

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: SCHOOL DISTRICT LEGAL STATUS

Category: FOUNDATIONS AND BASIC COMMITMENTS

File No.: AA

Adopted: 3/9/05

Revised:

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 Southwick-Tolland-Granville Regional School District operates under laws pertaining to education and under regulations of the Massachusetts Board of Education and the district's regional agreement. The area served by the Southwick-Tolland-Granville Regional School District is coterminous with the Towns of Southwick and Tolland.

Established by law

Adoption date: January 1996

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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: THE PEOPLE AND THEIR SCHOOL DISTRICT

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 3/9/05

File No.: AB

Revised:

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.

A STATEMENT OF EDUCATIONAL PHILOSOPHY

It is the fundamental purpose of the Southwick-Tolland-Granville Regional School District to impart to our students a maturing understanding of themselves, their needs, and the needs of the people around them. The staff, programs and facilities of the school district should together provide an environment and adequate resources to encourage maximum growth in individual scholarship, character development, creative expression, problem solving, and physiological well-being. The programs available to students should prepare them to meet the challenges, opportunities, and obligations of the modern world.

It is the educational philosophy of the Southwick-Tolland-Granville Regional School Committee to establish a school district that will assist in the maximum realization of the potential of every student and to acknowledge that parents and the communities have an integral role and responsibility in the achievement of educational excellence for each student. The School Committee recognizes and celebrates the wide diversity of ethnicity, ability, interests and backgrounds among individual students and pledges to effectively prioritize the allocation of the financial, human and physical resources of the school district to ensure effective delivery of all services to each student.

BELIEF STATEMENTS

- **We believe that students and others will perform at or above levels established by adopted academic and social standards.**
- **We believe in teaching the principles of democracy and promoting citizenship within each school's community.**
- **We believe in providing a diversity of programs for students.**
- **We believe that our highest priority is to address the needs of students.**
- **We believe in creating and maintaining a shared vision.**
- **We believe that all people are inherently good.**
- **We believe in obtaining financial resources that provide for high quality programming.**
- **We believe in providing clear policies that allow for high quality programming.**
- **We believe in providing safe learning environments for all members of the school district community.**
- **We believe in maintaining a leadership structure that is based on a sound system of accountability and high professional standards.**
- **We believe in maintaining an effective system of communication within the school district and the community at large.**
- **We believe in developing a climate of mutual support and respect through collaboration.**

The prioritized goals of the Southwick-Tolland-Granville Regional School Committee are:

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- Goal 1: **Maximum Student Achievement** – The Southwick-Tolland-Granville Regional School Committee will provide educational experiences which promote maximum student achievement in academic, vocational and social development, which then enable students to meet the challenges, opportunities, and obligations of the modern world.
- Goal 2: **Learning Opportunities That Promote Diversity & Commonality** – The Southwick-Tolland-Granville Regional School Committee will provide a curriculum and professional staffing that promote both the diversity and commonality of the student population and assures that all students will have learning opportunities appropriate to their interests, needs and abilities.
- Goal 3: **Public Communication & Participation** – The Southwick-Tolland-Granville Regional School Committee will actively communicate with all segments of our communities and encourage participation in the educational process for all of the children of Southwick, Tolland, and Granville.
- Goal 4: **Public Funding** – The Southwick-Tolland-Granville Regional School Committee will, with the support of public funds, strive to provide attractive, well-maintained, safe facilities and the instructional materials, equipment, and staffing necessary to implement the curriculum and programs which have been approved by the School Committee.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: NONDISCRIMINATION

Category: FOUNDATIONS AND BASIC COMMITMENTS

File No.: AC

Adopted: 3/9/05

Revised: 2/7/2017

10/24/2017

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed in the following statements of School Committee intent to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, religion, national origin, sexual orientation, gender identity and disability. If you have a complaint or feel that you have been discriminated against because of your race, color, sex, religion, national origin, sexual orientation, gender identity and disability, register your complaint with the Title IX compliance officer.

