having multiple copies stored in different Internet storage solutions.

## **Operating System and Security**

- Students may not use or install any operating system on their Chromebook other than the current version of ChromeOS that is supported and managed by the district.
- The Chromebook operating system, ChromeOS, updates itself automatically.

- Chromebooks use the principle of “defense in depth” to provide multiple layers of protection against viruses and malware. There is no need for additional virus protection.
- TEC utilizes an Internet content filter that is in compliance with the federally mandated Children’s Internet Protection Act (CIPA).

### **Software - Google Apps For Education**

- TEC students will use Google Apps for Education. Chromebooks seamlessly integrate with the Google Apps for Education suite of productivity and collaboration tools. This suite includes Documents, Spreadsheets, Presentations, Drawings, and Forms.
- Students are not allowed to download any web apps or software without prior approval from a teacher.
- Students are responsible for any web apps and extensions installed on their assigned Chromebook.
- Inappropriate installed material will result in disciplinary action.

### **Vendor Warranty**

- Chromebooks include a one year hardware warranty from the vendor.
- The vendor warrants the Chromebook from defects in materials and workmanship.
- The limited warranty covers normal use, mechanical breakdown, and faulty construction.
- The vendor will provide normal replacement parts necessary to repair the Chromebook or, if required, a Chromebook replacement.
- The vendor warranty does not warrant against damage caused by misuse, abuse, or accidents.

### **Loaner Chromebooks**

- If needed, loaner Chromebooks may be issued to students.
- Availability of loaner Chromebooks is on a first come, first served basis, and is not guaranteed.
- A student borrowing a Chromebook will be responsible for any damage to or loss of the loaned device.
- Chromebooks on loan must be signed in and out daily. There is no guarantee that students will receive the same loaner Chromebook each day.
- Students should not save work to the hard drive of loaner Chromebooks.

### **Estimated Costs Of Repair (*Subject To Change*)**

In the event that your assigned Chromebook needs repair due to misuse, abuse, or accident, the following are approximate costs of Chromebook parts and replacements. TEC will determine if you are responsible for these costs based on the circumstances surrounding the damage.

- Replacement - \$350.00
- Screen - \$100.00
- Keyboard/Touchpad - \$75.00
- Power Cord - \$50.00

### **Privacy Expectations**

School-issued Chromebooks have been configured to optimize the educational experience for students

and staff as well as protect students from harmful content per federally mandated guidelines. As mentioned previously, all devices on the school network go through a content filter that prevents students from accessing harmful content. This filter also logs user activity, including those websites accessed by the end user. The filtering policies are a requirement of the Children's Internet Protection Act (CIPA). We do NOT share student information outside of the school. However, student email is able to be reviewed by school personnel. School administrators can read all emails that students send or receive with their school email account to ensure appropriate use. For regulatory purposes, student email is automatically archived, so there is a copy of every email that students send or receive for administrators to review, even if the student deleted the email message from their email account.

## **Appropriate Uses**

**School-issued chrome books should be used for educational purposes and students are to adhere to the TEC acceptable use policy, the school handbook and all of its corresponding administrative procedures at all times.**

## **STUDENT EMAIL GUIDELINES**

TEC recognizes that electronic mail (email) is a valuable communication tool that is widely used across our society. We believe that, by providing you with a TEC student email account, you will have access to a powerful communication tool that will promote student-to-student and faculty-to-student collaboration and improve the efficiency and effectiveness of your work.

### **\*THERE IS NO EXPECTATION OF PRIVACY FOR STUDENT EMAIL ACCOUNTS\***

**Email messages are not confidential and are considered public documents accessible to other parties under the Freedom of Information Act and other laws. Copies of all sent and received emails are archived and able to be reviewed by designated school officials, even if the message has been deleted from your account.**

The following guidelines are provided to assist students in the effective use of email.

### **Uses for student email:**

- You are encouraged to check your email at least once per day.
- Teachers may send email to you to communicate reminders, course content, pose questions related to classwork, etc.
- You may send email to teachers with questions or comments regarding class.
- You may send email to other students to collaborate on group projects and assist with school classes.

### **Student email permissions:**

- It is expected that you will use email primarily to connect with other students and staff.
- See *How student email is monitored* to learn more about safeguards that have been established to protect you from inappropriate email practices.
- **Student emails to staff:**
- You are encouraged to email staff concerning school related content and questions.
- There is no requirement or expectation for staff to answer your email outside of their regular workday, although they certainly may if they choose.
- An unanswered email to a teacher would not excuse you from turning in an assignment.
- **General email guidelines for students:**
- Email is to be used for school-related communication.
- Do not send harassing email messages or content.
- Do not send offensive email messages or content.
- Do not send spam email messages or content.
- Do not send email containing a virus or

other malicious content.

