

## **Section A Foundations and Basic**

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**Approved by the School Committee on January 9, 2024**

## **Section A Foundations and Basic Commitments**

### **AA Granby Public Schools Legal Status**

The legal basis for public education in the district is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

“...Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein.”

The public educational system of Granby structurally is a department of the town operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Granby Public Schools is coterminous with the Town of Granby.

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II

M.G.L. [71:1](#)

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

## **AB The People and Their School District**

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

The School Committee therefore affirms and declares its intent to:

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

SOURCE: MASC

## **AC Nondiscrimination**

The Granby Public School District is committed to maintaining and promoting an educational environment free from all forms of discrimination, including harassment. The civil rights of all school community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to the District. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Granby Public Schools.

The Granby Public Schools does not exclude from participation, deny the benefits of the Granby Public Schools from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin,

or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities. Such discrimination will not be tolerated. Retaliation against any student or other individual who has complained of discrimination, including harassment, or individuals who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated.

The District will promptly investigate, remedy any harm, seek to prevent recurrence of such conduct, and will also develop procedures to accomplish this end. This policy applies to conduct directed toward persons associated with the educational community by all other persons associated with the educational community including, but not limited to, students, District employees, the School Committee, school volunteers, and independent contractors.

## **I. What Is Discrimination, including Harassment?**

### **Definitions**

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of the Granby Public Schools; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or

"stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Granby Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX. Please also see Policy ACAB.

## **II. Responsibilities of all Persons Associated with Educational Community**

Each member of the educational community is personally responsible for ensuring that his/her conduct does not in any way harass or discriminate against any other person that he/she has contact with in the performance of his/her duties or studies or while acting as a member of the school community. In addition, each member of the educational community is required to fully cooperate in any investigation of alleged discrimination, including harassment. Further, District employees are obligated to intervene and stop any discrimination, including harassment they witness and to immediately report to the appropriate party instances of discrimination, including harassment that are reported to them or of which they otherwise learn.

## **III. Designated Officials for Addressing Discrimination and Harassment Complaints**

The Civil Rights Coordinator is responsible for receiving reports and complaints of violations of this Policy. Individuals may file a report or complaint of discrimination, including harassment, with the Civil Rights Coordinator and/or Title IX Coordinators if the complaint involves sexual harassment. If the complaint involves allegations of discrimination based on disability, the person filing the complainant also has the option to file his/her complaint with the building level 504 coordinator. A report or complaint of a violation involving the Civil Rights Coordinator(s) and/or Title IX Coordinators should be filed with the Superintendent. A report or complaint of violation involving the Superintendent should be filed with the Committee.

The Civil Rights and Title VI Coordinator:  
Meghan Schepart, Director of Pupil Services  
387 E. State Street, Granby MA 01033  
413-467-9237 x1027 [mschepart@granbyschoolsma.net](mailto:mschepart@granbyschoolsma.net)

Title IX Coordinator:  
Meghan Schepart, Director of Pupil Services  
387 E. State Street, Granby MA 01033  
413-467-9237 x1027 [mschepart@granbyschoolsma.net](mailto:mschepart@granbyschoolsma.net)

Section 504/Title II Coordinator:  
Meghan Schepart, Director of Pupil Services  
387 E. State Street, Granby MA 01033  
413-467-9237 x1027 [mschepart@granbyschoolsma.net](mailto:mschepart@granbyschoolsma.net)

An individual can contact any of the above listed Coordinators to file a report/complaint as well as to seek assistance in the filing of a report/complaint. If a report/complaint is filed, the person should provide the Coordinator(s) with any documentation (emails, notes, pictures, etc.) or other information in support of the allegation of discrimination,

including harassment.

## **V. Investigation of Complaints**

Upon receipt of a report or complaint of discrimination and/or harassment, the relevant Coordinator(s) should conduct a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, the alleged harasser, and any other appropriate party to provide information, including witnesses or other evidence, relevant to the consideration and resolution of the complaint. The Coordinator(s) will also endeavor to promptly interview and obtain detailed written statements from potential witnesses. If further documentation or information is necessary, the Coordinator(s) will notify the appropriate party, asking that the information be provided within ten (10) school/working days. The Civil Rights Coordinator may also assign a designee to conduct the investigation in consultation with the Civil Rights Coordinator.

The District will take interim steps, as necessary, to ensure the safety and well-being of the complainant and the alleged harasser while the investigation is being conducted. Interim measures are available even if the complainant does not file or continue to pursue a complaint. The Civil Rights Coordinator(s) shall notify the complainant and the alleged harasser of specific types of interim measures available, which may include measures to avoid contact with the other party, allowing employees to change work situations as appropriate, or prohibiting contact between the parties pending the results of the District's investigation. At any time, a complainant or the alleged harasser may request either orally or in writing to the Civil Rights Coordinator that specific interim measures be taken pending the outcome of the investigation.

A written determination regarding the complaint and any resolution will be provided by the Civil Rights Coordinator to the complainant and the alleged harasser once the investigation is complete. The determination of whether the District's antidiscrimination policy has been violated will be based upon a preponderance of the evidence standard. The complainant or the alleged harasser may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the Civil Rights Coordinator. The Superintendent or his/her designee will respond to such request with notice to both parties within (30) thirty school/working days of receipt of the request for reconsideration; his/her decision is final.