Revised: November 20, 1996

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

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File: AC

Education For All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 1993
M.G.L.76:16 (Chapter 622 of the Acts of 1971)
Board of Education Chapter 622 Regulations Pertaining to Access to
Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78
Board of Education 603 CMR 2600
Board of Education Chapter 766 Regulations, adopted 10/74, as amended
through 3/28/78

CROSS REFS.: ACA- ACE Subcategories for Nondiscrimination
FEGA, Contractor's Fair Employment
GBA, Equal Opportunity Employment
JB, Equal Educational Opportunities

I. ADMINISTRATION:

Public Notice

The Southwick-Tolland-Granville Regional School District does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The Southwick-Tolland-Granville Regional School District does not discriminate on the basis of disability in its hiring or employment. Program applicants, participants, members of the general public, students and others are entitled to access to all programs of the Southwick-Tolland-Granville Regional School District without regard to disability. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. The Southwick-Tolland-Granville Regional School District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services programs or activities of the district. This information will be disseminated in the employee's handbook, posted in prominent public places and included in program brochures and manuals. The information shall be made available upon request in an alternative format such as large print, diskette and audiotapes prepared in-house and Braille materials secured from the Mass Association for the Blind.

Questions, concerns, complaints, or requests for additional information regarding ADA may be forwarded to the Southwick-Tolland-Granville Regional School District's designated ADA

Compliance Coordinators:	
Name:	Jennifer C. Willard.
Title:	Superintendent
Office Address:	86 Powder Mill Road, Southwick, MA 01077
Phone Number:	413-569-5391
Fax Number:	413-569-1711
TDD Number:	413-569-5391
Office Hours:	8:00 am. – 3:30 p.m.

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Individuals who need auxiliary aids for effective communication in programs and services of the Southwick-Tolland-Granville Regional are invited to make their needs and preferences known to the ADA Compliance Coordinator.

Office Address:	86 Powder Mill Road, Southwick, MA 01077
Phone Number:	413-569-5391
Fax Number:	413-569-1711

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by any disabled person or their authorized representative who believes they have been discriminated against on the basis of disability in employment practices or the provision of services, activities, programs, or benefits by the Southwick-Tolland-Granville Regional School District.

Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities” sponsored by a public entity.

Section 504 of the Rehabilitation Act of 1973 protects the rights of individuals with disabilities within the work and school setting. Section 504 is a federal civil rights statute.

A person who believes they have been discriminated against on the basis of disability should file a complaint as follows:

The complaint should be in writing and should include a description of the alleged discriminatory incident or action, the place and date on which it occurred, and the name of any employee or representative of the Southwick-Tolland-Granville Regional School District involved in the event. The complaint should also include the name, address, and phone number of the complainant or authorized representative. A form is available from the ADA Compliance Coordinator. The ADA Coordinator upon request will provide any assistance needed to file or pursue the complaint. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request to the ADA Coordinator.

The complaint should be submitted by the complainant or his/her authorized representative as soon as possible but no later than 60 calendar days after the alleged discriminatory incident to:

Within 15 calendar days after the receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures, including:

- a. the opportunity for the aggrieved party to present the grievance in any suitable manner;
- b. the right of the aggrieved party to an impartial hearing officer;
- c. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense; and
- d. the right of the aggrieved party to a prompt decision.

Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Southwick-Tolland-Granville Regional and offer options for substantive resolution of the complaint.

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If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may, within 15 (fifteen) calendar days after the receipt of the response, appeal the decision to the School Committee or their designee.

Within 15 (fifteen) calendar days after the receipt of the appeal, the School Committee or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 (fifteen) calendar days after the meeting, the School Committee or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, appeals to the Southwick-Tolland-Granville Regional School Committee or their designee, and responses from the ADA Coordinator and School Committee will be kept by the Southwick-Tolland-Granville Regional School District for at least (3) years.

The right of a person to a prompt and equitable resolution for the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that The Southwick-Tolland-Granville Regional School District complies with the ADA and implementing regulations.

