



Bi-County Collaborative
Making It Possible

BI-COUNTY COLLABORATIVE
STUDENT HANDBOOK
2023-2024

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WELCOME

Welcome to the Bi-County Collaborative, an organization with a rich tradition of helping parents and guardians, school districts and agencies respond to the special needs of children. We are proud of our past history and our many programs. Most of all, we are proud of the progress of our students and the professionalism and dedication of our staff.

This handbook has been prepared to assist students, families, and staff in learning and abiding by Bi-County Collaborative's policies, procedures, and philosophy. This handbook contains policies specific to Bi-County Collaborative as well as those necessary to meet state and federal guidelines and regulations. It is important to note that ***this handbook is supplemental to the Student Handbook of the school in which our program is located.*** It is our belief that the majority of our students will have success in following basic school rules and policies when they are clearly explained and reinforced by both school staff and parents/guardians.

Parents and guardians are vital to the learning process. Student progress is more evident when families and program staff work together toward common goals for the children; therefore, we welcome and encourage ongoing communication between home and school. The standards-based, high quality academic instruction as well as the therapeutic supports and resources we offer combine with parents' unique knowledge of their children to generate positive outcomes for students.

It is our hope that you will find the staff and services of Bi-County Collaborative to be responsive, to provide guidance and direction, and to provide a foundation upon which to build your child's future. Together, our combined efforts will "make it possible."

Jeanne Sullivan
Executive Director

Table of Contents

Bi-County Collaborative Mission Statement, Core Values and Vision	
Statement of Purpose	1
General Policies & Procedures	
Absence from School	2
Backpacks/Book Bags	2
Cell Phones & Electronic Media	2
Critical Incidents/Emergency Procedures/Lockdown & Evacuation Drills	3
Dress Code	4
Empowered Digital Use Policy	4
Holiday Activities	6
Home-School Communication	6
Incomplete Grade Policy	6
Lunch Program	6
Media Access to Students	7
Observation Protocol	7
Personal Items of Program Staff	7
Personal Property and Valuables of Students	7
School Calendar	8
School Closings & Delayed Openings – Inclement Weather or Emergency Conditions	8
Transportation/Van Policy	8
Health and Wellness	
Managing Students with Food Allergies	10
Homemade Baked Goods	11
Health Insurance	12
Medication Policy	12
Immunizations	13
Diastat Guidelines	13
Concussions	14
Code of Conduct	
Promoting Positive Student Conduct	14
Student Discipline and Due Process	15
Definitions	15
Opportunity to Make Academic Process	16
School Building Student Code of Conduct	22
Behavior Support Plans	22
Drugs/Alcohol	22
Possession of Firearms and Weapons	22
Search and Seizures	23
Bi-County Collaborative Policy, Procedure, and State & Federal Regulations	
Bullying Prevention and Intervention Policy	24
Child Abuse and Neglect	26
Crisis Prevention Intervention Policy & Procedures	26
Restraint Prevention & Behavior Support Policy & Procedures	28
Non-Discrimination: Discrimination and Harassment Prohibited	33
Title IX of the Education Amendments of 1972	34
Title IX Sexual Harassment Grievance Procedure	35
Overview	35
Scope	35

Bi-County Collaborative does not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, homelessness, disability, pregnancy or pregnancy-related conditions, age, veteran or military status, ancestry, or genetic information.

Confidentiality	36
Definitions	36
Reporting Sexual Harassment	38
Filing a Title IX Formal Complaint	39
Civil Rights Grievance Procedure	47
Definitions	47
How to make a complaint	49
No Tobacco Policy	54
Student Records	54
Anti-Hazing Policy	56
M.G.L. c. 71, Sections 37H & 37H ½ & 37H3/4 ; M.G.L. c. 76, Section 21	57

Mission Statement

BICO, in partnership with families and communities, is an innovative and responsive organization that works to ensure that students are confident and successful as learners and citizens in an ever-changing global society, through effective, efficient, and purposeful education of the whole student.

Vision Statement

To offer a continuum of services to every student and provide them with numerous and appropriate opportunities that address and support their individual needs.

Guiding Beliefs

We believe:

- In educating the whole student: academically, socially, and emotionally, to build independence and self-advocacy.
- Our success comes from the collaboration between students, parents/ caregivers, staff, and districts.
- In recognizing the impact of disabilities while maximizing opportunities for learning and growth.
- That all students must have the curriculum and instruction that will meet each individual's goals and prepare them for life after school.
- In a safe and positive learning environment to support the physical health of all students.
- In frequently assessing progress to provide technology, communication, and professional development
- In opportunity to provide transition-based learning in preparation for adulthood.
- In fostering lifelong learning for students, staff, and stakeholders.
- In embracing diversity, change, development of resilience, and shared decision making.

STATEMENT OF PURPOSE

The Bi-County Collaborative (BICO) is a multi-purpose educational collaborative formed under the provisions of Mass. Gen. Laws c. 40, section 4E. Bi-County Collaborative is a public entity, governed by a Board of Directors, with each school committee appointing a representative to the Board. The Operating Committee, which acts in an advisory capacity, consists of member district's designated Special Education Administrators.

Bi-County Collaborative consists of nineteen member school districts in Bristol, Norfolk and Worcester counties. Member school districts are Attleboro, Bellingham, Blackstone-Millville Regional, Easton, Franklin, Hopedale, King Philip Regional, Mansfield, Milford, Norfolk, North Attleboro, Norton, Plainville, Swansea, Tri-County Vocational, Uxbridge, Walpole, and Wrentham. School districts do not have to be members to access our services; many students we serve are from nonmember school districts.

FUNCTIONS AND SERVICES

Areas of Expertise

BICO provides a variety of services designed to develop and deliver quality special education programs.

- ◆ Conducts special education programs for students (ages 3-22) with autism, emotional and neurological disabilities, developmental disabilities, intellectual impairments, language disorders, and multiple disabilities.
- ◆ Conducts Interim Alternative Education Assessment settings in accordance with IDEA.
- ◆ Provides occupational therapy, physical therapy, speech/language therapy, vision therapy, and adapted physical education services.
- ◆ Provides psychological/psychiatric consultation and evaluation through a Clinical Resource Team.

Specific Services

Programs offer individualized goals, specialized instruction, and unwavering support

Every Bi-County Collaborative program is focused on maximizing each student's academic, social, and life-skills success. Based upon a student's abilities, particular needs, and Individualized Education Program (IEP), the student will follow one of the two program pathways

***Intensive Continuum**

Bi-County's intensive continuum programs deliver specialized instruction and support for students with intellectual, physical and medical needs. Multi-sensory instruction, assistive technology, and total communication support are integral to each program. Using the award-winning Unique Learning System curriculum, with modifications as necessary, academics are aligned with Common Core Standards. Instruction is individualized based upon each student's strengths and ongoing assessment of progress.

***Therapeutic Continuum**

Bi-County therapeutic programs are focused on delivering solid academic content to students whose social, emotional, and/or academic delays have compromised their success in the general educational setting. All classroom environments are predictable, safe, and supportive with a focus on therapeutic strategies to promote success. Students enter this pathway with a goal of reentering their home district or progressing on to the next least restrictive setting, and diploma acquisition.

Student Referrals

All student referrals to Bi-County Collaborative programs are made by the special education administrator of the school district where the student resides or that is responsible for the delivery of special education services.

GENERAL PROCEDURES & POLICIES

ABSENCE FROM SCHOOL

The parent/guardian should report a student's absence by calling the teacher every day that the student does not attend school. If the teacher is not contacted by the parent/guardian, a staff person will contact the parent/guardian to verify the student's absence.

If there is an unexplained absence for three (3) consecutive days or more, the sending school district will be notified and documentation from a physician may be required.

BACKPACKS/BOOKBAGS

Backpacks or book bags are to be left in lockers or cubbies during the course of the school day. Students will have the opportunity to access their book bags and backpacks during scheduled breaks.

CELL PHONES AND ELECTRONIC MEDIA

Capturing Photos or Video Images

Students are not allowed to capture photos or video images of any person(s) in the school building at any time. This includes film and digital cameras, lap tops, the video component of a phone, photo or video records, or through use of any other technology used to capture photos or record video images.

Exceptions will be made for certain students fulfilling the requirements of coursework or an educational activity where such activity is assigned by the teacher.

The secret use of audio recording devices is illegal in Massachusetts. (Mass. Gen. Laws c. 272, sect. 99). Videotaping with audio and/or audio recording a class or individual without the permission of everyone involved is a criminal offense with severe penalties. Students engaging in such activities will be subject to disciplinary, and possibly legal, action.

Cell Phones

Cell phones can have a negative impact on the educational environment and the safety of students and staff. Although we have come to rely on them, cell phones are a distraction to the education of students, may become the source of disciplinary issues in school and may interfere with school or district emergency procedures, among other things.

Student cell phones are not allowed in Bi-County Collaborative programs at any time. In order to assure compliance with this policy, Students will be asked to turn their cell phones in to the teacher at the beginning of each day; the teacher will label and lock cell phones up and return them to the student at dismissal.

Program Directors reserve the right and authority to make exceptions to this policy as aligned with programmatic design, for example, if a cell phone is part of the instructional program as directed by the teacher or listed in the IEP as an instructional tool.

Every Bi-County Collaborative program has a program phone; and every Program Director has a work cell phone. Parents/guardians who are concerned about communicating with their child in the event of an emergency during the school day may call their child's program or Program Director or the Collaborative's main office.

Other Forms of Electronic Media

Video phones, lap tops, sound, photo and video capturing devices, which include but are not limited to MP3 players and iPods, are not to be visible nor in use during the school day. These must be **turned off** and **kept out of sight** during the school day.

Exceptions will be made for certain students fulfilling the requirements of course work or educational activity where such activity is assigned by the Teacher.

CRITICAL INCIDENTS

Emergency Preparedness and Support

The Bi-County Collaborative takes proactive measures to protect the safety of all our students and staff members. Bi-County Collaborative representatives work directly with local emergency planning committees and emergency management teams, the groups that are planning community responses to potential threats. Our plans are made in concert with all other local emergency preparedness plans.

The school districts and all of the school facilities in which Bi-County Collaborative programs are located have safety and security plans. The plans are designed with the help of school security staff members, as well as local law enforcement, emergency management, and public health officials. Plans are regularly reviewed and updated. These plans include procedures to respond to critical incidents, such as fire or tornado, and school system personnel practice these drills regularly.

The actions taken during any type of emergency situation depend a great deal on the specifics of the incident. For example, one or more schools may evacuate, lock down, or initiate a shelter-in-place response, according to the nature of the threat. The main objective is the protection of the students and staff members. School administrators have a variety of "tools" to use and have received training on how to work with each of these. The ability to remain flexible is a key component of each school's plan and of district-wide preparations. Additionally, Bi-County Collaborative programs will follow specific directions from public safety officials. Individual student emergency plans are located at the program when needed.

