

# HINGHAM PUBLIC SCHOOLS



## ANNUAL EMPLOYEE TRAINING PACKET

## MISSION OF THE HINGHAM PUBLIC SCHOOLS

“The mission of the Hingham Public Schools is to provide challenging and comprehensive educational programs in a safe and supportive environment, enabling all students to develop the knowledge and skills necessary for success as local and global citizens.”

In partnership with families and the community, the Hingham Public Schools strives to develop in students:

- academic excellence, including content knowledge, communication skills, critical thinking skills, and problem solving capacity
- habits of physical and emotional well-being, including a spirit of self-worth, resiliency, and adaptability
- personal responsibility, integrity, and active membership
- responsibility for the environment
- skillful and responsible use of technology
- respect for the diverse views and backgrounds of others
- collaborative engagement as a means of both learning and problem solving
- intellectual curiosity that motivates future learning
- creative expression through the fine, performing, and applied arts

### CORE BELIEFS

Fulfillment of Individual Potential

Respect for Self and Others

Civic Responsibility

Commitment to Lifelong Learning

Service to Others

## **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, genetic information, or any other characteristic protected under applicable federal, state or local law.

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

The person serving as the Coordinator of Title VI of the Civil Rights Act of 1964 for the Hingham Public Schools is Dorothy H. Galo, Superintendent for the 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 Hingham Public Schools should contact Dr. Galo at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at [dgalo@hinghamschools.org](mailto:dgalo@hinghamschools.org), or by fax at (781)749-7457.

### **COORDINATOR OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

The person serving as Coordinator of Title IX of the Education Amendments of 1972 for the Hingham Public Schools is James M. LaBillois, Assistant Superintendent of Schools for the Hingham Public Schools. 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 Hingham Public Schools should contact Dr. LaBillois at the School Department, 220 Central Street, Hingham, Massachusetts 02043. He can be reached by telephone at (781)741-1500, by email at [jlabillois@hinghamschools.org](mailto:jlabillois@hinghamschools.org), or by fax at (781)749-7457.

### **COORDINATOR OF SECTION 504 OF THE REHABILITATION ACT OF 1973**

The person serving as Coordinator of Section 504 of the Rehabilitation Act of 1973 for the Hingham Public Schools is Heather Rodriguez, Director of School Counseling Services for the Hingham Public Schools. 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 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](mailto:hrodriguez@hinghamschools.org), or by fax at (781)741-1515.

### **SCHOOL DISTRICT HOMELESS EDUCATION LIAISON & FOSTER CARE POINT OF CONTACT**

The person serving as School District Education Liaison for Homeless Children and Youth, Children and Youth in Foster Care, and Military Connected Families for Hingham Public Schools is James M. LaBillois, Assistant Superintendent. 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. LaBillois at the School Department, 220 Central Street, Hingham, Massachusetts 02043. He can be reached by telephone at (781)741-1500, by email at [jlabillois@hinghamschools.org](mailto:jlabillois@hinghamschools.org), or by fax at (781)749-7457.

## **TITLE II, ADA COMPLIANCE LIAISON**

The person serving as the contact for concerns about school facilities and compliance with the Americans With Disabilities Act of 1990 is John Ferris, Director of Business & Support Services. Anyone having questions or concerns about Title II with respect to the Hingham Public Schools should contact Mr. Ferris at the School Department, 220 Central Street, Hingham, Massachusetts 02043. He can be reached by telephone at (781)741-1500, by email at [jferris@hinghamschools.org](mailto:jferris@hinghamschools.org), or by fax at (781)749-7457.

The grievance procedure for any individual who believes that s/he has been discriminated against follows below..

## **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 records from Hingham Public Schools, contact the Records Access Officer, Dorothy H. Galo, Superintendent for the Hingham Public Schools. Contact Dr. Galo at the School Department, 220 Central Street, Hingham, Massachusetts 02043. She can be reached by telephone at (781)741-1500, by email at [dgalo@hinghamschools.org](mailto:dgalo@hinghamschools.org), or by fax at (781)749-7457.

## **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.

## **EQUAL EMPLOYMENT OPPORTUNITY (2.2)**

It is the policy of the Hingham Public Schools to offer equal employment opportunities to all qualified candidates regardless of age, race, color, religion, sex, sexual orientation, gender identity, national origin, or disability.

### **EMPLOYEE CONDUCT (2.3)**

All employees of the Hingham Public Schools are expected to perform their duties with integrity and high standards. 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.

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

### **MECHANICAL, MEDICATION, AND SECLUSION RESTRAINT POLICY (2.4)**

Medication (chemical) restraint, mechanical restraint, and seclusion restraint, as defined in 603 CMR 46.02, are prohibited in the Hingham Public Schools. The use of mechanical restraint (a physical device to restrict the movement of a student or the movement or normal function of a party of his or her body) is prohibited unless explicitly authorized by a physician or therapist and approved in writing by the parent/guardian. This prohibition excludes restraints such as car seats and safety belts that are used in automobiles.

Protective or stabilizing devices ordered by physicians shall not be considered mechanical restraints (603 CMR 46.02).

Medication (chemical) restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a physician and authorized by the parent for administration in the school setting is not medication (chemical) restraint.

The use of “time-out” procedures during which a staff member remains nearby and accessible to the student shall not be considered “seclusion restraint.”