No aggrieved party will be subject to coercion, intimidations, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

Staff Complaints and Grievances

The Southwick-Tolland-Granville Regional School Committee encourages the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

- a. Teachers and other school employees may appeal a ruling of a principal or other administrator to the superintendent.
- b. All school employees may appeal a ruling of the Superintendent to the School Committee, except in those areas where the law has specifically assigned authority to the principal and/or the Superintendent and committee action would be in conflict with that law.
- c. All hearings of complaints before the Superintendent or committee will be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures, including:

1. the opportunity for the aggrieved party to present the grievance in any suitable manner;
2. the right of the aggrieved party to an impartial hearing officer;

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3. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense;
4. the right of the aggrieved party to a prompt decision.

The right of a person to a prompt and equitable resolution for the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that The Southwick-Tolland-Granville Regional School District complies with the ADA and implementing regulations.

No aggrieved party will be subject to coercion, intimidations, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGALREFS: M.G.L. 150E:5; 150E:8

CONTRACT REFS.: All Contract Agreements

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: NONDISCRIMINATION ON THE BASIS OF SEX

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 3/9/05

File No.: ACA

Revised:

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.

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)
Board of Education Chapter 622 Regulations Pertaining to Access to
Equal Educational Opportunity, adopted 6/24/75, amended 10/24/78
Board of Education 603 CMR 2600

CROSS REF.: AC, Nondiscrimination

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: SEXUAL HARASSMENT

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 3/9/05

File No.: ACAB

Revised:

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

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

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

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

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

The Grievance Officer: **John D. Barry, Superintendent, Southwick-Tolland-Granville Regional School District**
86 Powder Mill Road, Southwick, MA 01077 PHONE: 413-569-5391

The committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ACAB

Complaint Procedure:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the grievance officer. **All complaints shall be investigated promptly and resolved as soon as possible.**
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
 - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, **and may interview any witnesses.**
 - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
 - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
 - d. On the basis of the grievance officer's perception of the situation he/she may:
 - (1) Attempt to resolve the matter informally through reconciliation.
 - (2) Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee [**John D. Barry, Superintendent, Southwick-Tolland-Granville Regional School District, 86 Powder Mill Road, Southwick, MA 01077 PHONE: 413-569-5391**] may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. **At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint.** All matters involving sexual harassment complaints will remain confidential to the extent possible. **If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.**
4. **The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.**

Revised: November 20, 1996

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

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SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: NONDISCRIMINATION ON THE BASIS OF HANDICAP

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 3/9/05

File No.: ACE

Revised:

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

Definition

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

Reasonable Modification

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

Communications

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

Auxiliary Aids and Services

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

Limits of Required Modification

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

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ACE

Notice

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

Compliance Coordinator

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

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

Revised: January 18, 1996

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

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

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: SMOKING ON SCHOOL PREMISES

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 3/9/05

File No.: ADC

Revised:

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

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

In accordance with the town of Southwick's Board of Health directive, the following policy is implemented:

SECTION V – PROHIBITION ON SMOKING IN SCHOOLS

- A. It shall be unlawful for any person, including all teaching and non-teaching personnel, to use tobacco products of any type on school grounds during school hours or school functions.
- B. The proprietor(s) or other person(s) in charge of a school shall conspicuously post a notice or sign at each entrance and in the gymnasium, auditorium, cafeteria, all restrooms and the principal's office indicating that smoking is prohibited therein and to use any other means which may be appropriate and reasonable to enforce these regulations.

SECTION VI – PUBLIC PLACE/WORKPLACE/SCHOOL ENFORCEMENT

- A. Any person who smokes in a non-smoking area shall be subject to a fine of twenty-five dollars (\$25.00) for each violation.
- B. Any proprietor(s) or other person(s) in charge of a public place or workplace who fail(s) to comply with these regulations shall be subject to both:
 1. a fine of twenty-five dollars (\$25.00) for each day a violation continues; and
 2. suspension of any license issued by the Board of Health for that public place for a period of up to two days for each day on non-compliance.
- C. In addition to the remedies provided by (A) and (B) above, the Board of Health or any person aggrieved by the failure of the proprietor other person in charge of a public place or workplace to comply with any provision of this subsection may apply for injunctive relief to enforce the provisions of this subsection in any court of competent jurisdiction.
- D. Any person aggrieved by the failure or refusal to comply with restrictions in any municipal building may complain in writing to the head of the department or agency occupying the area where the violation takes place. Said agency or department head shall respond in writing within fifteen days to the complainant that he has inspected the area described in complaint and has enforced the provisions of this section as provided herein.