If you have questions about your child or about your school's safety and support responses, please contact your Bi-County Collaborative Program Director. Everyone at the Bi-County Collaborative continues to work in partnership with local school districts to make all of our special education programs safe and secure environments for all our students

Emergency Procedure/Fire Drills

Fire drills will be held periodically throughout the school year. Students must familiarize themselves with the directions posted in each room and contained within this manual. Students will be informed of the proper exits. Full cooperation is necessary in the event of an emergency situation. Teachers will remain with their classes at all times. When all students have filed quietly out of the building, teachers will direct them to an area away from the building and dumpsters where attendance will be taken and will remain until notification is given for return. The Collaborative staff will ensure that students who cannot understand or follow emergency protocols independently have a plan in place providing for their safe exit from the building where such exit is required.

Things to remember in the event of an emergency:

- * Move out as quickly and as calmly as possible
- * Close all doors and windows and switch off lights.
- * No talking; we must be able to hear directions
- * Stay with your class and teacher

Lockdown, Shelter in Place and Evacuation Drills

Lockdown and evacuation drills will be held periodically throughout the school year. Students must familiarize themselves with the protocols outlined by the school administration, the local police department, and other safety officials. Students will be informed of the proper exits and procedures. Full cooperation is necessary in the event of an emergency situation. The Collaborative staff will ensure that students who cannot understand or follow emergency protocols independently have a plan in place providing for their safe exit from the building where such exit is required.

DRESS CODE

At Bi-County Collaborative, we believe in creating a safe and inclusive environment where all students feel valued and respected. Our dress code policy is designed to balance the need for a positive learning environment with a recognition of students' social and emotional needs. This policy encourages self-expression, cultural diversity, and promotes a sense of belonging among students, while maintaining an appropriate and respectful appearance.

- 1. Respect for Diversity:** Our dress code policy celebrates the diversity of our student body and encourages students to express their unique identities. We respect and honor cultural, religious, and gender diversity. Clothing, hairstyles, and accessories reflecting cultural and religious practices are permitted, and no student will be discriminated against based on their appearance.
- 2. Gender-Neutral Policy:** Our dress code is gender-neutral, ensuring that all students can dress comfortably and authentically regardless of their gender identity or expression. Students are free to wear any clothing that aligns with their gender identity.
- 3. Guidelines for Appropriate Attire:** While we promote self-expression, there are a few guidelines to maintain an appropriate learning environment:
 - a. Modesty:** Clothing should cover private body parts appropriately and not be overly revealing.
 - b. Safety:** Clothing and accessories should not pose any safety risks to students or others.
 - c. Disruption:** Attire that contains offensive language or symbols, promotes violence, or causes disruption is not allowed.
 - d. Decency:** Clothing should not display hate speech, discriminatory messages, or explicit content.
- 4. Comfort and Health:** We understand that students' comfort is essential for their social and emotional well-being. Our dress code allows for comfortable and weather-appropriate clothing choices to ensure students can focus on their studies without discomfort.
- 5. Individuality and Self-Expression:** Students are encouraged to express their individuality through clothing choices. This includes wearing clothing that reflects their personal interests, hobbies, and talents, such as sports jerseys, artistic attire, or club-related clothing.
- 6. Sensitivity and Empathy:** Teachers, staff, and administrators will be trained to handle dress code violations with sensitivity and empathy. We will strive to educate students about the importance of the policy and encourage open dialogues to address any concerns.
- 7. Student Involvement:** We value student input and will involve them in the review and modification of the dress code policy to ensure it aligns with their social and emotional needs.

Consequences for Dress Code Violations: Any dress code violation will be addressed with a focus on education rather than punishment. Our approach is to understand the underlying reasons for the violation and educate students about the importance of adhering to the policy. Repeated or intentional violations may result in discussions with parents/guardians to find suitable resolutions.

Conclusion: The Bi-County Collaborative Dress Code Policy is grounded in the principles of inclusion, respect, and understanding. It aims to support students' social and emotional needs while fostering a positive and accepting learning environment. Through this policy, we strive to empower students to express themselves authentically and celebrate the rich diversity of our school community.

EMPOWERED DIGITAL USE POLICY

Bi-County Collaborative Technology Mission Statement

Bi-County Collaborative seeks to provide state-of-the-art technology-based education and training to all of our special education students and Collaborative staff, by integrating technology into all Collaborative programs, support services and administration. The Collaborative will foster a nurturing and dynamic learning environment, conducive to the acquisition of skills required to access, utilize and apply technology and assistive technology so that individuals will successfully perform in the classroom, in everyday life and as life-long learners in our increasingly technological world.

Bi-County Collaborative does not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, homelessness, disability, pregnancy or pregnancy-related conditions, age, veteran or military status, ancestry, or genetic information.

Using digital devices, whether personal or school owned, and the collaborative network is a privilege and when using them in accordance with Bi-County Collaborative guidelines they will retain that privilege. Students are expected to follow the following guidelines:

- Digital devices, software, and networks shall be used in school for educational purposes and activities.
- An individual's personal information (including home/mobile phone numbers, mailing addresses, and passwords) and that of others shall be kept private.
- Individuals will show respect for themselves and others when using technology, including social media.
- Users shall give acknowledgement to others for their ideas and work.
- Users shall report inappropriate use of technology immediately.

Bi-County Collaborative staff will:

- Provide educational focus for Internet research.
- Guide students toward appropriate materials and deal professionally with either accidental or willful access to educationally inappropriate material.

Students will:

- Be responsible for good behavior on school computers and in use of the Internet
- Utilize the internet and other forms of electronic communication as directed by program staff
- Conduct themselves appropriately so as not to destroy or compromise the integrity of technological systems
- Not utilize social networking sites while in school
- Follow guidelines below:
 - All use of the Internet must meet legal and ethical standards.
 - All users must use appropriate classroom behavior and protocol during time on computers, including
 - No eating or drinking while using computers
 - Use of the Internet for commercial purposes, illegal activity or political lobbying is prohibited.
 - Users are expected to respect the rights, privileges and privacy of others; the following are **not permitted**:
 - Use of obscene language
 - Sending or displaying offensive messages or pictures
 - Harassing, insulting, or attacking others
 - Using another's password or any form of computer hacking
 - Trespassing in another's folders, work or files
 - Intentionally wasting limited resources
 - Recording, copying or importing sounds that are profane abusive, obscene, or not appropriate for school
 - Writing or drawing anything profane, abusive, obscene, or not appropriate for school
 - Touching another student's computer or related item unless instructed to do so by program staff
 - Users may not use another individual's network account.
 - Users may not download executable files or applications
 - Standard copyright procedures must be observed

Remember: Access is a privilege - not a right. Access entails responsibility.

- Site managers/teachers reserve the right to revise these guidelines at any time
- The privilege of Internet access will be denied to any user who violates Empowered Digital Use Policy
- Additional disciplinary actions shall be determined in conjunction with school officials and may include action by law enforcement agencies.

HOLIDAY ACTIVITIES

BICO Collaborative is an extension of the public schools and as such, follows practices governing the separation of church and state. Parents have the primary responsibility to promote their child's religious, cultural and social growth and participation. Our principal purpose is education. All holiday activities must support this objective and be respectful of the rights of each individual. With these thoughts in mind, the following guidelines are provided:

1. All BICO program holiday activities must be consistent with what is occurring in a comparable general education class (i.e. start and duration of celebrations).
2. Holiday activities should be planned and have clear, appropriate connections with curriculum.

HOME-SCHOOL COMMUNICATION

It is the belief of the Bi-County Collaborative that regular communication between home and school is important to the welfare and safety of our students, and to the delivery of special education services. Communication usually occurs through home/school notebooks, phone calls or meetings. We find that personal communication via these methods helps to develop a positive rapport and creates effective communication between Parents/Guardians and Staff.

Parents/guardians are encouraged to communicate with program staff regarding changes in the home environment or in other venues outside of school that may have an impact on students' school day. In this way, program staff may be alert to struggles students may have and may be more effective in addressing these struggles using interventions that are appropriate to the circumstances.

INCOMPLETE GRADE POLICY

All students are required to make up incomplete work for grading report cards within a three-week interval of the preceding marking period. Work not made up will be recorded as 0 and the grade computed. Exceptions to this policy due to extenuating circumstances and/or absences should be brought to the attention of the program teacher and Program Director for review.

LUNCH PROGRAM INCLUDING FREE AND REDUCED LUNCH PROGRAM

The teacher of your child's program will send home information for students who purchase school lunches.

At the beginning of every school year, Applications for Free and Reduced Price Meals are sent home by the teacher for parents/guardians to complete and return, as needed.

Upon return of the completed form, the teacher submits the forms to the school principal, school nurse, or food service provider in charge of this at the school. This individual will process the application, determine eligibility and parents/guardians are notified of the results.

For the beginning of the school year, a student's eligibility status will be the same as his/her status of the preceding year pending new eligibility status. It is important to get completed forms returned as soon as possible.

MEDIA ACCESS TO STUDENTS

Students will not be interviewed, photographed, or video-recorded by the media on BICO premises without the written consent of their parent/legal guardian.

Additionally, any member of the public news media wishing to interview, photograph, or video-record on BICO premises must first obtain written consent from the Executive Director or his/her designee.

OBSERVATION PROTOCOL

The Bi-County Collaborative welcomes visits from interested adults in the community and from parents and students who are prospective referrals to our programs. In general, all visitors must comply with the policy applicable to that school building, as well as BICO policies. Most school and Bi-County policies state that all visitors must enter at the main lobby of the school in which programs are located and must follow sign-in procedures at the school. This usually includes signing in a log and obtaining some sort of "visitor's pass".

We are bound by federal and state confidentiality laws, and therefore, visitors' consideration of the special needs and confidentiality rights of students in our programs is necessary. This protocol is intended to insure the privacy of students.

In our programs during hours while school is in session, serious work is being conducted around the education and care-taking of our students. The focus of all staff is dedicated to the immediate and long term needs of the students and their education.

In order to insure a pleasant and informative visit that is minimally disruptive to our classrooms, the following guidelines are recommended for all visitors:

- Programs are shown by appointment only and the observer must be escorted by a Collaborative staff person. All observers are required to complete a Classroom Observation Agreement. Please call the Program Director for Clinical Services at 774-571-4150 for an appointment.
- Upon arriving at the program, please follow the security protocol of the school you are visiting and wait for our escort at the agreed upon meeting place; most school and Bi-County policies state that all visitors must enter at the main lobby of the school in which programs are located and must follow sign-in procedures at the school. This usually includes signing in a log and obtaining some sort of "visitor's pass".
- Observations are scheduled for the purpose of gaining a sense of the milieu and facility in which the program is located, and a general sense of the structure and daily activities of the program; please do not ask questions about students in the program.
- Sometimes, due to students' special needs, they may encounter difficulties in the classroom; visitors may be asked to step out of the classroom; please respect the staff's request.

If you wish to have a lengthy conversation with teaching staff, and/or have many detailed questions, please arrange for a separate appointment outside of school hours in which the Program Director and teaching staff can sit and speak with you at length.

PERSONAL ITEMS OF PROGRAM STAFF

Desks, tables, files, cabinets, computers, and personal property of program staff are their personal belongings or school property and are strictly off limits to students. Removing any item from the property of program staff without staff permission will result in disciplinary action.