If a violation is found to have occurred, the District will take steps to prevent recurrence of the violation and correct its discriminatory effect on the person(s) affected. Such steps may include appropriate disciplinary action, counseling, development of a safety plan and other remedies, as appropriate.

## **VI. Consequences of Violating Policy - Discipline & Discharge**

Any employee who violates this policy will be subject to disciplinary action consistent with the contractual provisions governing his/her employment. In appropriate circumstances, the District may also refer the matter to law enforcement officials for possible prosecution.

Any student who violates this policy will be subject to disciplinary action, which may range from detention, suspension from schools, or expulsion from school. (Note: students with disabilities will be subject to the applicable disciplinary procedures set forth in the Students' Rights and Responsibilities District handbook, which adhere to Individuals with Disabilities Education Act and Section 504 of Rehabilitation Act of 1973.) In

appropriate circumstances, the District may also refer the matter to law enforcement officials for possible prosecution.

## **VII. Confidentiality**

Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under this policy. The District shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

## **VIII. State and Federal Authorities**

In addition to the process described above, the complainant may, at any time, file a complaint with the U.S. Department of Education Office for Civil Rights, Massachusetts Commission Against Discrimination, Massachusetts Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination, including harassment based on membership in a protected class.

Massachusetts Commission Against Discrimination

436 Dwight St., 2nd Floor, Rm. 220

Springfield, MA 01103

Telephone: (413) 739-2145

Massachusetts Department of

Elementary and Secondary Education

75 Pleasant Street

Malden, MA 02148-4906

Telephone: (781) 338-3000

Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov;

Website: [www.ed.gov/ocr](http://www.ed.gov/ocr).

LEGAL REFS: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal

Employment Opportunity Act of 1972 Executive Order 11246, as

amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972 Title

IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

Title IX of the Education Amendments of 1972

CROSS REF: ACE, Non-Discrimination on the Basis of Disability

ACAB, Sexual Harassment  
GBA, Equal Employment Opportunity  
IJ, Instructional Materials  
JB, Equal Educational Opportunities

Approved May 10, 2022

## **ACA Nondiscrimination on the Basis of Sex**

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

SOURCE: MASC

LEGAL REFS.: Title IX of the Education Amendments of 1972

45 CFR, Part 86, (Federal Register, 6/4/75)

M.G.L. [76:5](#); [76:16](#) (Chapter 622 of the Acts of 1971)  
BESE 603 CMR [26:00](#)

CROSS REF.: [AC](#), Nondiscrimination

## **ACAB Sexual Harassment**

The Granby School Committee and Granby Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Granby Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education

program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion.

Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement.

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

- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment. Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual



harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination. The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

## **NOTICE OF SEXUAL HARASSMENT**

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

## **REPORTING**

Any person may file a report of sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), at any time either in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. However, if a person files a false complaint in bad faith, knowingly and intentionally, they will be subject to discipline.

Title IX Coordinator:

Meghan Schepart, Director of Pupil Services

387 E. State Street Granby, MA 01033

413-467-9237 x1027 [mschepart@granbyschoolsma.net](mailto:mschepart@granbyschoolsma.net)

The contact information for the Title IX Coordinators will always be prominently displayed on the school's website.

## **INVESTIGATIONS**

The School will investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. The school's grievance process will:

- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice at the party's own expense (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout

the investigation;

- Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
  - Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
  - Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
  - Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
  - Use the preponderance of the evidence standard for all complaints of harassment on the basis of sex, regardless of whether the complaint is against students or district employees;
  - Ensure the decision-maker is not the same person as the investigator and/or the Title IX Coordinator (i.e., no "single investigator models");
  - Parties may submit written questions for the other parties and witnesses to answer;
  - Protect all complainants from inappropriately being asked about prior sexual history ("rape shield")
  - Send both parties a written determination regarding responsibility explaining how and why the decision-maker reached conclusions;
- 
- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment;
  - Offer both parties an equal opportunity to appeal;
  - Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
  - Make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
  - Document and keep records of all sexual harassment reports and investigations for at least seven years.

## **RECORD KEEPING**

Schools must create and maintain records documenting every Title IX sexual harassment complaint. Records relating to complaints of sexual harassment must be kept in accordance with the records retention schedule. Such records include: records of a school's investigation (including complaints (formal and informal), notices, the determination, investigative report, disciplinary measures or remedies, etc.); records of any appeals and materials associated with the appeal; records of any supportive measures taken in response to a complaint of sexual harassment (even if the complainant does not file a formal complaint); records of any informal resolution process; all materials used to train Title IX Coordinators, Investigators, decision makers, and those facilitating an informal resolution. The training materials must be kept on the School's website.

## **RETALIATION IS PROHIBITED**

Any person who experiences retaliation for exercising their rights under Title IX can file a retaliation complaint with the Title IX Coordinator. The school will keep the names/identity of parties and witnesses confidential unless such disclosure is required under another law, or is necessary to conduct a thorough grievance procedure.

