

**Section: J**  
**Category: STUDENTS**  
**File: JICFA**

## **CODE: PROMOTING CIVIL RIGHTS AND PROHIBITING HARASSMENT, BULLYING, DISCRIMINATION, AND HATE CRIMES**

### **I. GOALS**

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

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

### **II. GENERAL STATEMENT OF POLICY**

The LPVEC prohibits all forms of harassment, bullying, discrimination, and hate crimes based on race, color, religion, national origin, ethnicity, sex, sexual orientation, age, genetic information, or disability. The civil rights of all Collaborative community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to our Collaborative. The Collaborative also prohibits bullying or harassment of Collaborative community members for reasons unrelated to their race, color, religion, national origin, ethnicity, sex, sexual orientation, age, genetic information, or disability. The Collaborative will also not tolerate retaliation against persons who take action consistent with this Policy.

#### **A. APPLICATION**

This Policy applies to all sites and activities the Collaborative supervises, controls, or where it has jurisdiction under the law. It applies to all students, Board of Directors members, Collaborative employees, independent contractors, Collaborative volunteers, parents and legal guardians of students, and visitors to Collaborative where the conduct occurs on Collaborative premises or in Collaborative-related activities, including Collaborative-related transportation. This policy also applies to conduct outside of the Collaborative setting or Collaborative-related activities when the conduct may impact on the learning environment of Collaborative programs or a particular student. Nothing in this Policy, however, is designed or intended to limit the Collaborative's authority to discipline or take remedial action under General Laws Chapter 71, §37H, or in response to threatening, intimidating, violent, harmful, or disruptive behavior, regardless of whether this Policy covers the conduct.

#### **B. DISCIPLINARY AND CORRECTIVE ACTION**

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

**C. DEFINITIONS**

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

**III. RESPONSIBILITIES**

**A. EACH COLLABORATIVE COMMUNITY MEMBER IS RESPONSIBLE FOR:**

1. complying with this Policy, where applicable;
2. ensuring that (s)he does not harass, discriminate against, or commit a crime against another person on Collaborative grounds or in a Collaborative-related activity because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, age, genetic information, or disability;
3. ensuring that (s)he does not bully another person on Collaborative grounds or in a Collaborative-related activity;
4. ensuring that (s)he does not bully another person off Collaborative premises when the bullying conduct may impact on the learning environment of Collaborative programs or a particular student.
5. ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, or a hate crime; and
6. cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.

**B. EACH COLLABORATIVE EMPLOYEE, INDEPENDENT CONTRACTOR AND COLLABORATIVE VOLUNTEER IS ALSO RESPONSIBLE FOR:**

1. responding appropriately, and intervening if able to take action safely, when witnessing harassment, bullying, discrimination, retaliation, or a hate crime on Collaborative grounds or in a Collaborative-related activity;
2. cooperating with the Collaborative's efforts to prevent, respond effectively to, and eliminate harassment, bullying, discrimination, and hate crimes; and
3. promptly reporting all information s(he) knows concerning possible harassment, bullying, discrimination, retaliation, or a hate crime to a designated Collaborative official when (s)he witnesses or becomes aware of that conduct occurring on or off Collaborative grounds or in a Collaborative-related activity.

**IV. PROTECTION AGAINST RETALIATION**

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

## **V. REPORTING AND RESOLUTION PROCESS**

### **A. DESIGNATED OFFICIALS FOR REPORTING**

1. **In Each Collaborative Building**  
The building principal or program supervisor is responsible for receiving reports and complaints of violations of this Policy at the Collaborative level. A report or complaint of a violation of this Policy involving a program supervisor should be filed with the Executive Director or Director of Human Resources.
2. **For the Central Administration**  
The Director of Human Resources is responsible for receiving and addressing reports or complaints of violations of this Policy at the Collaborative level. A report or complaint involving the Director of Human Resources should be filed with the Executive Director; a report or complaint involving the Executive Director should be filed with the Board of Directors.

### **B. REPORTING PROCEDURES**

1. Any Collaborative employee, independent contractor, or Collaborative volunteer who becomes aware of or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on Collaborative property or at a Collaborative-related activity, or off Collaborative premises when the conduct may impact on the learning environment of the Collaborative program or a particular student, must promptly report the alleged incident(s) to the building principal, program supervisor, or program director.
2. Any student or other person (who is not a Collaborative employee, independent contractor or Collaborative volunteer) who becomes aware of or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on Collaborative property, in a Collaborative-related activity or off Collaborative premises when the conduct may impact on the learning environment of the Collaborative program or a particular student, is strongly encouraged to and should promptly report the incident(s) to the building principal or program supervisor. In situations where a student or other person does not feel comfortable reporting the incident to a program supervisor or a principal, (s) he may report it to a trusted Collaborative employee, who must promptly transmit the report to a program supervisor. A student may also anonymously report bullying through the portal located on either the LPVEC or CTEC website.
3. Any Collaborative community member may also report alleged incidents of harassment, bullying, discrimination, retaliation, or a hate crime directly to a principal/program supervisor, program director, or to the Executive Director.
4. Upon receipt of a written or oral report or complaint, the principal/program supervisor or program director and the Executive Director promptly notify one another of the facts alleged and any initial action taken. In the case of employee involvement in the incident, the Director of Human Resources will also be notified.
5. When a report or complaint involves physical injury, the principal/program supervisor or program director will promptly report the incident to the Executive Director.
6. All complaints or reports about a violation of this Policy must be documented on the Collaborative "Reporting/Complaint Form" (see Attachment I). The form is available from the program supervisor as well as on the LPVEC website located under "Staff Information and Forms" in the "Forms" folder. If a complainant or reporter is either unwilling or unable to complete the Collaborative Reporting/Complaint Form, the program supervisor or program director who receives the oral complaint or report will promptly prepare a written report, by

filling out the Collaborative Reporting/Complaint Form, using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.