2/11/02 // 10/26/15

### **PHYSICAL RESTRAINT POLICY (2.5)**

Massachusetts regulations have been adopted to insure that students are free from unreasonable physical restraint (the use of bodily force to limit a student’s freedom of movement). Students may, in rare circumstances, require physical restraint when non-physical intervention would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to self and/or others. Such physical restraint including prone restraint where permitted under 603 CMR 46.03 shall be considered an emergency procedure of the last resort and shall be prohibited except when a student is not responsive to verbal directives or when other lawful and less intrusive behavior interventions are deemed inappropriate. In such situations, a teacher or other employee or agent of the Hingham Public Schools may use only reasonable force to protect the student and/or others from serious or imminent harm. Except in situations where a student’s behavior poses a threat of imminent, serious physical harm to self and/or others, only personnel who have received training pursuant to 603 CMR 46.03(2) or 603 CMR 46.03(3) shall administer physical restraint to students. The school principal and/or the trained staff person who had administered physical restraint will adhere to the physical restraint regulations outlined in 603 CMR 46.00 in terms of the proper administration of and reporting requirement regarding physical restraint, according to Procedure 2.5A.

The superintendent or his/her designee will be informed of any physical restraint that has resulted in physical injury or any physical restraint that has lasted longer than five minutes. A written report shall follow on the next school working day. The superintendent or his/her designee shall maintain records of any such report and provide same to the School Committee and, as required, to the Department of Education for any restraint that has lasted for longer than twenty minutes and/or that has resulted in serious injury, according to Procedure 2.5A.

Physical restraint is prohibited as a means of punishment or as a response to destruction of property, disruption of school order, a student’s refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious harm to the student or others.

603 CMR 46.00

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

## **ANTI-HARASSMENT POLICY (2.6)**

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 our organization.

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, 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.

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 his/her 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 she/he possesses 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. He or she is 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

2/14/94 // 1/10/05 // 4/11/11

**EMPLOYEE ANTI-HARASSMENT PROCEDURE (2.6A)**

1. Any employee of the Hingham Public Schools who believes that he or she has 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, he/she is free to file the grievance with any administrator above him/her 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 he or she was 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 his or her 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 CONFLICT OF INTEREST (2.12)**

Employees of the Hingham Public Schools are subject to the requirements of Chapter 268A of the MGL, as amended by Chapter 28 of the Acts of 2009, which includes annual, written employee acknowledgements of receipt of and awareness of the summary of the Conflict of Interest Law and periodic training according to Section 27 of Chapter 268A.

No employee of the Hingham Public Schools shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts, or raises a reasonable question of conflict, with his/her duties and responsibilities.

No member of the professional staff shall participate in any activity other than teaching for which he/she receives financial remuneration wherein his/her position as a member of the professional staff is used or could be interpreted as being used to sell or promote the sale of goods or services to the pupils or patrons of the Hingham Public Schools.

Employees shall not engage in work of any type (other than their employment with schools) where the source of information concerning customer, client, or employer originates from any information obtained through the school system. See guidelines under Procedures 2.12A and 2.12B.

10/18/76 // 2/14/94 // 1/10/05 // 8/23/10

## Summary of the Conflict of Interest Law for Municipal Employees

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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 counsel 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 STAFF MEMBERS (2.14)**

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.

10/18/76 // 2/14/94 // 8/23/10

## **ACCEPTABLE USE (2.15)**

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 (PDA's), 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

## **COMPUTER AND INTERNET USE POLICY (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 E-Mail 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

### **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.

Foster care students 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 a foster care provider or facility is located (if different). When it is not in the student's best interest to remain in the school of origin, the student may be immediately enrolled (and attend) the new school district, even if records normally required for enrollment cannot be quickly produced. Hingham Public Schools has designated the Assistant Superintendent of Schools as the district's Foster Care point of contact to ensure collaboration with DCF and the provision of transportation to the student's school of origin, if needed. 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. Under the law, to promote educational stability, students should continue to attend their schools of origin while best interest determinations are being made.

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 enrolled in school in the local school district immediately. To minimize disruption of the student's education, the law requires the district to enroll the student in a new school without delay, without waiting to receive the typical student enrollment documentation (other

than emergency contact information). The enrolling school must immediately contact the child's school and district of origin to obtain the relevant records and documentation, and the school and district of origin should immediately transfer those records.

To facilitate enrollment, DCF representatives will present the district with a form that indicates that the student is in foster care, along with their state-agency identification badge, when enrolling students.

### 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 12<sup>th</sup> 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 those who are children of active duty personnel, active duty personnel or veterans who have been severely injured and medically discharged, and active duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the Compact if they

are children of inactive Guard or Reserves, retired personnel, veterans 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.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- 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 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 student or to the student's property
- places the target student in reasonable fear of harm to him/herself, or of damage to his/her property
- creates a hostile environment at school for the target student
- infringes on the rights of the target student 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 student;
- infringe on the rights of the target student at school; and/or,
- materially and substantially disrupt the orderly operation of the school.

### **Prevention and Intervention Plans**

The principal of each school is responsible for the implementation and oversight of the school bullying prevention and interventions plan within his/her school environment. Parents and students shall be made aware annually of the school plan and such plan shall be reviewed (and updated as needed) at least biennially. An overview of the components of the plan follows:

### **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 expected to report such incidents promptly to a member of the school staff. The target student, 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 cyber-bullying, 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 investigate promptly 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 against or intimidation of 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 is incorporated into the instructional program for students at all levels as per the school and district bullying prevention and intervention plans.

### **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 terminology and via

print or electronic means.

Annual written notice of the 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

## **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.

### **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 so shall punish any such person so required to make such oral and written reports who fails to do.

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 nontrivial 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 situation to Principal.
2. Principal will convene and chair a team to further establish 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 required form within 48 hours. Forms may be obtained from 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 his/her 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 insure 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. Dorothy H. Galo  
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.