## **SUPPORTIVE MEASURES**

When alleged sexual harassment is reported, the Title IX Coordinator must inform the victim to their right of supportive measures even if no formal complaint is filed. The school must consider the alleged victim's wishes with respect to supportive measures. Supportive measures for those involved in the sexual harassment complaint process may include: counseling, extending deadlines, modifications of work and/or class schedules, school escort services, increased school security and/or monitoring, mutual restrictions on contact between the individuals involved through a safety plan. Supportive measures will be kept confidential whether they are provided to the alleged victim or accused person to the extent the confidentiality will not interfere with the supportive measures offered.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Granby School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601  
Boston, MA 02108.

Phone: 617-994-6000.

- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8th Floor  
Boston, MA 02109.

Phone: 617-289-0111.

- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A

Title IX of the Education Amendments of 1972

BESE 603 CMR 26:00

34 CFR 106.44 (a), (a)-(b)

34 CFR 106.45 (a)-(b) (1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Approved May 10, 2022

## **ACAB-R SEXUAL HARASSMENT POLICY FOR SEXUAL HARASSMENT AGAINST EMPLOYEES**

The Granby School Committee and Granby Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Granby Public Schools.

Title VII of the 1964 Civil Rights Act protects workers in a school. Students are protected from sexual harassment under the provisions of Title IX (See Policy ACAB), since courts have found sexual harassment to be a form of sex discrimination. If sexual harassment involves a minor student in a school setting, it can also be considered a criminal offense under laws relating to child abuse.

Effects on a victim of sexual harassment: A victim may frequently stay home from the work place in order to avoid the harassment (more sick days taken). The victim's enjoyment of and pride in work is often undermined or destroyed because the victim is forced to spend time and energy fending off humiliating sexual advances or to deal with a hostile and intimidating atmosphere created by verbal harassment. There can also be physical and psychological effects similar to those experienced by rape victims. Professional counseling may be necessary.

Sexual harassment is not, by definition, limited to prohibited conduct by a particular sex.

Further, the victim does not have to be of the opposite sex from the harasser. The victim does not have to be the person whom the unwelcome sexual conduct is directed. Finally, any adult may be a victim of sexual harassment by a student. Sexual conduct between staff and a student is prohibited, and must be reported immediately so that appropriate action may be taken.

Sexual Harassment Defined:

Title VII of the 1964 Civil Rights Act defines Sexual Harassment as: "Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sex harassment when:

- (1) submission to such conduct is made a term or condition of employment,
- (2) submission or rejection of such conduct is used as a basis for employment decisions,
- or
- (3) such conduct unreasonably interferes with work performance, or creates an intimidating, hostile or offensive working environment."

Sexual harassment may include, but is not limited to:

1. Assault, inappropriate touching, intentionally impeding movement, comments, gestures, or written communications of a suggestive or derogatory nature.
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
3. Implying or withholding support of an appointment, promotion or change of assignment; suggesting that a poor performance report will be prepared; or suggesting that probation will be filed.
4. Coercive sexual behavior used to control, influence or affect the career, salary and/or work environment.
5. Offering or granting favors or employment benefits, such as promotions, favorable

performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc. in exchange for sexual favors.

Other sexual harassing behavior directed towards management, staff, or students, whether committed by management, staff, or students, is also prohibited. Such conduct includes, but is not limited to:

1. Unwelcome sexual flirtations, advances or propositions;
2. Unwelcome sexually explicit language or gestures;
3. Unwelcome touching that is sexual in nature;
4. Any unwelcome physical contact;
5. The presence of unwelcome sexually provocative photographs, pictures or other material, and the telling of sexual stories or jokes;
6. Unwelcome verbal or non-verbal behavior about an individual's body that is interpreted as sexual in nature.

### **INFORMAL COMPLAINT PROCEDURE PROCESS FOR EMPLOYEES**

In determining whether an alleged incident constitutes sexual harassment, the Superintendent of Schools or their designee will be vested with the authority and responsibility of assuring the processing of all sexual harassment complaints are done in accordance with the procedure outlined below, unless the Superintendent is the subject of the complaint.

1. Any employee of the Granby Public Schools who believes that they have been subjected to sexual harassment is to report the incident(s) to any administrator, the Title IX Compliance Officer, or directly to the Superintendent. The administrator and/or Title IX Compliance Officer is to contact the Superintendent if they receive such a report. A written record of the complaint will be made by the party receiving the complaint. A separate file system will be maintained, apart from personnel and grievance files of the employee, regarding these complaints and as to all matters relating to the complaints.
2. If the alleged harassment involves the Superintendent of Schools or a School Committee member, the Vice-Chairperson of the School Committee will act as the Compliance Officer.
3. If the alleged harassment involves the Vice-Chairperson of the School Committee, the Chairperson of the School Committee will act as the Compliance Officer.
4. The Superintendent and the Compliance Officer will look at the totality of the circumstances and the context in which the alleged incidents occurred. They will attempt to resolve the problem by conferring with both parties in order to obtain a clear understanding of the facts. All matters involving sexual harassment complaints will remain confidential to the extent possible.
5. At any phase of this process employees may be represented by counsel or union advocates, since the process may result in the imposition of discipline by the Principal or Superintendent of Schools.
6. The Superintendent and the Compliance Officer will work with all involved parties to try to create an agreeable resolution and a work environment free of harassment.