7. On the Collaborative Reporting/Complaint Form, the designated official will summarize any initial action taken.
8. If the complaint occurs at the Collaborative level, the designated official will promptly provide the program supervisor with the completed Reporting/Complaint Form (or to the Director of Human Resources, if the program supervisor is the subject of the complaint). In the case of employee involvement in the incident, the Director of Human Resources will also receive a copy of the Reporting/Complaint Form.
9. Reporting Sexual Abuse and Other Serious Criminal Conduct
  - a. General Laws Chapter 119, Section 51A, makes administrators, teachers, Collaborative nurses, guidance counselors and other Collaborative staff members mandated reporters for purposes of reporting child abuse and neglect to the Department of Children and Families (DCF). Under G. L. c. 119, Section 51A, a Collaborative staff member who has reasonable cause to believe that a student under the age of 18 years is suffering physical, sexual, or emotional abuse, or neglect, by a parent, guardian, Collaborative staff member, or other caretaker, must immediately report the abuse or neglect either directly to the DCF or to the person designated by the Collaborative to accept those reports, who, in turn, must promptly report the abuse to the DCF.
  - b. The program supervisor, program director, and/or Executive Director will report certain forms of sexual harassment and conduct (i.e., unwanted sexual touching or sexual assault) that may constitute a crime to the local police.
  - c. The program supervisor, program director, and/or Executive Director will report physical injury, destruction of public property, potential hate crimes, bullying, and other acts of a serious criminal nature to the local police for criminal investigation.

#### **C. FILING A COMPLAINT OR REPORT**

1. The complainant or reporter files a written complaint or report with a program supervisor or program director, using the Collaborative Reporting/Complaint Form, identifying the name(s) of the subject of the complaint, if known; describing the facts and circumstances of the incident or pattern of behavior; providing the time(s) and date(s) of the incident(s); and identifying any witnesses and relevant documentary information.
2. A complainant or reporter may also file an oral complaint or report. In those circumstances, the program supervisor or program director will complete the Collaborative Reporting/Complaint Form based on the oral information, using, to the extent practicable, the complainant or reporter's own words. The complainant will sign the Reporting/Complaint Form. A student may also anonymously report bullying through the portal located on either the LPVEC or CTEC website.

#### **D. RESOLUTION PROCESS: DETERMINING WHETHER TO INSTITUTE FORMAL OR INFORMAL PROCEEDINGS**

1. After the Collaborative program supervisor, program director, or the Executive Director receives a complaint or report, the Collaborative must determine whether to resolve the complaint or report through Formal or Informal Proceedings.
2. After receipt of a report, the program supervisor or program director will attempt to identify and obtain the cooperation of the person(s) who is the victim of the alleged conduct, if there is one. Even where the program supervisor or program director does not obtain the identity of or cooperation by the alleged victim(s), the Collaborative will investigate the allegations, and proceed to Informal or Formal Proceedings, to the extent practicable.

3. If the program supervisor, in consultation with the program director and Executive Director (and the Director of Human Resources if an employee is involved) determines that:
  - a. the allegation is serious enough that it appears to place the complainant or any other person at physical risk;
  - b. the incident has resulted in a criminal charge;
  - c. the incident involves a referral to the Department of Children and Families;
  - d. the allegation involves a serious form of harassment, discrimination, or retaliation;
  - e. the allegation involves bullying behavior;
  - f. there is a pending Formal Proceeding against the subject of the complaint;
  - g. the subject of the complaint has previously been found to have violated this Policy after Formal Proceedings;
  - h. or that a Formal Proceeding is otherwise appropriate under the circumstances, then the program supervisor/designee must commence a Formal Proceeding under Section F.
4. For allegations or incidents that do not require a Formal Proceeding, a program supervisor or program director, in consultation with the Executive Director, may at his/her discretion apply either the Student Code of Conduct or initiate an Informal Proceeding. If the program supervisor or program director deems it appropriate, (s)he may initiate an Informal Proceeding to obtain a voluntary agreement between the complainant and alleged offender that will effectively correct the problem and end the complaint of conduct. The primary focus of an Informal Proceeding is resolution through non-disciplinary corrective action, although a resolution may also include disciplinary action.
5. Nothing in this Policy limits the Collaborative from taking immediate interim disciplinary action as set forth in the Collaborative's disciplinary code and policies.

## **E. INFORMAL PROCEEDINGS**

### **STEP ONE**

Upon the initiation of an Informal Proceeding, the program supervisor and program director, in consultation with the Executive Director, will separately meet in a timely manner with the complainant and the subject of the complaint and, if a student, with their parent(s) or guardian(s), to tell them about the informal process, the nature of the complaint, explain the prohibition against retaliation, and determine the corrective action the complainant seeks. In the case of employee involvement in the incident, the Director of Human Resources will also be consulted.

### **STEP TWO**

If appropriate after adequate investigation, the program supervisor and program director, in consultation with the Executive Director, will propose a resolution. If the complainant, the alleged offender and their parent(s) or guardian(s) agree with the proposed resolution, the program supervisor will write down the resolution, and the complainant and the subject of the complaint, and their parent or guardian, if present, will sign it, and each person will receive a copy. At the meeting, the program director or supervisor will again explain the prohibition against retaliation. In the case of employee involvement in the incident, the Director of Human Resources will assist in the development of a resolution.

### **STEP THREE**

A program supervisor will monitor the situation, and will follow up with the complainant at least weekly for two months to determine whether there are further incidents or concerns. The program supervisor will maintain a written record of the follow-up.

### **STEP FOUR**

If the complainant and alleged offender cannot agree to an informal resolution, or if at any time after resolution the program supervisor, in consultation with the Director of Human Resources, determines that the problem is not corrected, the Collaborative may apply the Student Code of Conduct or

commence a Formal Proceeding. If this Policy does not cover the reported conduct, the Collaborative will address the report or complaint through its Student Code of Conduct, if applicable.

#### **STEP FIVE**

**File Retention:** If the complaint occurs at the Collaborative level, the program supervisor (or the Director of Human Resources, if the program supervisor is the subject of the complaint), will maintain in a separate confidential file the Collaborative Reporting/Complaint Form, information obtained through inquiry and investigation, and the proposed and agreed-to resolution, if any, and will provide a copy of the file to the appropriate director and maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the Collaborative level, the Director of Human Resources will maintain the file.

### **F. FORMAL PROCEEDINGS**

#### **STEP ONE**

The program supervisor will separately meet in a timely manner with the complainant and the subject of the complaint and, if a student, with their parent(s) or guardian(s), to tell them about the formal process, explain the prohibition against retaliation, and determine the remedy the complainant seeks. The program supervisor will also explain that the investigation will be kept as confidential as possible, but that the Collaborative cannot promise absolute confidentiality, and may not be able to withhold the complainant's identity from the subject of the complaint, since such a promise could interfere with the Collaborative's ability to enforce its Policy, conduct a fair and thorough investigation, or impose disciplinary or corrective action.

#### **STEP TWO**

A program supervisor will conduct an investigation in accordance with the procedures described in Section G, Investigations.

#### **STEP THREE**

The program supervisor, in consultation with the Executive Director, will determine whether the allegations have been substantiated, and whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct has been violated. If the complaint is substantiated, the program supervisor and program director, in consultation with the Executive Director, will decide, based on the investigative findings, on the appropriate action. In the case of employee involvement in the incident, the Director of Human Resources will contribute to the decision-making process. If legal issues arise, the program supervisor will seek the advice and guidance of legal counsel for the Collaborative.

