

HINGHAM PUBLIC SCHOOLS



**ANNUAL EMPLOYEE
TRAINING PACKET**

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MISSION OF THE HINGHAM PUBLIC SCHOOLS

Together with students, staff, families and community, we cultivate an equitable, inclusive, innovative learning environment that empowers all students to contribute to their local and global community.

CORE BELIEFS

Inclusivity and belonging

Community well-being

Lifelong learning

Student centered

Personal excellence

Innovative learning

Civic and global responsibility

DISTRICT COMPLIANCE OFFICERS 2023-2024

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CIVIL RIGHTS

Hingham Public Schools does not discriminate in its educational and/or operational programs or activities on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy), gender identity and/or expression (including a transgender identity), sexual orientation, military or veteran status, homelessness, genetic information, or any other characteristic protected under applicable federal, state or local law.

CIVIL RIGHTS GRIEVANCE PROCEDURE

1. Any employee or student who believes that he or she has been discriminated against should contact in writing the appropriate coordinator as soon as possible, normally within thirty days of the discrimination.
2. The Coordinator will meet with the person(s) to discuss the situation within seven days of receiving the written complaint.
3. The Coordinator will have fourteen days to respond to the grievance in writing.
4. If the grievance is not settled at this level, a representative from the Office of Civil Rights or the Department of Education will be contacted for remediation.

COORDINATOR OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR HINGHAM PUBLIC SCHOOLS

Title VI “prohibits discrimination, exclusion from participation, and denial of benefits based on race, color and national origin.” Anyone having questions or concerns about Title VI with respect to the staff or students of Hingham Public Schools should contact Kathryn Roberts at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at kroberts@hinghamschools.org or by fax at (781)749-7457.

COORDINATOR OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX “prohibits discrimination, exclusion from participation, and denial of benefits in education programs based on sex.” Anyone having questions or concerns about Title IX with respect to the staff or students of the Hingham Public Schools should contact Dr. Barbara Cataldo at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at bcataldo@hinghamschools.org or by fax at (781)749-7457.

COORDINATOR OF SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 “prohibits discrimination, exclusion from participation, and denial of benefits based on disability.” Anyone having any questions or concerns about Section 504 with respect to a student of the Hingham Public Schools should contact Ms. Rodriguez at Hingham High School, 17 Union Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1560, by email at hrodriguez@hinghamschools.org, or by fax at (781)741-1515. Any Hingham Public Schools staff member who requires assistance with a 504 plan should contact Dr. Barbara Cataldo at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone

at (781)741-1500, by email at bcataldo@hinghamschools.org or by fax at (781)749-7457.

SCHOOL DISTRICT HOMELESS EDUCATION LIAISON & FOSTER CARE & ACTIVE MILITARY POINT OF CONTACT

The McKinney-Vento Education Act for Homeless Children and Youth requires that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education as provided to other children and youth. There are similar protections and educational continuity considerations for children and youth in foster care, as well as those children in military connected families. Anyone having questions or concerns about the legal rights of homeless children and youth, children and youth in foster care, and military connected families should contact Dr. Barbara Cataldo at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at bcataldo@hinghamschools.org, or by fax at (781)749-7457.

TITLE II, ADA COMPLIANCE LIAISON

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the HPS District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association. The person serving as the contact for concerns about school facilities and compliance with the Americans With Disabilities Act of 1990 is Aisha Oppong, Director of Human Resources. Anyone having questions or concerns about Title II with respect to the Hingham Public Schools should contact Ms. Oppong at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at aoppong@hinghamschools.org, or by fax at (781)749-7457.

MASSACHUSETTS PUBLIC RECORDS ACCESS OFFICER

Massachusetts Public Records Law, Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. To request student records from Hingham Public Schools, contact Dr. Barbara Cataldo, Director of Student Services, at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at bcataldo@hinghamschools.org or by fax at (781)749-7457. To request documents other than student records from Hingham Public Schools, contact Dr. Margaret Adams, Superintendent, at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at madams@highamschools..org, or by fax at (781)749-7457.

EQUAL EMPLOYMENT OPPORTUNITY (HPS SC Policy GBA)

The Hingham Public Schools subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the HPS District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homeless status for students, physical and intellectual differences, pregnancy or pregnancy related condition, veteran status or Foster care status is expressly prohibited.

Every available opportunity will be taken in order to assure a diverse workforce and that each applicant for a position is selected on the basis of qualifications, merit, and ability.

LEGAL REF.: M.G.L. [151B:4](#);
BESE Regulations 603 CMR [26:00](#)

12/5/77 // 2/14/94 // 9/24/12//5/10/21/

EMPLOYEE CONDUCT (HPS SC Policy GBEB)

In the area of personal conduct, staff will conduct themselves in a manner that not only reflects credit to the HPS District but also sets forth a model worthy of emulation by students. All employees are expected to treat students and colleagues with respect and dignity and carry out their assigned duties with the physical, emotional and intellectual well-being of students in mind. See Procedures 2.3A.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all staff:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Committee and their implementing procedures and school rules in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.

5. Concern for and attention to their own and the District's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

LEGAL REFS.: M.G.L. [71:37H](#); [264:11](#); [264:14](#)

The Hingham Public School District is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. No student shall be subjected to acts of bullying, cyberbullying or retaliation by a staff member as defined under Procedure 2.3B.

[Procedures](#) for reporting, safety planning, notification to parents or guardians, investigating and resolving alleged bullying, cyberbullying or retaliation are summarized herein under Procedure 2.3B.

The [Bullying Prevention/Intervention Plan](#) is applicable to school staff, including but not limited to, the individuals listed in the “aggressor” definition under Procedure 2.3B. MGL c. 71, 370 as amended by Sections 72-74 of Chapter 38 of the Acts of 2013.

All employees shall refrain from associating with students at any time in a manner which may give the appearance of impropriety. This includes any situation which could be considered sexually suggestive or involve controlled substances such as tobacco, alcohol or drugs.

The use of tobacco, tobacco products and/or alcohol is prohibited in school buildings, on school grounds and on buses.

All employees and contracted service providers are expected to honor regulations relating to confidentiality of student records and other information.

Employees are encouraged to recommend students to appropriate resources when advising or counseling students in areas outside their expertise.