## **\FORMAL COMPLAINT PROCEDURE PROCESS FOR EMPLOYEES**

1. A complainant may file a formal complaint immediately or may do so after the Superintendent and the Compliance Officer's efforts to reach a settlement using the informal complaint procedures have proven unsuccessful.
2. The complaint will state clearly and concisely the complainant's description of the incident, and it will also indicate any remedy sought. The complaint must be signed by the complainant. The Superintendent's office will send the respondent a copy of the complaint within five working days after it is received. A separate file system shall be maintained as to all matters relating to the complaint. Confidentiality shall be maintained to the extent possible.
3. The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign their statement, which will then be appended to the original complaint. Within three working days, the Superintendent's Office will forward both statements to the complainant and to the respondent.
4. The Superintendent or their designee will then fully compile and gather evidence to determine whether or not the allegation of sexual harassment is supported. After providing both parties with the opportunity to provide information, the Superintendent or their designee will make a determination as to whether or not sexual harassment did occur within the workplace.
5. If it is determined that sexual harassment did occur, the District will follow the relevant laws and contract provisions relating to discipline.

If the allegation of sexual harassment is against the Superintendent, then the School Committee will be responsible for investigating the allegations as set forth above.

## **ACE Nondiscrimination on the Basis of Disability**

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

### **Definition:**

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

### **Reasonable Modification:**

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

Communications:

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

Auxiliary Aids and Services:

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

Limits of Required Modification:

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

Notice:

The Granby Public Schools shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provision of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator:

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

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

SOURCE: MASC July 2016

LEGAL REFS.:

Rehabilitation Act of 1973, Section 504

Education for All Handicapped Children Act of 1975

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

Title II, Americans with Disabilities Act of 1992

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: IGB, Student Support Services Programs

## **AD Educational Philosophy**

In today's society our children are continuously excited by new and challenging stimuli; adaptability to change therefore becomes a paramount objective of learning.

The mastery of basic skills is essential to our children as they prepare to function as responsible individuals. Children must also know how to direct their own learning by mastering the skills of independent inquiry, because circumstances do not enable us to predict with certainty just what today's children will need to know when they become tomorrow's adults. The optimum environment should be sought so that all children can develop physically and emotionally and acquire the information, academic skills, critical judgment, and creativity needed to lead to a better understanding of themselves, their fellow persons, and the world around them.

The school system must continually strive to create, implement, and improve programs that are compatible with appropriate curricula and provide opportunities for innovation in teaching and learning. If this is accomplished, children will then come to realize more fully their own potential as individuals and be better prepared to appreciate and act responsibly in the society in which they live.

SOURCE: MASC

CROSS REFS.: IA, Instructional Goals



## **ADA Granby Public Schools Goals and Objectives**

The goal of the Granby Public Schools is to accept responsibility for the development of each child into an adult who can stand confidently, participate fully, learn continually, and contribute meaningfully to society.

Five objectives that contribute to the achievement of this goal, listed without priority in arrangement, define desirable outcomes to be incorporated into plans for the school system.

1. To ensure that each student develops proficiency in basic academic skills.
2. To ensure that each student develops the capacity to recognize and cope with the problems of an unknown future.
3. To ensure the development of meaningful, interpersonal relationships among students, staff and community.
4. To ensure maximum efficiency in the allocation of material resources.
5. To ensure maximum efficiency in the allocation of human resources.

## **ADC Tobacco Products on School Premises Prohibited**

Use of any tobacco products including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

LEGAL REF.: M.G.L. c.71, §37H

SOURCE: MASC July 2016

LEGAL REF: M.G.L. [71:37H](#); [270:6](#)

CROSS REFS.: [GBED](#), Tobacco use on School Property by Staff Members Prohibited

[JJCH](#), Alcohol, Tobacco and Drug Use by Students Prohibited

Adopted: October 6, 2003

Revised: February 11, 2019

## **ADDA Background Checks**

It shall be the policy of the Granby Public Schools, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The School Committee, Superintendent or Principal, as appropriate, may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the School Committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

### **Requesting CHRI (Criminal History Record Information) checks:**

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

### **Access to CHRI:**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts

Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

#### **Storage of CHRI:**

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

#### **Retention and Destruction of CHRI:**

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

Historical reference and/or comparison with future CHRI requests,

Dispute of the accuracy of the record

Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. The law requires Employers retain documentation of their review of an employee, applicant, subcontractor, laborer, school transportation provider, or volunteer's national criminal history check results for the duration of an employee's employment or for seven years, whichever is longer.

When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

#### **CHRI Training:**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

#### **Determining Suitability:**

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

1. The name and date of birth of the employee or applicant;
2. The date on which the school employer received the national criminal history check results; and,
3. The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

**Relying on Previous Suitability Determination:**

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

- a. The suitability determination was made within the last seven years; and
- b. The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either
- c. The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or
- d. If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

**Adverse Decisions Based on CHRI:**

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

Comply with applicable federal and state laws and regulations;

Provide the individual with a copy of his/her CHRI used in making the adverse decision;

Provide the individual with a copy of this CHRI Policy;

Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and

Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that an individual, after providing him a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B. Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations (see specific regulations in legal references), hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed

convictions. The superintendent is advised to confer with legal counsel whenever he/she solicits information from an individual concerning his/her history of criminal convictions.