The program supervisor and program director, in consultation with the Executive Director, will prepare a written report that includes the investigative findings, the investigative steps taken, and the reasons for those findings. In the case of employee involvement in the incident, the Director of Human Resources will contribute to the written report. These findings will specify whether the allegations have been substantiated, whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct, has been violated, and any decision for disciplinary and corrective action.

The program supervisor, the employee's supervisor (if the subject of the complaint is an employee), or the Executive Director will impose any disciplinary or corrective action.

#### **STEP FOUR**

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

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

**File Retention:** If the incident occurs at the Collaborative level, the program supervisor (and if the program supervisor is the subject of the complaint, the Director of Human Resources), will maintain in a separate confidential file the original completed Reporting/Complaint Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials, and will provide a copy of the file in the applicable student record or , if the complaint involves an LPVEC employee, to the Director of Human Resources for retention in the employee's personnel file. If the complaint occurs at the Collaborative level, the Director of Human Resources will maintain the original documents.

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

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

#### **STEP FIVE**

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

#### **STEP SIX**

The complainant may ask the Executive Director, or in the case that an employee is involved in the incident, the Director of Human Resources, to review, and, if appropriate, revise any non-disciplinary corrective action imposed through a Formal Proceeding, if the complainant believes that the corrective action is not adequate to protect him/her from future harassment, discrimination, bullying, retaliation, or a hate crime.

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

### **G. INVESTIGATIONS FOR FORMAL PROCEEDINGS**

1. **Prompt and Thorough Investigations:** Except where Informal Proceedings are initiated, the Collaborative, through a program supervisor, in consultation with the Director of Human Resources, will promptly investigate all reports or complaints of an alleged violation of this Policy (even where the offender is unknown), as set forth below. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint. No complaint is considered frivolous; on the other hand, culpability is never presumed. These procedures are intended to protect the rights of a victim and the rights of a wrongfully accused individual.
2. **Emergencies:** Collaborative officials will immediately call 911 in case of a threat of imminent physical harm or actual physical harm to a Collaborative community member or where police, fire, medical, or other emergency assistance is needed.
3. **Opening Investigations:** Upon receipt of a report or complaint, a program supervisor or program director, in consultation with the Executive Director, will promptly undertake an

investigation or authorize a third party designated by the Collaborative to undertake an investigation. In the case of employee involvement in the incident, the Director of Human Resources will assist in the investigation.

4. **Investigative Procedure:** The program supervisor or program director investigating the incident will gather and preserve evidence, and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or other acts of a serious criminal nature, the program supervisor will confer with the local police department prior to gathering or preserving evidence to determine if the incident requires law enforcement involvement. Until the program supervisor confers with the local police, however, s(he) will secure the evidence from contamination or removal. The investigation will generally consist of personal interviews with the complainant, the subject(s) of the complaint and others who witnessed or may have potentially relevant knowledge about the alleged incident or circumstances giving rise to the report or complaint. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances. The program supervisor should take notes during interviews, or prepare them soon thereafter, for the purpose of maintaining accurate records. The program supervisor or program director will also generally review and evaluate any other information or document, including video recordings, voice mails, e-mails, instant messages, or other items deemed relevant to the allegations, and information regarding any prior incident(s) committed by the subject of the complaint.
5. **Communication During Investigation:** Throughout the investigatory and complaint resolution process, the program supervisor or program director will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, and the anticipated timing for concluding the investigation, and making a determination. The program supervisor or program director will notify each person interviewed or made aware of the investigation that the investigation is confidential and should not be discussed with other students or Collaborative employees. The program supervisor or director will tell them that the Collaborative will not tolerate retaliation against the complainant or reporter, or anyone else who cooperates with the investigation.
6. **Time for Investigations:** The program supervisor or director will complete his/her investigation as soon as practicable, not normally to exceed more than ten (10) business days after (s)he receives the complaint or report, except for good cause or with consent of the parties (as documented in the investigatory file). The program supervisor or director will expedite the investigation of any claim involving physical violence or serious threats of harm.
7. **Ensuring Safety During Investigation:** The program supervisor or director, in consultation with the Executive Director and, in the case of employee involvement in the incident, the Director of Human Resources, will take any step he/she determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation. Those steps for students may include, but are not limited to, ordering interim disciplinary action under the Student Code of Conduct, appropriate adult supervision, reassigning classroom seating, temporarily transferring the student who is the subject of the complaint from his/her class(es) with the complainant or to an alternative Collaborative assignment, instructing the subject of the complaint to avoid communication or contact with the complainant and to maintain a safe distance (for e.g., fifteen feet) from the complainant while on Collaborative property or in Collaborative-related activities, and monitoring compliance and reporting non-compliance of protective orders issued by a court. Prior to a resolution of the complaint or report, the program supervisor will make reasonable efforts to monitor the success of the interim measures in achieving their goals. At the discretion of a Collaborative and/or Collaborative administrator, a student complainant may also temporarily transfer classes, where available, but only where the student and his/her parent or guardian voluntarily consent to the transfer.



- 8 **Victim Assistance:** The program supervisor will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.
9. **Victim Non-Cooperation:** Where a violation of the Policy has been reported by a third party and the alleged victim fails to cooperate with the investigation, or denies the incident occurred, disciplinary and corrective action may be precluded, or limited, depending on the circumstances and the availability of information from other sources.
10. **False Charges:** Any person who makes knowingly false charges or brings a malicious complaint is subject to disciplinary and/or corrective action.

#### H. **BASIS FOR DETERMINING WHETHER POLICY VIOLATED**

A program supervisor, in consultation with the Director of Human Resources, will determine whether a particular action or incident constitutes a violation of this Policy. The determination will be based on all the facts and surrounding circumstances, including the context, nature, frequency and severity of the behavior, how long the conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and whether the conduct adversely affected the education or Collaborative environment of the victim or other Collaborative community member.

#### I. **CONFIDENTIALITY**

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

### VI. **DISCIPLINARY AND CORRECTIVE ACTION**

#### A. **IMPOSING DISCIPLINARY AND CORRECTIVE ACTION**

If a program supervisor or director, in consultation with the Executive Director, or in the case of employee involvement in the incident, the Director of Human Resources, concludes that the subject of the complaint has violated this Policy, the Collaborative will in a timely manner impose disciplinary measures and/or corrective action reasonably calculated to end the complained of conduct, deter future conduct, and protect the complainant(s) and other similarly situated individuals. In imposing disciplinary and corrective measures the Collaborative will take into account harm the victim and other members of the Collaborative community suffered and any damage to Collaborative climate or property.

