

# Topsfield Public Schools – Employee Handbook – Table of Contents

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## I. Overview

### **Introduction**

The Topsfield Public Schools recognize the importance of each employee and the critical role in making the Proctor and Steward Elementary Schools responsive to the needs of the students and parents of the Town of Topsfield. The administration would like to stress that your efforts, intelligence, and enthusiasm continue to make the Topsfield Public Schools an outstanding school system.

We set high standards for our students and staff and we are committed to making your experience successful and fulfilling. We encourage individual growth and realization of personal goals while meeting your responsibilities in a positive and professional manner.

The information in this handbook provides a wide variety of information designed to serve as your first ready reference guide as an employee of the District. You may use this information to gain a greater understanding of your job, district policy, employee benefits, processes, and due process.

This handbook is provided for your personal use as a reference and as a summary of the District's personnel policies, work rules, and benefits. It is designed to familiarize you with this information and provide alternate resources to consult for additional information.

This handbook does not constitute a contract and makes no guarantees of employment, compensation, or benefits. The Superintendent and/or School Committee reserve the right to make changes in the policies and practices at any time and at their sole discretion, and to interpret and administer the policies in light of changing circumstances and events.

This handbook is a "liquid" document and will evolve as circumstances require changes.

If you have any questions about this guide, do not hesitate to contact the Director of Finance and Human Resources at the Superintendent's Office.

***It is the policy of the Topsfield Public Schools not to discriminate on the basis of sex, race, religion, color, handicap, or national origin in its educational programs, activities, or employment policies as required by Title IX of the 1972 Education Amendments, Chapter 622 of the Acts of 1971, and section 504 of the Rehabilitation Act. These rights extend to both students and employees. Requests for information about these laws and/or grievance procedures should be directed to Dr. Bernard F. Creeden, Superintendent of Schools, Tri-Town School Union, (978) 887-0771.***

## **Mission Statement**

The Topsfield Public Schools pursue educational excellence by providing the opportunity for every individual in its community of learners to reach his or her full intellectual, social, moral, creative, and physical potential.

In cooperation with family and community, our mission is to guide students in becoming personally responsible, self-motivated, disciplined, respectful, competent, and contributing members of society.

## **Core Values**

The core values of the Topsfield School Committee are:

- It is the belief of the Topsfield School District that all children can learn and be successful.
- Effective education requires a committed partnership among the schools, home, and community.
- Student achievement results from high expectations within an environment that is stimulating and challenging, yet safe and nurturing.
- A sense of respect for oneself and others promotes belonging and is essential to learning.

## **Priorities**

- To be true to the core mission of the district.
- To maintain a focus on student achievement by improving programs wherever possible.
- To maintain reasonable class size.
- To meet our educational and financial special education responsibilities.
- To continue curriculum implementation that is standards based and aligned with state frameworks.
- To continue high quality professional development.
- To maintain the town's investment in the physical plant.

## II. Salary/Benefits/Professional Development

### **Salary**

The Agreement between the Topsfield School Committee and Topsfield Teachers' Association outlines the salary schedule and compensation for extracurricular duties. Teachers' salaries are based on years of teaching and graduate credits earned. The step scale is divided into classifications according to degrees and graduate work. The categories include: Bachelor's, B+24, B+33/M, M+15, M+30, M+45, and M+60.

The salary pay chart for teaching staff is available in the current Agreement between the Topsfield School Committee and Topsfield Teachers' Association. Salary pay chart for support staff (Secretaries, Aides, Food Service, Custodial Staff, Monitors, and Crossing Guards) is determined on an annual basis and is available at the Superintendent's Office.

Employees will receive their pay in 21 or 26 pay periods. Employees should review their individual contract to determine pay schedule and the number of pay periods during the year.

Employees are required to participate in direct deposit. Direct deposit automatically deposits your pay into the account of your choice. Direct deposit forms and directions are included in the Appendix.

The salary pay schedule is determined annually and is included in the Appendix.

### **Health Insurance**

Employees that are contracted to work twenty hours or more per week are eligible to participate in the health insurance program offered by the Town of Topsfield. The health plans available to active employees are as follows: Blue Care Elect Preferred and HMO Blue. Participants are subject to the approved cost sharing of the benefit as set by the town.

Employees may enroll in the health insurance during the month of May. The Town Treasurer's office currently has available updated directories and benefit information for Town employees to review if you wish to make a change or enroll in the Town's health/dental plan options. An employee may enroll in the health insurance when he or she experiences a "life changing event" (i.e. marriage, birth of a child, or a spouse is laid off).

The cost for the health insurance premium is shared between the Town and the employee. The apportionment is listed as follows:

Plan Type	Towns Cost Percentage	Employees Cost Percentage
HMO Blue (Individual)	67.00%	33.00%
HMO Blue (Family)	67.00%	33.00%
Blue Care Elect Pref. (Ind.)	60.00%	40.00%
Blue Care Elect Pref. (Family)	60.00%	40.00%

You may get information on health insurance plan specifics from the Director of Finance and Human Resources or the Payroll Benefit Administrator at the Topsfield Town Hall (phone number is (978) 887-1511).

**Dental Insurance**

Currently, the Delta Dental Premier Voluntary Enhanced Plan is offered to eligible employees. Individual and family plan rates are available and the subscriber pays 100% of the premium.

Open enrollment in this program is offered in the month of May for July 1<sup>st</sup> effective date.

**Flexible Benefit Plan**

The Town offers a voluntary Flexible Benefits Plan, which allows participants to pay for certain medical expenses with pretax dollars. The money set aside each year can be used for a dependent care expense account or an uninsured medical expense account. Participants will not have to pay Federal Income, State Income, or FICA Tax on the dollars placed in the plan.

To enroll in the Flexible Benefits Plan, send a completed form (see Appendix) to the Topsfield Town Hall Treasurer’s Office. Employees may enroll or modify the plan when hired or during the open enrollment period. Additional information about the plan can be obtained by contacting the Topsfield Town Hall Treasurer’s Office.

**Life Insurance**

Life from Boston Life Insurance is available for eligible employees with life insurance premium of \$5,000.00 for active employees.

The cost for the life insurance premium is shared between the Town and the employee. The apportionment is listed as follows:

Plan Type	Towns Cost Percentage	Employees Cost Percentage
Boston Life Insurance	67.00%	33.00%

**Credit Unions**

Credit Union options are available and payroll deductions may be established with the payroll office at the Topsfield Town Hall.

**Training/Professional Development**

Certain State and Federal Regulations require the training of all employees of a school district; an example of such training is civil rights training. These must be attended by all employees of

the Topsfield Schools and you will be informed by the building principal when your attendance is required.

In addition, the building principal may require your attendance at certain other training such as district wide initiatives, safety training, or other meetings specific to your job responsibilities. In such instances, the principal will inform you of this requirement to attend.

Other meetings over the course of the school year, such as faculty meetings, staff meetings, curriculum meetings, etc. may be expected as determined by the principal.

Other staff development courses and training sessions are offered and you may choose to attend for your own personal development. Inquiries in this regard should be directed to the building principal and will be considered depending on the availability of space and other factors such as the content, prerequisite requirement, appropriateness to your staff position, etc. However, you may not be paid for your attendance at such staff development courses and training sessions.

At the discretion of the School Principal and the Superintendent of Schools, support staff may request to take advantage of professional development opportunities. Each request will be evaluated on an individual basis and may be subject to budgetary appropriation.

### **III. Job Descriptions**

Job descriptions for all employee assignments are currently being updated. If you wish to review a job description please contact the Superintendent's Office.

### **VI. Leaves of Absence (Non-Teaching & Non-Administrative Personnel)**

#### **Vacation Days**

See Policy GEEM

#### **Sick Leave**

See Policy GEEM

#### **Compelling Cause Days**

See Policy GEEM

#### **Bereavement**

See Policy GEEM

#### **Authorized Unpaid Leaves of Absence**

Upon application to the Principal and with the approval of the Superintendent, a leave of absence without pay, for the purpose of giving birth to a child or adoption shall be granted to any employee who applies at least two (2) weeks in advance of the anticipated date of delivery in accordance with the provisions of General Laws, Chapter 149, Section 105D.

Upon application to his Supervisor and with the approval of the Superintendent, an employee who has been employed for one complete year shall be entitled to leave of absence without pay for up to twelve (12) consecutive weeks for the purpose of the care of the employee's child after birth, the care of a child placed in the employee's home for adoption or foster care, the care of the employee's spouse, child or parent with a serious condition or for a serious health condition that makes the employee unable to perform the employee's job in accordance with the provisions of General Laws, Chapter 149, Section 105D and the Family and Medical Leave Act.

Jury duty will be granted to an employee for the duration of the jury service only. An employee is expected to be present for work at the normal time and place when not sitting on a jury. The employee shall furnish proof of compensation received from the court. The School Department will pay an employee serving on a jury, an amount equal to the difference between the employee's normal compensation and the amount (excluding any travel expenses) received from the court.

### **Authorized Paid Holidays**

Twelve (12) month employees will be paid for the following holidays: Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and the day after Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day and Independence Day.

### **Summer Vacation Schedules (Custodial Staff)**

Custodial Staff that work during the summer school vacation months are required to submit a summer vacation schedule to the head custodian. The head custodian will be responsible for compiling and submitting the custodial summer vacation schedule to the Director of Facilities and the Superintendent's Office so that we are aware of the building coverage over the summer vacation months. The summer vacation schedule will be due to the Superintendent's Office no later than June 15<sup>th</sup> of the given year. Any vacation requests received after that date will be reviewed on a case by case basis depending on the needs of the given school.