### **General email guidelines for students – cont'd:**

- Do not send or read email at inappropriate times, such as during class instruction unless authorized by the teacher.
- Do not send email to share test answers or promote cheating in any way.
- Do not use the account of another person.
- **How student email is monitored:**
- All sent and received email messages are archived.
- The archive retains a copy of all sent and received messages even if you delete them from your inbox.
- Rules and filters are set up to monitor your email for profanity, harassment, and other inappropriate content.
- Student email that is identified as inappropriate will be blocked from delivery, and instead will be sent to the school administration.
- At any time and without prior notice, TEC reserves the right to monitor, inspect, copy, review, and store any and all email correspondence.
- Because email activity is considered public domain, no one (including staff) should have any expectation of privacy regarding such materials.

### **Consequences of misuse of email:**

- Email is an integral part of research and class work. However, abuse of this technology can result in loss of privileges. Students who use the email system inappropriately may lose their access privileges and may face additional disciplinary or legal action.

## CHROMEBOOK TIPS & TRICKS

You have been assigned a powerful mobile computing device for academic use while you are enrolled at TEC. While we encourage you to personalize your device and explore all its possibilities, we want to remind you of certain guidelines that we expect you to follow as you use your device:

DO:	DO NOT:
<ul style="list-style-type: none"><li>• Use your device to take notes in class.</li><li>• Use your device to keep your school work organized.</li><li>• Use the calendaring feature of your device to schedule appointments and establish reminders.</li><li>• Use your device to organize your ideas, thoughts, and goals.</li><li>• Use your device to create documents, presentations, and artwork related to school.</li><li>• Use your device to collaborate with your peers on school work.</li><li>• Use your device to communicate with your teachers about school-related work.</li><li>• Use your device to perform research as instructed by your teachers.</li><li>• Learn all the tips and tricks that you can about your device to help you be more productive.</li><li>• Keep your device clean. A quick wipe of the screen and keyboard, with a dry cloth, will improve usability of the device.</li><li>• Personalize the settings of your device to your liking. It's YOUR device.</li></ul>	<ul style="list-style-type: none"><li>• Do NOT use your device to do anything illegal or that violates the Acceptable Use Policy.</li><li>• Do NOT use your device for cheating on tests or homework.</li><li>• Do NOT use your device to harass, bully, or intimidate anybody.</li><li>• Do NOT use your device to play games while in school without permission from your teacher.</li><li>• Do NOT use your device for recording without permission from a teacher.</li><li>• Do NOT use your device to access inappropriate material.</li><li>• Do NOT connect your device to any network without permission.</li><li>• Do NOT use your device to contact people without any relation to your school work.</li><li>• Do NOT use the device to attack or hack the school's network or any other network you connect to.</li><li>• Do NOT tether your smart-phone.</li><li>• Do NOT throw, bang, or mistreat your device. It's YOUR device. Keep it working.</li></ul>

## STUDENT EMAIL TIPS & TRICKS

It is strongly encouraged that students get used to practicing good email writing, because breaking the rules of email "etiquette" could cost you a job or scholarship later on. In addition, improper use of your email account is considered a disciplinary issue. Please review the following guidelines for proper use of email:

When Using Your Email Account <b>DO</b> :	When Using Your Email Account <b>DO NOT</b> :
<ul style="list-style-type: none"> <li>• Use rules of proper written English.</li> <li>• Spell-check your emails before sending them.</li> <li>• Use a polite tone in your emails.</li> <li>• Use email for contacting your teacher when face-to-face communication is not possible.</li> <li>• Use your email for school-related purposes.</li> </ul>	<ul style="list-style-type: none"> <li>• Do not type emails like a text message.</li> <li>• DO NOT SHOUT (typing in All Caps is considered shouting).</li> <li>• Do not send forwards/chains to your teachers.</li> <li>• Do not use your school email to register at websites (e.g. Facebook or other social media sites), unless directed to do so by your teacher.</li> <li>• Do not email your teachers for casual conversation.</li> </ul>

## STUDENT AGREEMENT FOR CLASSROOM MOBILE DEVICE USE

*A Mobile Device is defined as, but not limited to: Laptops, Chromebooks, NetBooks, iPods, iPads, and Kindles*

I pledge to:

- Take good care of the Mobile Device assigned to my use.
- Use the Mobile Device in ways that are appropriate and educational.
- Protect the Mobile Device by carrying it safely.
- Never leave the Mobile Device assigned to me unattended.
- Keep the device clean and dry, away from food and beverages or water.
- Not use any cleaning products on the Mobile Device.
- Not place decorations (such as stickers, markers, etc.) on the Mobile Device.
- Not deface or remove the asset label.
- Not disassemble any part of the Mobile Device or attempt any repairs.
- Report to TEC any case of theft, vandalism, accidents, and repairs needed.
- Not use any personal accounts with a TEC owned Mobile Device without teacher permission.
- Return the Mobile Device and any peripherals (i.e., case, cable, power cord) in good working condition.