2/14/94 // 1/10/05 // 3/10/14//5/10/21

PHYSICAL RESTRAINT POLICY (HPS SC Policy JKAA)

Physical Restraint Policies and Procedures pursuant to [603 CMR 46.00](#)

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

Physical restraint shall be used only in emergency situations of last resort, after other lawful and 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 assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

Use of Restraint

Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
6. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.

Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

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

Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:

- (a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
- (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
- (c) The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

Policy and Procedures

- (a) Methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;

Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide

Prevention and De-Escalation Techniques

Prevention includes using positive steps taken before a behavioral crisis occurs.

a. Interrupting

Interrupting is the first thing to do when trying to break a chain of behaviors, distracting the individual to another topic or something in the environment.

b. Ignoring

Ignoring is used during the early stages of negative behavior to which the behavior is not visibly responded to, in order to avoid inadvertently reinforcing it. It does not mean that early danger signs are truly ignored and does not mean that dangerous behaviors are ever ignored.

c. Redirecting

Redirecting is used to manage a potentially dangerous behavior by deflecting or redirecting the behavior, and then reinforcing a more appropriate behavior by rewarding the individual for displaying the more appropriate behavior.

Prevention also involves ensuring staff have training; appropriate staffing; policies/procedures in place including behavioral support plans; appropriate programming; ability to recognize individuals strengths, weaknesses and triggers.

Crisis Planning:

1. Follow-up Response to Threats of Violence Or Suicide

Threats of violence or self-injury, made by a student or group of student(s) should be reported to the school principal and reviewed with the school psychologist or school crisis team, regardless of whether a student's behavior resulted in the use of physical restraint. Based on the situation, the school psychologist or school crisis team may recommend or require that the student(s) undergo a Risk Assessment, or if the student is in obvious crisis, a referral to the local hospital will be made.

Protocol for Student Suicidality:

When teacher or staff members become aware of any student experiencing at-risk behavior (verbal statements, writing, report from peers, parents etc.) they will report immediately to the principal, and counseling staff and/or crisis team.

At risk for self-injury/suicide is defined as: Any student who indicates through actions speech or writings that they may be at risk of harming themselves physically.

SCT: Student Crisis Team. A predefined group of district staff who will be familiar with response guidelines for students in crisis. SCT may include:

Principal
Assistant Principal
BCBA
School Psychologist
School Nurse
School Adjustment Counselor
Guidance Counselor
Administrator of Special Education

Protocol: The identified child will be directly supervised by a member of the SCT throughout the process.

1. Upon observation of at-risk behaviors or suspicion of risk for self-injury, the school staff member will immediately contact a school administrator.
2. The identified child will be accompanied by an adult to the office of the school Counselor (School Adjustment Counselor, Guidance Counselor, School Psychologist).
3. The School Psychologist will be contacted immediately. The child will then be interviewed by the school psychologist and/or school adjustment counselor and an administrator. The child's level of risk will be assessed using a child risk assessment.
4. If the child is thought to be at imminent risk of self-injurious behavior, the SCT members shall follow protocol for a medical emergency, call an ambulance and/or Mobile Crisis Services and have the child evaluated at an emergency room. A staff member shall accompany the child in the ambulance and remain with them in the E.R. until a parent or guardian arrives.
5. Parents/guardians will be contacted.
6. If the risk is not thought to be imminent, the child's parents will be contacted and they will be asked to immediately pick up the child and bring them to an appropriate professional (i.e. the child's pediatrician, psychotherapist, mental health counselor) for further evaluation and intervention.
7. An Incident Report Form will be completed by an administrator and a copy will be provided to the parents.
8. The identified child's re-entry to the district will follow the re-entry protocol for students at risk for self-injurious behavior.

De-escalation of potentially dangerous behavior:

General guidelines for de-escalating potentially dangerous behavior include:

1. Remain calm -To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control facial expressions to remain calm and neutral, and use a supportive non-threatening body language.
2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's crisis team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
4. Remove Student From Location If Possible - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered. The student will remain supervised by an adult at all times.
5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

Methods for Engaging Parents and Students

Hingham Public Schools will conduct an annual workshop, open to the entire school community, concerning restraint prevention and the use of restraint solely as an emergency procedure. This workshop may be coordinated with the special education parent advisory council (SEPAC), the parent-teacher organization (PTO), and other relevant community groups.

Any parent/guardian with concerns about the use of physical restraint at any school within Hingham Public Schools may request a meeting with the building Principal or the Executive Director of Student Services to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described below.

Alternatives to Physical Restraint in emergency situations

There are a variety of appropriate responses or interventions that should be used first when seeking to prevent challenging behaviors, student violence, self-injurious behaviors, or to

de-escalate potentially dangerous or disruptive behavior among groups of students or with an individual student.

The following are examples of strategies that the district uses to support students prior to exhibiting challenging behaviors or as alternative to physical restraint when students begin exhibiting agitation:

Positive behavioral interventions: The district employs a variety of services and strategies to address the social, emotional and behavioral well-being of all our students.

- a. Anti-bullying curriculum is provided throughout the district utilizing developmentally appropriate lessons and activities
- b. Social Skills curricula is provided to students through classroom, small group and individualized instruction
- c. Counseling services are available for all students across the district and provided by licensed, certified staff including school psychologists, licensed mental health clinicians, school adjustment counselors, social workers, and guidance counselors. Counseling is provided in small group and individualized settings
- d. Counselors receive training in signs of suicide and self-injurious behaviors
- e. A transition program is available to high school students re-entering the school from psychiatric hospital programs
- f. Reentry meetings are scheduled for all students returning to school from psychiatric hospital programs

Verbal redirection

1. Active listening
2. Use of calm, non-threatening tones and language
3. Offering the student(s) a controlled choice
4. Discussing options or possible resolutions with the student(s)
5. Verbal directive to cease behavior

Time-Out Procedures

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

purpose of calming. Time-out shall cease as soon as the student has calmed. Any time outs over thirty (30) minutes must obtain principal approval.

Physical Escort

A physical escort is a temporary touch or holding, without the use of force, of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is agitated or upset to walk to a safe location. Physical Escorts must be brief in nature.

Staff Training Requirements

All staff will be trained on the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.

Training shall include information on the following:

- (a) The role of the student, family, and staff in preventing restraint;
- (b) The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- (c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- (d) When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- (e) Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
- (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

In-Depth Training Requirements

At the beginning of the school year, the building Principal or their designee will identify those designated staff who will participate in in-depth training and who will then be authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint.