#### B. **ACTION CONCERNING STUDENTS**

Disciplinary and corrective action concerning a student may include, but is not limited to, a written warning; classroom or Collaborative transfer; short-term or long-term suspension; exclusion from participation in Collaborative sponsored functions, after-Collaborative programs, and/or extracurricular activities; limiting or denying access to a part or area of a Collaborative; exclusion, expulsion, or discharge from Collaborative; adult supervision on Collaborative premises; parent conferences; an apology to the victim; awareness training (to help students understand the impact of their behavior); participation in empathy development, cultural diversity, anti-harassment, anti-bullying or intergroup relations programs; mandatory counseling, or any other action to be determined within the discretion of the Collaborative.

#### **Discipline for Students with Disabilities**

The Collaborative complies with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal "Individuals with Disabilities Education Act" ("IDEA").

**C. ACTION CONCERNING COLLABORATIVE EMPLOYEES**

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

**D. ACTION CONCERNING INDEPENDENT CONTRACTORS**

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

**E. ACTION CONCERNING COLLABORATIVE VOLUNTEERS**

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

**F. ACTION CONCERNING OTHER COLLABORATIVE COMMUNITY MEMBERS**

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

**G. PREVENTION AND REMEDIATION**

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

**H. ACTION CONFORMING TO LAW AND APPLICABLE CONTRACTS**

Any disciplinary or corrective action taken for violation of this Policy will be consistent with the requirements of applicable collective bargaining agreements, Massachusetts and federal law, and Collaborative policies.

**VII. ADDITIONAL PROVISIONS**

**A. OVERSIGHT OF COLLABORATIVE'S COMPLIANCE WITH POLICY**

The Collaborative's Executive Director will ensure the successful administration of and compliance with this Policy. The Collaborative will post conspicuously in the central office and in each Collaborative program the name of the Executive Director and his/her mailing address, telephone number, and e-mail address. The Principal/Director of CTEC and/or the Director of Special and Alternative Education will receive student-to-student complaints. The Director of Human Resources will receive employee-to-employee complaints. Both the program director and Director of Human Resources will receive student/employee complaints. The appropriate director(s) responsibilities include:

1. Maintaining complaint and investigation records under this Policy and of Informal and Formal Proceedings;
2. Maintaining and regularly analyzing documentation of incidents of harassment, bullying, discrimination, retaliation, and hate crimes throughout the Collaborative;
3. Advising and assisting with and/or conducting investigations of complaints and reports of violations of this Policy;
4. Regularly assessing the need for and arranging training of Collaborative personnel and students on the requirements of and compliance with this Policy;

5. Regularly reviewing the effectiveness of the Collaborative's efforts to correct and prevent harassment, bullying, discrimination, retaliation, and hate crimes and proposing improvements in those efforts, consistent with 603 CMR 26.07 (1) & (4);
6. Ensuring that appropriate Collaborative officials are informed about violations of this Policy and the adequacy of the response;
7. Reviewing this Policy annually for compliance with state and federal law and updating it as necessary; and
8. Ensuring that s(he) and the Collaborative are provided appropriate training to serve in this capacity and receive regular updates on changes in laws, regulations, policies and procedures concerning harassment, bullying, discrimination, retaliation, and hate crimes.

**B. POLICY DISSEMINATION**

1. At the beginning of each Collaborative year, the Collaborative will make this Policy available to all Collaborative employees, provide a summary of the Policy to volunteers and independent contractors, and publicize the Policy within the Collaborative community.
2. The Collaborative will incorporate a summary of this Policy in the Student Handbook and in each Collaborative code of conduct, and explicitly state that a violation of this Policy is subject to disciplinary action under the Collaborative's code of conduct. These documents will be provided to students, parents and guardians each year and will inform them of this Policy in the same manner that they inform parents and students of other policies.
3. The Collaborative will ask each student (if 12 years old or older) and his/her parent or guardian to provide written confirmation that they received, read and understand the Student Handbook that includes a summary of this Policy, and agree to comply with the Handbook's provisions.
4. To the extent practicable, the Collaborative will translate a summary of the Policy into the non- English languages spoken at home by a significant number of parents or guardians of Collaborative students.
5. The LPVEC will post this Policy and a summary of the Policy on its Collaborative website and conspicuously in each Collaborative building in areas easily accessible to students and staff.

**C. TRAINING OF COLLABORATIVE EMPLOYEES AND STUDENTS**

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

**D. LAW ENFORCEMENT INVOLVEMENT**

The LPVEC collaborates with appropriate law enforcement officials with the goal of ensuring a safe Collaborative environment, supporting "zero tolerance" for violence and other criminal violations, and ensuring a coordinated response when an incident occurs.

**E. ANNUAL REPORT**

The Collaborative will prepare an annual report to the Board of Directors that includes a compilation and analysis of reported and substantiated incidents under this Policy; any corrective action imposed (without student identifying information); relevant training; and any supporting activities or programs employed.

**F. OTHER LEGAL REMEDIES**

Any Collaborative community member may also pursue legal remedies or other avenues of recourse, including filing a complaint with the Massachusetts Department of Elementary and Secondary Education (Problem Resolution System), at (617) 338-3000; the Massachusetts Office of Attorney General, Civil Rights Division, at (617) 727-2200; the Office of Civil Rights of the United States Department of Education, at (617) 223-9662, the Massachusetts Commission Against Discrimination, at (617) 727-3990 or (413) 739- 2145; or the Equal Employment Opportunity Commission, at (617) 565-3200; filing a civil lawsuit; or pursuing criminal prosecution.

## GLOSSARY OF TERMS

**BULLYING:** Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to the person's membership in a protected class (e.g., race, sex). Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through e-mails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime. (See Student Code of Conduct for how the Collaborative addresses bullying not covered by this Policy.)

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

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

**DISCRIMINATION:** Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges or courses of study in a public Collaborative because of his/her race, color, national origin, ethnicity, religion, sex, sexual orientation, age, genetic information, or disability. A person may not be subjected to discipline or more severe punishment for wrongdoing, nor denied the same rights as other students, because of his/her membership in a protected class.

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

**Harassment based on a person's protected status may include, but is not limited to:**

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

**Examples of Specific Types of Harassment (depending upon the circumstances):**

**Disability Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs like "retard," or invading personal space to intimidate.

**National Origin Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her national origin, ancestry, or ethnic background, such as negative comments about surnames, customs, language, accents, immigration status, or manner of speaking.