## TEC Chromebook Loan Agreement

- Participation in TEC's Chromebook program is subject to the following terms and conditions:
  - The student must be actively enrolled at TEC.
- The Chromebook and related peripherals are on loan and remain the property of TEC.

- Both student and parent/guardian agree to adhere to the terms and conditions of the *Chromebook Care and Use Policy Guide*.
- The student shall be the exclusive user of this device and shall not grant access to any other individual, unless they are directed to do so by a teacher.
- The student must comply with all applicable software license agreements.
- Chromebooks and peripherals must be returned to TEC at the end of each school year or at the time of transfer or withdrawal from TEC.
- Chromebooks and peripherals will be returned in good condition with reasonable wear and tear as outlined in the *Chromebook Care and Use Policy Guide*.
- The Education Cooperative may charge a late fee and/or take disciplinary measures if for any reason the Chromebook and peripherals are not returned on or before the return date.
- The care and maintenance of the Chromebook and related peripherals are the responsibility of the student and parent/guardian while in their care. There will be a fee assessed if the Chromebook and/or peripherals are broken, lost, or damaged in cases where the equipment is not covered by insurance.



## NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

*Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

*Receive notice and an opportunity to opt a student out of –*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

*Inspect*, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

TEC Academy will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. TEC Academy will directly notify parents of these policies at least annually at the start of

each school year and after any substantive changes. TEC Academy will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. TEC Academy **will** make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

## ASBESTOS POLICY

A copy of our district's Asbestos Management Plan is available in each school and at the main administrative office during regular school hours. The district continues to update and improve the AHERA Asbestos Management Plans.

Any inquiries regarding the management of asbestos- containing materials in our schools should be directed to our district's AHERA Designated Person:

Daniel Shovak who can be reached at TEC's Mansion Drive Campus, 141 Mansion Drive, East Walpole, MA 02032, email: [dshovak@tec-coop.org](mailto:dshovak@tec-coop.org), phone: 781-352-5705.

## STUDENT RECORDS

The **student record** includes all information concerning a student maintained in any form by TEC that is organized on the basis of the student's name or in a way that the student can be individually identified.

The student's transcript, or **permanent record**, includes the student's name, date of birth, address, years and grades completed, and courses and grades earned. The permanent record is kept for 60

years after the student leaves the school system.

All other records regarding the student are **temporary records** and are destroyed no later than seven years after the student leaves the system, upon written notification to the student or parent/guardian. Graduating students and Parents/guardians have a right to receive the temporary record upon leaving TEC or before it is destroyed. They may request the record by contacting their current school administration or the building administrator of the school last attended. A parent/guardian or student must sign a release of record form for the record.

A parent of any student, or a student who has entered the ninth grade or who is at least 14 years old ("eligible student"), has the right to inspect the student record upon request. The parent or student should receive the record no later than ten days after the request and may ask to have the record interpreted by another person or amended by the principal. Call your child's school if you would like to see your child's student record. However, once the student turns eighteen, parents must have written consent from the student to inspect or receive records.

## Student Health Records

Under federal and state student record laws and regulations, student health records are subject to special confidentiality protections. Although the student health record is part of the temporary record, it does not have the same accessibility as a transcript or temporary record. Generally, only the school nurse can fully access the student's health record information in the temporary record.

## Obtaining Records of Former TEC Students

Former TEC students can obtain a copy or an official transcript and proof of graduation by submitting a request *in writing*.

## Records of Student Leaving The Education Cooperative

When a student leaves the TEC to attend a different school, TEC will send the student record directly to the new school. Keep in mind that when a student transfers to a new school during the summer, it may take several days or weeks for the parent to get the record from the school. Staff is in school buildings for limited hours in July and August.

### RELEASE OF STUDENT INFORMATION

Usually, no individual or organization is legally allowed to have access to information in the student record without the written permission of the parent or eligible student. However, there are a few exceptions that allow schools to release student information without the parent's consent and sometimes with notice, as provided in this Guide. Examples of exceptions include:

- Authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties.
- TEC may provide student record information in response to a court order or lawfully issued subpoena, provided TEC makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- Under state law, when a student transfers to a new school, the student record (including the special education record) may be transferred to the new school without the parent's consent, as

long as the parent receives an annual notification of this law.

- Release of information may be permitted in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other

individuals.