## **V. Work Schedule**

### **Work Year**

School year employees and part time school year employees such as School Secretaries, Clerical Assistants and Educational Aides will have work schedules assigned by the School Principal.

The work year for the Head Custodian and Custodial Staff shall consist of 260 work days. A full day will consist of eight hours per day. Part-time personnel shall be assigned daily schedules, number of days, and hours per day by the Head Custodian with the approval of the School Principal, Director of Facilities, and the Superintendent of Schools.

Food Service Staff schedules will be assigned by the Director of School Nutrition in conjunction with the School Principal.

At anytime the work schedule may be subject to change via the discretion of the Superintendent of Schools.

### **Overtime**

Overtime will be assigned and approved by the School Principal or an appropriate designee of the Superintendent of Schools. The rate of pay will comply with School Committee Policy and Massachusetts General Laws, at a rate of one and one half time the rate of pay for time worked over the cumulative forty hours of a standard work week.

## **CHAPTER 151. MINIMUM FAIR WAGES**

### **Chapter 151: Section 1A. Overtime pay; excluded employments**

Section 1A. Except as otherwise provided in this section, no employer in the commonwealth shall employ any of his employees in an occupation, as defined in section two, for a work week longer than forty hours, unless such employee receives compensation for his employment in excess of forty hours at a rate not less than one and one half times the regular rate at which he is employed. Sums paid as commissions, drawing accounts, bonuses, or other incentive pay based on sales or production, shall be excluded in computing the regular rate and the overtime rate of compensation under the provisions of this section. In any work week in which an employee of a retail business is employed on a Sunday or certain holidays at a rate of one and one-half times the regular rate of compensation at which he is employed as provided in chapter 136, the hours so worked on Sunday or certain holidays shall be excluded from the calculation of overtime pay as required by this section, unless a collectively bargained labor agreement provides otherwise. Except as otherwise provided in the second sentence, nothing in this section shall be construed to otherwise limit an employee's right to receive one and one-half times the regular rate of compensation for an employee on Sundays or certain holidays or to limit the voluntary nature of work on Sundays or certain holidays, as provided for in said chapter 136.

This section shall not be applicable to any employee who is employed:—

- (1) as a janitor or caretaker of residential property, who when furnished with living quarters is paid a wage of not less than thirty dollars per week.
- (2) as a golf caddy, newsboy or child actor or performer.
- (3) as a bona fide executive, or administrative or professional person or qualified trainee for such position earning more than eighty dollars per week.
- (4) as an outside salesman or outside buyer.

(5) as a learner, apprentice or handicapped person under a special license as provided in section nine.

(6) as a fisherman or as a person employed in the catching or taking of any kind of fish, shellfish or other aquatic forms of animal and vegetable life.

(7) as a switchboard operator in a public telephone exchange.

(8) as a driver or helper on a truck with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section two hundred and four of the motor carrier act of nineteen hundred and thirty-five, or as employee of an employer subject to the provisions of Part 1 of the Interstate Commerce Act or subject to title II of the Railway Labor Act.

(9) in a business or specified operation of a business which is carried on during a period or accumulated periods not in excess of one hundred and twenty days in any year, and determined by the commissioner to be seasonal in nature.

(10) as a seaman.

(11) by an employer licensed and regulated pursuant to chapter one hundred and fifty-nine A.

(12) in a hotel, motel, motor court or like establishment.

(13) in a gasoline station.

(14) in a restaurant.

(15) as a garageman, which term shall not include a parking lot attendant.

(16) in a hospital, sanitorium, convalescent or nursing home, infirmary, rest home or charitable home for the aged.

(17) in a non-profit school or college.

(18) in a summer camp operated by a non-profit charitable corporation.

(19) as a laborer engaged in agriculture and farming on a farm.

(20) in an amusement park containing a permanent aggregation of amusement devices, games, shows, and other attractions operated during a period or accumulated periods not in excess of one hundred and fifty days in any one year.

## **School Closings**

For the purposes of this section, school cancellations are defined as a planned school day which must be cancelled unexpectedly for either a full or partial day due to emergency conditions such as snow or ice conditions, boiler malfunction, etc.

In the event that the school is closed for any particular reason, the Head Custodian and Custodial Staff will still be required to report for work as the first respondents in order to inspect and prepare the school for the following day.

The Superintendent of Schools via the School Principal and/or the Director of Facilities may direct or authorize the Head Custodian and/or Custodial Staff not to report to the school depending on the circumstance. Each circumstance will be evaluated on a case by case basis.

Failure to report to the School may result in the charge of a vacation day, compelling cause day, or loss of pay for the day(s) in question. The charge will be decided by the Superintendent of Schools.

## **Building Checks (Custodial Staff)**

During the course of the year building checks will be required in order to monitor the safety and well being of the School Building. Building checks and seasonal building check schedules will be established by the Director of Facilities or may be required for specific circumstances. While conducting a building check, the Head Custodian or custodian will be required to check the following:

1. All mechanical and ventilation systems.
2. Plumbing and pipes – in order to identify and address any system ruptures, malfunctions, and/or pipe freezes.
3. All outside doors.
4. Any other items as assigned by the Superintendent of Schools, School Principal, and/or the Director of Facilities.

Staff assigned to conduct weekend building checks will be paid a minimum of two hours hourly wage. If the time assigned to a building check exceeds the cumulative forty hours per week, then the assigned staff member will receive a hourly rate of one and one half times his (or her) hourly wage in conjunction with MGL.

## **VI. Annual Performance Review**

### **Support Staff Review Process**

You will be evaluated by your supervisor, principal or a designee at least once yearly. All evaluations will be in writing and a copy of the written evaluation will be given to you. You will have the opportunity to discuss this with the evaluator and you may submit a statement in writing to be attached to the evaluation. For both parties, all evaluation materials are strictly

confidential. Evaluation forms will be due to the Superintendent no later than May 15<sup>th</sup> of the school year.

## **VII. Support Staff Disciplinary Action**

### **Overview**

The implementation of disciplinary action is initiated when an employee's performance, actions, and or comments require intensive training, administrative intervention and or disciplinary action. There are four levels of disciplinary action. The levels are listed as follows:

Level One	Verbal Warning
Level Two	Written Warning
Level Three	Suspension
Level Four	Termination of Employment

Each circumstance will be investigated and the degree of disciplinary action will be determined by the School Principal and the Superintendent of Schools. Members who are subject to disciplinary action (at any level) are entitled to have legal representation (or counsel) during the proceedings.

### **Verbal Warning**

A verbal warning will be issued at the discretion of the School Principal and or Superintendent of Schools. A verbal warning will be utilized to identify and address the specific issue and confirm the expectations to remedy the issue. If the issue persists, then a written warning will be the next level of disciplinary action taken.

### **Written Warning**

A written warning is the second tier of disciplinary action which may be initiated by the School Principal and or Superintendent of Schools. If the issue still exists after the issuance of a verbal warning, a written warning will be given to the member.

The written warning will identify the specific problem and outline the actions required by the member to address the problem. The written warning will identify the consequence for failure to remedy the problem as well as the time line in which the problem must be corrected.

The written warning shall mention that a verbal warning was issued as well as the date of the verbal warning.

The member shall sign the written warning in order to identify that the written warning was issued and the member has received a copy of the written warning. A copy of the written warning will be placed in the member's personnel file.

## **Suspension**

A suspension is the third tier of disciplinary action that may be administered by the School Principal and or Superintendent of Schools.

An employee will be suspended when the first two tiers of disciplinary action have failed to remedy the identified problem. The length and specifics of the suspension will be determined by the Superintendent of Schools.

The circumstances leading to the suspension will be documented and investigated by the School Principal and Director of Finance and Human Resources. A formal report will be issued, signed, and placed in the employee's personnel file.

## **Termination**

Termination of employment is the fourth and final tier of disciplinary action. The Superintendent of Schools may terminate a members employment if it is determined that the problem identified and documented in the previous three tiers have not been corrected.

The circumstances leading to a termination will be documented, investigated and a recommendation will be forwarded from the School Principal and Director of Finance and Human Resources. A formal report will be issued, signed, and placed in the employee's personnel file.

As mentioned previously, each issue will be investigated and evaluated on it own set of circumstances. Depending on the circumstances, the severity of the issue may warrant immediate administering of disciplinary tiers II, III, or IV.