Designated staff members shall participate in in-depth training in the use of physical restraint, with at least one refresher training annually.

In-depth training will include:

- a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- b. A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- c. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- d. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- e. Demonstration by participants of proficiency in administering physical restraint; and
- f. Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

Proper Administration of Physical Restraint

(1) Trained personnel. Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

(2) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

(3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.043(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

(4) Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot

breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

(5) Safety requirements. Additional requirements for the use of physical restraint:

(a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration.

(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.

(d) Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

Follow-Up Procedures

After a student is released from a physical restraint, staff shall implement follow-up procedures, including:

1. Reviewing the incident with the student to address the behavior that precipitated the physical restraint;
2. Reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and
3. Consideration of whether any follow-up is appropriate for students who witnessed the physical restraint, if any.

Physical Restraint Reporting Requirements

Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).

Informing the principal: The program staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal or director or his/her designee shall maintain an on-going record of all reported

instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

Informing parents. The principal or director of the program or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

- (a) The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).
- (b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
- (c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
- (d) Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
- (e) Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

Reporting to Department of Elementary and Secondary Education:

Report all physical restraints to the Department. Every program shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.

Report all restraint-related injuries to the Department. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report required by 603 CMR 46.06(4) to the Department postmarked no later than three school working days of the administration of the restraint. The program shall also send the Department a copy of the record of physical restraints maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within 30 calendar days of receipt of the required written report(s).

Periodic review of data and documentation

Individual student review. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least the following:

- (a) review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;
- (b) analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
- (c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
- (d) agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

Administrative review. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

Grievance Procedures

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

- i. The complaint must be submitted in writing to the Executive Director of Student Services.
- ii. The Executive Director of Student Services will meet with the complainant within ten (10) school days of receipt of the complaint.
- iii. A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the Executive Director of Student Services and the Department of Elementary and Secondary Education.
- iv. A written report will be developed by the Executive Director of Student Services and provided to the complainant.

LEGAL REF.: M.G.L. 71:37G; 603 CMR 46.00
603 CMR 46.00

2/11/02 // 1/10/05 // 10/26/15

//5.10.21//8/30/22

ANTI-HARASSMENT POLICY (HPS SC Policy AC-1)

It is the policy of the Hingham Public Schools to promote and maintain a working and educational environment that is free from all forms of harassment. The most productive and satisfying work environment is one in which work and work-related activities are accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of the HPS District.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, religion, sex, national origin, age, marital status, veteran status, pregnancy related condition, sexual preference or disability is expressly prohibited under this policy. Harassment on any basis (race, sex, age, disability, etc.) exists whenever the conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. All individuals have a right to an environment

free from discrimination and harassing conduct.

Sexual harassment violates state and federal law; and, therefore, the policies of the Hingham Public Schools. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or; (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

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

- Unwelcome sexual advances - whether or not they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess, and sexually explicit emails or the use of social media to share such references, and
- Displays of sexually suggestive objects, pictures, and cartoons.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Such harassment can be defined as conduct that shows hostility or aversion toward an individual because of his or her protected characteristic and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Each employee of the Town of Hingham is personally responsible for:

- Ensuring that their conduct does not harass any student or other employee or applicant for employment, or other individual in the workplace or school;
- Cooperating in the investigation of informal reports or formal complaints of alleged harassment by providing any information they possess concerning the matters being investigated; and
- Otherwise cooperating with efforts to prevent and eliminate harassment and to maintain a working and learning environment free from such unlawful discrimination.

Grievance Officers for all forms of harassment:

Alleged Violations Between School Department Employees

For any alleged harassment violations between School Department employees, the Superintendent of Schools has designated the Director of Student Services as the Grievance Officer. They are vested with the authority and responsibility of processing or referring to an appropriate administrator or one of the Town Grievance Officers all harassment complaints in accordance with the procedure outlined under Procedure 2.6A. The Director of Student Services may be contacted at the School Administration Offices, telephone 741-1500.

Town Grievance Officers:

Human Resources Director	(781) 804-2479
Assistant Town Administrator	(781) 804-2401
Public Health Nurse	(781) 804-2371

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EMPLOYEE ANTI-HARASSMENT PROCEDURE (AC-1)

1. Any employee of the Hingham Public Schools who believes that they have been subjected to any form of harassment will report the incident(s) to the Grievance Officer as soon as possible, normally within thirty working days of a harassment incident. In the event that an employee grievant does not feel comfortable making the grievance as outlined above, they are free to file the grievance with any administrator above their position in the organizational chart. That administrator will then coordinate the processing of the grievance with the Grievance Officer.
2. The Grievance Officer, or designated administrator, will attempt to resolve the problem in a formal and expeditious manner through the following process:
 - a. In order to obtain a clear understanding of that individual's statement of facts, the Grievance Officer will confer with the individual who feels they were subjected to harassment. After meeting with the grievant, the grievant or Grievance Officer shall put the complaint of harassment in writing. In the event that the Grievance Officer puts the complaint in writing, the grievant will review the written grievance for its accuracy and sign it.
 - b. The Grievance Officer or designated administrator will then meet with the alleged harasser in order to obtain their response to the complaint.
 - c. The Grievance Officer or designated administrator may hold as many meetings with the parties as is necessary to gather facts.
 - d. The Grievance Officer or designated administrator will meet with other individuals who may have pertinent information.

- e. The Grievance Officer or designated administrator will review any pertinent documents.
 - f. In a grievance involving students, the Department of Children and Families (DCF) or the Hingham Police Department may be involved to assure student safety and to comply with mandated reporting requirements.
3. The investigation will be thorough, but processed in as expeditious a manner as is possible. Upon completion of the investigation, the Grievance Officer shall prepare a report outlining the findings. Any employee found to have engaged in harassment in violation of this policy will be subject to disciplinary actions up to and including termination of employment. The investigation report and all documentation shall be kept in a confidential file. In the event there is a finding of no harassment, the grievant may appeal the decision to the appropriate body, either the Board of Selectmen or the Superintendent of Schools.
 4. The Grievance Officer will write a summary of the investigation and the disciplinary action, if any. Both the complainant and the harasser shall receive the summary. If a complaint is substantiated, the summary shall be placed in the personnel file of the harasser. If the complaint is unsubstantiated, the summary shall be kept in a confidential file for a period of three (3) years.
 5. Grievants are not limited to a formal grievance procedure but may seek relief from other agencies, including the following:

The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Building
475 Government Center
Boston, MA 02203
800-669-4000

The Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

The Office of Civil Rights of the Department of Education
Region I
33 Arch Street, Suite 900
Boston, MA 02110
617-289-0111

The Hingham Public Schools announces that any retaliatory action of any kind taken by an employee or student against any other employee or student as a result of the person's seeking redress under these procedures or cooperating in any proceeding under these procedures, is prohibited and

shall be regarded as a separate and distinct grievable matter under this procedure.