- Information may be requested by the Mass. Department of Children & Families (DCF), Department of Youth Services (DYS), a probation officer, or a justice of any court.

### **Authorized School Officials**

Authorized school officials are those individuals who may have access to identifiable student record information without prior consent from parents/guardians, as deemed appropriate by TEC. Authorized school officials generally include all TEC employees, central office staff, educators, and other TEC staff with a legitimate educational interest to receive access to identifiable student record information. The authorized school official designation may also be given to third-party vendors or organizations that will be conducting services for the district that TEC does not have the capacity to perform. Such services may include meal and school resource delivery (such as technology, including chromebooks and tablets), official TEC mailing services, and may also include volunteers with a legitimate educational interest such as those who work exclusively in classrooms or during core instructional time.

A parent or student may file a complaint with the [Family Policy Compliance Office in the U. S. Department of Education](#) for alleged violations of the Family Educational Rights and Privacy Act (FERPA) and its regulations.

## **MEALS**

It is the philosophy of the district to provide nutritious meals to all students who wish to purchase a meal or are eligible for a free or reduced price meal per the regulations of the National School Lunch Program. Parents are responsible for either providing their children with meals, applying for free or reduced price meals when appropriate, or providing adequate funds for their child to purchase a meal. But under no circumstance will a student be denied a breakfast [when offered] or a lunch meal due to a lack of money or a negative food account balance.

### **Regulations and Guidelines**

This policy is informed by regulations and guidelines published by the United States Department of Agriculture under the National School Lunch Program, Massachusetts General Law, and the Massachusetts Department of Elementary and Secondary Education's Office for Food and Nutrition Programs.

### **Policies**

#### **• Policy on Communicating Student Food Account Balances**

Parents are responsible for knowing the amount of their child's food account balance. Parents may view their child's food service account balance at any time by looking in PowerSchool using

their Parent Portal Access. Parents of students who have a negative account balance will receive an email communicating the negative balance amount until it is rectified. The use of automated telephone calls will also be employed for the collection of delinquent accounts. Parents may set

up automatic replenishment of their child's account through the district's online payment processor to avoid negative account balances.

#### • **Policy on Charging Meals and a la carte Items**

A child will not be denied a school meal because of parental negligence as we know this unfairly punishes children and impedes their ability to learn. Students who have a negative fund balance may charge a la carte items to their account only when those a la carte items are accompanied by a meal. Students who have a negative account balance cannot further their indebtedness by purchasing a la carte items without a meal.

So called "alternative meals" i.e. peanut butter and jelly or cheese sandwiches will not be used as substitutes as this identifies the child as having a delinquent account in front of their peers and will likely not provide any added incentive for the parent to pay.

#### • **Policy on Delinquent Debt Collections**

Payment for negative account balances may be made at any time using the district's online payment processor. Parents can access this feature via their PowerSchool Parent Portal access account. Students may also rectify their account by paying cash or by check to the cashier at their school. When a student account balance goes negative to a sum that exceeds three times the cost of a lunch meal, this will be considered a delinquent account. The Food Service Director, in consultation with the school cafeteria manager, will then begin collection efforts with the respective parent or guardian. The Food Service Director may also share a negative account balance report periodically with school principals because this information may be useful as an additional symptom of a larger problem that the student and their family are experiencing. If attempts by the Food Service Director do not result in payment, then the delinquent account will be sent to the School District Business Office. The Business Office will attempt collection through

parent/guardian communications. Collection efforts may result in denial of access to discretionary school programs, pursuit in small claims court, or sale of the debt to a collection agency.

Denial of access to school programs as noted above may include but is not limited to: graduation activities or ceremonies, the Extended School Care Program, Summer Programs, Extra Curricular/After School Programs, and other, optional, fee-based programs.

#### **USDA NONDISCRIMINATION STATEMENT**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape,

American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at:

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) [email](#)

## APPENDIX A

**Section 37H.** The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 370 and shall include the student-related sections of the bullying prevention and intervention plan required by said section 370. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 370. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to,

marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a

significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

**Section 37H1/2.** Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said

principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent. The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such a



decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

**Section 37H3/4.** (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school-or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school-or district-wide models shall not be considered a direct response to a specific incident.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the

student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

## SIGN THIS PAGE

### Acknowledgement

I have read the TEC Acceptable Use Policy, Student Agreement for Classroom Mobile Device Use, and the TEC Chromebook Care and Use Policy Guide included with this agreement and agree to abide by the terms and conditions contained within these documents.

Student Name (Please Print): \_\_\_\_\_ Student

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

Name (Please Print): \_\_\_\_\_ Parent/Guardian Signature:

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

***You will need to bring this completed form with you to be assigned your Chromebook.***