PERSONAL PROPERTY AND VALUABLES OF STUDENTS

The Bi-County Collaborative will not assume responsibility for personal items brought to school by students. Items of value should be left at home.

SCHOOL CALENDAR

Bi-County Collaborative establishes a school calendar, which is posted on its website (www.bicounty.org). This calendar identifies early release days and other school closings for Collaborative programs. For the most part, the Collaborative's school calendar follows the calendars of public school districts for school vacation weeks and holidays.

Some differences do exist. For example, the Collaborative schedules early release for professional/curriculum development days that are different from the calendar of the school districts. When this happens, school is in session according to the Bi-County Collaborative calendar. Also, the start date and end date of the school year follows the Bi-County Collaborative calendar and may be different from the school district.

In the event of inclement weather or emergency conditions Bi-County Collaborative programs follow school closings, delayed starts or early releases as posted by the school district in which particular programs are located.

In short, follow Bi-County School Calendar for:

- ◆ School year start and end dates
- ◆ Holidays and School Vacation Weeks
- ◆ Bi-County Staff Orientation, Early Release & In-service Days

Follow School District Calendar in which your child's program is located for:

- ◆ Inclement weather/emergency conditions
- ◆ School closings, delayed starts or early releases due to inclement weather or emergency conditions

SCHOOL CLOSINGS AND DELAYED OPENINGS DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS

All Bi-County Collaborative programs follow school closings or early releases of the school district in which they are located in the event of inclement weather or emergency conditions. If a Collaborative program is located in a district which cancels school, then the Collaborative program is also cancelled. If a Collaborative program is located in a district, which delays the start of school, then the BICO program also has a delayed start. Early releases due to inclement weather or emergency conditions are handled in the same manner.

TRANSPORTATION/VAN POLICY

Students are transported to school under the authority of the sending school district. Students are subject to all school district policies and rules.

Questions and concerns regarding transportation should be directed to your sending school district. Incidents occurring directly during transit on the van/bus will be addressed by the transportation provider to your child's school district. Bi-County Collaborative will also be notified. Your school district in conjunction with the transportation provider will decide consequences of misconduct occurring during transit to and from school.

Any incidents and/or misconduct occurring during the school day on Bi-County Collaborative vehicles will be addressed by the Program Director in accordance with the Collaborative's discipline policy.

The following rules and responsibilities are considered to be standard expectations regarding the conduct expected by students and have been developed to ensure safety and reasonable behavior on the bus. Students violating any of these rules will receive a written warning from the transportation provider as well as school officials.

Responsibilities of Students

1. Students are transported under the authority of the driver.
2. Students will be on time for pick-up at home and departure from school.
3. Students will use acceptable language.
4. Students will converse in normal tones; loud or vulgar language is prohibited.
5. Students will act in a courteous manner.
6. Students will refrain from excessive mischief.
7. Students will refrain from violating safety procedures, i.e., standing while being transported, not using a seat belt, getting off the bus other than at one's stop.
8. Students will not extend their hands, arms or heads from the vehicle.
9. Students will not open or close the vehicle windows without permission of the driver.
10. Students must refrain from damaging the vehicle and will keep it clean.
11. Students will refrain from eating/drinking on the bus.
12. Students will not smoke on the bus.
13. Students will sit in available seats or as assigned by the driver/program staff.
14. Students will enter and exit vehicles at their designated stops only.

Students who refuse to promptly obey the directions of the driver or refuse to obey rules and regulations shall be subject to disciplinary action by the appropriate special education personnel.

Responsibilities of Parents

The responsibility of transporting students to and from school each school day requires the cooperation of the parents/guardians of students transported.

1. Cooperate with school authorities and drivers in promoting efficient client service.
 - a. The purpose of school transportation is to provide safe, efficient, comfortable and economical transportation to students.
 - b. Students shall be picked up and returned to their designated stops only.
 - c. In cases where circumstances arise in which the parents/guardians take students home from school or decide to drive them to school, arrangements should be made directly with the transportation provider before the vehicle begins its afternoon run.
 - d. If a student will be absent from school, parent/guardian should contact the transportation provider as soon as possible.
2. Any changes to pick up or drop off destinations must be made in writing to and approved by the sending school district prior to any changes.

TRANSPORTATION ON BICO VANS

All BICO vehicles are safe, insured, and operated by qualified and trained individuals who have a valid 7D Driver's license. Students are transported in a safe manner that is responsive to individual student's needs and provisions of their IEP's.

HEALTH AND WELLNESS

OVERVIEW

Because of the age group and physical limitations of our student population, susceptibility to childhood diseases and infection is a real concern. The potential for illness to be readily transmitted exists when staff and students work in close contact and share common work and play equipment. Although we do make a sincere effort to regularly disinfect commonly used objects, the best possible protection from illness is to keep your child home when symptoms of illness are present. Here are some guidelines for you to follow:

Keep your child home if he/she:

- ◆ Has evidence of a fresh cold (running, stuffy nose, sneezing, coughing). The greatest period of contagion of the common cold is the first 2-3 days after the onset of symptoms.
- ◆ Has an elevation of temperature above 100° F (child should be free of fever for at least 24 hours before returning to school).
- ◆ Has suspicious rash
- ◆ Has apparent skin infection (open, draining wound or red, swollen, hot to touch)
- ◆ Has sore or discharging eyes or ears
- ◆ Has vomited within the last 24 hours
- ◆ Is on an antibiotic for a potentially contagious illness. Students may return to school after taking antibiotics for a full 24 hours

If your child develops symptoms during the school day, or we feel he/she should not be in school, we will notify you to take your child home. The nurse may recommend a doctor visit prior to the student returning to school.

ANY QUESTIONS REGARDING HEALTH POLICIES SHOULD BE REFERRED TO THE SCHOOL NURSE IN YOUR CHILD'S PROGRAM OR SCHOOL, OR THE COLLABORATIVE'S SCHOOL NURSE LEADER.

Medications will be administered by the nurse during school hours if a doctor's order and parent permission form are filled out and the medication is sent in a properly labeled container. Any change in medication or dosage requires a new medication sheet to be filled out. (Need doctor's order on all medications to include over-the-counter medications, and a parent permission form. The over-the-counter medications, i.e. Tylenol, Benadryl, etc., must be provided by the parent.)

Please notify the teacher/nurse if your child contacts a communicable disease. The child should have a written physician's approval to return to school.

MANAGING STUDENTS WITH FOOD ALLERGIES

Food allergies can be severe and occasionally life threatening. The foods most likely to cause allergic reactions are peanuts, tree nuts, dairy products, eggs, soy, wheat, fish and shellfish. Allergic reactions to the above listed foods can range from mild skin irritations to severe reactions, which may cause anaphylactic shock and even death.

Bi-County Collaborative assumes that managing potentially life-threatening allergies in school is a shared responsibility among students, parents, school staff and health care professionals. Our efforts are intended to:

- Minimize the risk of allergic reactions of students with known food allergies while at school;
- Ensure that all information provided by parents of allergic children is provided to the appropriate school staff;
- Foster cooperation and communication between parents and school staff in determining effective strategies to minimize an allergic reaction while in school;
- Educate school staff, students and their families about food allergies and ways to reduce the risk of an in-school exposure.
- Develop and implement Individual Health Care Plan to address student's diagnosis.

Parent responsibilities

- Notify the school of the child's allergies.
- Provide emergency contact information.
- Provide medical documentation from the child's health care provider.
- Provide a list of foods and/or ingredients that would cause a life threatening reaction.
- Provide and order for epinephrine by a licensed provider as well as any other medication needed. Deliver medication(s) to school in original pharmacy-labeled container(s).
- Collaborate with the school nurse and school staff to develop an Allergy Action Emergency Plan (AAP) and/or Individualized Health Care Plan (IHCP). If the sending school district has already created one of these plans or a Section 504 plan addressing severe allergies, then the parents, school nurse and school staff will review such plans to ensure their completeness and applicability to the Collaborative setting.
- Meet with the classroom staff to review AAP and/or IHCP.
- Educate child in the self-management of their allergy as age-appropriate and developmentally appropriate including: safe and unsafe foods, strategies for avoiding the allergen, symptoms of an allergic reaction, how and when to tell an adult a reaction is starting and how to read food labels.
- Provide a medical alert bracelet/necklace for the child. Provide a photo of the child (when appropriate).

Bi-County Collaborative cannot guarantee that a student will never experience an allergy-related event while at school. The above guidelines, as well as the protocol developed for students with food allergies, were created to minimize the risk of life-threatening reactions of allergic students while in school.

HOMEMADE BAKED GOODS

Many of the students in our programs have some degree of food allergy or dietary restriction. In an effort to provide a safe environment for these students, we ask that there be no sharing of homemade foods in the classroom. This would include home baked cupcakes, cookies, bread, etc that are brought to school to be shared with classmates. However, store bought baked goods with ingredients listed on the label are acceptable. This will enable us to have better information about the contents of the food and provide safety for our students at risk.

HEALTH INSURANCE

Every uninsured child and teen in Massachusetts can get health care coverage at little or no cost. Children aged 18 and younger can enroll in a program with either full coverage or primary and preventive care. The kind of coverage students receive depends on the income of their family. Services are available regardless of immigration status. **MassHealth** is a health insurance program with a full range of benefits. It pays for doctors' office visits, prescription drugs, dental services, counseling, hospital services, and other health-care services. In many cases parents can get MassHealth as well as children. Children in families not eligible for MassHealth can get more limited coverage for primary and preventive care through the **Children's Medical Security Plan**. CMSP does not pay for hospital services. Some families may have to pay a small monthly fee, depending on their income. For more information, parents/guardians should call:

MassHealth 1-800-841-2900 or CMSP 1-800-909-CMSP (2677)

MEDICATION POLICY

Administering Medicines to Students

The policy of the Bi- County Collaborative as mandated by Mass. Gen. L. c. 71, sect. 54B and 105 CMR sect. 210.001, et seq. is that prescription medication is not to be dispensed without a written order from a licensed physician as described in 105 CMR sect. 210.002 and written parent/guardians consent. Over the counter medication and medicinal substitutes such as nutritional supplements will not be dispensed without a physician's order or parental consent, as deemed necessary by the school nurse. Required orders and consents must be renewed as necessary and at the beginning of each academic year. All medications must be in the original container, properly labeled and delivered to the school nurse by a responsible adult (parent/guardian or designee). No more than a thirty (30) day supply will be accepted at one time.

All medications will be stored in a locked cabinet or when required in a locked box in a refrigerator in the nurse's office. All medications shall be dispensed by the program nurse/school nurse with the exception of medications that may be self-administered pursuant to M.G.L. Chapter 71 Section 54B. Appropriate school staff shall be notified of medication administration by the school nurse (or student's self-administration of prescription medication) with parent/guardian consent, if not in violation of confidentiality. Administration of epinephrine will follow the procedures set forth by Department of Health Regulations.