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. 71:37H

CROSS REF: GBED; 15.10

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: BULLYING POLICY

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 9/20/05

File No.: ADD-1

Revised:

Policy Statement: Bullying in any form, including verbal abuse, harassment, taunting, name-calling, threats in any form, extortion, intimidation, slander, defamatory statements, whether verbal or written, punching, shoving, tripping, unwanted physical contact and/or making another person uncomfortable by proximity or by inappropriate explicit terms is prohibited in the Southwick-Tolland-Granville Regional School District. This also includes asking anyone to verbally abuse, threaten or intimidate another student on one's behalf.

Bullying:

- Involves an imbalance of power
- Includes intentional harm doing
- It is carried out repeatedly and over time
- Forms of bullying include physical, verbal and psychological

Rationale:

The Southwick-Tolland-Granville Regional School District seeks and affirms each student's worth, dignity, identity and his/her right to learn in a safe environment. Bullying strikes at these core values and may prevent students from achieving excellence in every dimension of life. Students are entitled to receive their education free from humiliation oppression and abuse. Bullying affects everyone; not just the bullies and victims. It also affects those students who may witness violence, intimidation and the distress of the victim. It can damage the atmosphere of a class and even the climate of our school.

Procedure:

Any student found bullying another student is subject to discipline procedure(s) as outlined in each school's Student Handbook.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: BACKGROUND CHECKS

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 6/17/14

File No.: ADDA

Revised:

It shall be the policy of the Southwick-Tolland-Granville Regional School District that, 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 only 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 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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA

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. 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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA

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:

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- 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:

- The suitability determination was made within the last seven years; and
- The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either
- 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
- 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:

- 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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA

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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA

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 the policy, shall prohibit the dissemination of school 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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA

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 2014

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: DCJIS MODEL CORI POLICY

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 6/17/14

File No.: ADDA-R

Revised:

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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA-R

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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File: ADDA-R

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.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: C.O.R.I. (Criminal Offender Record Information) REQUIREMENTS

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 12/6/05

File No.: ADDA

Revised:

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

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

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

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

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

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

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

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

School Committee Policy

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant.

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

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

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

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

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

LEGAL REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

CROSS REF: File: ADDA-R C.O.R.I. Requirements
File: ADD-E C.O.R.I. Requirements

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: C.O.R.I. REQUIREMENTS

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 12/6/05

File No.: ADDA-R

Revised:

Applicants challenging the accuracy of the policy shall be provided a copy of the Criminal History Systems Board's (CHSB) *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, the Superintendent will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Superintendent may contact the CHSB and request a detailed search consistent with CHSB policy.

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in district policy, 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 crime 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;
- b. Any other relevant information, including information submitted by the candidate or requested by the hiring authority

The Superintendent will notify the applicant of the decision and the basis of the decision in a timely manner.

CODE: INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 12/6/05

School Committee Policy

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

File No.: ADDA-E-1

Revised:

If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to www.mass.gov/chsb/cori/cori_forms.html#pers.

The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the CHSB waive the fee.

Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at (617) 660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617) 727-5300.

If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CARI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.

In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.

SOUTHWICK-TOLLAND-GRANVILLE REGIONAL SCHOOL DISTRICT

CODE: C.O.R.I. REQUIREMENTS

Category: FOUNDATIONS AND BASIC COMMITMENTS

Adopted: 12/6/05

File No.: ADDA-E-2

Revised:

Employers may ask the following series of questions:

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his/her failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