STAFF ETHICS/CONFLICT OF INTEREST (HPS SC Policy GBEA)

The HPS District expects all employees to be familiar and compliant with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents/guardians, coworkers, and officials of the District.

No employee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with their duties and responsibilities in the District. Nor will any staff member engage in any type of private business during school time or on school property, as defined by MGL Ch. 268A.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to them.

Every two years, all current employees, including Committee members, must complete the State Ethics Commission's online training. New employees must complete this training within 30 days of beginning employment and every 2 years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the municipal or District Clerk through the Superintendent's office.

In order to avoid the appearance of any possible conflict, it is the policy of the Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a Committee member or District administrator is to be hired into or promoted within the District, the Superintendent shall file public notice with the Committee and the Municipal Clerk at least two weeks prior to executing the hiring in accordance with the law.

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Summary of the Conflict of Interest Law for Municipal Employees

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

may also provide advice.

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

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

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

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

II. On-the-job restrictions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. After-hours restrictions.

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

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

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

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

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

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

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

Example of violation: A planning board member represents a private client before the board of

selectmen on a request that town meeting consider rezoning the client's property.

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

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

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

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

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

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

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

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

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

Example of violation: A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

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

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

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

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

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

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

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

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

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

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an

applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

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

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

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

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

GIFTS TO AND SOLICITATIONS BY STAFF (HPS SC Policy GBEBG)

Verbal or written expressions of appreciation from pupils, parents and other patrons of the Hingham Public Schools are welcomed, but items of monetary value are discouraged and must conform to the limitations and guidelines of Chapter 268A of the general laws.

The acceptance of gifts worth \$50 or more by staff in a calendar year when the gift is given because of the position they hold, or because of some action the recipient could take or has taken in their public role, violates the conflict of interest law. Acceptance of gifts worth less than \$50, while not prohibited by the conflict of interest law, may require a written public disclosure.

In keeping with this policy, no employee will accept a gift worth \$50 or more that is given because of their public position, or anything that they could do or has done in his or her public position. Gifts worth less than \$50 may be accepted, but a written disclosure to the appointing authority must be made if the gift and the circumstances in which it was given could cause a reasonable person to think that the employee could be improperly influenced. The value of personal gifts accepted is aggregated over a calendar year (4 gifts of \$20 value is the same as 1 gift of \$80 if given in the same calendar year).

In general, homemade gifts without retail value are permissible because a reasonable person would not expect an employee would unduly show favor to the giver, so no disclosure is required. Such gifts could include homemade food items (cookies, candy, etc), handpicked flowers, and handmade

gifts worth less than \$10 (ten) dollars.

Class Gifts

Staff may accept gifts over \$50 only when the staff member knows that the gift is from the class or a specified group, not from specific donors. A single class/group gift per calendar year valued over \$150, or several class/group gifts in a single year with a total value of no more than \$150 from parents/guardians and students in a class/group, may be accepted provided the gift is identified only as being from the class/group and the names of the givers and the amounts given are not identified to the recipient. The recipient may not accept an individual gift from someone who contributed to the class/group gift. It is the responsibility of the employee to confirm that the individual offering such gift did not contribute to the class/group gift.

Gifts for School Use

Gifts given to a teacher solely for classroom use or to purchase classroom supplies are not considered gifts to an individual employee and are not subject to the \$50 limit. However, an employee who accepts such gifts must keep receipts documenting that money or gift cards were used for classroom supplies.

Solicitations

In spirit, the Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from staff members through the use of school personnel and school time is prohibited by the conflict of interest law. Therefore, no solicitations of funds for charitable purposes should be made among staff members. Staff members of course may support charitable causes in their own time.

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ACCEPTABLE USE POLICY-TECHNOLOGY (HPS SC Policy IJNDB)

The Hingham Public Schools provides information networks and systems in order to allow school employees to serve the school community more efficiently and effectively.

This policy is intended to provide rules and guidelines concerning the appropriate use of the Hingham Public School's network ("network") and systems ("systems"). These "systems" and "network" included, but are not limited to, computer workstations, notebook (laptop) computers, personal digital assistants (PDAs), computer peripherals (printers, copiers, scanners, etc.), software applications, electronic mail (email), telephones (standard and cellular including smartphone, "Blackberry" type or future generation devices), facsimile machines (fax), copiers, servers, network infrastructure devices (switches, routers, etc.), the Internet, and any school department-related

content generated or accessed from non-Hingham Public Schools systems. Any person using the Town's network or systems shall be considered a user ("user") of the network and systems.

Use of the Hingham Public School's network and systems shall constitute acceptance of the terms set forth in this Information Network and Systems Acceptable Use Policy ("Policy"), as amended from time to time, and any other related policies issued by the School Department. The School Department reserves the right to amend this Policy at any time at the discretion of the School Committee.

Administrators and supervisors are responsible for ensuring that all of their employees using computers have read the Policy and related procedures under 2.15A and have understood its applicability to their activities.

3/14/11

ACCESS TO DIGITAL RESOURCES (5.24)

The Hingham Public Schools recognize the educational value of technology equipment and access to the Internet when used properly. The district provides computers and technology equipment for the professional use of teachers, administrators, and other staff, and as educational aids for students. Use of any of the Hingham Public Schools district's computer systems is limited to school-related activities. Staff and students should have no expectation of privacy with respect to the use of the district's hardware, software, and computing services.

Use of the district's computers and technology equipment, including access to the Internet, is a privilege and requires that the user be responsible for his or her behavior and for the appropriateness of communications over the district's networks. The policy, guidelines, and sign-off procedures for use of technology resources shall be published for staff and students and are described under Procedure 5.25A and 6.29A.