### **Racial Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

### **Religious Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

### **Sexual Orientation Harassment**

- Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

### **Sexual Harassment:**

- **Hostile environment sexual harassment** occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by another student, a Collaborative employee, or a third party on Collaborative property or at a Collaborative-related activity is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the Collaborative's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. A victim may also be someone reasonably affected by conduct directed toward another individual.
- **Quid pro quo sexual harassment** occurs when a Collaborative employee explicitly or implicitly conditions participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the student submits to the conduct. Quid pro quo sexual harassment occurs, for example, when a Collaborative employee causes a student to believe s (he) must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application recommendation unless the student dates the employee. Quid pro quo sexual harassment also occurs when a Collaborative employee conditions an employee's employment on submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or a basis for an employment decision (e.g., promotion, demotion, alteration of duties or hours or performance reviews).
- **Sexual harassment** may occur adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.

### **Depending on the circumstances, sexual harassment may include, but is not limited to:**

- **Verbal forms of sexual harassment**, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, making unwanted gender-based references to a person's physical characteristics;
- **Written forms of sexual harassment**, including obscene graffiti, sexually graphic computer messages or games, love poems or letters continuing after being informed they are unwelcome;
- **Nonverbal forms of sexual harassment**, including offensive gestures, following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- **Visual forms of sexual harassment**, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or
- **Unwelcome physical touching**, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.

**HATE CRIME:** A crime motivated by hatred or bias, or where the victim is targeted or selected for the crime at least in part because the person is a different race, color, national origin, ethnicity, religion, gender, or sexual orientation from the perpetrator or because the targeted person has a disability. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

**Indicators** that a crime may constitute a hate crime include:

- Use of racial, ethnic, religious or anti-gay slurs;
- Use of symbols of hate, such as a swastika or burning cross;
- Similar behavior toward others who are members of the same protected class;
- The perpetrator's protected class is different from the victim's;
- The incident occurs while the victim was promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as attending an advocacy group meeting, or participating in a students' gay-straight alliance, or a disability rights demonstration.

**INDEPENDENT CONTRACTOR:** Any person, organization, or company who contracts with and/or provides goods, supplies, or services to the Collaborative or a Collaborative, and who is not a Collaborative employee and is not under the direction or control of the Collaborative (e.g., bus drivers and Collaborative vendors).

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

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

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

**COLLABORATIVE COMMUNITY MEMBER:** Any student, Collaborative or Collaborative employee, Board of Directors member, independent contractor, Collaborative volunteer, parent or legal guardian of a student, or a visitor on Collaborative premises or at a Collaborative-related or Collaborative-sponsored function or activity.

**COLLABORATIVE EMPLOYEE:** Any Collaborative or Collaborative administrator, teacher, Collaborative counselor, nurse, secretary, librarian, and any other professional or support staff member employed by the Collaborative, and (except Collaborative volunteers) subject to the Collaborative's direction or control.

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

**COLLABORATIVE VOLUNTEER:** Any person who without compensation provides goods, supplies, or services to the Collaborative or its member districts on a one time or an ongoing basis, and who is not a Collaborative employee or independent contractor.

***Adoption Date: January 26, 2011***

***Revised: February, 2018***

***Source:*** MA Department of Elementary and Secondary Education

***Legal References:***

**Section: J**  
**Category: STUDENTS**  
**File: JICFB**

## **CODE: BULLYING PREVENTION**

### **I. LEADERSHIP**

- A. Public Involvement in Developing the Plan. As required by M.G.L. c. 71, § 37O, the LPVEC Plan was developed in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy as well as state and federal laws. . Consultation. Prior to Plan adoption, the Plan was posted on our website and requested public comment. The public comment period was 30 days.
- B. Assessing Needs and Resources. In order to enhance its capacity to prevent and respond to issues of bullying, the LPVEC will conduct a survey to students, staff, parents, and guardians every four years. The purpose of the survey will be to gather input on the adequacy of current programs, policies, procedures, curricula, and behavioral health services. The Executive Director and the LPVEC Leadership Team or their designee will meet with behavioral and mental health specialists employed by the LPVEC at least once per cycle to review collected data and receive research-based recommendations on how to improve bullying prevention and intervention at the LPVEC. In addition to analyzing survey data, the LPVEC administrative team responsible for plan oversight will annually review data on bullying and behavioral incidents. Information derived from the aforementioned data analysis will guide LPVEC administration in the revision and development of policies and procedures; establishment of partnerships with community agencies; and priority setting.
- C. Planning and Oversight. The LPVEC team responsible for planning and oversight includes the Executive Director and the LPVEC Leadership Team. . Responsibilities of each staff member are as follows:
1. receiving reports on bullying – program supervisors, educational directors, executive director, and if the bullying incident is between two staff members, the Director of Human Resources.
  2. collecting and analyzing program data on bullying to assess the present problem and to measure improved outcomes. The Executive Director and the LPVEC Leadership Team.
  3. creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors –counselors and the LPVEC Leadership Team.
  4. planning for the ongoing professional development that is required by the law – curriculum director.
  5. planning supports that respond to the needs of targets and aggressors – program supervisors, educational directors, behavior specialists, and counselors.
  6. choosing and implementing the curricula that the school or district will use – curriculum director, educational directors, and executive director.
  7. developing new or revising current policies and protocols under the Plan, including an Internet safety policy, and designating key staff to be in charge of implementation of them – executive director or designee.



8. amending student and staff handbooks and codes of conduct –executive director or designee.
  9. leading the parent or family engagement efforts and drafting parent information materials –executive director or designee.
  10. reviewing and updating the Plan each year – LPVEC Leadership Team .
- D. Developing Priority Statements. The following priority statements reflect the LPVEC’s vision in creating and implementing its bullying prevention and intervention strategies:
1. Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home, and in locations outside of the home. When bullying and cyber-bullying are alleged. The full cooperation and assistance of parents and families are expected.
  2. The LPVEC believes in a culture of kindness. The LPVEC expects that all members of the community will treat each other in a civil manner and with respect for differences.
  3. The LPVEC is committed to providing all students and staff with a safe educational environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

## II. TRAINING AND PROFESSIONAL DEVELOPMENT

- A. Annual staff training on the Plan. LPVEC will conduct annual training for all school staff on its Bullying Prevention and Intervention Plan. The training will include staff duties under the plan, an overview of the steps that the principal or program supervisor will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.
- B. Ongoing Professional Development. The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, section 370, the content of school-wide and district-wide professional development will be informed by research and will include information on:
1. developmentally appropriate strategies to prevent bullying;
  2. developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;
  3. information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
  4. research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  5. information on the incidence and nature of cyberbullying; and
  6. Internet safety issues as they relate to cyberbullying.