Self-Administration of Prescription Medications

- (A) Students may self-administer prescription medication provided that certain conditions are met. For the purposes of 105 CMR sect. 210.000, "self-administration" shall mean that the student is able to consume or apply prescription medication in the manner directed by the licensed prescriber, without additional assistance or direction.
- (B) The school nurse may permit self-medication of prescription medication by a student provided that medication safety requirements are met:
 - (1) the student, school nurse and parent/guardian, where appropriate, enter into an agreement which specifies the conditions under which prescription medication may be self-administered;
 - (2) the school nurse, as appropriate, develops a medication administration plan (105 CMR 210.005(E) which contains only those elements necessary to ensure safe self-administration of prescription medication;
 - (3) the school nurse evaluates the student's health status and abilities and deems self-administration safe and appropriate. As necessary, the school nurse shall observe initial self-administration of the prescription medication;

- (4) the school nurse is reasonably assured that the student is able to identify the appropriate prescription medication, knows the frequency and time of day for which the prescription medication is ordered, and follows the school self-administration protocols;
- (5) there is written authorization from the student's parent or guardian that the student may self-medicate, unless the student has consented to treatment under M.G.L c. 112, § 12F or other authority permitting the student to consent to medical treatment without parental permission;

Medication Delegation

Bi-County Collaborative is registered with the Massachusetts Department of Public Health for the purpose of medication delegation for field trips. This registration provides for the school nurse leader to delegate the administration of prescription medication to another responsible adult. Delegated staff members are required to attend a medication delegation class yearly.

IMMUNIZATIONS

Mass. Gen. Laws c. 76, sect. 15: No child shall be admitted to school except as hereinafter provided: The provisions are: A physician's certificate listing immunizations given and/or the diseases the child has had; a physician's certificate stating immunization is contraindicated for health reasons, or a parent's/guardian's statement that immunization conflicts with religious beliefs. **Philosophical exemptions are not allowed by law in Massachusetts, even if signed by a physician.**

The law requires immunization against diphtheria, tetanus, pertussis (whooping cough), polio, measles, mumps and rubella (German measles).

Vaccine Requirements (effective Fall 2011):

- 2 doses measles, mumps and rubella (MMR) for entry into Kindergarten
- 2 doses varicella vaccine for entry into Kindergarten, 7th grade
 - Note: students may be considered immune to Varicella:
 1. If laboratory evidence of immunity is presented.
 2. A statement is presented that the student has a reliable history of chicken pox and is signed by health care provider.
- 1 dose Tdap for entry into 7th grade

Program Directors are responsible for refusing school admittance to children who have not had the required immunizations or who are not otherwise exempted as explained above. Unimmunized or partially immunized children whose private physicians certify they are in the process of receiving the required immunizations shall be regarded as in compliance with the law. However, all immunizations must be complete for admission to kindergarten. In addition, the Massachusetts Department of Public Health requires Hib immunization for all students in preschool programs as a condition of school attendance.

Proof of lead screening are also required for kindergarten entry for all children born on or after January 1992.

DIASTAT GUIDELINES

The administration of Diastat in the school setting is seen as an emergency medical intervention. As such, the nurse will administer the Diastat per physician guidelines and notify the Parent/Guardian. Emergency "911" will be called if the child is unstable in any way or if we are unable to reach the Parent/Guardian. A staff member from the child's program will accompany him/her to the emergency room and await the arrival of the Parent/Guardian.

The child receiving Diastat is to be observed for four hours following the administration of the medication. The child will likely sleep for a few hours and would do best in his/her own bed, under parental supervision. Close monitoring of breathing pattern and skin tone is indicated. The classroom setting is not conducive to on-going emergency medical assessment.

Use of Diastat in any Bi-County Collaborative program will require the following:

- A doctor's order from the prescribing physician to include specific guidelines and clear directions for administration of Diastat to the child.
- A signed parent permission form to administer the medication.
- Medication to be provided intact in original packaging and identified with the child's name.

CONCUSSIONS

Please notify your health care provider and the school nurse if your child experiences a concussion. Massachusetts regulations require middle and high schools to have policies and procedures on the prevention, management and return to academic and athletic activities for students who sustain a concussion or head injury. These policies are to ensure recovery and prevent further injury to the student. Bi-County Collaborative's Concussion Policy is available in the BICO Employee and Student Health Manual, which is posted on the BICO website.

CODE OF CONDUCT

PROMOTING POSITIVE STUDENT CONDUCT

The Bi-County Collaborative is committed to promoting positive student conduct. In conjunction with classroom rules, positive behavioral intervention, behavior support plans, and clinical intervention, our programs are designed to maintain safety and to foster a climate of mutual respect for the rights of others. Throughout the school day students are taught that they are responsible for conducting themselves in a manner that is acceptable for the school environment.

We look to each student to contribute positively to the school environment by making the effort to learn the skills and by conducting themselves in alignment with the following:

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

- Attend all classes regularly and on time
- Be prepared for class (i.e., bring assignments, books, and supplies)
- Listen carefully to instructions
- Participate in class activities

The following are prohibited on school grounds and at school-sponsored activities and may result in disciplinary action:

- Fighting
- Assault
- Bullying, including cyber-bullying
- Discriminatory harassment, including sexual harassment
- Making threats
- Profanity/obscene language
- Defacing school property or the property of others
- Disrespectful behavior
- Leaving school grounds without authorization
- Smoking/Vaping
- Stealing
- Cheating
- Possession and/or use of alcoholic beverages
- Possession and/or use of drugs or drug paraphernalia
- Possession of dangerous weapon

Certain violations may result in a long-term suspension or expulsion under the provisions of M.G.L. c. 71, §§ 37H and 37H ½. These include:

- Possession of a dangerous weapon while on school grounds or at a school-sponsored event
- Possession of a controlled substance while on school grounds or at a school-sponsored event
- An assault on a School Administrator, teacher, teacher's aide, or other staff person
- A felony charge or conviction

Other violations of the code of conduct may subject a student to disciplinary action up to and including mediation, detention, in-school suspension, or out-of-school suspension under the provisions of M.G.L. c. 71, § 37H ¾.

STUDENT DISCIPLINE AND DUE PROCESS

The Program Director has the authority to exercise discretion in determining the consequences for a student who has violated disciplinary rules. Students will receive the appropriate level of due process consistent with Massachusetts and federal law, as described below.

DEFINITIONS

In-School Suspension: the removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Short-Term Suspension: the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Long-Term Suspension: the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense in subsections (a) or (b) of M.G.L. c. 71, § 37H or 37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed, except in accordance with M.G.L. c. 71, § 37H or 37H ½.

Expulsion: the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or 37H1/2.

Written Notice: written correspondence sent by hand-delivery, certified mail, first-class mail, or email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent.

Principal: Program Director or designee for disciplinary purposes.

Superintendent: Executive Director or designee for disciplinary purposes.

OPPORTUNITY TO MAKE ACADEMIC PROGRESS

Any student who is serving a short-term suspension, long-term suspension or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, in accordance with the school's education service plan. M.G.L. c. 76, § 21.

DUE PROCESS FOR M.G.L. c. 71, § 37H ¾ OFFENSES:

ANY OFFENSE OTHER THAN: POSSESSION OF DANGEROUS WEAPON; POSSESSION OF CONTROLLED SUBSTANCE; ASSAULT ON STAFF; AND/OR FELONY MATTER

All school principals and principal's designees and the Superintendent and Superintendent's designees when acting as a decision-maker at a disciplinary hearing or appeal to consider student discipline for violations of school rules other than offenses involving drugs, weapons, assaults on school staff and felony offenses, shall, when deciding the consequences for the student, consider ways to re-engage the student in the learning process. The principal or designee shall not suspend the student until alternative remedies have been employed, and their use and results documented, unless specific reasons are documented as to why such alternative remedies would be unsuitable or counter-productive, or unless the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. M.G.L. c. 71, § 37H 3/4(b). This applies to all school rules violations, which is conduct that falls within the scope of M.G.L. c. 71, § 37H3/4. This does not apply to conduct that falls within the scope of M.G.L. c. 71, § 37H or M.G.L. c. 71 § 37H1/2.

EMERGENCY REMOVAL UNDER M.G.L. c. 71, § 37H ¾

A principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. In such a case, the principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall make immediate and reasonable efforts to orally notify the student and the student's parent of: (1) the emergency removal; (2) the reason for the emergency removal; (3) the disciplinary offense; (4) the basis for the charge; (5) the potential consequences, including the potential length of the student's suspension; (6) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; (7) the date, time, and location of the hearing; and (8) the right of the student and the student's parent to interpreter services at the hearing if needed to participate.

Before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent, the principal must provide the student an opportunity for a hearing with the principal that complies with either the short-term due process or long-term due process set forth below, as applicable, and must provide the parent an opportunity to attend the hearing.

Additionally, the principal is required to render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of notice of the decision for short-term suspension or long-term suspension as set forth below, whichever is applicable.

A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

IN-SCHOOL SUSPENSION UNDER M.G.L. c. 71, § 37H ¾

Prior to the imposition of an In-School Suspension, the student will be informed of the disciplinary offense and provided with an opportunity to respond. If the principal determines that the student committed the disciplinary offense, the principal will provide oral notice to the student and parent of the length of the In-School Suspension and will make reasonable efforts to meet with the parent. On or before the day of suspension, the principal shall send written notice to the student and parent about the In-School Suspension, including the reason and the length of the In-School Suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent. Students have the right to appeal an In-School Suspension that will result in their in-school or out of school suspension for more than ten (10) school days in a school year.

SHORT-TERM SUSPENSION UNDER M.G.L. c. 71, § 37H ¾

Except as provided in cases of In-School Suspension or Emergency Removal, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language: the disciplinary offense; the basis for the charge; the potential consequences, including the potential length of the student's suspension; the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; the date, time, and location of the hearing; the right of the student and the student's parent to interpreter services at the hearing if needed to participate; and, if the student may be placed on long-term suspension following the hearing: the rights set forth in 603 CMR 53.08(3)(b), and the right to appeal the principal's decision to the superintendent.

The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

At the principal's hearing, the student and parents (if participating) may dispute the charge(s) against the student and present information, including mitigating facts, for the principal's consideration in determining consequences for the student.

The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in M.G.L. c. 76, § 21. The determination shall be in writing and may be in the form of an update to the original written notice. If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect. Students shall have no right to appeal a short-term suspension.

LONG-TERM SUSPENSION UNDER M.G.L. c. 71, § 37H ¾

The student and parents will be given oral and written notice of the disciplinary offense with which the student is charged and the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension.

Written notice of the date and time for the hearing will be provided in English and in the primary language of the Student's home and will identify the disciplinary offense with which the student has been charged, the basis for the charge, the potential length of the student's suspension, and inform the parent and student of the right to interpreter services if necessary to participate in the hearing. Where a student may be subject to a Long-Term Suspension, the principal will also notify the student and parent of the following rights: (1) in advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not; (2) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; (3) the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; (4) the right to cross-examine witnesses presented by the school district; and (5) the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

At the hearing, the student will have the rights identified in the written notice, and the principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a Long-Term Suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall: (1) identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; (2) set out the key facts and conclusions reached by the principal; (3) identify the length and effective date of the suspension, as well as a date of return to school; (4) include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in M.G.L. c. 76, § 21; and (5) inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension.

Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language: (1) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the Long-Term Suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and (2) that the Long-Term Suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

A student who is placed on Long-Term Suspension under M.G.L c. 71, § 37H ¾ following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent. The student or parent shall file a notice of appeal with the superintendent within five (5) calendar days of the effective date of the Long-Term Suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension. The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing. The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request. The student shall have all the rights afforded the student at the principal's hearing for long-term suspension as identified above.

The superintendent shall issue a written decision within five (5) calendar days of the hearing which: (1) identifies the disciplinary offense and the date on which the hearing took place, and the participants at the hearing; (2) sets out the key facts and conclusions reached by the superintendent; (3) identifies the length and effective date of the suspension, as well as a date of return to school; and (4) includes notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in M.G.L. c. 76, § 21. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision. The decision of the superintendent shall be the final decision of the school district, with regard to the suspension.

DUE PROCESS FOR M.G.L. c. 71, § 37H OFFENSES:

POSSESSION OF DANGEROUS WEAPON; POSSESSION OF CONTROLLED SUBSTANCE; ASSAULT ON STAFF;

AND FOR M.G.L. c. 71, § 37H ½ OFFENSES:

FELONY COMPLAINT AND/OR FELONY CONVICTION

SHORT-TERM SUSPENSION UNDER M.G.L. c. 71, § 37H or 37H ½

The student will be given oral notice of the violation with which the student is charged and an opportunity to respond thereto, prior to the principal's imposition of a short-term or interim suspension of ten (10) consecutive days or less pending formal proceedings. Upon imposition of a short term or interim suspension of ten (10) consecutive days or less, pending further disciplinary proceedings, the student and parents will be provided with written notice of the suspension, the date and time of the formal disciplinary hearing, the right to have representation, and the opportunity to present evidence and witnesses at said hearing before the principal.

LONG-TERM SUSPENSION OR EXPULSION UNDER M.G.L. c. 71, § 37H or 37H ½

The student shall be notified in writing of the charges, an opportunity for a hearing, the right to have representation, and the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, the principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have committed an offense under M.G.L. c. 71, § 37H. A written decision will be issued after the hearing.

The student and the parent(s)/guardian(s) will have the right to appeal any decision imposing a long term suspension or expulsion from school to the Superintendent. When the student is excluded in accordance with M.G.L. c. 71, § 37H, the student shall have ten (10) calendar days from the effective date of the exclusion to file a written appeal with the superintendent. For exclusions imposed pursuant to M.G.L. c. 71, § 37H ½, the student shall have five (5) calendar days from the effective date of the exclusion to file a written appeal with the superintendent. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. M.G.L. c. 71, § 37H and M.G.L. c. 71, § 37H ½.

DISCIPLINE OF STUDENTS WITH DISABILITIES

In addition to the due process protections and rights afforded to all students, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and related regulations require that additional provisions be made for students who have been found eligible for special education services or whom the school district knows or has reason to know might be eligible for such services.

A suspension of longer than ten (10) consecutive school days, or a series of short term suspensions that exceeds ten (10) school days and constitute a pattern of removal, are considered to constitute a potential disciplinary change in placement.

Prior to a suspension that would result in a disciplinary change in placement of a student with a disability, the building administrators, the parents and relevant members of the student's IEP/504 Team will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or Section 504 Plan.

If the Team determines that the behavior is not a manifestation of the disability, the student may be disciplined in accordance with the policies and procedures applicable to all students except that students eligible for special education services shall be entitled to a free appropriate public education as of the eleventh (11th) day of disciplinary exclusion in the school year.

If the team determines that the behavior is a manifestation of the disability, then the team will conduct a functional behavior assessment or review, and modify as appropriate, any existing behavior intervention plan, and the student will not be suspended for the violation found to be a manifestation of his/her disability.

Regardless of the manifestation determination, the Team may place the student in an interim alternative setting (as determined by the Team) up to forty-five (45) school days if:

- (1) The student was in possession of a dangerous weapon on school grounds or at school-sponsored events;
- (2) The student was in possession of or using of illegal drugs on school grounds or at school-sponsored events;
- (3) The student engaged in solicitation of a controlled substance on school grounds or at school-sponsored events; or
- (4) The student inflicted serious bodily injury to another at school or at school-sponsored events.

The interim alternative setting must enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the student's IEP. The interim alternative setting must also provide services and modifications designed to address the behavior giving rise to the removal and to prevent the behavior from reoccurring. At the conclusion of the forty-five (45) school day period, *the student shall be returned to his/her previous placement* unless the parent (or student if 18+ years of age) consents to an extension of the interim alternative setting or an Order is obtained from the Bureau of Special Education Appeal authorizing the student's continued removal.

If the conduct does not involve a dangerous weapon, controlled substance, or serious bodily injury, the school may remove the student to an interim alternative setting for forty-five (45) days only: 1) with parental consent; or 2) by obtaining authorization from a court or BSEA Hearing Officer. In order to obtain an order from the court or BSEA Hearing Officer, the school must prove that maintaining the student's placement is substantially likely to result in injury to the student or others.

The parent shall have the right to appeal the Team's manifestation determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting. The student will remain in the disciplinary placement imposed by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

SCHOOL BUILDING STUDENT CODE OF CONDUCT

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

BEHAVIOR SUPPORT PLANS

In addition to IEP accommodations, some students may also have an individualized behavior support plan. Behavior support plans are data driven, and are based on functional behavior assessment and/or direct assessment and analysis of behavior data. Plans identify specific challenging behaviors for decrease as well as positive alternative behaviors for reinforcement. Plans are reviewed and amended as needed.

DRUGS/ALCOHOL

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

If a student is suspected to be under the influence or is in possession of drugs or alcohol, the Program Director or designee will search the Student and if found in possession local police, parents/guardians, and sending school district will be notified. Appropriate disciplinary measures, such as suspension, will be implemented.

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

The IEP Team will be reconvened to:

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

POSSESSION OF FIREARMS OR WEAPONS

Bi-County Collaborative's policy is based on Massachusetts law, M.G.L. c. 71, § 37H

- A student may be suspended or expelled for the possession of a dangerous weapon on school property or at school related events.
- A dangerous weapon includes, but is not limited to, a gun, rifle, knife, bomb or other similar device, machete, razors and/or razor blades, as well as those objects which the student intends to use or which may be used as a dangerous weapon, including but not limited to, sling shots, firecrackers, live bullets, brass knuckles, lighters, screwdrivers, metal stud bracelets and matches.

The local police and the school principal will be notified immediately if:

- A student is in possession of a dangerous weapon, such as a gun or knife;
- A student appears on school property with a dangerous weapon and presents immediate danger to self, other students or staff; and/or
- A student claims to have a weapon and won't give it up when asked.

If a student is found to be in possession of a dangerous weapon, Bi-County Collaborative staff will remove the item immediately and deposit it with a supervisor, who will immediately notify the Executive Director. In addition, staff shall report the incident in writing to their immediate supervisor, and this report will be immediately provided to the Executive Director. The provisions of M.G.L. c. 71, § 37H in regards to further reporting, assessing, and counseling, will be followed.

NOTE: Violations of the weapons policy can result in out-of-school suspension/expulsion and/or may result in a recommendation of an alternate placement or termination of services.

SEARCH AND SEIZURES

Lockers, cubbies, desks, laboratory tables, school computers and the like are the property of the Collaborative, and students have no expectation of privacy when storing or placing items in/on this property. Therefore, the Collaborative has the right to search these at any time for any reason.

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

Parents of students under the age of 18 should be notified of the search of their child within twenty-four (24) hours after the search has occurred.

Refusal to comply with a search will result in suspension. The police may be called if the purpose of the search was to find evidence of a crime, a weapon and/or a controlled substance.

During the time of suspension, students must staff off school grounds and away from all school activities

Planned Terminations

1. Except in emergency cases, it is the policy of BICO to notify the LEA of the need to reconvene the IEP Team. The school district will arrange such a meeting and provide notice to all parties including the student if appropriate.
 - Notice of this meeting will be given ten (10) days in advance of the intended date of the meeting and shall be sent to the parent, the student (if over 14 years of age), the LEA and if appropriate, the human service agency. The meeting will be held for the purpose of planning and developing a written termination plan for the student.
 - The plan will describe the student's specific program needs, the short and long term educational goals of the program, and recommendations for follow-up and/or transitional services.
 - The school will thoroughly explain termination procedures to the student, the parents, the LEA and officials of the appropriate human service agencies.
 - The written termination plan shall be implemented in no less than thirty (30) days unless all parties agree to an earlier date.

23

Emergency Terminations

2. In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program will follow the procedures required under 603 CMR 28.09 (12)(b):
 - Immediately notify the Department of Elementary and Secondary Education.
 - Immediately notify by telephone and by letter, the parents, the LEA, and any state agency involved in the student’s care or program, and the Department of Education.
 - BICO will provide the public school with the opportunity to hold an emergency TEAM meeting, and will not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district assumes responsibility for the student.
 - At the request of the public school district, BICO will delay termination of the student for up to two weeks to allow the public school district the opportunity to convene an emergency TEAM meeting or to conduct other appropriate planning discussions prior to the student’s termination from the program.
 - With the mutual agreement of BICO and the public schools district, termination of enrollment may be delayed for longer than two calendar weeks.

ORGANIZATIONAL POLICIES AND STATE AND FEDERAL REGULATIONS

BULLYING PREVENTION AND INTERVENTION POLICY

In accordance with Mass. Gen. Laws c. 71, sect. 37O, the Bi-County Collaborative is committed to maintaining a school environment free of bullying. Students are prohibited from engaging in any form of harassment, intimidation, or bullying of other students or staff members. Harassment or bullying can take many forms, including physical actions, verbal taunts or threats, written or electronic communications, or internet postings or communications, made either directly to the individual, or made to others about the individual. These actions are prohibited where they have the effect of physically or emotionally harming another individual, interfering with another student’s education, threatening the overall educational environment, and/or disrupting the operation of school.

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result no student or employee shall be subjected to harassment, intimidation, bullying, or cyberbullying in any public educational institute. “Bullying”, the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.

According to the law passed by the Massachusetts Legislature:

1. “Bullying and cyberbullying” means unwelcome written, electronic, verbal or physical acts or gestures where a student or employee feels coerced, intimidated, harassed or threatened and under the circumstances (1) may cause a reasonable person to suffer physical or emotional harm to a student or employee, (2) may cause damage to another student’s or employee’s property, or (3) may cause a disruptive or hostile school environment. The behavior must interfere with an employee’s ability to perform his or her duties or with a student’s academic performance or ability to learn, or interfere with a student’s ability to participate in or benefit from services, activities, or privileges:
 - a. that are being offered through the school district; or
 - b. during any education program or activity; or

- c. while in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school sponsored activities, or at school sanctioned events; or
 - d. through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute.
2. As used in this Section, “electronics communication” means any communication through an electronic device including a telephone, cellular telephone, computer, pager, or any other electronic communication device. Students should be aware that internet communications, including communications on social networking websites and blogs, may still violate this policy even when they are made using a student’s private computer outside of school hours.
 3. The Collaborative will promptly and reasonably investigate allegations of harassment, including bullying. The Program Director will promptly notify the Executive Director of such allegations and will be responsible for handling all complaints by students alleging harassment, including bullying.