6/10/96 // 7/29/02 // 4/11/05 // 11/17/14

PROCEDURE FOR INTERNET USE (5.25A)

Unacceptable Use of the Internet will consist of:

- Giving out your password.
- Copying software off of the computer, Internet, or from a disk that you did not purchase or to which you have no rights. This is prohibited by law.
- Vandalism or the act of deliberately destroying the data of another user, software programs, or hardware.
- Erasing software programs or documents that do not belong to you.
- Using access to the Internet for personal and financial gain or to advertise a service or product.

- Providing personal information such as your name, phone number, or address – this is a very dangerous thing to do on the Internet.
- Wastefully using finite resources and time by playing games or copying or downloading excessive amounts of information.
- Accessing material on the Internet that is pornographic.
- Overriding Internet control software.

Any traffic from this network that traverses another network is subject to that network's acceptable use policy.

Security of any computer system is a top priority. If you are aware of a security problem or know of an individual who has violated that security, you are responsible for reporting that incident to the security administrator.

Email – or electronic mail will allow students, teachers, and administrators to communicate with each other electronically within our local area network or to communicate with students and educators in other states or countries. Email is not guaranteed to be private. It will exist for the purpose of sharing information and data, lesson plans, teaching experiences, student and teacher personnel data, etc. Each user will have a unique email address so that they can send or receive mail electronically. Before receiving an account, all students and teachers must receive telecommunications training in email use and etiquette. The following are guidelines for email use:

Email Do's:

- Use email to communicate with friends and fellow students or to share information of educational value.
- Keep your messages brief and to the point.
- Focus on one subject per message.
- Include your name, title, and email address at the bottom of your message.
- Make your subject line as descriptive as possible.
- Check your email daily.
- Delete unwanted messages as soon as possible – they take up space.
- Never assume your mail is private and cannot be read by someone else.

Email Don'ts:

- Never include your home address or phone number, social security number or credit card number in your message.
- Never send unlawful or misleading information.
- Never slander or defame someone's name or reputation.
- Never send "chain letters."
- Never sell services or products.

- Never use abusive or objectionable language.
- Never use another person's EMail account.

Consequences for Violation/Terms and Conditions

Any violation of the above terms for what is acceptable use of the Internet will result in loss of your privileges and may result in other disciplinary measures determined by the principal.

Disclaimer

The Hingham Public Schools, along with the other organizations sponsoring this Internet link-up, will not be liable for the actions of anyone connecting to the Internet through this hook-up. All users shall assume full liability, legal, financial, or otherwise, for their actions. In addition, the Hingham Public Schools take no responsibility for any information or materials that are transferred through the Internet.

4/11/05

Policy Guidelines and Procedures for Internet and Technology Use (6.29A)

The Hingham Public School system provides computers and technical equipment for the professional use of teachers, administrators, and other staff, and as educational aids for students. Use of any of the Hingham Public School District's computer systems is limited to school-related activities. Administration and classroom systems can be re-allocated at the discretion of the school administration or technology department without advance notice.

The Hingham Public School District makes no warranties of any kind, whether expressed or implied, for the computer services it is providing. Hingham Public Schools will not be responsible for any damages resulting from delays or service interruptions caused by its own negligence or its errors or omissions. Use of any information obtained via the Internet is at your own risk. Hingham Public Schools specifically denies any responsibility for the accuracy or quality of information obtained through its computer services.

The following set of technology policy guidelines applies to all users of Hingham Public Schools' computer systems. Use of District technology resources is a privilege, not a right. Use of these resources demands personal responsibility and an understanding of acceptable uses of the Internet. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of District technology resources may result in one or more of the following consequences:

- Suspension or cancellation of use or access privileges.
- Denial of future access.
- Payments for damages and/or repairs.
- Discipline under other applicable District policies, including suspension and termination.

- Civil or criminal liability under other applicable laws.

Users who violate policy guidelines will be subject to disciplinary procedures. The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted using the District's technology resources. These regulations may be amended and updated at the discretion of Hingham Public Schools' administration.

1. District Computers, including installed software, hardware and peripheral devices, are the property of Hingham Public Schools. Computer systems are to be used for school-related activities, and are not to be removed from the premises without written permission from the District's Manager of Technology
2. The use of a user's personal electronic device (including, but not limited to, device classifications such as smartphones, computers, and tablets) on the school network or on the District's Internet connection subjects the user to the terms of this policy.
3. Users should not have any expectation of privacy with respect to personal data stored on Hingham Public Schools' computers. Electronic mail (E-mail) messages are considered public records and are therefore legally discoverable and subject to record retention. Users should not expect that electronic mail messages (even those marked "Personal") are private or confidential.
4. The Hingham Public School system may monitor electronic mail and Internet activities on the schools' computer systems for reasons including, but not limited to, the following:
 - a. system checks
 - b. reviews of productivity
 - c. investigations into claims of possible criminal activity
 - d. investigations into inappropriate use of the District's Internet connection
5. Use of the District's computer systems constitutes consent to monitoring of E-mail transmissions and other online services, and is conditioned upon strict adherence to this policy.
6. The following activities are strictly prohibited:
 - a. Any illegal activity, including, but not limited to, the transmission of copyright or trade secret material, or the participation in any type of criminal activity.
 - b. Attempts to violate the computer security systems implemented by the Hingham Public Schools, Town of Hingham, or other institutions, organizations, companies or individuals.
 - c. Accessing material that is inappropriate for school use, such as Internet sites promoting pornography, gambling, or hate.
 - d. Attempts to circumvent the Internet filtering capabilities of the Hingham Public Schools or the school systems' Internet provider(s).
 - e. Plagiarism, or any reproduction of copyrighted material without explicit permission.