**Secondary Dissemination of CHRI:**

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.

The following information will be recorded in the log: Subject Name; Subject Date of Birth; Date and Time of the dissemination; Name of the individual to whom the information was provided; Name of the agency for which the requestor works; Contact information for the requestor; and The specific reason for the request.

**Reporting to Commissioner of Elementary and Secondary Education:**

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the Superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

**C.O.R.I. Requirements:**

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

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the department of criminal justice informational services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal, or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may

have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education regulation, “‘Direct and unmonitored contact with children’ means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. “Contact” refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.”

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

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

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

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

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

The Superintendent shall amend employment applications to include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally

asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: “An applicant for employment with a sealed record on file with the commission of probation may answer ‘no record’ with respect to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer ‘no record’ with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a compliant transferred to the superior court for criminal prosecution.”

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

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

LEGAL REFS.: M.G.L.[6:167](#)-178; [15D:7](#)-8; [71:38R](#), [151B](#), [276:100A](#)

P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)

42 U.S.C. § 16962

603 CMR [51.00](#)

803 CMR 2.00

803 CMR 3.05 (Chapter 149 of the Acts of 2004)

[FBI Criminal Justice Information Services Security Policy](#)

[Procedure for correcting a criminal record](#)

[FAQ – Background Checks](#)

SOURCE: MASC October 2014

Adopted: November 16, 2015

Revised: February 11, 2019

## **ADDA-R DCJIS Model CORI Policy**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

### **CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

### **ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **CORI TRAINING**

An informed review of a criminal record requires training. Accordingly. All district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### **VERIFYING A SUBJECT'S IDENTITY**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **DETERMINING SUITABILITY**

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;



- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

### **ADVERSE DECISIONS BASED ON CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

### **SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of Cori outside this organization, including dissemination at the request of the subject.

SOURCE: MASC May 2014

Adopted: November 16, 2015

Revised: February 11, 2019

## **ADF Granby Public School Wellness Policy**

### **The Wellness Committee Mission:**

The Granby Public Schools Health and Wellness Committee is a volunteer group of school staff, administrators, parents, students, and community members that understands and values the connection between health and learning. We come together to discuss issues, practices/programs, and policies related to the physical, emotional, and social health of our school community. We examine information and make recommendations related to the health and wellness of our student body, staff, and community. We work together to create and maintain a school culture and environment that promotes optimal health for the social, emotional, physical, and mental wellbeing of our school community.

The Granby Public Schools promotes healthy schools, by supporting wellness, healthy life-style choices, good nutrition, social-emotional health, and regular physical activity as part of the total learning environment. The District supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. Schools contribute to the basic health

status of children by facilitating learning through support and promotion of healthy nutrition, social-emotional well-being, physical activity, and education. Good health fosters consistent attendance, increased attentiveness and higher academic achievement throughout the school community. In compliance with Section 204 of Public Law 108-265 of the child nutrition and WIC Reauthorization Act of 2004 and Section 204 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 section 9A the following policies has been developed.

### **STUDENT NUTRITION**

Granby Public Schools provides a comprehensive learning environment for developing and practicing lifelong wellness behaviors. The entire school environment, not just the classroom, shall be aligned with healthy school goals to positively influence a student's understanding, beliefs and habits as they relate to good nutrition. A healthy school environment should not be sacrificed because of a dependence on revenue from high-added fat, high-added sugar, and low nutrient foods to support school programs.

Granby Public Schools supports and promotes proper dietary habits contributing to student's health status and academic performance. All foods available on school grounds and at school-sponsored activities during the instructional day are encouraged to meet or exceed the district's nutrition standards. All food brought in for holiday celebrations must comply with the life-threatening allergy policy and the Granby Public Schools wellness policy. File: JLCCC-R-1 (also GBGA-R-1). Emphasis should be placed on foods that are nutrient dense per calorie. To ensure high quality, nutritious meals, foods should be served with consideration toward variety, appeal, taste, safety, and packaging.

#### The School Lunch Program:

- The full meal school lunch program will continue to follow the USDA requirements for the Federal School Meals Programs.
- The school food service program provider will strive to follow the Mass Action for Healthy Kids Nutrition Standards when determining the items in a la carte, "competitive foods," and any vending machine sales.
- The Food Service Director will continue to work closely with the Wellness Committee and district nursing staff.

#### Cafeteria Environment:

- The cafeteria environment will provide students with a relaxed, enjoyable climate.
- The cafeteria environment is a place where students have:
  - Adequate space to eat with clean, pleasant surroundings
  - Adequate time to eat meals

- Convenient access to hand washing or hand sanitizing products before and after eating

#### Fundraising:

- All fund-raising projects that occur on school grounds, where the sale of the product will result in consumption of the product 30 minutes before the beginning of the school day until 30 minutes after the school day ends must follow the Mass Action for Healthy Kids Nutrition Standards and Granby Public Schools Life-Threatening Allergy Policy.
- All fund-raising projects for sale and consumption after 30 minutes of the instructional day are strongly encouraged to follow the Mass Action for Healthy Kids and Nutrition Standards.
- Organizations operating concessions at school functions will be encouraged to include healthy food choices in their offering. It is recommended that groups market healthy options at a reasonable price to encourage selection by students, staff, and families.
- A list of alternative fundraising ideas will be made available to students, school staff, school-sponsored programs, PTO, and other organizations.