Is this bullying?

One time incidents may be deliberately mean, cruel or developmentally inappropriate but they may not be bullying. However, some other behaviors may violate other school rules so it should be reported to an adult as soon as possible. For behavior to be deemed bullying it needs to include all of the following elements:

- Must be repeated action(s) by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.
- Must be a written, verbal or electronic expression or a physical act or gesture
- Must be directed at a victim so that it causes one or more of the following:
 - Physical or emotional harm to the victim;
 - Damage to the victim’s property
 - Places the victim in reasonable fear of harm to him/herself or of damage to his/her property;
 - Creates a hostile environment at school for the victim;
 - Infringes on the rights of the victim at school; or
 - Disrupts the education process or the orderly operation of a school.

When and where should you report?

In the event that a bullying incident has occurred, get as much information as possible from your child and report it to a counselor, administrator, and/or teacher Reporting forms are also available on the BICO website. Anyone may make a bullying report.

Bullying Prevention Curriculum and Instruction:

Bi-County Collaborative has identified current practices and services that are in place throughout the organization to address the social and behavioral well-being of our students. Various techniques are utilized, including the development of pragmatic skills, social skills, modeling, social stories, and other team building activities that are embedded within our programs and services.

In addition to these practices, curriculum has been identified that is age-appropriate and that may be modified to meet the diverse needs of our students. This curriculum is intended to be foundational to the instruction of bullying prevention and intervention strategies. Program Staff will develop instructional modifications to the key components and lessons in order to meet the needs of our students.

- Elementary Programs: Massachusetts Aggression Reduction Commission (MARC) Curriculum for Grades K – 5
- Middle School Programs: Middle School Cyberbullying Curriculum (Grades 6 – 9)
- High School Programs: Massachusetts Aggression Reduction Commission (MARC) Curriculum for Grades 9 - 12

CHILD ABUSE AND NEGLECT

Mass. Gen. Laws c. 119, sect. 51A **requires** that personnel working with children report suspicions of child abuse to the appropriate authority. In summary, the law states that:

Teachers, paraprofessionals, nurses, administrators, social workers or any person paid to care for or work with a child in any public facility who has *reasonable cause to believe* that a child under age eighteen is suffering serious physical, emotional or sexual abuse and/or neglect **MUST** report that suspicion to the Massachusetts State Department of Children and Families in a 51A report or be liable to a \$5,000 fine.

Definitions of Abuse and Neglect

Abuse means the infliction, by other than accidental means, of physical harm upon the body of a child. Neglect means the failure to provide necessary food, care, clothing, shelter, or medical attention for a child.

Cases of reported abuse or neglect are to remain confidential. Discussion of these situations is limited to appropriate meetings with school staff members who have a need to know or authorized personnel from the Department of Children and Families.

CRISIS PREVENTION INTERVENTION POLICY & PROCEDURES

Bi-County Collaborative trains and prepares program staff to work with students with diverse needs. Through clinical consultation offered by clinical psychologists and psychiatrists, and the work of Board Certified Behavior Analysts (BCBAs), school adjustment counselors, therapists and special education teachers, our programs utilize positive behavior support plans, therapeutic interventions, and instructional strategies to respond to crisis situations.

Due to the nature of the disabilities of our students, they can become agitated, dis-regulated and sometimes out of control. Students may make threats, attempt to hurt themselves or others. The safety of all BICO students and staff is our utmost priority and all incidents are taken seriously. Staff follow Crisis Prevention Intervention procedures to support students in these situations.

The following steps are taken as needed:

Upon gaining knowledge of a student becoming threatening or dangerous to him/herself or others:

- 1) Staff report incidents to the Program Director, school adjustment counselor and/or other clinical staff
- 2) The school adjustment counselor and/or other staff support student and other involved individuals
- 3) A decision is made as to the seriousness of the situation with consideration to the student's history, previous behavior, current stressors, etc.
- 4) An incident report is written to document the event and parents are notified. Depending upon seriousness of the incident parents may be asked to pick up their son/daughter and have them evaluated for risk by the local crisis team and/ or a mental health service provider.
- 5) If the student is not safe to be transported by car, an ambulance will be called.
- 6) When appropriate a re-entry meeting is held with the student, parent, and staff to determine safety and to determine if any programming changes are needed.

When a student is acting in such a way as to present imminent danger to themselves or to others, BICO Program Staff implement Non-Violent Crisis Prevention Intervention strategies. BICO has staff who are certified trainers who provide training in Non-Violent Crisis Prevention Intervention (CPI) on an ongoing basis. For a complete description of BICO's Crisis Prevention Intervention Policy and Procedures, please see the Employee and Student Manual for Health and Safety posted on our website at www.bicounty.org.

Communication and Documentation of Incidents

Regular communication between program staff and parents/guardians is an essential component of our work together. In the event of an incident all attempts are made by program staff to contact parents/guardians personally by phone and/or in a home/school notebook so that the incident may be properly reviewed and discussed. All such incidents and interventions are documented using the Collaborative's Incident Report form.

Reports are written by the staff members involved in the incident, reviewed by the Program Director and the Program Director for Clinical Services. Incident reports are mailed to parents/guardians, sending school districts, and copies are retained in the Collaborative's student files.

Interventions used to manage student behavior are designed with the guidance of therapists, behavior specialists, clinical psychologists, special educators and Program Directors. Measures are taken to ensure that the least restrictive course of intervention is utilized. Positive behavior support plans and interventions are reviewed and updated on a regular basis by program staff. These plans may include the need to separate the student so as to provide an opportunity to de-escalate and stabilize behavior.

Documentation of Time-Out

When a student's behavior requires separation in a room apart from the group or program activity, such as time out, BICO staff follow the Crisis Prevention Intervention Policy & Procedures which includes the following: a staff member will be present and the student will be observed at all times, if a time out area has a door it will remain opened, it will not be locked, the space will be clean, safe, and appropriate for the age of the student, and the time out will be documented in the student's behavioral data log. Documentation will include the date, length of time out (start and end time), behavior preceding the need for time out, and staff member(s) observing the student during the time out.

Time-Out May NOT Exceed 30 Minutes without Approval

For a time-out to exceed 30 minutes, based on the student's continued agitation, approval from the Program Director or School Adjustment Counselor must be obtained. Staff members involved contact or have someone else contact their Program Director or School Adjustment Counselor for guidance in the further management of the situation. The Program Director or School Adjustment Counselor may decide to contact the Parent to confer on the matter.

Time-Outs which exceed 30 minutes are documented in an Incident Report. The Incident Report form shall include the date, time, and location of the time-out, the specific behavior preceding the time-out, follow up procedures and all requirements noted above.

RESTRAINT PREVENTION & BEHAVIOR SUPPORT POLICY & PROCEDURES

The Bi-County Collaborative (“BICO”) seeks to ensure that every student is free from the use of physical restraint that is inconsistent with the requirements of 603 C.M.R. 46.00. Physical restraint is an emergency measure of last resort. It may be administered only when necessary to protect a student and/or school community member from assault or imminent, serious physical harm. When, based on this standard, physical restraint is necessary, staff will strive to prevent or minimize any harm to the student as a result of the use of physical restraint. A separate policy, BICO’s Crisis Intervention Policy and Procedures, provides a description of alternatives to physical restraint as well as methods to prevent student violence, self-injurious behavior, and suicide, including de-escalation techniques and individual crisis planning.

Mechanical Restraint: the use of any device or equipment to restrict a student’s freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.

Medication Restraint: the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical Escort: a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of including student who is agitated to walk to a safe location.

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

Program Director: under this policy, BICO’s Program Director or designee serves in the capacity of “Principal” as that term is used in 603 C.M.R. 46.00.

Prone Restraint: a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the face-down position.

Seclusion: involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined below.

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

Chemical restraint, mechanical restraint and seclusion are prohibited in all BICO programs.

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of BICO from using reasonable force to protect students, others or themselves from imminent, serious, physical harm; (2) any individual from reporting to appropriate authorities a crime committed by a student or other individual; (3) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or person alleged to have committed a crime or posing a security risk; or (4) an individual from reporting neglect or abuse to the appropriate state agency, pursuant to M.G.L. c. 119 § 51A.

Time-out may be used only for the purpose of calming, it must be terminated as soon as the student has calmed, and it may not extend beyond thirty (30) minutes without the approval of the Program Director. The Program Director may grant an extension beyond thirty (30) minutes based only on the individual student's continuing agitation.

During time-out, the student must be continuously observed by a staff member. The staff member will either be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary and appropriate for calming. The student may not be involuntarily confined alone in a room or in an area from which the student is prevented from leaving, as this would constitute seclusion, which is prohibited at all times.

Legal Standard for Use of Physical Restraint

Physical restraint is considered an emergency procedure of last resort. This means that it may be used only when the student's behavior poses a threat of assault or imminent, serious, physical harm to self and/or others; *and* the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

Physical restraint may never be used for punishment. Physical restraint may not be used as a response to a student's property damage, disruption of school order, refusal to comply with rules/directions, or verbal threats, unless the above harm standard is also met.

Physical restraint may not be used as a standard response for any student. No IEP or written behavioral plan may include physical restraint as a standard response to any behavior.

Safety and Physical Restraint

To ensure student safety, staff will review and consider a student's medical and psychological limitations, known or suspected trauma history, and/or behavior intervention plans. Physical restraint will not be used when it is medically contraindicated for reasons including, but not limited to, communication-related disorders, asthma, seizures, cardiac condition, obesity, bronchitis, or risk or vomiting.

During a physical restraint, staff will continuously monitor the student's physical status, including skin temperature, color and respiration, and make certain that the student is able to breath and to speak. Staff will use the safest physical restraint method available and appropriate for the situation, and will use only the amount of force necessary to protect the student or others from physical injury or harm. Whenever possible, another adult who is not a participant in the restraint will witness the administration of the restraint.

When physical intervention becomes necessary, staff members must provide positive psychological conditions, by employing the following suggestions:

- Remain calm;
- Provide one adult to communicate verbally with the student;
- Reduce confusion; and
- Practice non-verbal communication (quality of touch, a non-confrontational approach).

In any situation that requires physical intervention, staff members not directly involved with the situation must assume responsibility for maintaining order and reassuring other students. In extreme situations, the student can appear out of control and reach a point where physical assistance cannot help. In this type of situation, staff members exercise movement deflection, and evasive tactics, until they can approach the student safely. Extreme situations require the staff member to notify the Program Director, Director of Clinical Services, or Executive Director immediately. If a life-threatening situation develops (display of a weapon or placing a staff member in physical peril), contact the police immediately (dial "911").

Description of physical restraints used in emergency situations:

***Children's Control Position/Basket hold:** Is designed to be used with children. You should consider using this position only with individuals considerably smaller than yourself.