- f. The use of profanity or inappropriate language in electronic mail.
 - g. Use of school computer systems for political or commercial purposes.
 - h. Using school computer systems to send unsolicited bulk email (SPAM).
 - i. Developing or disseminating malicious software programs, such as computer viruses.
 - j. Downloading, installing, or copying any commercial software, shareware, or freeware onto network drives or disks without written permission from the network administrator or the District's Technology Manager.
 - k. Misrepresentation of your identity by using another user's account, or by masking your own identity.
 - l. No profane, abusive, or impolite language should be used to communicate, nor should materials be accessed which are not in line with the rules of school behavior. Should a user encounter such material by accident, the user should report it to an appropriate authority immediately.
7. In compliance with the Children's Internet Protection Act (CIPA), Hingham has installed filtering and/or blocking software to restrict access to Internet sites containing material harmful to minors. The software scans for objectionable words or concepts, as determined by the Hingham Public School District. Students and staff may not disable the District's filtering software at any time when students are using the Internet if such disabling will cease to protect students against access to inappropriate materials. Staff authorized by the District's Manager of Technology may temporarily or permanently unblock access to sites containing appropriate materials if the filtering software has inappropriately blocked access to such sites.
 8. Staff must supervise student use of the District's Internet system in a manner that is appropriate to the students' ages and the circumstances of use.
 9. The following restrictions against inappropriate speech and messages apply to all speech communicated and accessed through the District technology resources, including all email, instant messages, Web pages, and Web logs:
 - a. Users shall not send obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful messages.
 - b. Users shall not post information that could cause damage, danger, or disruption, or engage in personal attacks, including prejudicial or discriminatory attacks.
 - c. Users shall not harass other persons, or knowingly or recklessly post false or defamatory information about a person or organization.
 10. Users' home and personal Internet use can have an impact on the school and on other District users. If a user's personal Internet expression - such as sending a threatening message to another District user - creates, in the view of the principal or principal's designee, the likelihood of material disruption of the school's operations, that user may face school discipline and criminal penalties.
 11. Hingham takes bullying and harassment by computer very seriously. No District user shall use any Internet or other communication device to intimidate, bully, harass, or embarrass other students or staff members. Users who engage in such activity on school grounds or

who engage in such activity off campus and create a material disruption of school operations, in the view of the principal, shall be subject to penalties for bullying and harassment as contained in the student handbook, as well as possible criminal penalties.

In the event of an allegation that a student has violated this policy, the District will provide the user with notice and an opportunity to be heard in the manner set forth in the student handbook.

6/20/11

HOMELESS STUDENTS (6.3)

The Hingham Public School District has adopted the definition of homeless children and youth as found in Section 725 (2) of the federal McKinney-Vento Homeless Education Act (2002 reauthorization). A student determined to be homeless will be enrolled immediately in the school of the district in which he/she is temporarily residing or be provided with transportation if he/she chooses to remain in his/her school of origin until the end of the school year in which permanent housing is found. Students determined to be homeless, or who fit the Massachusetts Department of Education's definition of "unaccompanied youth," are entitled to attend and fully participate in all classes, school activities, and educational opportunities and to benefit from all services provided to other students in the Hingham Public Schools. This includes automatic eligibility for Title I and Free/Reduced Lunch programs. See Procedure 6.3A "Responsibilities of School Principals and Registrars in Relation to the McKinney-Vento Homeless Act of 2002." Also, see Procedures 6.3A for a definition of homelessness, the dispute resolution process, and a summary of general implementation procedures.

5/9/05//5/10/21

6.3B EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE.

Hingham Public Schools ensures the educational stability of students in foster care and their equal access to the same free and appropriate public education through high school graduation as provided to other students as required by law. The Hingham School Committee is committed to supporting district and community efforts to ensure that students in foster care have access to high-quality, stable educational experiences.

Irrespective of the location of a foster care placement, students in foster care will continue to attend their school of origin, unless after a collaborative decision-making process, it is determined to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care. Enrollment of students in the district where they reside in foster care will take place immediately upon such a determination.

The District has designated a point of contact for students in foster care. The District and the point of contact will collaborate with DCF to ensure that students can access transportation and the other services to which they may be entitled.

See Procedure 6.3B

LEGAL REFS: *Every Student Succeeds Act* (ESSA);

Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act)

6.3B PROCEDURE

EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE (REGULATIONS)

Best Interest Determination. Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (and if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when different) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and take into account a variety of factors. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF will finalize the best interest determination.

Hingham Public Schools may seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate, the District will ensure that a child remains in their school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

Transportation. The district of origin must collaborate with DCF on how transportation will be provided and arranged to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care.

Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, seeking help from foster parent(s), etc. Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

Immediate Enrollment. If it is in the best interest of a student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which he or she resides in foster care. During enrollment of students in foster care, DCF representatives will present the district with a form indicating that the student is in foster care, along with a state-agency identification badge.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records as soon as possible, and the District liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with District policies, including compliance with the state's address confidentiality program when necessary. After

enrollment, the District will immediately request available records from the student's previous school.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to students in foster care (homeless families) on the same terms as families who reside in the District. Accordingly, the District will provide transportation services to school in a manner comparable to the transportation provided for all other students in the District.

6.3C EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN.

In an effort to facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, Hingham Public Schools supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The Hingham School Committee believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment. See Procedure 6.3C

LEGAL REFS: Interstate Compact on Educational Opportunity for Military Children

6.3C PROCEDURE

EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN (REGULATIONS).

Definitions:

Children of military families means school aged children, enrolled in kindergarten through 12th grade (including IDEA eligible students aged 3-22), in the household of an active duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.

Deployment means the period one month before the service members' departure from their home station on military orders through six months after return to their home station.

Education(al) records means official records, files, and data directly related to a student and maintained by the school including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements, applicable to eligible students, which must be fulfilled, are listed below. Eligible students are children of military families as well as the children of veterans who have been severely

injured and medically discharged, and children of active duty personnel who died on active duty. Children of retired active duty personnel are also eligible to receive services for one year following the discharge due to severe injury, or the retirement or death of an active military parent. The Interstate Compact does not apply to children of inactive Guard or Reserves, veterans and retired personnel not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

Hingham Public School's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records and the sending schools shall respond within 10 school/working days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school. The receiving schools must also initially honor placement of like programs to those of the student in the sending state, including, but not limited to, Gifted and Talented programs, and English as a Second Language programs. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
- In compliance with federal law, the District will assume financial and programmatic responsibility for the special education programs of students with existing IEPs drafted in other states.
- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students of active duty personnel shall have additional excused absences at the discretion of the building principal for visitations relative to leave or deployment.

- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent/guardian without any tuition fee imposed.
- Hingham High School will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed in order to facilitate the on-time graduation of the student in accordance with Compact provisions.