## **VIII. Schools, Administration, and Important Information**

### **Superintendent's Office**

Mailing Address: Superintendent's Office  
28 Middleton Road  
Boxford, MA 01921

Phone: (978) 887-0771 Superintendent's Office  
(978) 887-4119 Special Education Office

Website: [www.tritownschoolunion.com](http://www.tritownschoolunion.com)

Title	Name	E-mail Address
Superintendent of Schools	Bernard F. Creeden, Ed. D.	bcreeden@tritownschoolunion.com
Director of Finance/HR	Steven Greenberg	sgreenberg@tritownschoolunion.com
Director of Special Education	Sharon Lyons	slyons@tritownschoolunion.com
Director of Curriculum	Christine Elliott	celliot@tritownschoolunion.com

Director of Facilities	Stephen Clifford	sclifford@tritownschoolunion.com
Admin. Asst. to Supt.	Antonette Valcourt	avalcourt@ tritownschoolunion.com
Admin. Asst. to Supt.	Mary Farley	mfarley@tritownschoolunion.com
Admin. Asst. to SPED	Linda Repucci	lrepucci@tritownschoolunion.com
Payroll/Bookkeeping - Boxford	Valerie Dellea	vdellea@tritownschoolunion.com
Payroll/Bookkeeping - Middleton	Nancy Dellea	ndellea@tritownschoolunion.com
Payroll/Bookkeeping - Topsfield	Pamela McElmon	pmcelmon@tritownschoolunion.com

**Steward Elementary School (Grades PK – 3)**

Mailing Address: Steward Elementary School  
261 Perkins Row  
Topsfield, MA 01983

Phone: (978) 887-1538

Website: [www.topsfieldschools.org](http://www.topsfieldschools.org)

Title	Name	E-mail Address
Principal	Michelle Costa	mcosta@topsfieldps.org
School Secretary	Cheryl Butt	cbutt@topsfieldps.org

**Proctor Elementary School (Grades 4 - 6)**

Mailing Address: Proctor Elementary School  
60 Main Street  
Topsfield, MA 01983

Phone: (978) 887-1530

Website: [www.topsfieldschools.org](http://www.topsfieldschools.org)

Title	Name	E-mail Address
Principal	Sarah O’Leary	soleary@topsfieldps.org
School Secretary	Kathy Deveney	kdeveney@topsfieldps.org
School Secretary	Helen Dukehart	hdukehart@topsfieldps.org

## **Topsfield Public Schools Directory of School Personnel**

The Staff Directory is updated annually and is distributed to all staff. A copy of the directory will be issued shortly after the start of the school year.

Should you have any questions about the directory, please contact the Superintendent's Office.

## **Topsfield Town Hall Information**

<b>Title</b>	<b>Name</b>	<b>E-mail Address</b>	<b>Phone Number</b>
Town Administrator	Virginia Wilder	selectmen@topsfield-ma.gov	(978) 887-1500
Town Treasurer	Barbara Michalowski	bmichalowski@topsfield-ma.gov	(978) 887-1511
Payroll Benefit Administrator	Maribeth Dole	dmark@topsfield-ma.gov	(978) 887-1511
Town Accountant	Pamela Wood	pwood@topsfield-ma.gov	(978) 887-1508

Hours: Monday-Thursday, 8-4; Friday 8-12.

## **Fire Department**

***Contact Information: Emergency Telephone: 911 - All Other Business: 978-887-5148***

Website address: [www.topsfieldfire.com](http://www.topsfieldfire.com)

The Fire Station is located on Route 97 near the center of town. The Fire Station is staffed weekdays 6:00am to 6:00pm. The station is not manned on weekends, nights, or holidays.

## **Topsfield Police Department**

***Contact Information:***

Chief Evan Haglund

Phone Number. non-emergency 978-887-6533

Email address: [police@topsfield-ma.gov](mailto:police@topsfield-ma.gov)

## **Town Library**

The Topsfield Town Library's own website is at: [www.topsfieldtownlibrary.org](http://www.topsfieldtownlibrary.org)

### Operating Hours

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	Noon	CLOSED
8:00 pm	8:00 pm	5:00 pm	8:00 pm	5:00 pm	4:00 pm	

Contact the library at: **Phone:** 1-978-887-1528 **Fax:** 1-978-887-0185 **email:** [mto@mvlc.org](mailto:mto@mvlc.org)

## IX. Special Education Information

### Special Education Evaluations

#### *The Process:*

The special education evaluation process begins in the general education classroom. A teacher and/or parent have concerns about a child's ability to grasp curriculum concepts and/or make progress within the classroom. The teacher tries various instructional and/or environmental adaptations and documents results. The teacher will discuss the child with other teachers in a "Teacher Assistance Team" (TAT) in order to generate new ideas about ways to assist the child. After implementing the ideas and documenting results, should the teacher continue to have concerns, s/he would present information to the "Child Study Team" (CST). The CST will recommend additional instructional strategies and/or a Special Education Evaluation. (Many years ago this evaluation was called a "CORE" evaluation; this term is quite outdated and inaccurate. Occasionally a parent will request a "CORE" evaluation, they really mean a Special Education Evaluation.)

Once the CST and/or parent recommends a Special Education Evaluation be conducted, the proper paperwork is sent to the Central Special Education office for processing. The "Consent to Conduct an Evaluation" is sent to the parents for approval and signature and upon return of this form to the Central Special Education office the Evaluation Process begins.

An evaluation must include as a minimum two Assessment Areas:

1. The Teacher Assessment (which is 2 parts)
2. An evaluation in the area(s) of suspected disability (i.e.: Speech/Language, Learning Disabilities, Motor development (OT / PT), Emotional development, etc.)
3. Other assessment areas may also be recommended dependent upon the child's presenting issues.

Evaluators will pull children from regular classroom activities and times to conduct the individual evaluations. Most times, an evaluator will work with a child more than once to complete their evaluation. The evaluator may also interview teacher(s) and/or parents as a component of their evaluation. At least one evaluator will observe the child in the classroom when a Learning Disability is suspected per regulatory requirement, and may also observe when other disability types are suspected. Upon completion of the recommended and approved assessments, reports are written and forwarded to the parents two days in advance of the team meeting. The IEP Team convenes to review results and determine if there is a disability impeding the child's ability to make effective progress in the general education setting. (A more detailed description of the meeting is provided in a later section: *IEP Team Meetings*.)

**NOTE:** The Special Education Evaluation reports are Confidential and may not be released to personnel other than Special Education Team members. Special Education evaluation reports are not kept in a child Cumulative Record, but are maintained in a separate special education file. Results of the Special Education Team meeting are also confidential and are not to be discussed with other personnel and / or outside of the school.

**Timelines:**

Federal regulations (IDEA) mandate the evaluation process adhere to specific timelines. All references to the number of days are School Working Days (SWD), unless otherwise noted. These timelines mandate the maximum amount of time a school district has to complete the evaluation; of course, districts can complete the process in a shorter period of time.

1. *The Evaluation request:* Upon receipt of a written referral from a parent, teacher, or other professional, the school district has 5 calendar days to respond to the request. It is crucial that any teacher receiving a written request from a parent forward such to the Special Education Coordinator the same day as receipt. The response from the district can be to refer the matter to the Child Study Team, or to forward Evaluation Consent paperwork to the parent within the five days. If there is not enough school based information to support the special education referral immediately, then the Special Education Coordinator will contact the parent to inform them of next steps.

2. *The Evaluation Consent:* The Consent to conduct an Evaluation is sent to the parent by the Special Education Administrator. This consent identifies the reasons for conducting a Special Education Evaluation, the person(s) making the referral, and the specific areas of assessment. It does not identify the actual testing instruments, as that is best left to the judgment of the evaluator. In most instances, the consent form will identify the actual person assigned to conduct each assessment area so that a parent can consult with each individual regarding instrument selection and/or their concerns. The parents have no legal time limit within which to return the Evaluation Consent form, but are urged to do so as soon as possible. Upon receipt of the Evaluation Consent form, the school district has 30 (SWD) days to complete all evaluations, approximately 6 weeks.

3. *The Evaluation Team Process:* As stated above, the Evaluators have 30 days to complete their testing. The Evaluators then must analyze their results, confer with one another when possible, and synthesize their findings with results of other evaluators. Most often results are similar, but they can be contradictory. Once reports are written, the Special Education Coordinator will forward a copy of each report to the parents at least 48 hours (2 days) prior to the actual Special Education Team meeting. The IEP Team meeting must be held within 2 weeks after completing the testing as the next required timeline is that a parent must receive either an IEP or a letter explaining a Special Education Team meeting decision of “No Eligibility” for Special Education within 45 SWD of the Evaluation Consent form being received by the school district.

4. *The Parent Response to the Proposed IEP:* As required by regulation, parents are an integral and important member of the Special Education Team. The IEP is developed at the meeting with the input of evaluators, parents, and teachers. The IEP is mailed to the parent

along with a cover letter and a response page with various options. The parents have 30 Calendar days to respond to the proposed IEP. Many respond very quickly as they are often anxious to have services begin. Some forget to respond, or misplace the forms, but do respond quickly to the reminder notice sent out by Central Special Education if an IEP is not returned within the 30 days. A very small number of parents continue to “negotiate” the proposed services and / or language contained in an IEP. The Special Education Coordinator, Liaison, and/or Administrator usually follow up in attempts to resolve conflicts or misunderstandings.

5. Rejected IEPs: The school district has 5 days to either resolve the rejected portions or forward the rejected IEP to the State DOE, Bureau of Special Education Appeals (BSEA). The BSEA then sends the parents a packet describing the various dispute resolution options available; these options often involve some or all members of the child’s team.

### **Roles of Various Types of Personnel during the Evaluation Process:**

#### **Special Educators:**

A Special Education Teacher will typically conduct a Learning Disabilities Evaluation to determine if there are learning issues beyond just style preferences. This evaluation will usually also include standardized Achievement testing.

A Speech/Language Pathologist, when indicated, will conduct an evaluation examining a child’s understanding of language s/he hears (receptive language), examining a child’s ability to convey what s/he thinks (expressive language), their ability to hear, distinguish, and pronounce discrete sounds (phonology and articulation), and when social language is a deficit area will include assessments of how the child uses language to engage in social conversations (pragmatic language).