Gain control of the child's arms from behind and cross the arms in front of the child. The arms should be positioned high on the child and secured by locking one arm under the other. This will prevent the child from slipping through and will minimize any pressure on the child's chest or abdomen. Position yourself behind the child while maintaining close body contact and standing to one side. This position allows you to maintain a balanced stance while managing the child.

***Team control position:** Is used to manage individuals who have become dangerous to themselves or others. Two staff members hold the individual as the auxiliary team member(s) continually assess the safety of all involved and assist, if needed. During the intervention, staff members who are holding the individual should:

- Face the same direction as the acting-out person while adjusting, as necessary, to maintain close body contact with the individual.
- Keep their inside legs in front of the individual.
- Bring the individual's arms across their bodies, securing them to their hip areas.
- Place the hands closest to the individual's shoulders in a C-shape position to direct the shoulders forward.

*(Taken from Non-Violent Crisis Prevention Intervention Manual, 2012 reprinted 2013)

Prone and Floor Restraints

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific documentation, are met: (1) the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff; (2) all other forms of physical restraint have failed to ensure the safety of the student and/or others; (3) there are no medical contraindications, as documented by a licensed physician; (4) there is psychological or behavioral justification for the use of prone restraint and no psychological or behavioral contraindications, as documented by a licensed mental health professional; (5) the program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and the use of prone restraint is approved in writing by the Program Director; and (6) the program has documented all of the above before using prone restraint and maintains the documentation.

The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with 603 C.M.R. 46.04(3).

Floor restraints are prohibited unless the staff administering the restraint have received in-depth training in accordance with 603 C.M.R. 46.04(3), and these trained staff members determine that such method of restraint is required to provide safety for the student or others.

Duration of Physical Restraint

A physical restraint must be terminated as soon as the student is no longer in immediate danger to himself or others, or the student demonstrates or expresses significant physical distress (e.g., difficulty breathing, sustained or prolonged crying, sustained or prolonged coughing). If a student demonstrates or expresses significant physical distress, staff will release the restraint and seek medical assistance immediately.

For any student to be restrained for more than twenty (20) minutes, staff must obtain Program Director's approval. The Program Director's approval to extend restraint beyond twenty (20) minutes must be based on the student's continued agitation justifying the need for continued restraint.

The Program Director must also make an administrative or clinical decision about further steps to assist the student. These steps include, but are not limited to, contacting the parent/guardian, student's psychotherapist, or other medical or community help organizations.

Follow-up with Individuals Involved

Follow-up procedures will be implemented after the release of the student from physical restraint. These will include reviewing the incident with the student to address the precipitating behavior, reviewing the incident with staff who administered the restraint to discuss whether proper restraint procedures were followed, and considering whether any follow-up is appropriate for students who witnessed the incident.

Restraint Prevention Discussion

Regular home-school communication between program staff and parents is an essential component of our work together. BICO welcomes and encourages parents and students to engage in discussion to prevent the need for restraint. IEP Teams work together to establish positive behavioral intervention and support for students when appropriate. Functional Behavior Assessment is used to design positive behavior intervention and support plans and includes discussion and input from therapists, behavior specialists, teachers, clinical staff, program directors, parents, and students when it is appropriate. Measures are always taken to ensure the least restrictive course of intervention and prevent physical restraint except for emergency situations. Parents are an integral part of discussions regarding behavioral support and restraint prevention.

All physical restraints, regardless of duration, will be reported. There are no individual waivers permitted for restraint reporting requirements. BICO's restraint report form provides an opportunity for parents and students to request a meeting with an administrator to review the incident of physical restraint and/or provide comments.

Reporting with School and to Parents

The reporting process within the school and to the student's parents is as follows: The staff who coordinate the physical intervention assumes the responsibility to immediately verbally inform the Program Director. The teacher will make reasonable efforts to verbally inform the student's parents or guardians within 24 hours of the restraint.

The staff member who coordinates the physical intervention assumes the responsibility for completing the Physical Restraint Report form **by the close of the school day. This report is to be emailed to the Program Director before the staff member leaves work for the day.**

This report is submitted to the Program Director, who signs it, and also:

- submits the report to the Program Director for Clinical Services and/or Executive Director or designee for signature before placing the report in the student's file;
- ensures that a copy of the report is sent to the parents/guardians by email or mail, postmarked no later than three (3) school working days following the use of restraint. In cases where parents are not living together, but have joint legal custody, each parent should receive a copy of the report; and;
- ensures that a copy of the report is sent to the Special Education Administrator of the school district that is responsible for the student's education plan.

Reporting to the Department of Elementary and Secondary Education

The reporting process to the Department of Elementary and Secondary Education (DESE) is as follows: BICO will report to DESE all restraints that result in injury to either a student or a staff member within three (3) working days of the restraint. BICO will also send the Department a copy of the records of physical restraints by the Program Director pursuant to 603 SMR 46.06(2) for the 30-day period prior to the date of the reported restraint. Additionally, BICO will provide DESE with an annual report of its physical restraint use.

Review of Restraints

Two types of administrative reviews will be conducted in regards to the use of physical restraint. The Program Director will conduct a Weekly Individual Student Review and a Monthly School-Wide Review. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

Weekly Individual Student Review

A Weekly Individual Student Review will be conducted in regards to any student who has been restrained multiple times during the week. The Program Director will convene a review team to assess the progress and needs of any such student, with the goal of reducing or eliminating future restraint. This team will review and discuss the written restraint reports, analyze the factors that led to the restraint, consider the factors that may have contributed to the escalation of the student's behavior, and develop a written action plan.

Monthly School-wide Review

A Monthly School-Wide Review will also be conducted by the Program Director. In this review, the Program Director will consider patterns of restraints, number of restraints, duration of restraints and any injuries caused by restraints. The Program Director will assess whether the restraint prevention and management policy needs to be modified and/or whether there is a need for additional staff training on restraint reduction and restraint prevention strategies.

General Training

The Program Director will ensure that all staff receive training on BICO's Restraint Prevention and Behavior Support Policy and Procedures and the requirements for the use of restraint. This training will comply with the requirements of 603 C.M.R. 46.04(2).

In-Depth Training

The Program Director will identify and authorize certain staff to serve as a school-wide resource to assist ensuring the proper administration of physical restraint. These identified staff will participate in an in-depth training that complies with the requirements of 603 C.M.R. 46.04(3) and 603 C.M.R. 46.04(4).

Procedure for Receiving and Investigating Complaints

Any individual with concerns or a complaint regarding the use of physical restraint should report it to the attention of the Program Director, the Program Director of Clinical Services and/or the Executive Director. The Executive Director will order an investigation of the incident leading up to the physical restraint including a full review of the restraint report, physical techniques utilized, and of the space in which the physical restraint occurred. A final report will be provided to the Executive Director who will determine the necessary program modifications, remedial actions, or disciplinary actions to be taken. The Complainant will be notified of results of the investigation and proposed actions.

NON-DISCRIMINATION: DISCRIMINATION AND HARASSMENT PROHIBITED

Every student at BICO Collaborative will have equal educational opportunities. Bi-County Collaborative does not discriminate on the basis of race, color, age, sex, gender identity, religion, national origin, sexual orientation, homelessness, or disability. Harassment and discrimination by administrators, staff, students, vendors and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. Retaliation against any individual who has brought harassment, discrimination, or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is also prohibited.

Acts of bigotry and prejudice will not be tolerated at any level at Bi-County Collaborative. Bigotry, in any form, undermines the basic philosophy upon which our country was founded. Not only does it destroy human relationships so vital to the success of our society, but it also inflicts personal pain on those who are its victims. Bi-County Collaborative strongly enjoins its administrators, staff, parents and students to adopt a constant and continual vigil against any type of bigotry and prejudice, and address it both from a humanistic and educational point of view. It is the obligation of each person to report any conduct which violates the discrimination and harassment policy at BICO.

The Collaborative has set forth the following grievance procedures by which complaints of discrimination, harassment, and sexual harassment may be filed, investigated and resolved.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Bi-County Collaborative does not tolerate discrimination against students, parents, employees or the general public on the basis of sex. The Collaborative is also committed to maintaining a school environment free of harassment based on sex, including harassment based on gender, sexual orientation, gender identity, pregnancy or pregnancy status. The Collaborative's policy of nondiscrimination extends to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admission to a public school of the Collaborative or in obtaining the advantages, privileges, and courses of study of such public school on account of sex.

How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator(s) identified below or the Principal. Any report of sexual harassment, as defined under Title IX of the Education Amendments of 1972, will be responded to promptly in accordance with the *Collaborative's Title IX Sexual Harassment Grievance Procedures*, available at:

[BICO Title IX Sexual Harassment Grievance Procedure 2.pdf](#)

Reports of discriminatory harassment not constituting sexual harassment as defined under Title IX of the Education Amendments of 1972, will be initially addressed through the *Collaborative's Title IX Sexual Harassment Grievance Procedure* and may, if dismissed under that procedure, be investigated in accordance with the *Collaborative's Civil Rights Grievance Procedures*, available at:

[BICO Civil Rights Grievance Procedure for all non-Title IX Claims 2.pdf](#)

Upon receipt of a report of sexual harassment, the Title IX Coordinator will: (1) promptly and confidentially contact the complainant to discuss the availability of supportive measures; (2) inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint; (3) consider the complainant's wishes with respect to supportive measures; (4) if the school Collaborative does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and (5) explain to the complainant the process for filing a Title IX Formal Complaint.

Inquiries about the application of Title IX to the Collaborative may be directed to the Collaborative's Title IX Coordinator and/or the Assistant Secretary of the U.S. Department of Education, Office for Civil Rights.

Collaborative's Title IX Coordinator(s):

**Title IX Coordinator:
Laurie Cunningham, Clinical Director
Bi-County Collaborative
397 E Central Street
Franklin, MA 02038
lcunningham@bicounty.org
508-520-1998**

TITLE IX SEXUAL HARRASSMENT GRIEVANCE PROCEDURE

OVERVIEW

Bi-County Collaborative is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The Collaborative does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by Bi-County Collaborative.

SCOPE

The Title IX Sexual Harassment Grievance Procedure has been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedure applies only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedure applies to conduct that occurs within the United States in an education program or activity of the Collaborative, regardless of whether such Collaborative program or activity is conducted on or off school grounds. A Collaborative education program or activity includes locations, events, or circumstances over which the Collaborative exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedure. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the Collaborative's Civil Rights Grievance Procedure. (See exception under Section II, Part 4, Step 4 below).

The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

The Collaborative's Civil Rights Grievance Procedure is available at

[BICO Civil Rights Grievance Procedure for all non-Title IX Claims 2.pdf](#)

CONFIDENTIALITY

The Collaborative will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this Procedure the terms "complainant" and "alleged victim" shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the Collaborative investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the Collaborative's education program or activity with which the Formal Complaint is being filed.

Sexual Harassment: Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term “consent” shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Executive Director: The Executive Director or Executive Director’s designee.

Party or Parties: The complainant and/or respondent.