BULLYING AND HARASSMENT (6.16)

Students are to maintain an environment free of harassment of any kind, including but not limited to harassment based upon race, color, religion, national origin, age, gender, sexual orientation, or disability. Students are to treat one another with courtesy and respect at all times. No student shall be subjected to acts of harassment, retaliation (or intimidation), bullying, or cyberbullying as defined under Procedures 6.16 A. Procedures for reporting, investigating, and resolving alleged issues of harassment, retaliation, bullying or cyberbullying are described in school handbooks, and in the district's [Bullying Prevention and Intervention Plan](#), and are summarized herein under Procedures 6.16A.

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4/10/95//5/9/05//12/6/10

BULLYING AND HARASSMENT PROCEDURE (6.16A)

Definitions

Harassment includes, but is not limited to, such things as: threats, unsolicited remarks, gestures, physical contact, or the display of written materials or pictures.

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

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

Cyberbullying means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic

means, photo electronic or photo-optical system including, but not limited to, electronic mail, instant messages, or facsimile communications.

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

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

Bullying and cyberbullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyberbullying are alleged, the full cooperation of parents and families is expected.

Bullying is prohibited:

- on school grounds
- on property immediately adjacent to school grounds
- at school –sponsored or school-related activities
- at functions or programs whether on or off school grounds
- at school bus stops
- on school buses or other vehicles owned, leased, or used by the Hingham Public Schools, or
- through the use of technology or an electronic device owned, leased, or used by the school district

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

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or,
- materially and substantially disrupt the orderly operation of the school.

Prevention and Intervention Plans

The Superintendent and/or designee shall oversee the development of a prevention and intervention plan, in consultation with all District stakeholders, which may include teachers, staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents/guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within their school.

Reporting

Students who believe that they are targets of bullying, observe an act(s) of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report such incidents promptly to a member of the school staff. The target, however, shall not be subject to discipline for failing to report bullying.

Each school in the district has designated and made known to students a means for anonymously reporting incidents of bullying. However, no formal disciplinary action shall be taken solely on the basis of an anonymous report. As well, any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians or members of the community are urged to report an incident of bullying as soon as is practicable.

Any member of the school staff shall report immediately to the principal or his/her designee an instance of bullying that the staff member has become aware of or has witnessed.

Investigation Procedures

The principal or designee, upon receipt of a viable report, of bullying or cyberbullying, shall promptly notify the parents or guardians of both the alleged target and aggressor students; and actions being taken to investigate and to prevent further acts of bullying shall be discussed.

The principal or designee shall promptly investigate the report of bullying as described on the district's reporting form. The investigation may include interviewing the alleged target and aggressor students, staff members, or other witnesses. Upon receipt of a report of alleged bullying (and during the period of investigation), school staff shall assess the alleged target student's needs for protection and create and implement a safety plan to restore a sense of safety for that student. Confidentiality shall be used to protect a person who reported bullying, provides information during the investigation of bullying, or is witness to or has reliable information about an act of bullying.

In most instances, the investigation shall be completed within two weeks of the date of the report. The parents or guardians of the target and aggressor student(s) shall be contacted promptly upon completion of the investigation and informed of the results of the investigation and, if bullying or retaliation is found, what actions are in place to prevent further acts of bullying or retaliation and the procedures for responding to bullying. Information shared will be respectful of the rules of confidentiality that guide school operations. If the investigation requires a longer period, the principal or designee will contact the parents on a regular basis to update them on the status of the investigation or about related matters.

Responses to Bullying or Cyberbullying

If the principal or designee determines that bullying has occurred he/she shall take appropriate disciplinary action as described in the Discipline Code; in certain cases, the principal shall consult with the school resource officer or seek legal advice as to whether criminal charges are warranted. If that is the determination, the Hingham Police Department shall be formally notified.

To respond to student needs that are identified by the school, academic or counseling support,

interventions, or referral to an outside agency may be provided to target or aggressor students. Available resources and referral procedures are described in the Bullying Prevention and Intervention Plan.

Each school will document all incidents of bullying that are reported; and the principal shall maintain a file for review as part of the investigation and to meet other mandated reporting requirements.

Retaliation and Intimidation

Retaliation or intimidation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is prohibited; and such acts are subject to disciplinary procedures.

Training and Assessment

Annual training shall be provided for school employees who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

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

Publication and Notice

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

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

Relevant sections of the bullying prevention and intervention plans that relate to the responsibilities and duties of the faculty and staff shall be included in the school handbook and/or the district's employee handbook, as appropriate to the employee category.

The district bullying prevention and intervention plan shall be posted on the district website.

LEGAL REFERENCES: Title VII Section 703, Civil Rights Act of 1964, as amended
Federal regulations 74676 issued by the EEO Commission
Title IX of the U.S, 1972 Civil Rights Act
603 CMR 26.00
MGL 71: 37 O
MGL 265:43, 43a
MGL 268:13b
MGL 269: 14a
MGL, 151 C
MGL, 76:5

12/6/10//5/10/21

CHILD ABUSE/NEGLECT

Hingham Public Schools recognizes a need to be aware of and sensitive to children who may be in danger. Effective learning becomes difficult for a child coping with the strain of family turmoil and basic needs that are not being met.

School personnel are in a position to notice the needs of a child and have a responsibility under law to make a report if they feel a child is in jeopardy. The goal of intervention is to strengthen family life and use available resources towards this end. **Any staff shall report any suspected child abuse or neglect as required by M.G.L. Ch. 119, S 51A.**

Law

Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent or policeman, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering serious physical or emotional injury resulting from abuse inflicted upon him including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the Department of Children and Families by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section. A fine of not more than five thousand dollars shall punish any such person so required to make such oral and written reports who fails to do so.

Legal References: M.G.L., Chapter 434, Legislative Acts of 1980
 M.G.L., Chapter 119, Section 51A
 M.G.L., Chapter 176, Legislative Acts of 2008

Definitions

The following definitions may be found under the Department of Children and Families Regulations (110 CMR, section 2.00):

Abuse: the non-accidental commission of any act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of, physical or emotional injury; or constitutes a sexual offense under the laws of the Commonwealth; or any sexual contact between a caretaker and a child under the care of that individual. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting.

Shaken Baby Syndrome: infants, babies or small children who suffer injuries or death from severe shaking, jerking, pushing or pulling may have been victims of Shaken Baby Syndrome. The act of

shaking a baby is considered physical abuse, as spinal, head and neck injuries often result from violently shaking young children.