Professional development will also address ways to prevent and respond to retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs. This will include a particular focus on the needs of students whose disability affects social skills development.

- C. Written Notice to Staff. The LPVEC will provide all staff with an annual written notice of the Plan by publishing information about it in the school or district employee handbook and the code of conduct, including sections related to staff duties.

### III. ACCESS TO RESOURCES AND SERVICES

- A. Identifying Resources. Each year as part of the budget development process, the LPVEC administrative team will review the organization's capacity to provide counseling and other services for targets, aggressors, and their families. This will include a review of current staffing and programs that support the creation of positive school environments. The team will then develop recommendations and action steps to fill resource and service gaps.
- B. Counseling and Other Services. The LPVEC is committed to offering culturally, linguistically, and developmentally appropriate educational programs. To that end, the LPVEC ensures that all students have access to the appropriate cultural and linguistic supports that facilitate access to the curriculum and promote social and emotional well-being. All students at the LPVEC have access to licensed counselors, psychologists, behavior specialists, and clinicians. Additionally each program receives monthly behavioral and psychological consultation from third party service providers. Third-party providers work directly with teachers and program supervisors in the development of behavioral intervention plans, social skills groups, and individually focused curricula.
- C. Students with Disabilities. As required by M.G.L. c. 71B, section 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- D. Referral to Outside Services. Should a LPVEC student require psychological intervention and social/behavioral supports beyond the scope of in-school services, the LPVEC counseling team will confer with the program supervisor and sending school district. The LPVEC, in coordination with the sending district, will provide students and families access to appropriate, timely outside services as needed.

### IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

- A. Specific bullying prevention approaches. Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:
  1. using scripts and role plays to develop skills;
  2. empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
  3. helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
  4. emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;

5. enhancing students' skills for engaging in healthy relationships and respectful communications; and
6. engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan.

B. General teaching approaches that support bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

1. setting clear expectations for students and establishing school and classroom routines;
2. creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
3. using appropriate and positive responses and reinforcement, even when students require discipline;
4. using positive behavioral supports;
5. encouraging adults to develop positive relationships with students;
6. modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
7. using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
8. using the Internet safely; and

## V. **POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION**

A. Reporting Bullying or Retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A LPVEC staff member is required to report immediately to the principal or program supervisor any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not LPVEC staff members, may be made anonymously. The LPVEC will make a variety of reporting resources available to the community including a Reporting/Complaint Form,<sup>1</sup> and an online reporting portal (Report Bu8llying on CTEC and LPVEC websites).

Use of a Reporting/Complaint Form is not required as a condition of making a report. The LPVEC will: 1) include a copy of the Reporting/Complaint Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the central office, the counseling office, the school nurse's office, and at each program; and 3) post it on the school's website. The Reporting/Complaint Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the LPVEC will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or

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<sup>1</sup> See Appendix A for Reporting/Complaint Form.

program supervisor, will be incorporated in student and staff handbooks, on the LPVEC website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the principal or program supervisor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or program supervisor does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with LPVEC policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

The LPVEC expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or program supervisor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or program supervisor. Students may also report bullying through the Report Bullying portal on the CTEC and LPVEC websites. The target shall not be subject to discipline for failing to report bullying.

B. Responding to a report of bullying or retaliation.

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or program supervisor will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal or program supervisor will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or program supervisor will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

2. Obligations to Notify Others

a) Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or program supervisor will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or program supervisor contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

- b) Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or program supervisor first informed of the incident will promptly notify by telephone the principal or program supervisor of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c) Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or program supervisor has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or program supervisor shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable LPVEC policies and procedures, consult with other individuals s/he deems appropriate.

- C. Investigation. The principal or program supervisor will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. The principal or designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

During the investigation the principal or program supervisor will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or program supervisor (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Information collected during the investigation will be documented using the Reporting/Complaint Form.

Interviews may be conducted by the principal or program supervisor, other staff members as determined by the principal or program supervisor, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or program supervisor will maintain confidentiality during the investigative process. The principal or program supervisor will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with LPVEC policies and procedures for investigations. If necessary, the principal or program supervisor will consult with legal counsel about the investigation.

- D. Determinations. The principal or program supervisor will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or program supervisor will take steps reasonably calculated to

prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or program supervisor will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary actions are necessary.

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

The principal or program supervisor will, within ten (10) working days, notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or program supervisor cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations. At a minimum, the principal or designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal or program supervisor determining that bullying or retaliation has occurred, the law requires that the LPVEC use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the principal or program supervisor may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel and consultants;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

2. Taking Disciplinary Action

If the principal or program supervisor decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or program supervisor, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the code of conduct. If it is believed that criminal charges should be pursued against the perpetrator, the principal shall consult with the West Springfield Police Department and the Executive Director to determine whether criminal charges are warranted. If it is determined that criminal charges are warranted, the West Springfield Police Department shall pursue the appropriate charges.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

Each LPVEC program shall document any incident of bullying that is reported per this policy and a file shall be maintained by the principal or designee. A monthly report shall be provided to the LPVEC Executive Director.

If the principal or program supervisor determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others

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

Within one week and at least on a weekly basis for two months following the determination and the ordering of remedial and/or disciplinary action, the principal or program supervisor will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or program supervisor will work with appropriate school staff to implement them immediately.

**VI. COLLABORATION WITH FAMILIES**

- A. Parent education and resources. The LPVEC will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school.
- B. Notification requirements. Each year the LPVEC will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The LPVEC will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The LPVEC will post the Plan and related information on its website.

**VII. PROHIBITION AGAINST BULLYING AND RETALIATION**

Acts of bullying, which include cyberbullying, are prohibited:

- A. on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by the LPVEC
- B. at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by the LPVEC if

the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

## VIII. DEFINITIONS

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

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying. Cyber-bullying shall also 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 content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

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

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

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

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

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



## **IX. RELATIONSHIP TO OTHER LAWS**

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

In addition, nothing in the Plan is designed or intended to limit the authority of the LPVEC to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

***Adoption Date:*** January 26, 2011

***Revised:*** February, 2018

***Source:*** MA Department of Elementary and Secondary Education

***Legal References:*** Title VII, Section 703, Civil Rights Act of 1964 as amended

Federal Regulation 74676 issued by EEO Commission

Title IX of the Education Amendments of 1972

603 CMR 26.00

MGL 71:37O

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

***Cross References:*** AC, Nondiscrimination

ACAB, Sexual Harassment

JBA, Student-to-Student Harassment

JICFA, Prohibition of Hazing

JK, Student Discipline Regulations

**Section: J**  
**Category: STUDENTS**  
**File: JJE**

## **CODE: STUDENT FUND-RAISING ACTIVITIES**

Due to the budget constraints of the school community, fund raising has become necessary to provide enrichment for our students; however, the Board of Directors discourages door-to-door solicitation and solicitation in public places. Panhandling is forbidden.