A Psychologist will assess a child’s cognitive processing style and potential. (It is important to understand that the cognitive potential of a child is not to be underestimated and the psychologists’ results should be viewed as the minimum expectation, not the maximum expectation regarding achievement.) A psychologist will also screen for emotional issues that may be impacting a child’s ability to concentrate and/or complete schoolwork. A psychological evaluation may also include teacher and/or parent checklists that are then analyzed with standardized results being reported.

Motor therapists (OT/PT) will assess a child’s coordinated use of his/her body. OT tends to focus more on fine motor control and sensory motor and/or integration concerns, and the PT analyzes the gross motor coordination and function.

#### **Regular Educators:**

The classroom teacher completes two forms: the Teacher Assessment, Part A and the Teacher Assessment, Part B. Part A is a DOE developed form to ensure teachers report on similar areas about a child’s functioning. Teachers should expand upon these areas and add their own comments about other areas of functioning if concerns go beyond what the state DOE form allows. Part B is an Educational History form, which is important to complete accurately and completely.

Parents:

Parents may be interviewed by the School Nurse to complete a Developmental History form. This provides the school with valuable information about social changes that may have affected a child, early childhood illnesses, developmental milestones, etc. Parents are also asked to summarize their concerns and vision for the future their child if a Special Education Evaluation Team determines a child is eligible for Special Education services and an IEP.

Administration:

Principals are informed of every Special Education Evaluation being conducted in their building. They are also informed of the date/time of every Special Education Evaluation Team meeting. Due to their broad and vast responsibilities, Principals are not able to attend all Special Education Evaluation Team meetings, but are informed of the outcome by the Special Education Coordinator or the child's Liaison. There are situations where either parents and/or school staff members desire a Principal to attend a Team meeting, which should then be specifically planned with the Principal.

The Special Education Coordinator will be the "Chairperson" for most Initial evaluation Team meetings, as well as those meetings for children with complex special education needs. The Special Education Coordinator is responsible for reviewing all evaluation reports prior to the meeting, facilitating the discussions at the meeting to ensure certain topics are covered and questions answered, and in helping to either develop the IEP or explain why a child is not eligible for special education. It is not the responsibility of the Special Education Coordinator to produce the final copy of the IEP, this is the responsibility of the child's Liaison.

The Special Education Administrator is sometimes involved in team meetings at parent and/or other team member's request. Typically a student with very complex needs and /or one that has not had good success with prior or current programs, are the meetings the Special Education Administrator may attend.

General Education Teacher Responsibilities:

In most situations, the classroom teacher is asked to complete the Teacher Assessment form(s). There may be instances where a specialist teacher, such as Art, PE, etc. teacher is also asked to complete Part A of the Teacher Assessment form. Upon completion of this form, the teacher will place four copies into the Building based special education file for the child. The teacher should have work samples and other objective data and observations available for the Team meeting to support their statements on the Assessment form. The teacher is to be prepared to explain a child's functioning within the framework of their classroom, his/her ability to grasp and retain concepts, his/her ability to apply previously learned concepts to new situations, information, and to comment upon the child's ability to master the Curriculum Frameworks and Learning Standards.

**Physical Restraint: Policies / Procedures**

The Superintendent along with members of the Administration developed the districts' written procedures regarding the appropriate responses to student behavior that may require immediate intervention. The Superintendent will make such procedures available to staff and parents.

## **Training Plans**

The Superintendent (or designee) will annually plan training for all personnel within the first month of school to inform staff members of the District's restraint policy, and within the first month of employment for any individual hired after the beginning of the year. Training will include:

- The district's methods for preventing school violence, self-injurious behavior, suicide, and de-escalating potentially dangerous behavior
- Interventions that may preclude the need for restraint
- Description and explanation of the district's method(s) of physical restraint
- The types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used
- Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student
- Description of reporting requirements, follow-up procedures and procedures for receiving and investigating complaints regarding practices
- Identification of all staff members who have received in-depth training in the use of physical restraint, who are to be used as a school-wide resource to assist in ensuring proper administration of physical restraint

## **In-depth Restraint Training**

Any personnel may request to be provided with "in-depth" training (minimum 16 hour program). Key Personnel likely to be trained may include:

- Psychologists / Guidance Counselors
- Principal
- Nurse
- Special Education Teacher(s)
- Special Education or Section 504 Assistants assigned to work with children with history of severe behavioral difficulties
- Physical Education Teacher(s)
- Lunchroom Supervisor
- Classroom Teachers of children with history of severe behavioral difficulties
- Other faculty members as Principals and/or Special Education Coordinator/Administrator recommend
- Special Education Coordinator(s)

The in-depth training program will be provided over the course of several days and will include:

1. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
2. A description and identification of dangerous behaviors on the part of student that may indicate the need for physical restraint and methods for evaluation the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
3. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
4. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
5. Demonstration by participants of proficiency in administering physical restraint.

### **Documentation and Reporting requirements**

A “Critical Incident Report” must be completed by the staff member(s) involved in a restraint as soon as possible, but no later than the next school day. The Principal must be informed verbally, as soon as possible, of any restraint. The Principal will then verbally inform the parent as soon as possible, with a follow-up written report within three school days. Such written report will be provided in the language of the parent/guardian.

Circumstances under which a physical restraint must be reported:

- \* Administration of a physical restraint that results in injury to a student or staff member
- \* Any physical restraint that last longer than five minutes

Written reports will be given to the Principal, who shall maintain an on-going record of all reported instances of physical restraint. The on-going record shall be made available for review by the Department of Education, upon request. Written reports shall contain all requirements of CMR 46.06(4), see attached report form.

When a restraint results in a serious injury to student or staff or when an “extended restraint” (longer than 20 minutes) has been administered, the Principal shall provide a copy of the written report to the Department of Education within five school days of the administration of the restraint. The Principal shall also provide the Department with a copy of the record of physical restraints for the thirty-day period prior to the date of the reported extended restraint.

Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. In most situations, the school nurse may be called to meet this obligation. As the regulations require a staff member to continuously monitor the physical status of the student, including skin color and respirations, the school nurse is well trained to monitor these conditions. The nurse is also an individual with knowledge of any pre-existing medical or psychological condition to be considered when using physical restraint. In situations

when the nurse is not available to monitor, then a staff member who has received “in-depth” training shall observe and monitor a child’s physical status.

### **Procedure for Receiving and Investigating Complaints**

All staff involved in a physical restraint will participate in a review of the incident facilitated by the Principal, Assistant Principal, a Psychologist/Counselor, Special Education Services Coordinator, Special Education Coordinator or Administrator. At this time, the group will review the events that led up to the restraint, determine if other interventions should be implemented in the future to minimize the risk for restraint, and make recommendations for an individual student and/or Administrative consideration. This review will also explore what restraint holds were used and if they were properly applied.

Any staff member with concerns about how/why/if a physical restraint was used, should contact the Principal as soon as possible to discuss his/her concerns. If the inquiry/concern involves the Principal and his/her participation in the physical restraint, then the staff member should contact the Superintendent directly. If after hearing the concerns of the staff member and reviewing information received from the initial verbal report, contents of the written report, and information from the Critical Incident Review meeting, the Principal determines inappropriate actions occurred, s/he shall inform the Superintendent verbally, with a written summary to follow within two school days, detailing the nature of the concerns. The Principal or Superintendent shall conduct an investigation to include:

- Interview of each individual involved in the restraint
- Interview of the classroom teacher where the student was involved just prior to the restraint
- Interview of any student witnesses, as appropriate
- Interview of the student
- Review of all written documentation surrounding the restraint
- Review of any prior restraint documentation forms for this student
- Review of any prior restraint documentation, for the current school year, involving the staff member in question

Following the investigation, the Principal will consult with the Superintendent to discuss findings and determine an appropriate course of action. The investigation will be summarized in a written report, to include recommendations for follow-up.

Nothing in the district’s policies or state regulations shall limit:

An individual’s right to make a referral to law enforcement or other state agencies, such as:

- The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
- Law enforcement, judicial authorities or school security personnel from exercising their responsibilities;
- The exercise of an individual’s responsibilities as a mandated reporter pursuant to MGL c. 119, section 51A. These regulations shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

## **SUMMARY**

The school district shall provide training for staff regarding the district policy and procedures regarding restraint. The written procedures will be provided to staff members and made available to parents, upon request.

Staff shall only administer restraint when non-physical interventions would not be effective and/or when the student's behavior poses a threat of imminent, serious, physical harm to self and/or others. Physical restraint methods will only use the amount of force necessary to protect the student or others from physical injury or harm. Several staff members will be provided in-depth training in each school building, these staff will serve as a school-wide resource to administer and monitor the use of restraint. Written documentation will be completed within a day of any incident requiring restraint and a copy provided to the parent.

Nothing in the regulations precludes a teacher, employee or agent of the schools from using reasonable force to protect students, other persons, or themselves from assault, imminent, serious, physical harm.

## **X. School Hours**

Starting and Dismissal times are as follows:

Steward Elementary School	8:45 a.m. – 3:10 p.m.
Proctor Elementary School	8:45 a.m. – 3:10 p.m.