Neglect: Failure by a caretaker, either deliberately or through negligence or inability to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home setting).

Emotional Injury: an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

Physical Injury: Death; or fracture of a bone, subdural hematoma, burns, impairment of any organ, and any other such non-trivial injury; or soft tissue swelling or skin bruising, depending upon such factors as the child's age, circumstances under which the injury occurred and the number and location of bruises; or addiction to a drug or drugs at birth; or failure to thrive.

Institutional Abuse or Neglect: Abuse or neglect which occurs in any facility for children, including, but not limited to, group homes, residential or public or private schools, hospitals, detention and treatment facilities, family foster care homes, group day care centers and family day care homes.

Indicators of Abuse

There are often certain recognizable physical and behavioral indicators of child abuse or neglect. The following signs, by themselves, may not be conclusive evidence of a problem, but serve as indicators of the possibility that a problem exists.

Signs of Physical Abuse

- Bruising, welts or burns that cannot be sufficiently explained; particularly bruises on the face, lips, and mouth of infants or on several surface planes at the same time;
- Withdrawn, fearful or extreme behavior;
- Clusters of bruises, welts or burns, indicating repeated contact with a hand or instrument;
- Burns that are insufficiently explained; for example, cigarette burns; and
- Injuries on children where children don't usually get injured (e.g., the torso, back neck buttocks, or thighs).

Signs of Sexual Abuse

- Difficulty walking or sitting;
- Pain or itching in the genital area;
- Torn, stained or bloody underclothing;
- Frequent complaints of stomach aches or headaches;
- Venereal disease;
- Bruises or bleeding in external genitalia;
- Feeling threatened by physical contact;

- Inappropriate sex play or premature understanding of sex; and
- Frequent urinary or yeast infections.

Signs of Emotional Injury

- Speech disorders;
- Inability to play as most children do;
- Sleeping problems;
- Anti-social behavior or behavioral extremes; and
- Delays in emotional and intellectual growth.

Signs of Neglect

- Lack of medical or dental care;
- Chronically dirty or unbathed;
- Lack of adequate school attendance;
- Lack of supervision; for example young children left unattended or with other children too young to protect or care for them;
- Lack of proper nutrition;
- Lack of adequate shelter;
- Self-destructive feelings or behavior; and
- Alcohol or drug abuse.

Each case of child abuse or neglect is individual. The child who has been hurt is always the victim. If you believe a child may be the victim of abuse or neglect, speak with your principal and/or guidance counselor.

Reporters

By its nature, child abuse can evoke strong emotional reactions. Reporters need to be sensitive to their own feelings and attitudes, and realize that parents need understanding and help, and often feel relief when it is offered. The process is a non-criminal proceeding.

School Procedure for Reporting Suspicion of Child Abuse/Neglect

The following school procedures will be followed for reporting suspicion of child abuse/neglect:

1. Report the situation to the Principal.
2. Principal will convene and chair a team to further establish the cause and reason for filing.
3. Principal or referring person will call the Department of Children and Families ***Child-at-Risk Hotline*** at 1-800-792-5200 or our DCF Area Office at 781-682-0800; ask for the screener. Please describe the situation to him/her and you will be advised:
 - a. Whether a report has already been filed (sometimes multiple child abuse/neglect forms need to be filed to establish patterns).
 - b. If advice is needed to proceed on the situation.
4. Principal and referring person will complete and file the required form within 48 hours. Forms may be obtained from the Coastal Area Office. Forms should be sent within 48 hours to:

Massachusetts Department of Children and Families
Metro Area Office
220R Forbes Rd.
Braintree, MA 02184
(781)794-4469

5. Forward a Xeroxed copy of the report to the Director of Student Services.
6. The parent(s) guardian(s) will be informed that a child abuse/neglect form is being filed with the Department of Children and Families, except in rare cases where a child's life might be endangered to do so. It is helpful to designate a team member who may know the parents and be concerned for them, to inform the parents of this situation.
7. If a neighbor calls a school with a report, he/she should be given the Department of Children and Families Child-at-Risk Hotline at 1-800-792-5200 and be urged to call. (This can be done anonymously.) School personnel should not act on these calls, but can help by giving appropriate numbers to call.

Responsibility of the Department of Children and Families

When the Screening Unit is contacted with a verbal report, they decide which cases are priorities. Cases deemed priorities are acted on immediately. Cases reported are referred to the Assessment Unit within a few days after a report is made.

In the Assessment Unit, a worker is assigned to investigate and assess the situation. This usually involves meeting with the parents, child, school, and referring person.

After the assessment is done, four things can happen:

1. Report Screened-Out (no reasonable cause to believe a reportable condition may exist).
2. Facts discovered during investigation do not substantiate the existence of a reportable condition of abuse or neglect, but the family is offered social services.
3. Abuse/neglect is substantiated and a care and protection petition is filed in court.
4. DCF refers to an outside agency.

HINGHAM PUBLIC SCHOOLS

Confidentiality of Student Records Statement

It is the responsibility of all members of Hingham Public Schools to ensure the confidentiality of student records and information. Employees are reminded that all conversations regarding students shall not violate the student's privacy or confidentiality of student information.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Specified officials for audit or evaluation purposes;
4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies; and
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTO bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Hingham Public Schools' responsibilities under the law:

The school principal or designee shall be responsible for the privacy and security of all student records maintained in the school.

The superintendent of schools or their designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.

The principal and superintendent of schools shall ensure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the

provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.

Regulatory Authority:

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

For additional information, you may contact:

Dr. Margaret Adams
Superintendent of Schools
220 Central Street
Hingham, MA 02043
781-741-1500

-OR-

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

-OR-

Or you may call 1-800-USA-LEARN (1-800-872-5327) (voice)
Individuals who use TDD may call 1-800-437-0833

Pregnant Workers Fairness Act

Hingham Public Schools employees are hereby notified of their right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy.

The Pregnant Workers Fairness Act amends state law to prohibit employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. Hingham Public Schools shall provide reasonable accommodations to pregnant employees. A reasonable accommodation is one that allows the employee to perform the essential functions of the job while experiencing a pregnancy-related condition, without undue hardship to the employer. Within 10 days of providing notice of pregnancy the district shall notify the pregnant of their right to reasonable accommodations.