#### Teacher-to-Student Incentive:

- **Rewards:** Schools will not use foods or beverages as direct rewards for individual student academic performance or good behavior, and will not withhold food or beverages as a punishment. Food items cited in a student's IEP, and in compliance with this policy, will be allowed. Administration may use food or beverages as direct rewards for grade or school-based academic performance which must comply with the life-threatening allergy policy. File: JLCCC-R-1 (also GBGA-R-1)
- **Snacks:** Snacks served by the school during the school day or in after-school care or programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's ages, and other considerations. Although, parental rights will be respected and no child will be denied a snack from home at snack time, every effort will be made to educate and promote healthy foods for snacks. The Granby Schools continues to strongly encourage healthy snacks from home which may include but not be limited to:
  - Cheese and whole wheat crackers
  - Fruit
  - Vegetables
  - Raisins/Dry fruit
  - Pretzels
  - Applesauce Cups
  - Raisins
  - Gold Fish Crackers

- Animal Crackers
  - Special K Cracker Chips
- 
- For those students in a peanut/nut-safe classroom, snacks **MUST** also comply with the Granby Public Schools Life- Threatening Allergy Policy in regards to all Granby Schools operating as a “nut-safe” district.
  - All foods brought into school must be in original wrapped packaging and include the nutritional and ingredient information.
  - No baked goods will be allowed from home including anything prepared at home.
  - Only 100% juice or water will be allowed in school/classrooms per MA law 105 CMR 225
  - Monster, Red Bull or other energy drinks will not be permitted in school and will be discarded. Soda (except for ginger ale from the Nurse’s office), and other caffeinated beverages are also not allowed in school.
  - No candy is allowed.
- 
- **Birthday Parties:** Student birthdays will be celebrated with non-food items and/or in a non-food manner. Ideas may include but not be limited to:
    - Make deliveries to office for the day
    - Stickers, pencil, bookmark
    - Show and tell
    - “No homework” pass for the night
    - Certificate
    - Name announced over loudspeaker
    - Birthday child is the “line leader” for the day
    - Any other manner the teacher observes in his/her classroom
- 
- **Holiday Celebrations:** Teachers may decide to celebrate holidays within their classrooms throughout the year, keeping in compliance with the Granby Schools life-threatening allergy policy. School staff will alert their school nurse 7-10 days before the event of what food they would like to give to help the school nurse determine if the selected food can be purchased through and provided by Food Services. Any food served during school hours will be purchased through and provided by food services to ensure the safety and health needs of all students. The building school nurse will annually provide the teachers with the link to the “A list” which consists of healthy alternative party snacks that comply with the new nutrition standards. (<http://www.newenglanddairycouncil.org/PDF/MA-Food-Standards.pdf>). This list will also be made available on the district’s health services website.

The following foods will be allowed for holiday celebrations:

- Prepared fruit and vegetable platters from a serve-safe facility (i.e.: grocery store, NOT from individual homes)
- Applesauce cups
- Fruit cups (in fruit juice—not corn syrup)
- Raisins
- Whole grain crackers
- Goldfish crackers
- Pretzels (Utz or Hanover brands)
- Gluten –Free Snacks:
  - Chex Cereal (Corn Chex or Rice Chex)
  - Enviro Kidz Organic crispy rice
- Kellogg’s Special K Cracker Chips
- Animal Crackers

### **Food Allergies:**

It is recognized by the Granby Public Schools that food allergies can pose a serious risk to certain students. Therefore the Granby Life Threatening Allergy Policy and **ALL** Protocols **MUST** be adhered to at all times. **FILE: JLCCC-R-1** (also GBGA-R-1).

## **PHYSICAL EDUCATION AND PHYSICAL ACTIVITY**

- Granby Public Schools will provide more opportunities for students to engage in physical activity. A quality education program is an essential component for all students to learn about and participate in physical activity. Physical activity should be included in a school’s daily education program from grades pre-K through 12. Physical activity should include regular instructional physical education, in accordance with the Granby physical education curriculum, health curriculum, MA health frameworks, as well as co-curricular activities and recess.
- The Granby Public Schools shall provide physical activity and physical education opportunities, aligned with the Granby Public Schools curriculum, that provide students with the knowledge and skills to lead a physically active lifestyle.
- The Granby Public Schools shall utilize the following implementation strategies:
  - Physical education classes and physical activity opportunities will be available for all students regardless of health condition.
  - Physical activity opportunities shall be offered daily during school (recess) or after school.