Educational Supervisors will evaluate and must approve in advance all school fund-raising activities considering foremost the age and safety of the students. The Executive Director will be notified in writing prior to all school fund-raising activities taking place.

Lack of adherence to this policy may result in disciplinary action.

***Adoption Date:*** October 27, 2010

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:***

**Section: J**  
**Category: STUDENTS**  
**File: JLC**

## **CODE: STUDENT HEALTH SERVICES AND REQUIREMENTS**

Activities may include identification of student health needs, health screening tests (including eye and hearing screening tests), communicable disease prevention and control, promotion of the correction of remediable health defects, emergency care of the ill and injured, health counseling, health and safety education, and the maintenance of a healthful school environment.

The LPVEC recognizes that parents have the primary responsibility for the health of their students. The LPVEC will cooperate with appropriate professional organizations associated with maintaining individual and community health and safety. The LPVEC shall provide the services of a medical consultant who shall render medical and administrative consultative services for personnel responsible for school health and athletics.

### **Procedures for Emergency at School**

School personnel shall give only emergency care to students who become ill or injured on school property, buses, or while under school supervision.

Each year parents shall supply information indicating where the student is to be taken in case of an emergency; the name, address, and phone number of a neighbor to be contacted in case the parent/guardian is not available; and any allergies or diseases the student might have.

The LPVEC shall maintain a Medical Emergency Response Plan, as required by law, and an Emergency Procedures Handbook, which shall be utilized by personnel for handling emergencies. Emergency procedures shall include the following:

- Provision for care beyond First Aid, which would enable care by the family or its physician or the Paramedic Assistance Unit of the Fire Department local Emergency Medical Services agencies. In instances when the Paramedic Assistance Unit EMS is required, every effort shall be made to provide the unit with the student's Emergency Card which lists any allergies or diseases the student might have;
- Information relative to not permitting the administration of any form of medicine or drugs to students without written approval of parents. Requests made by parents for such administration of medication shall be reviewed and approved by the Principal or designee;

- Provisions for reporting all accidents, cases of injury, or illness to the Principal. Provisions shall be made (in all cases of injury or illness involving possible legal or public relations implications) for reporting such to the executive director immediately;
- Prompt reporting by teachers to the Principal or designee any accident or serious illness and such reports will be filed with the school office.

### **Student Illness or Injury**

In case of illness or injury, the parent or guardian will be contacted and asked to call for the student or provide the transportation.

Transportation of an ill or injured student is not normally to be provided by the LPVEC. If the parent cannot provide transportation and the student is ill or injured, an ambulance may be called. Expense incurred as a result of emergency ambulance use will not be borne by the LPVEC.

Transportation of a student by school personnel will be done only in an emergency and by the individual so designated by an LPVEC administrator.

CROSS REF.: EBB, First Aid  
EBC, Emergency Plans  
JLCD, Administration of Medications to Students

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:*** M.G.L. 71:53;54;54A;54B;55;55A;55B;56;57;69:8A;

**Section: J**  
**Category: STUDENTS**  
**File: JLCA**

## **CODE: PHYSICAL EXAMINATIONS OF STUDENTS**

In accordance with MA DPH 105 CMR 200.100, the LPVEC shall ensure that every student has been examined by a duly-licensed physician, nurse practitioner, or physician assistant.

The Massachusetts Department of Public Health also requires the following screenings:

### ***GROWTH AND DEVELOPMENT SCREENINGS***

The Body Mass Index (BMI) and corresponding percentile of each student in grades one, four, seven and 10 is calculated and reported directly and confidentially to a parent or legal guardian. (MA DPH 105 CMR 200.500)

### ***VISION AND HEARING SCREENINGS***

The vision of each student in the public schools will be screened in the year of school entry, annually through grade 5, once in grades 6 through 8 and once in grades 9 through 12.

The hearing of each student in the public schools will be screened in the year of school entry and annually through grade 3, once in grades 6 through 8, and once in grades 9 through 12 (MA DPH 105 CMR 200.400)

### ***POSTURAL SCREENINGS***

Postural screenings will be conducted on all students in grade 5 through 9. (MA DPH)

*\* NOTE: Department of Health Regulations call for vision screenings in Grades 1-5, once between 6-8, and once between 9-12; hearing screenings in grades 1-3, once between 6-8, and once between 9-12; BMI in grades 1, 4, 7, 10.*

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:*** M.G.L. [71:53](#); [71:54](#); [71:56](#); [71:57](#) 105 CMR 200

**Section: J**  
**Category: STUDENTS**  
**File: JLCB**

## **CODE: INOCULATIONS OF STUDENTS**

The LPVEC adheres to the General Laws of Massachusetts and the School Immunization Law, Chapter 76, Section 15. As defined in 105 CMR 220.400, students entering school for the first time, whether at kindergarten or through transfer from another school system, will be required to present a physician's certificate attesting to immunization against diphtheria, whooping cough, poliomyelitis, tetanus, measles, and such other communicable diseases as may be specified from time to time by the Department of Public Health.

The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interest of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent.

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:*** M.G.L. [76:15](#)

**Section: J**  
**Category: STUDENTS**  
**File: JLCC**

## **CODE: COMMUNICABLE DISEASES**

The LPVEC is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the LPVEC's responsibilities to handicapped children under the law.

The Board recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as Acquired Immune Deficiency Syndrome (AIDS).

Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The LPVEC reserves the right to require a physician's statement authorizing the student's return to school.

The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement.

In the event a student with a life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others.

In all proceedings related to this policy, the LPVEC shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific

nature of the student's condition. The determination of those who need to know shall be made by the Executive Director.

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:*** .: M.G.L. [71:55](#)

***Lower Pioneer Valley Educational Collaborative  
Board of Directors Policy***



**Section: J**  
**Category: STUDENTS**  
**File: JLCC-R**

## **CODE: UNIVERSAL PRECAUTIONS FOR SCHOOL SETTINGS**

Universal precautions refer to the usual and ordinary steps all school staff need to take in order to reduce their risk of infection with HIV, the virus that causes AIDS, as well as all other blood—borne organisms (such as the Hepatitis B virus).