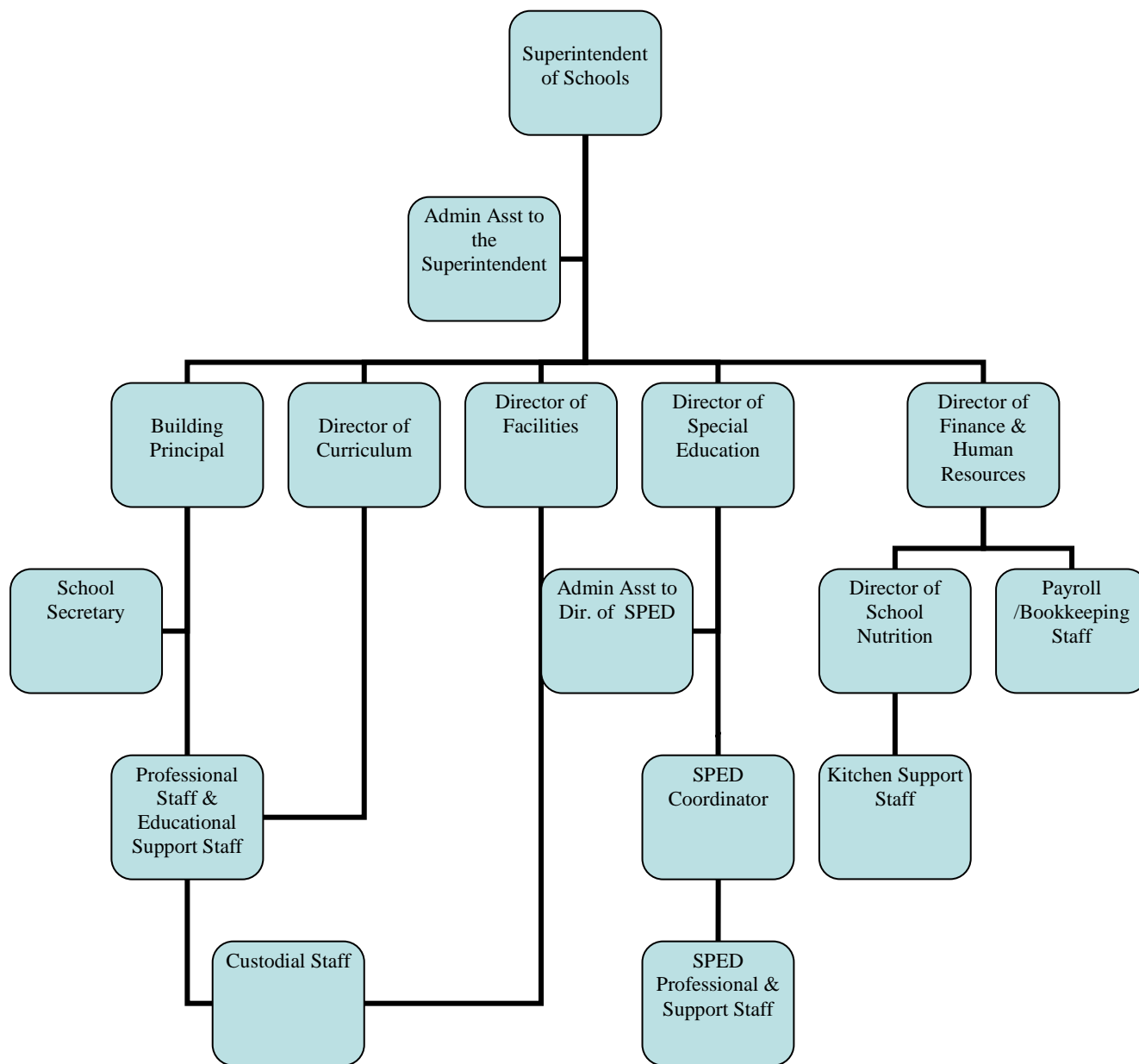
## **XI. Snow Cancellation**

The opening of school may be delayed or canceled when the road conditions are hazardous for buses. Staff will be notified by an automated calling system (Connect-Ed). Announcements may be heard on the following radio/TV stations:

Boston WBZ Channel 4/WBZ Radio AM 1030  
Boston WHDH Channel 7/WRKO Radio AM 680  
Boston WCVB Channel 5  
Boston FOX Channel 25

## **XII. Chain of Command**

It is important for the orderly operation of the school, for the development of effective communication, and for the resolution of concerns most directly and effectively, to adhere to the Chain of Command. This means that all concerns and questions should first be directed to the person most closely responsible as, for example, speaking directly with the classroom teacher regarding questions related to instruction. The next page illustrates the school district chain of command.



### XIII. Selected School Committee Policies & Miscellaneous Information

#### **People and Their School District**

#### **Policy AB**

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communications with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this School Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The School Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The School Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

#### **Sexual Harassment Policy for Students and School Personnel**

#### **Policy ACAB**

#### **SEXUAL HARASSMENT**

All persons associated with the Topsfield Public Schools including, but not necessarily limited to, the School Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community will be in violation of this policy. **Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.**

**Because the Topsfield School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.**

**Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.**

**Definition of Sexual Harassment:** Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

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

**The Grievance Officer(s):**

The School Committee will annually appoint male and female sexual harassment Grievance Officers. The names, telephone contact numbers and addresses of the grievance officers will be published in the school handbooks, posted in the school offices and on the school district web page each year. The Grievance Officers will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

**Complaint Procedure:**

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the appropriate Grievance Officers. **All complaints shall be investigated promptly and resolved as soon as possible.**
2. The Grievance Officers will attempt to resolve the problem in an informal manner through the following process:
  - a. The Grievance Officers will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, **and may interview any witnesses.**
  - b. The Grievance Officers will then attempt to meet with the charged party in order to

obtain his/her response to the complaint.

- c. The Grievance Officers will hold as many meetings with the parties as is necessary to establish the facts.
- d. On the basis of the Grievance Officer's perception of the situation he/she may:
  - Attempt to resolve the matter informally through reconciliation.
  - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the Grievance Officers, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including, if appropriate a recommendation to the School Committee for termination or expulsion. **At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint.** All matters involving sexual harassment complaints will remain confidential to the extent possible. **If it is determined that inappropriate conduct has occurred, The School District will act promptly to eliminate the offending conduct.**
4. **The Grievance Officers, upon request, will provide the charging party with government agencies that handle sexual harassment matters.**

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

### **Non Discrimination on the Basis of Handicap**

### **Policy ACE**

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

#### Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

### Reasonable Modification

The district shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

### Communications

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

### Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

### Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

### Notice

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American With Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and

Superintendent find necessary to apprise such persons of the projections against discrimination assured them by the ADA.

### Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in a school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of handicap.

LEGAL REFS.:       Rehabilitation Act of 1973, Section 504  
                          Education For All Handicapped Children Act of 1975  
                          M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
                          Title II, Americans with Disabilities Act of 1992  
                          Board of Education Chapter 766 Regulations, adopted 10/74, as amended  
                          through 3/28/78

CROSS REFS.:       IGB, Special Instructional Programs and Accommodations  
                          IGBA, Programs for Handicapped Students

### **C.O.R.I Requirements**

### **Policy ADDA**

It shall be the policy of the School Committee to obtain all available Criminal Offender Record Information (C.O.R.I) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal

history systems board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education C.O.R.I. Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.”

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

Access to C.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I. material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see attachment) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385  
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)

### **Commitment to Accomplishment**

### **Policy AE**

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the district, the School Committee will maintain a program of accountability consisting of the following elements:

Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.

Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the district.

Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.

Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the district.

Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the district.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

### **School Committee – Staff Communications**

### **Policy BHC**

The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

#### Staff Communications to the School Committee

All communications or reports to the School Committee or any of its subcommittees from principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the School Committee from administrative decisions on important matters, except those matters that are outside of the School Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the School Committee's policy on complaints and grievances. Staff members are also reminded that School Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the School Committee's deliberations on problems of staff concern.

#### School Committee Communications to Staff

All school communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the School Committee's problems, concerns and actions.

#### Visits to Schools

Individual School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official

visits by School Committee members will be carried on only under School Committee authorization.

## **Personnel Policy Goals**

## **Policy GA**

Introduction: The School Committee realizes that even though it is no longer involved in the process of hiring school district employees other than the Superintendent, Assistant Superintendent, Business Manager, Director of Special Education and Health Personnel it is responsible to the students and residents of the school district it represents to ensure that the highest quality individuals available are hired to meet the needs of the District. The School Committee has the additional responsibility to articulate the expectations of the District relative to personnel. This must be done in the form of District Policy. The School Committee recognizes that an efficient staff dedicated to education is necessary to maintain a constantly improving educational program.

The District's specific personnel goals are:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's learning program.
2. To develop a general staff assignment strategy that will contribute to the learning program; and to use it as the primary basis for determining staff assignments.
3. To provide positive programs of staff development that contribute both to improvement of the learning program and to each staff member's career development aspirations.
4. To provide for a genuine team approach to education.
5. To develop and use for personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.

LEGAL REF.: 603 CMR 26:08 paragraph 3,7,8,9

SOURCE: MASC Policy

## **EQUAL EMPLOYMENT OPPORTUNITY**

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the district who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, creed, color, age, sex, national origin or

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

LEGAL REF.: 603 CMR 26:08

### **Staff Ethics/Conflict of Interest**

### **Policy GBEA**

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee or School Committee member of the School District will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time on school property.