As recommended by the National Association of Sport and Physical Education (NASPE), school leaders of physical activity and physical education shall guide students through a process that will enable them to achieve and maintain a high level of personal fitness through the following:

- Expose students to a wide variety of physical activities
- Teach physical skills to help maintain a lifetime of health and fitness

- Encourage self-monitoring so students can see how active they are and set their own goals.
- Individualize intensity of activities
- Focus feedback on process of doing your best rather than on the product
- Be active role models

The 2004 Guidelines from NASPE recommend:

- Children should accumulate at least 60 minutes and up to several hours of age appropriate physical activity on all or most days of the week.
- Children should participate in several bouts of physical activity lasting 15 minutes or more each day.
- Children should participate each day in a variety of age appropriate physical activities designed to achieve optimal health, wellness, fitness, and performance benefits.
- Extended periods (periods of two or more hours) of inactivity are discouraged for children, especially during the daytime hours.
- Physical education classes shall be sequential, building from year to year and content will include movement, personal fitness, and personal and social responsibility. Students should be able to demonstrate competency through application of knowledge, skill and practice.
- Currently students in grades k through 6 receive one 40 minute block of PE a week per school year and one 20 minute recess a day per school year. At the middle school level, students receive a half year of health and a half year of physical education. In high school, students must have 10 credits of health and physical education to graduate. In grades 9 & 10, students have one 90 day class of health (2.5 credits) a school year and in grades 11 and 12, students can choose several health and wellness electives during the school year, each 90 days long (2.5 credits each). An effort will be made to increase time in physical education classes and recess if the schedule allows.
- All health and physical education classes are taught by MA DESE certified staff.
- Health and physical education helps students in setting and meeting personal fitness goals. It also provides opportunities for student enjoyment, challenges, self-expression, and social interaction with peers.
- School staff is encouraged to incorporate movement into their curriculum, lesson plan units, and daily routine to promote physical activity.
- School staff are encouraged but not required to become first aid and CPR trained. First Aid and CPR classes will be offered to school staff and coaches throughout the school year by American Heart or Red Cross Instructors.

## **HEALTHY AND SAFE ENVIRONMENT**

- School buildings and properties meet current health and safety codes, including environmental air quality.
- School buildings and properties are clean, safe, well-light, and in good repair.
- School facilities and properties are drug, tobacco, and alcohol free.
- Student and staff trainings and safety procedures support personal safety and are in violence, bullying, and harassment-free environment.

- The school environment and culture supports respect, values, and acceptance of all individuals. It supports a community that with aims high in personal behaviors and achievements in and outside of the classroom.

## **SOCIAL AND EMOTIONAL WELLBEING**

- Granby Public Schools provides programs and services that support the social and emotional wellbeing of our students, staff, and community and encourages a healthy school environment.
- The Granby Public Schools environment include school-based guidance, counseling, and school social work services that provide assistance to students, families, and school staff and connects them with local and community resources.
- Students and school staff are given instruction, opportunities, and encouragement to express their thoughts and feelings in a healthy, safe, and responsible manner and give and receive support from others.
- Members of the Granby School community are instructed and encouraged to understand and respect the differences of others and to build positive, healthy interpersonal relationships.
- Students, school staff, families, and the School community will began and maintain a mindfulness program and curriculum in the schools grades pre-k through grade 12 that will be performed on a regular basis to promote awareness, reflection, and self-empowerment.
- A buddy program will begin and be maintained with school staff, older students, and peers to encourage positive school support from school staff and older peers within the district.
- The Granby School community encourages students, staff, and families to balance life, school, and work demands, working to develop and maintain skills to identify potential and actual stressors that may interfere with their health and wellbeing in and outside of the school setting.

## **HEALTH SERVICES**

- Granby Schools Health Services provides school-based health services that support academic learning and success from certified registered nurses and other medical staff that improves and maintains the health and wellbeing of the Granby school community.
- The delivery of school based health services is provided by DESE and Massachusetts licensed registered nurses under the support and direction of the Granby Public School district, the School Physician, and the Massachusetts Department of Public Health
- The Granby Public Schools will collaborate with other local, state, and federal agencies to provide resources to students, staff, and families, and to promote the health and wellbeing of the school community
- The coordination of health services will be provided to students and staff during the school day and will include but is not limited to the prevention and detection of communicable diseases, health screenings, first aid, violence prevention and safety, social-emotional health, the care of chronic health conditions and short and long term illnesses, care coordination, health education, and health record maintenance.

## **HEALTH EDUCATION & LIFE SKILLS**

- To promote and maintain healthy life skills, students will be given instruction and support to learn and practice health concepts and skills to promote healthy lifestyle habits and disease prevention through a regular instructional program.
- Health education and life skills helps students to enhance personal, family, and community health through the education and support of student communication, goal setting, and healthy decision-making skills.
- Health Education and life skills provides a safe and supportive environment for students to practice appropriate and safe behaviors that encourages healthy choices and decreases health risks in before and after school programs and throughout the school day.
- Health education and life skills provide an interdisciplinary, sequential skills-based health education program based on DESE MA health frameworks and approved Granby Public Schools health curriculum.
- Health education and life skills provide and gives access to appropriate, relevant and valid health information through health promotion and health services.
- Students will also receive education regarding the impact of technology on their health, well-being, and communication with others through topics such as technology etiquette, technology addiction, and other appropriate themes.