They are universal because they refer to steps that need to be taken in all cases, not only when a staff member or student is known to be HIV-infected.

They are precautions because they require foresight and planning, and should be integrated into existing safety guidelines.

Appropriate equipment (mops, buckets, bleach, hot water, hand soap, disposable towels and latex gloves) must be readily available to staff members who are responsible for the clean-up of body fluid spills. Medically approved latex gloves will also be available in each classroom.

1. Treat human blood spills with caution.
2. Clean up blood spills promptly.
3. Inspect the intactness of skin on all exposed body parts, especially the hands. Cover any and all open cuts or broken skin, or ask another staff member to do the clean-up. Latex gloves contribute an added measure of protection, but are not essential if skin is intact.
4. Clean up blood spills with a solution of one part household bleach to ten parts water, pouring the solution around the periphery of the spill. Disinfect mops, buckets and other cleaning equipment with fresh bleach solution.
5. Always wash hands after any contact with body fluids. This should be done immediately in order to avoid contaminating other surfaces or parts of the body (be especially careful not to touch your eyes before washing up). Soap and water will kill HIV.
6. Clean up other body fluid spills (urine, vomitus, feces), unless grossly blood contaminated, in the usual manner. They do not pose a significant risk of HIV infection.

Adapted from Universal Precautions for School Settings, Massachusetts Department of Education and Medical Update to Massachusetts Policy Guidelines: Infants,

Toddlers and Preschoolers with HIV Infection/AIDS in Early Childhood Settings  
(June 1989)

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:***

**Section: J**  
**Category: STUDENTS**  
**File: JLCD**

## **CODE: ADMINISTERING MEDICINES TO STUDENTS**

Medication may not be administered to students while at school unless such medicine is given to them by the LPVEC school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician. When the LPVEC school nurse is not present, a student who needs medication during the school day may be called to the office at the scheduled hour and reminded by the secretary to take the medicine. This provision only applies when the correct dosage of the medication has been placed in an individual container clearly marked with the student's name, the dosage to be administered, and the time and/or conditions under which the medicine is to be taken. In addition, the student must be able to recognize the medicine that he/she or she is taking. No one but the LPVEC school nurse and those others listed in the medical administration plan, acting within the above restriction may give any medication to any student.

The LPVEC shall register with the Dept. of Public Health and train personnel in the use of Epi-pens.

Following consultation with the LPVEC school nurse, students who fall into the following exceptions may self-administer medications:

1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
2. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
3. Students with diabetes may possess and administer glucose monitoring tests and insulin delivery systems.

**NOTE:** Regulations that govern the administration of prescription medication in public and private schools specifically detail the procedures that need to be followed. There are provisions for non-medical personnel to be authorized to administer these medications but the requirements of this regulation must be followed in order to receive permission for this exception.

***Adoption Date: June 18, 2014***

***Revised:***

***Source:*** MASC Policy Reference

***Legal References:*** M.G.L. [71:54B](#) Dept. of Public Health Regulations: 105 CMR 210.00

**Section: J**  
**Category: STUDENTS**  
**File: JLCEA**

## **CODE: STUDENTS WITH COMFORT CARE/ DO NOT RESUSCITATE ORDERS**

Children with terminal illnesses are attending school in increasing numbers and this may result in a Do Not Resuscitate Order. (DNR)

A physician, authorized nurse practitioner, or an authorized physician's assistant may execute a signed DNR order, with the consent of the parent or legal guardian and according to the current standard of care. This order should be accompanied by information about the child's illness and the rationale behind the request.

If a physician issues a DNR order, he then can submit a Comfort Care / DNR Order Verification to the Office of Emergency Medical Services in the Massachusetts Department of Public Health and obtain a Comfort Care Form and an identifying bracelet.

A Comfort Care identification (either the **bracelet** or the fully executed **ORIGINAL** form) is the only authorized way for pre-hospital emergency care providers (EMTs or other first responders) to recognize a patient with a current valid DNR order.

Special consideration must be given to meeting the child and their family's needs, as well as the needs of students and staff. The child should only be placed in a school that has a full time nurse. The local EMS should be informed (with written permission from the parent or guardian) that there is a child in the school building with a DNR/Comfort Care order.

Respecting the family's wishes will involves much pre-planning in the school setting. An Individualized Health Care Plan (IHCP) will need to be developed with the family in collaboration with the school physician, the child's physician, the school nurse and the building administrator or designee.

The IHCP should include the following:

- A. How the child will be moved to the health room (or other designated area). If serious distress or death should occur at another location in the school;
- B. What, if any, comfort measures will be given to the child;
- C. Protocols for notification of the family and, if the child has died in school; who will do the pronouncement of death; (physician, nurse practitioner, physician's assistant, home care or hospice nurse).\*[1](#)

- D. How the deceased will be removed from the school. This may involve planning with the family's designated funeral home and include such factors as type of vehicle, where it will park, who will clear the corridors, and what kind of stretcher or other method of transport will be used; (*Please note, by law, EMS providers are not permitted to move the deceased*).
- E. The IHCP will also address what will happen if the child is in distress, but does not appear to face an imminent risk of death. The response should also include immediate consultation with parents, and consistent with the plan, contact with the local EMS provider.

If EMS is called, and the child has a Comfort Care bracelet or a fully executed ORIGINAL form, the EMT or first responder can provide comfort care and transport to a hospital. The type of care that EMS may provide in this situation is spelled out in the Comfort Care Protocol available at <http://www.mass.gov/dph/oems/comfort/ccprot2a.htm>.

When a plan is in place, the school nurse should convey the plan to the appropriate school staff and administrators, answering questions that they may have.

Whenever a death occurs in school, the crisis team must be activated immediately to assist the family, staff and students to cope with the loss. Special consideration must be made for any students or staff who witness the death especially, if (per DNR orders) no treatment was performed either by school staff or EMS. Questions such as, "What if this happened to me?" and "Will they do anything for me?" may need to be addressed.

*\* Nurse practitioner (NP) and physician assistant (PA) pronouncements function as "removal permits" thereby allowing the deceased to be removed from the school grounds by the funeral director. However the NP or PA who pronounces the death must (a) before the pronouncement, try to reach the attending doctor so that the doctor can declare the death and complete the death certificate, and (b) after the pronouncement, notify the attending doctor as to the location to which the body has been removed so that the physician can complete the death certificate. State law (M.G.L. Chapter 46, section 9) requires that a physician or the medical examiner complete the death certificate.*

**Adoption Date: June 18, 2014**

**Revised:**

**Source:** MASC Policy Reference

**Legal References:**