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

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

**Chapter 268A of the General Laws governs conduct as a public employee. Below are some of the general rules that public employees must follow. Public employees could face civil and criminal penalties if taking a prohibited action.**

#### **In general:**

- **Staff may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for agreeing to perform or not perform an official act.**
- **Staff may *not* ask for or accept anything worth \$50 or more annually from anyone with whom they have official dealings. Examples of regulated "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered: staff members may refuse or return it; staff may donate it to a non-profit organization, provided they do not take the tax write-off; staff members may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to the public employer", provided it remains in the office and does not ever go home. Staff members may not accept honoraria for a speech that is in any way related to official duties.***
- **Staff may *not* hire, promote, supervise, or otherwise participate in the employment of an immediate family member or spouse's immediate family.**
- **Staff may *not* take any type of official action which will affect the financial interests of their immediate family or spouse's immediate family**

- Staff may *not* take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which they serve as an officer, director or trustee.
- Unless qualified for an exemption, staff may *not* have more than one job with the same municipality.
- Except under special circumstances, staff may *not* have a financial interest in a contract with their public employer.
- Staff may *not* represent anyone but their public employer in any matter in which their public employer has an interest.
- Staff may *not ever* disclose confidential information, data or material which they gained or learned as a public employee.
- Unless a staff member makes a proper, public disclosure -- including all the relevant facts – he/she may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe his/her official actions are tainted with bias or favoritism.
- Staff may *not* use their official position to obtain unwarranted privileges, or any type of special treatment, for themselves or anyone else.
- Staff may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- Staff may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

**LEGAL REFS.: M.G.L. 71:52; 71:67, 268A: 1 et seq.**

## **Staff Conduct**

## **Policy GBEB**

All staff members have a responsibility to familiarize themselves with and abide by the laws of the Commonwealth of Massachusetts as these affect their work, the policies of the School Committee, and the regulations designed to implement them.

In the area of personal conduct, the School Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

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

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

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the School Committee and their implementing regulations and school rules in regard to students.

3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

LEGAL REFS.: M.G.L. 71:37H; 264:11; 264:14

### **Gifts to School Personnel**

### **Policy GBEC**

Acceptance of any gifts or donations by members of the school staff from commercial agencies is strongly discouraged. In all cases the cumulative value of any gift or donation shall not exceed \$50.00.

Gifts of nominal value, not to exceed \$15.00, when given by the student to the teacher for special occasions, will be allowed, but not opened during school hours. Gifts from parents to classrooms (i.e. books, school supplies, etc.) will be permitted.

Solicitation of monies by parents from other parents (i.e. via a class telephone call chain, mail or email address list) shall be prohibited, other than organizations duly recognized by the School Committee.

The practice of student gift swaps or grabs is prohibited. This does not include the practice of exchanging Valentines or student-made items.

The School Committee shall consider, as always, the writing of letters of appreciation to staff members to be appropriate and welcome ways of expressing gratitude.

The provisions herein shall not be interpreted as intending to discourage acts of generosity in unusual situations.

### **Drug-Free Workplace Policy**

### **Policy GBEC**

The School District will provide a drug-free workplace and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the district's workplace and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the district's policy of maintaining a drug-free work-place; and available drug counseling, rehabilitation, and employee

assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.

3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

LEGAL REFS.: The Drug-Free Workplace Act of 1988  
CROSS REFS.: JICH, Drug and Alcohol Use by Students

### **Tobacco Use On School Property by Staff Members**

### **Policy GBED**

Smoking or the use of tobacco within school buildings, the school facilities or on school property or buses, by any individual, including school personnel is prohibited.

Staff members who violate this policy will be referred to their immediate supervisor for disciplinary action.

LEGAL REF.: M.G.L. 71:37H

Town By-Laws

### **Knowledge of School Policy & Procedures**

### **Policy GBEF**

One of the key elements to success or failure in public school education lies within the Professional support staff. The School Committee desires to express its high regard for the work of these professionals. All teachers are required to familiarize themselves with the provision of School Committee policy and administrative procedures, especially that portion which relates to their school duties. No teacher shall be excused from the regular observance of any policy

except by vote of the School Committee. Teachers shall cooperate fully with the school administrators, such cooperation being a condition of continued tenure and position.

### **Classroom Duties**

### **Policy GBEJ**

Teachers shall give the most thoughtful attention to the safety and well-being of their pupils. They shall cooperate with the other teachers in securing good order in the halls and on the school grounds during the school session, the recess periods, and before and after school. They shall not allow any door used by pupils to prevent emergency egress during the school session.

Teachers shall thoroughly prepare themselves for the studies pursued in their class and maintain a plan book with definite class work. Administrators may review this at evaluation times.

A daily program of work consistent with the adopted time allotment schedule shall be filed with the Principal and the Superintendent before the end of the third week of school, a third copy to be kept with the daily plan book.

Each teacher shall take attendance daily.

Completion of report cards, attendance records and other such items shall be done promptly as directed by the school administrators.

### **Staff Personal Security and Safety**

### **Policy GBGB**

Through its overall safety program and various policies pertaining to school personnel, the School Committee will seek to ensure the safety of employees during their working hours and assist them in the maintenance of good health.

Physical examinations may also be required as law, state regulations or local personnel by-laws require.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school system whenever that employee's health appears to be a hazard to children or others in the school system or when a doctor's certificate is needed to verify need for sick leave.

LEGAL REFS.: M.G.L. 71:54; 71:55B; 71:55C

CROSS REFS.: EB, Environmental and Safety Program  
GCBD, Professional Staff Fringe Benefits  
GDBD, Support Staff Fringe Benefits

## **Grievance Procedures**

## **Policy GBK**

The School Committee shall constitute the Personnel Relations Review Board of the School Department.

When sitting as a Personnel Relations Review Board, the School Committee shall keep a separate record of its proceedings, which shall not be open to public inspection except as may otherwise be required by law.

### **Grievance Procedure**

There is established the following grievance procedure, available to those employees of the School Department whose rights under the classification plan have, in their opinion, been prejudiced in any way, and covering all other grievances except sexual harassment.

- a. The employee shall take up his/her grievance orally with his/her immediate supervisor who shall reach a decision and communicate it orally to the employee within two (2) working days.
- b. If the grievance is not settled as above, the employee shall within five (5) working days present his/her grievance in writing to his/her supervisor who shall forward it to the Superintendent who shall hold a hearing within five (5) working days if required. At this hearing there shall be present the employee, one representative if he/she requests it, his/her supervisor.
- c. If the grievance is not settled as in (b), it shall be reviewed before the entire Personnel Relations Review Board of the School Department with the same group in attendance. This Board's decision in all such cases shall be final.

As used in this section, the word "grievance" shall be construed to mean a dispute between an employee and his/her supervisors arising out of a violation, misinterpretation or inequitable application of conditions of employment as printed in School Committee Policy.

## **Professional & Support Staff Salary Schedules Policy GCBA**

### **Teachers**

The School Committee will adopt a salary schedule for regular teaching personnel as part of the contract negotiated with the teachers' bargaining unit. The schedule will be designed to recognize and reward training and experience and encourage additional study for professional advancement.

## **Principals**

Salaries will be reviewed annually prior to June 15. The School Committee, with the advice of the Superintendent, will establish levels of compensation for each position based on the circumstances, dynamics, and requirements of each position. Consideration may be given to individuals for exceptional performance as a basis for establishing merit increases for Principals. It is the responsibility of the Superintendent to present evidence to the School Committee to support recommendations for merit increases.

## **Administrators**

Salaries will be reviewed annually prior to June 1. The Superintendent may, upon the request of the School Committee, survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

## **Support Staff**

Salaries will be reviewed annually prior to June 1. The Superintendent may, upon the request of the School Committee, survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

LEGAL REFS.: M.G.L. 71:40; 71:43

CONTRACT REF.: Teachers' Agreement

## **Professional Staff Supplementary Pay Plans**

## **Policy GCBC**

Certain assignments require extra responsibility or extra time over and above that required of other staff members who are on the same position on the basic salary schedule. When such supplemental assignments require extra time and responsibility beyond that regularly expected of teachers, they may receive extra compensation.

Assignments that are to be accorded extra compensation will be designated by the School Committee. Appointments to these positions will be made by the Superintendent for district-wide position or by the Principal with the approval of the Superintendent for building based personnel. The amount of compensation for the position will be established by the School Committee at the time the position is created.

SOURCE: MASC Policy

LEGAL REF.: Collective Bargaining Agreement

## **Professional Staff Family & Medical Leave**

## **Policy GCCC**

The School Committee shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993 as revised. The Superintendent shall issue, and from time to time amend, regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.:q P.L. 103-3, "Family and Medical Leave Act of 1993."

### **Professional Staff Hiring**

### **Policy GCF**

Through its employment policies, the district will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon an awareness of candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the School Committee. The district's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to age, sex, creed, race, color, national origin, disability, sexual orientation or place of residence.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision.

SOURCE: MASC Policy

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45; 71:55B Massachusetts Board of Education Requirements for Certification of Teachers, Principals, Supervisors, Directors, Superintendents and Assistant Superintendents in the Public Schools of the Commonwealth of Massachusetts, revised 1994 603 CMR 7:00 and 44:00

## **Evaluation of Professional Staff**

## **Policy GCO**

In order to ensure a high quality of teacher and administrator performance and to advance the instructional programs of the schools, a continuous program for teacher and administrator evaluation will be established by the School Committee. Regular reports will be made to the Superintendent concerning the outcomes of these evaluations.