## **CULTURAL PROFICIENCY**

- The Wellness Committee will evaluate the district's learning environment, culture, and organizational traditions to identify inclusive practices, opportunities for improvements, and opportunities to celebrate diverse cultures and identities. This includes the physical and academic environment, classroom curriculum, school culture, school menus, and promotional materials. Cultural proficiency-related policies will reflect respect, understanding, and awareness including but not limited to those regarding race, ethnicity, language, gender, sexual orientation, gender identity, age, and disabilities. These policies will also encourage and promote family, student, and community engagement in and outside of the school setting.
- Professional development opportunities will be offered to school staff to promote learning, understanding, and the development of culture competency in diverse cultures, identities, and inclusive practices. Staff is encouraged and expected to promote, support, and engage in a respectful culture and environment that is sensitive and understanding to the diverse needs of all students, staff, and community members.
- Student engagement opportunities will be offered during the school year through the educational curriculum, events, and activities.
- Staff will provide and connect with district and community resources as needed for students, staff, and families needing culturally sensitive information and assistance.

## **FAMILY, SCHOOL, & COMMUNITY PARTNERSHIPS**



- Granby Public Schools works to develop and maintain strong community partnerships that enhance the learning and promotion of health skills for students, staff, and community members within and outside of the school setting.
- Students, families, school staff, and community members should be included on an ongoing, consistent basis in the Granby School district wellness processes.
- The Health and Wellness Committee values and respects diversity and equality in its planning and implementation of wellness activities.
- The district will develop and maintain ongoing community partnerships for district programs, events, and activities and supports the district and community members' involvement in health promotion activities and events in the schools and in the community.

### **STAFF WELLNESS**

- Health Resources and services will be provided to school staff to encourage all school staff to improve their own personal health and wellness. These educational opportunities may include, but not be limited to, the distribution of educational and informational materials and the arrangement of presentations that focus on nutritional value and healthy lifestyles, health assessments, fitness activities, and other appropriate nutrition and physical activity related topics.
- Granby Public Schools will develop and maintain a staff health committee who will identify, evaluate, and support the health, safety, and wellbeing of district staff.
- The district and its schools will be in compliance with local, state, and federal drug, alcohol, and tobacco-free policies.
- Each district building and school will be a safe, accessible, and productive work environment for school staff, free of physical and emotional dangers in accordance to health and occupational codes, policies, and regulations.
- School staff will be encouraged to participate in daily nutrition and physical activity and movement breaks before, during, and after work hours at site-sponsored events and activities.
- Social-emotional and physical activity classes such as yoga and mindfulness will be made available to all school staff before and after school. **Reference File: JLCCC-R-1 (also GBGA-R-1).**

### **MONITORING & EVALUATION**

The Health and Wellness Committee was established and maintained in the Granby Public Schools to:

- Develop guidance in implementing the wellness policy
- Monitoring the implementation of the wellness policy such as the nutrition and physical education standards, including time and credit requirements and student's engagement in physical activity and nutrition education
- Monitoring the integration of physical activity and nutrition into the overall curriculum and staff development in nutrition and physical education
- Food services will perform ongoing and regular checks of contracts with vendors to ensure vendors are following the USDA federal requirements, district wellness policy, and the selling of healthy options in all school venues
- Regularly evaluates the policy's progress

- Acts as a resource for district schools in implementing and supporting the wellness policy
- Revises the wellness policy as needed
- The Wellness Committee will implement the requirement of informing and updating the public about the content and implementation of the Granby wellness policy.
  - Food services will provide nutrition promotion and healthy lifestyle information will be provided to parents throughout the school year. This information will be provided in the form of handouts, Connect-Ed calls, postings on district website, articles and information provided in school newsletters and through any other appropriate means available for reaching parents and the community.
- The committee will provide an annual report to School Committee by June 15<sup>th</sup> that includes:
  - Monthly food menus and meal counts
  - List of all a la carte, vending, and competitive foods items that were sold by school food services
  - List of all physical and health education and nutrition education programs and events provided to students throughout the school year
  - List of staff professional development opportunities that were attended or provided to school staff during the school year.
  - Current conditions of school buildings and areas of concern
  - List of any events and activities promoting a healthy school environment for the school community
  - List of any programs, events, and activities promoting school community social and emotional health
  - School health services will present their annual report in September for the previous school year
  - List of community partnerships with activities and events that occurred throughout the school year.
  - List of health resources, programs, events, and activities provided to school staff throughout the school year.
  - List of cultural reflective practices, activities, and opportunities that were provided to the school community throughout the school year.

This committee will meet a minimum of 4 times a year and including but not limiting members to:

- District Food Service Manager
- Dietician
- Local Health Practitioner
- School Nurse
- School Teacher
- Guidance, LISW
- School Psychologist
- Parent representative
- Student representative
- Staff member representative
- School Committee member
- ELL chair

- Physical education chair
- Principal
- Director of Pupil Services
- Superintendent
- Local community partners
- Local emergency services providers

All Granby Public School staff will review and sign at the beginning of each school year that they have read, understand, and will follow the district's wellness and life-threatening allergy policies and will submit their signed paper to their building's school nurse.

This Wellness policy and any revisions will be posted on the Granby Public Schools district website and Health Services web pages.

Adopted: November 16, 2015

Revised: February 11, 2019