Program Director: The Program Director or Program Director’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the Collaborative to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Program Director, but any Collaborative employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any Collaborative employee who receives a report of sexual harassment shall respond by promptly informing the Program Director or Title IX Coordinator of the report. Any Collaborative employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Program Director or Title IX Coordinator of the incident. If a report involves an allegation against the Program Director or Title IX Coordinator, the Collaborative employee shall instead report the allegation to the Executive Director.

Any Program Director who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. Collaborative's Response to Report: The Collaborative will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant Collaborative procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
- (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
 - (3) Consider the complainant's wishes with respect to supportive measures;
 - (4) If the Collaborative does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
 - (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the Collaborative's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.
- B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.

- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this Procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the Collaborative shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known.

The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this Procedure. If, in the course of the investigation, the Collaborative decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the Collaborative shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
 - a. even if proved, would not meet the definition of sexual harassment under Title IX;
 - b. did not occur in an education program or activity of the Collaborative; or
 - c. did not occur against a person in the United States.
- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
 - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;

- b. the respondent is no longer enrolled or employed by the Collaborative;
or
 - c. specific circumstances prevent the Collaborative from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
 - (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the Collaborative from addressing the allegations under any other relevant Collaborative policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedure, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the Collaborative from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority.

During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the Collaborative, not on the parties.
- (3) The Collaborative shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The Collaborative shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The Collaborative shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The Collaborative may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the Collaborative obtains the party's written consent to do so.

- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year.

In the event that the investigation extends beyond the last day of school, the Collaborative will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The Collaborative must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The Collaborative shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The Collaborative must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The Collaborative shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing.

Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
 - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
 - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the Collaborative, each party and witness shall have five (5) calendar days to respond to those questions in writing.¹
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.

¹ The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

- (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
 - (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
 - (5) The written determination must be sent simultaneously to both parties.
 - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- C. Remedies: If the decision-maker determines that sexual harassment has occurred, the Collaborative administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the Collaborative's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the Collaborative administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.
 - (2)
- E. Informal Process: Only after a Formal Complaint is filed may the Collaborative opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
 - (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
 - (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

- F. Emergency Removal under Title IX: The Collaborative may remove a respondent on an emergency basis at any time provided that the Collaborative: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.
- G. Anonymous Reports: The Collaborative may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the Collaborative's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the Collaborative can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the Collaborative will be unable to provide the complainant supportive measures in response to that report. The Collaborative may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the Collaborative shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the Collaborative's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
 - (2) newly discovered evidence that could affect the outcome of the matter; and/or
 - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Executive Director or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Executive Director will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this Procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Executive Director, Bi-County Collaborative, 397 East Central Street, Franklin, MA, 02038.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Executive Director's decision on a timely filed appeal.

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website](#); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website](#).
- K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
 - Title IX Coordinator: Laurie Cunningham, lcunningham@bicounty.org
 - Investigator(s): Laurie Cunningham, lcunningham@bicounty.org
 - Decision-maker(s): Julie O'Connor, Director of Student Services, joconnor@bicounty.org
Program Directors:
Pam Ludwig, pludwig@bicounty.org
Kristin Boni, kboni@bicounty.org
Ben Giuffrida, bgiuffrida@bicounty.org
Melissa Worthy, mworthy@bicounty.org
Sara Gustafson, sgustafson@bicounty.org
 - Appeal Officer: Executive Director, Jeanne Sullivan, jsullivan@bicounty.org
 - Informal Resolution Facilitator: Laurie Cunningham, lcunningham@bicounty.org or designee

The Collaborative will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the Collaborative's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

CIVIL RIGHTS GRIEVANCE PROCEDURE

Bi-County Collaborative is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Procedure is unlawful and will not be tolerated by Bi-County Collaborative.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the Collaborative administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the Collaborative’s *Title IX Sexual Harassment Grievance Procedure*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedure*.

[BICO Title IX Sexual Harassment Grievance Procedure 2.pdf](#)

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

Definitions

For the purposes of this Procedure:

- A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the Collaborative.

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the Collaborative.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the Collaborative shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The Collaborative must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.
- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Program Director: The Program Director or Program Director's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Program Director. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Program Director or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Program Director.

There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the "reporter."

- A. Any Collaborative employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Program Director or Civil Rights Coordinator, identified below. Any Collaborative employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Program Director. Upon receipt of a report of discrimination, harassment or retaliation, the Program Director shall promptly inform the relevant Civil Rights Coordinator of the report, and the Collaborative will respond in a manner consistent with this Procedure. If the report involves an accusation against the Program Director or Civil Rights Coordinator, the employee shall report the incident to the Executive Director or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Program Director or Civil Rights Coordinator. The Collaborative shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the Collaborative will often be able to maintain confidentiality of reporting persons, the Collaborative may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the Collaborative to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.
- D. Informal Process: If the Collaborative concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the Collaborative may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.
- E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Program Director. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.

- F. Initial Assessments: The Civil Rights Coordinator or Program Director will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Program Director may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Program Director concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Program Director may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Program Director will initiate an investigation. The Civil Rights Coordinator or Program Director may also identify and initiate any interim measures. See Section G.
- G. Interim Measures: The Collaborative will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the Collaborative and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The Collaborative will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the Collaborative will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the Collaborative will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Program Director, Civil Rights Coordinator or other individual designated by the Program Director or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
 1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
 2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
 3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
 4. The investigator will keep a written record of the investigation process.
 5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
 6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
 7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.
- K. If the investigator determines that discrimination, harassment or retaliation has occurred, the Collaborative shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:
 1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
 2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The Collaborative administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law.

Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the Collaborative's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

- L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Executive Director or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Executive Director, Bi-County Collaborative, 397 East Central Street, Franklin, MA, 02038. The Executive Director will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.
- M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this Procedure is:
Laurie Cunningham, Clinical Director, lcunningham@bicounty.org
- N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website](#); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website](#).

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

NO TOBACCO POLICY

In the interest of promoting healthy working conditions and protecting the safety of students, faculty and visitors, the Board of Directors of Bi-County Collaborative have created a smoke free environment for all of the programs. Therefore, the use of tobacco products, including e-cigarettes and vaporizers, by staff, students, and visitors is prohibited at all times in all school facilities, school grounds, at all school sponsored activities, including field trips, and on school vans.

In accordance with M.G.L., c. 71, § 2A, it is unlawful for any student enrolled in a public primary or secondary school in the Commonwealth to use tobacco of any kind on school grounds.

STUDENT RECORDS

Bi-County Collaborative recognizes that the official student record is maintained by the sending school district(s)/LEA responsible for student's placement. All requests for records or amendments to records should be sent to the sending school district/LEA. It is the policy of the Bi-County Collaborative to maintain student records of attendance, evaluation, exclusion (e.g. suspension) or withdrawal for each child in accordance with FERPA, 603 CMR sect. 23.00, and Mass. Gen. Laws c. 71, sect.34E and 34D *during the time in which the child is enrolled in a Collaborative program*. Student records are kept in a protected location, and treated in a confidential manner.

Once the student is no longer enrolled in a Collaborative program, all student records are returned to the sending school district. No student records are kept by the Collaborative once the student has withdrawn from a Collaborative program or graduated from school.

Bi-County Collaborative will provide access to the student record to the parent/guardian or to eligible student as soon as possible and within ten (10) days after the initial request.

The parent/guardian and student may request to have parts of the record interpreted by a qualified professional of the school, or may invite anyone else of their choosing to inspect or interpret the record with them.

Pursuant to Mass. Gen. Laws c. 71, Section 34E and 34D, and 603 CMR sect. 23.01(3), a parent/guardian of a student has the right to inspect his or her child's student record regardless of the student's age. Under Section 23.07(2) (a) of the regulations, parents/guardians and "eligible students" (those fourteen or older or in at least ninth grade) have the right upon request to a copy of any information in the student record. However, Section 23.01 (3) of the regulations permits a student eighteen or older to limit his or her parent's/guardian's right to a copy of some or all of the information in the record by submitting a written request to the principle or superintendent. A copy of such request must be kept in the student record and honored by school officials.

Confidentiality of Records

Except where state and federal regulations specifically authorize access to third parties, no individuals or organizations other than the Parent/Guardian, eligible students, and school personnel working directly with the student are allowed to have access to information in the student record without specific, informed, written consent of the Parent/Guardian or eligible student.

Access to Student Records for Non-Custodial Parents

In order to ensure that permitted parental access is provided as soon as possible, a parent/guardian should provide the Collaborative with a copy of any custody decree or agreement, parenting plan or any other court order, including a temporary restraining order, which specifies which parent(s) has physical and legal custody.

As required by Mass. Gen. Laws c. 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Department of Education Regulations. Any individual who by court order does not have physical custody of the student is considered a non-custodial parent for purposes of M.G.L. 71, § 34H, 603 CMR 23.07 and this policy. This includes parents who by court order do not reside with or supervise the student, even for short periods of time. The school district will follow the law and the regulations developed by the Massachusetts Department of Elementary and Secondary Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children (“non-custodial parents”).

As required by M.G.L. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student record unless:
 1. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
 2. The parent has been denied visitation or has been ordered supervised visitation, or
 3. The parent’s access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.
- (b) The school shall place in the student’s record documents indicating that a non-custodial parent’s access to the student’s record is limited or restricted pursuant to 603 CMR 23.00.
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after twenty-one (21) days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access to set forth in 603 CMR 23.07.
- (e) The school must delete the electronic and postal address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order, which prohibits the distribution of information pursuant to M.G.L. 71, § 34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

ANTI-HAZING

The Bi-county Collaborative forbids hazing in any form. Should an alleged instance of hazing occur, the provision of Massachusetts General Laws, Chapter 269, Sections 17-19 shall be adhered to (see below). Any student who has engaged in hazing shall be subject to disciplinary action. Any employee who has engaged in hazing shall be subject to disciplinary and/or legal action.

M.G.L. Chapter 269, Section 17 - HAZING

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

The term "hazing" shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

M.G.L. Chapter 269, Section 18 – FAILURE TO REPORT HAZING

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

M.G.L. Chapter 269, Section 19 – ISSUANCE TO STUDENTS

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

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

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

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

M.G.L. c. 71, Sections 37H & 37H ½ & 37H3/4 ; M.G.L. c. 76, Section 21

M.G.L. c. 71, § 37H governs the suspension/expulsion procedures for student possession of a dangerous weapon, possession of a controlled substance, and assaults on school staff.

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

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

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

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

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

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

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

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

M.G.L. c. 71, § 37H1/2 governs the suspension/expulsion procedures based on the issuance of a felony complaint against a student and/or a felony conviction of a student.

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

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

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

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

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

M.G.L. c. 71, § 37H3/4 governs suspension/expulsion procedures based on any grounds other than possession of a dangerous weapon, possession of a controlled substance, assault on school staff, felony complaint, or felony conviction.

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

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

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect.

The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing.

The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school.

For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days.

The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

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

M.G.L. c. 71, §37L

Section 37L. The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119 and the reporting requirements for fires under section 2A of chapter 148.

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of children and families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.