The evaluation process will include:

1. The development and periodic review of techniques and procedures for making evaluations.
2. Interpretation of the information gained in the evaluative process in terms of the objectives of the instructional program.
3. The application of the information gained to the planning of staff development and in-service training activities, which are designed to improve instruction and increase teacher competence.

The evaluation process **may** include self-evaluation, supervisor initiated observations, and teacher initiated observations.

The formal evaluations will be written and will be discussed by the supervisor and the person being, evaluated. The discussions may either precede or follow the writing of the evaluation document. Copies of the written document will be signed by both parties and incorporated into the personnel files of the teacher or administrator. In addition, the individual will receive a signed copy. The signature should indicate that the evaluation has been read and discussed.

The written evaluation should be specific in terms of the person's strengths and weaknesses. Those areas where improvement is needed should be clearly set forth and recommendations for improvement should be made. Subsequent evaluations should address themselves to any improvement or to any continuing difficulty that is observed.

LEGAL REFS.: M.G.L. 69: 1B; 71:38; 71:38Q; 150E; 152B  
603 CMR 35:00

CONTRACT REF.: Teachers' Agreement

## **Resignation of Professional & Support Staff Members**

## **Policy GCQD**

Professional staff members may discontinue their service in the school system during the school year by submitting a written notice of intent to resign to the appropriate hiring authority.

Such written notice of intent to resign will be given to the Superintendent. The staff member will be notified in writing of the Superintendent's action on the resignation.

When a resignation is accepted by the Superintendent the employee may be expected to continue in service at his or her assigned duties for a period of 30 days after submission of the resignation.

### **Retirement of Professional & Support Staff Members                      Policy GCQE**

Periodically, the Superintendent will inform the School Committee of the professional and support staff members who have indicated their intentions to retire at the end of the current school year. No further School Committee action is necessary unless approval is needed for the payment of or participation in continued local benefits.

LEGAL REF.:                      Age Discrimination in Employment Law, P.L. 95-256  
CONTRACT REF.: Teachers Contract

### **Suspension & Dismissal of Professional & Support Staff Members                      Policy GCQF**

The Superintendent will strive to assist personnel to perform their duties efficiently. However, the Superintendent may dismiss any employee in accordance with state law. Further, the School Committee recognizes the constitutional rights of the district's employees and assures them the protection of due process of law. To guarantee such rights, a system of constitutionally and legally sound procedures will be followed in each case of suspension or dismissal of an employee.

When the Superintendent or a Principal determines that sufficient cause exists that a professional employee be suspended or dismissed from service in the school system, he or she will:

1. Be certain that each such case is supported by defensible records.
2. Determine if the individual is to be suspended immediately with the understanding that the suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual.
3. Follow the procedures for dismissal or suspension that are contained in applicable laws as well as those included in the current agreement with the teachers' bargaining unit.
4. Provide the individual involved with a written statement that will:
  - a. Indicate whether the action the Superintendent is taking is dismissal or suspension.
  - b. State the reason for the suspension or dismissal.

- c. Guarantee that all procedures will be in accord with due process of law.
- d. Inform employees who have a right to request a hearing under appropriate laws that they may be represented at such a hearing by counsel of their choice.

SOURCE: MASC Policy

LEGAL REFS.: M.G.L. 71:42; 71:42D

### **Tutoring – Policy GCRD**

No teacher shall receive compensation from a pupil in his/her classes for tutoring without the written permission of the Superintendent.

Adopted: October 14,2004

### **Support Staff Positions**

### **Policy GDA**

Education is a cooperative enterprise in which all employees of the school system must participate intelligently and effectively for the benefit of the children. This school system will employ support staff members in positions that function to support the education program.

All support staff positions will be established initially by the School Committee. In each case, the Superintendent will submit for the School Committee's consideration and action a job description or job specifications for the position.

Although positions may remain temporarily unfilled, or the number of persons holding the same type of position reduced in event of de-staffing requirements, only the School Committee may abolish a position it has created.

Support staff job descriptions and job specifications are available for review in the Superintendent's office.

### **Support Staff Supplementary Pay Plans**

### **Policy GDBC**

Support staff employees will be paid overtime wages for work performed in excess of 40 hours in a work week.

In counting hours for the purpose of allowing overtime work and pay, supervisors will consider sick leave, vacation time, and holidays as time worked.

Every effort must be made to minimize overtime by scheduling duties during the regular work day. Overtime will be authorized only by the Superintendent and only to cover emergency situations. All such work will be assigned on a fair and equitable basis.

CROSS REF.: GDB, Support Staff Contracts

SOURCE: MASC Policy

**Support Staff Leaves & Absences**

**Policy GDC**

Leaves and absences accorded to their support staff will be for the purposes of helping them maintain their physical health, take care of family and other personal emergencies, and discharge important and necessary obligations.

All requests for long-term leaves of absence will be submitted by the Superintendent, along with his recommendation, to the School Committee for its action.

Support staff employees will be granted leaves in accordance with the terms of the agreements with recognized bargaining units.

Leave benefits granted to employees who are not members of a recognized bargaining unit will be comparable to those granted employees in similar positions that are covered by master agreements with employee organizations.

SOURCE: MASC Policy

LEGAL REF.: M.G.L. 149:105D; 71:41A

CONTRACT REFS.: All support staff contracts

**Support Staff Family & Medical Leave**

**Policy GDCC**

The School System shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993."

**Support Staff Hiring**

**Policy GDF**

All candidates will be considered on the basis of their merits, qualifications, and the needs of the school system. In each instance, the Superintendent and others playing a role in the selection process will seek to employ the best qualified person for the job.

Vacancies in positions will be filled by the Superintendent and/or the Principal in accordance with the law and with the applicable regulations.

LEGAL REFS.: M.G.L. 71:55B; 71:59B

**Support Staff Probation**

**Policy GDI**

Each support staff employee will serve a probationary period of 90 days in any position for which he/she is newly hired or in any new classification to which he/she is transferred or promoted. During that time, the employee will be adequately assisted and supervised so that his abilities to carry out the duties required, and job performance, may be ascertained. Should his/her performance be unsatisfactory, a new employee may be released at any time during the probationary period, or an employee who has been transferred to a new classification may be returned to his former position.

### **Support Staff Time Schedules**

### **Policy GDK**

The work day and the work year for members of the support staff will be as set forth on the salary schedule.

Specific time schedules for support staff members will be set by the appropriate administrators in line with pertinent school opening and closing times, student schedules, and so on. Administrators will inform the Superintendent of the assigned schedules so that there may be continuity as needed throughout the school system.

### **Evaluation of Support Staff**

### **Policy GDO**

A program of continuous observation and evaluation will be developed to find the right employees to fill vacancies, determine assignments and equitable work loads, and established wage and salary policies that encourage employees to put forth their best efforts. The evaluation of employee achievements and the provision of a good atmosphere in which are some of the major duties of the committee.

The evaluation will cover the major areas of the employee's responsibilities and will include the following:

1. Specific work assignment
2. Attitude toward students
3. Attitude toward public education
4. Attitude toward supervisors, teachers, and fellow employees
5. Work habits

Each employee will be informed of the basis upon which he is to be evaluated in advance of evaluation.

### **Support Staff Promotions**

### **Policy GDP**

When support staff vacancies are to be filled, preference will be given to qualified applicants from within the school system, provided their qualifications (proven and potential ability, training, experience, and personal characteristics) are equal to those of other applicants. However, the best qualified person from among all who apply within and without the school system will be selected.

The performance of an employee promoted to a higher position will be reviewed during the probationary period in the new job. The employee will discuss the reviews with his supervisor or Principal and will receive a copy of each. At the completion of the appraisal period, the employee will be notified of continued employment in his new position or reinstatement in his former one.

### **Suspension & Dismissal of Support Staff Members Policy GDQD**

Support staff employees employed by the school district may be terminated by the Principal of the building in which they serve with the approval of the Superintendent. However, employees may request the Superintendent to review the circumstances of their termination.

Support staff employees will generally be given notice of their dismissal two weeks prior to the effective date.

The Superintendent, or the Principal, with the approval of the Superintendent, may also suspend employees from their assignments.

### **Employment Policies for Non-Teaching & Non-Administrative Employees Policy GEEM**

**General Policies for Custodians, Cafeteria Workers, School Secretaries, Office Assistants, Instructional Aides, Library Paraprofessionals, Technology Aides, Preschool Aides, Special Education Paraprofessionals, Special Education Aides and ESL Tutors.**

1. Reappointment for all non-teaching and non-administrative employees shall occur annually.
  - a) The work year for ten month employees shall be the school year and for twelve month employees it shall be July 1<sup>st</sup> through June 30<sup>th</sup>. Employees will be notified on/or before June 15<sup>th</sup> as to whether or not he/she will be reappointed to their position for the upcoming school and/or fiscal year.
2. There shall be a probation period of three (3) months for all newly hired employees, during which time, the Supervising Principal may terminate the employee's services, with or without cause. In the event of an employee's need to be absent from work during the three (3) month probationary period, the absence(s) will be unpaid.
3. In lieu of FICA taxes being deducted, such employee shall contribute, through payroll deduction as follows:

20 hours or more - Essex County Contributory Retirement System or its successor  
Under 20 hours – State sponsored OBRA Program

4. Employees (scheduled to work 20 hours or more on a regular basis) are eligible to participate in the Town's insurance plans.
5. The Building Principal, with the approval of the Superintendent, may terminate an employee during the term of the contract for good cause. The employee will be provided a minimum of two weeks notice of termination. The Superintendent may terminate an employee immediately where health, safety, or the needs of the system necessitate an immediate termination.
6. All employees shall sign the Criminal Offender Record Information (CORI) approval form allowing the Superintendent of Schools to conduct a criminal history background investigation.
7. A leave of absence without pay, for the purpose of giving birth to a child or adoption shall be granted to any employee who applies at least two (2) weeks in advance of the anticipated date of delivery in accordance with the provision of General Laws, Chapter 149, Section 105D.
8. An employee who has been employed for one complete year, shall be entitled to leave of absence, without pay, for up to twelve (12) consecutive weeks for the purpose of care for the employee's child after birth, or placement for adoption or foster care, to care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or for a serious health condition that makes the employee unable to perform the employee's job.
9. An employee who is called to serve upon a jury shall be granted leave only for the period of such jury service. Such employee must present himself for work at his normal time and place of employment when not sitting upon a jury. Upon application by said employee to his Supervisor, the Department agrees to pay an amount equal to the difference between his normal time and place of employment when not sitting upon a jury. Upon application by said employee to his Supervisor, the Department agrees to pay an amount equal to the difference between his normal compensation and the amount (excluding any travel allowance) received from the court. Proof of the amount received from the court must be furnished by the employee.

12 Month Employees (20 Hours or more)

A. Vacation

Vacation days will be non-cumulative and should be taken during the year of entitlement, which shall run from September 1<sup>st</sup> through August 31<sup>st</sup>, and will be subject to the approval of the Supervising Principal.

Custodians and school secretaries may only use vacation time when school is not in session, unless approved by the Superintendent.

Vacation days, with pay, will be based upon the years of service of employment as follows:

- a) prior to the completion of five (5) years, two (2) weeks
- b) after five (5) years, three (3) weeks
- c) after twenty (20) years, four (4) weeks

Employees shall be entitled to receive vacation days, with pay, earned at the rate of one (1) day per month until the annual allotment of two weeks (10 days) is reached.

**B. Sick Leave**

In case of illness or injury, the employee shall be allowed fifteen (15) days leave each work year, which shall start on July 1<sup>st</sup> of each year. The unused portion of such leave may accumulate to a maximum of one hundred twenty (120) days.

New employees are entitled to earn sick days at the rate of one and one-quarter (1.25) days per month until the annual allotment of fifteen (15) days is reached.

In case of personal illness or injury the employee shall report promptly to the Building Principal and/or Superintendent the cause of such absence and state its probable duration.

The case of an employee absent for reason of injury suffered in the line of duty, upon application by the injured employee to the Superintendent, within ten (10) days following the accident, will be considered as an individual matter.

Upon request of the Superintendent of Schools, all employees shall furnish a report from the attending physician certifying the cause of absence. Additional reports from the attending physician shall be furnished as requested by the Superintendent of Schools in connection with prolonged absences.

**C. Bereavement**

In the event of a death in the immediate family of an employee, the employee may receive up to five (5) days leave in each school year, such leave not to accumulate. For the purpose of interpreting this section, the immediate family of an employee shall include the wife, husband, child, grandchild, parent, grandparent, brother, sister, or any other relative who, to the satisfaction of the Superintendent, is considered to be a member of the immediate family.

**D. Compelling Cause**

The Superintendent may approve payment to an employee whose absence from work is due to compelling cause business, which the employee is unable to take care of outside of regular working hours.

The annual compelling cause leave shall be up to two (2) days at full pay per school year. These days are non-cumulative.

Compelling cause business means quarantine, summons to court as a witness, serious illness of a relative or member of a household, attendance at marriage of a son, daughter, brother or sister, or other cause approved by the Superintendent.

It shall be the responsibility of the employee to furnish sufficient written information to the Superintendent to enable him to make a determination as to whether absence falls within this category using the Compelling Cause Request form at least five (5) days in advance.

E. Paid Holidays

The employee will be paid for all legal holidays, when school is closed, that are observed during the work week (Monday through Friday) as follows: Labor Day, Columbus Day, Veteran's Day, Thanksgiving, the day after Thanksgiving, Christmas, New Year's Day, Martin Luther King, Day, President's Day, Patriots Day, Memorial Day and Independence Day.

**10 Month Employees (20 Hours or more)**

A. Sick Leave

Employees who work twenty (20) hours or more per week will be eligible for eleven (11) sick days per school year cumulative up to 90 days.

School Secretaries are entitled to thirteen (13) sick days per school year cumulative up to 105 days.

New employees are entitled to earn sick days at the rate of one per month to the limit set for their position.

In case of personal illness or injury the employee shall report promptly to the Building Principal and/or Superintendent the cause of such absence and state its probable duration.

The case of an employee absent for reason of injury suffered in the line of duty, upon application by the injured employee to the Superintendent, within ten (10) days following the accident, Will be considered as an individual matter.

Upon request of the Superintendent of Schools, all employees shall furnish a report from the attending physician certifying the cause of absence. Additional reports from the

attending physician shall be furnished as requested by the Superintendent of Schools in connection with prolonged absences.

**B. Bereavement**

In the event of a death in the immediate family of an employee, the employee may receive up to five (5) days leave in each school year, such leave not to accumulate. For the purpose of interpreting this section, the immediate family of an employee shall include the wife, husband, child, grandchild, parent, grandparent, brother, sister, or any other relative who, to the satisfaction of the Superintendent, is considered to be a member of the immediate family.

**C. Compelling Cause**

The Superintendent may approve payment to an employee whose absence from work is due to compelling cause business, which the employee is unable to take care of outside of regular working hours.

The annual compelling cause leave shall be up to two (2) days at full pay per school year. These days will be non-cumulative.

Compelling personal cause means quarantine, summons to court as a witness, serious illness of a relative or member of a household, attendance at marriage of a son, daughter, brother or sister, or cause approved by the Superintendent.

It shall be the responsibility of the employee to furnish sufficient written information to the Superintendent to enable him to make a determination as to whether absence falls within this category using the Compelling Cause Request form at least five (5) days in advance.

**D. Paid Holidays**

Ten-month school secretaries will be paid when school is closed for the following holidays: Columbus Day, Veterans' Day, Thanksgiving, Christmas Day, New Year's Day, Memorial Day and Martin Luther King Day. The Friday following Thanksgiving will be considered part of the Thanksgiving holiday.

**Other Conditions**

School Cancellations: A planned day of school which must be called off unexpectedly due to some emergency such as heavy snow, ice conditions, boiler breakdowns, etc. This may also include days when unexpected early dismissal is required due to emergency conditions.

Custodial Staff

If school is cancelled, for any reason, the custodial staff will be expected to report to work as requested by the Head Custodian and/or Principal to clear snow and prepare the school for reopening. They will be paid at their normal rate for actual hours worked.

#### Clerical Staff

If school is cancelled, school secretaries will report to work at the discretion of the Principal.

#### Other Staff Members

All other non-teaching personnel will not be required to be present when school is cancelled, for any reason, and they will not be paid for that day.

### **Family & Medical Leave Act**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent who has a serious health condition;
- or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
  - discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
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- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
  - An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

If you have access to the Internet, visit their FMLA website:

**<http://www.dol.gov/esa/whd/fmla>**. To locate the nearest Wage-Hour Office, telephone the Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available to assist you with referral information from 8am to 5pm **in your time zone**; or log onto their Home Page at **<http://www.wagehour.dol.gov>**.

## **Chapter 119 Protection and Care of Children, and Proceedings Against Them: Section 51A. Injured Children; Reports**

Section 51A. Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed pursuant to the provisions of chapter twenty-eight A, which provides day care or residential services to children or which provides the services of child care resource and referral agencies, voucher management agencies, family day care systems and child care food programs, probation officer, clerk/magistrate of the district courts, parole officer, social worker, foster parent, firefighter or policeman, licensor of the office of child care services or any successor agency, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of section one hundred and sixty-five of chapter one hundred and twelve, drug and alcoholism counselor, psychiatrist, and clinical social worker, priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk

of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section. Any such hospital personnel preparing such report, may take or cause to be taken, photographs of the areas of trauma visible on a child who is the subject of such report without the consent of the child's parents or guardians. All such photographs or copies thereof shall be sent to the department together with such report. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars.

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the person or persons responsible therefore; and such other information as shall be required by the department.

Any person required to report under this section who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the department and to the district attorney for the county in which such death occurred and to the medical examiners as required by section six of chapter thirty-eight. Any such person who fails to make such a report shall be punished by a fine of not more than one thousand dollars.

In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect. No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said neglect. Any person making such report who, in the determination of the department or the district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable in a civil or criminal action.

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such

employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

Within sixty days of the receipt of a report by the department from any person required to report, the department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the department intends to provide to the child or his family.

Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or by sections 20A and 20B of chapter two hundred and thirty-three, relating to confidential communications shall not prohibit the filing of a report pursuant to the provisions of this section or the provisions of section twenty-four.

Notwithstanding section 20A of chapter 233, a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report a reasonable cause that a child is being injured as set forth in this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a reporter.