

SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the Town of Foxborough 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 students who may legally attend a public school therein."

The public educational system of Foxborough 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 Foxborough Public Schools is coterminous with the Town of Foxborough.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II
M.G.L. 71:1

CROSS REF.: BB, Foxborough 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. The Foxborough Public Schools were established in 1778.

Prior to Foxborough being incorporated in 1778, families living here were still part of Wrentham, Walpole, Stoughton, and Stoughtonham and opportunities for education at the elementary school level were limited by time and distance.

Driven by a concern for their students and their need for an education, parents pooled their resources and in 1770 built a small school building on Chestnut Street nearly opposite Kersey Road and hired a teacher.

A second school was erected on Mechanic Street near Beach in 1771, also by private subscription and a third at Robbin's Corner in East Foxborough in 1772.

Once the town was incorporated in 1778, schools became a municipal responsibility and immediately the voters authorized a bold plan – a decade in its fulfillment – to eventually add elementary schools in each of the outlying districts as well as the center of town. Clearly, the intent was to educate the younger students as close to home as possible.

A private high school, English and Classical, opened in the Town House in 1858 and some seats were set aside for local students as part of the agreement with the town, but sentiment grew for the town to have its own high school and that came to fruition in 1865 as the community began its recovery from the Civil War. A large wing was added to the Town House for educational purposes and for the first time in local history, residents spoke the words "Foxborough High School". Our community has a history of fulfilling its commitment to the education of its young people and its return on investment has been extraordinary.

History written by Jack Authelet

Policy adopted: 3-24-08

Foxborough Public Schools

THE PEOPLE AND THEIR SCHOOL DISTRICT

The Foxborough 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 Foxborough School Committee members 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 Foxborough School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of approved Foxborough Public Schools strategic plans and Foxborough Public Schools improvement plans. All decisions made by this School Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of all students enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Foxborough 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 Foxborough School Committee will not relinquish any of this authority since it believes that decision-making control over the students' learning should be in the hands of local citizens as much as possible.

Policy adopted: 3-24-08

NONDISCRIMINATION

Foxborough Public Schools have the responsibility to overcome, insofar as possible, any barriers that prevent students from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the Foxborough School Committee intends 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 students, 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 Foxborough School 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, gender identity, creed, religion, national origin, sexual orientation, pregnancy or pregnancy related conditions, or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, creed, religion, national origin, sexual orientation, pregnancy or pregnancy related conditions, or disability, their complaint should be registered with the Title IX compliance officer.

Parents and students will be notified of the Foxborough Public Schools policy through the student handbooks.

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
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 2011
M.G.L.76:16

BESE regulations 603 CMR 26:00 Amended 2012
BESE regulations 603 CMR 28.00
M.G.L. 151B:4 Pregnancy Workers Fairness Act

CROSS REFS: ACA- ACE, Subcategories for Nondiscrimination
 GBA, Equal Employment Opportunity
 JB, Equal Educational Opportunities

Policy adopted: 3-24-08
Policy adopted as revised: 2-25-13
Policy adopted as revised: 4-23-18

POLICY OF FOXBOROUGH SCHOOL DISTRICT¹ PROMOTING CIVIL RIGHTS AND PROHIBITING HARASSMENT, BULLYING, DISCRIMINATION, AND HATE CRIMES

1. Goals

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

The Foxborough Public Schools will not tolerate any unlawful or disruptive behavior, including any form of harassment, bullying, discrimination, or hate crimes in our schools or school-related activities. The Foxborough Public Schools will promptly investigate all reports and complaints of harassment, bullying, discrimination, and hate crimes, and take prompt action to end that behavior and prevent its reoccurrence. Action will include, where appropriate, referral to a law enforcement agency.

2. General Statement of Policy

The Foxborough School District prohibits all forms of harassment, discrimination, and hate crimes based on race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability. 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 our School District. The Foxborough Public Schools also prohibits bullying or harassment of school community members for reasons unrelated to their race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability. The Foxborough Public Schools will also not tolerate retaliation against persons who take action consistent with this Policy.³

A. Application

This Policy applies to all sites and activities the Foxborough Public Schools supervise, control, or where it has jurisdiction under the law. It applies to all students, school committee members, school employees, independent contractors, school volunteers, parents and legal guardians of students, and visitors to Foxborough Public Schools where the conduct occurs on school premises or in school-related activities, including in school-related transportation. Nothing in this Policy, however, is designed or intended to limit the Foxborough Public Schools' authority to discipline or take remedial action under General Laws Chapter 71, §37H, or in response to violent, harmful, or disruptive behavior, regardless of whether this Policy covers the conduct.

¹ Nothing in this Policy should in any way create or should be construed to create an express or implied contract. Except for any provision mandated by state or federal law, or applicable collective bargaining agreements, the Foxborough Public Schools reserves the exclusive right at all times to unilaterally modify, revoke, or change any and all provisions of this Policy.

² Whenever this policy refers to any time frame, it shall mean as soon as practicable under the circumstances.

³ Any other conduct harmful to school climate and subject to discipline is governed by the Student Code of Conduct and other Foxborough Public Schools policies. This Policy only covers conduct directed at a victim because of his/her race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability, or to bullying behavior where the Foxborough Public Schools has intervened with the alleged student offender under the Student Code of Conduct for bullying on two prior occasions. See Glossary of Terms.

B. Disciplinary and Corrective Action

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

C. Definitions

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

3. Responsibilities

A. Each School Community Member is responsible for:

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

B. Each School Employee, Independent Contractor and School Volunteer is ALSO responsible for:

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

4. Protection Against Retaliation

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

Reporting and Resolution Process

A. DESIGNATED OFFICIALS FOR REPORTING

1. In Each School Building

The school Principal (or his/her designee) is responsible for receiving reports and complaints of violations of this Policy at the school level. A report or complaint of a violation of this Policy involving a Principal should be filed with the Assistant Superintendent or Superintendent.

2. For the Central Administration

The Assistant Superintendent is responsible for receiving and addressing reports or complaints of violations of this Policy at the district level. A report or complaint involving the Assistant Superintendent should be filed with the Superintendent; a report or complaint involving the Superintendent with the Foxborough School Committee.

B. REPORTING PROCEDURES

1. Any school employee, independent contractor, or school volunteer who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property or in a school-related activity must promptly report the alleged incident(s) to a designated official.
2. Any student who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property or in a school-related activity is strongly encouraged to and should promptly report the incident(s) to a designated official. In situations where a student or other person does not feel comfortable reporting the incident to a designated official, (s)he may report it to a trusted school employee, who must promptly transmit the report to a designated official.
3. Any school community member may also report alleged incidents of harassment, bullying, discrimination, retaliation, or a hate crime directly to a Principal, the Title VI and Title IX Coordinator of a school, the Assistant Superintendent or to the Superintendent.
4. Upon receipt of a written or oral report or complaint, the principal (or his/her designee) and the Assistant Superintendent will promptly notify one another of the facts alleged and any initial action taken.
5. When a report or complaint involves physical injury, the principal (or his/her designee) will promptly report the incident to the Superintendent.

6. All complaints or reports about a violation of this Policy must be documented on the Foxborough Public Schools "Reporting/Complaint Form" (see Attachment I). The form is available from designated officials. If a complainant or reporter is either unwilling or unable to complete the Foxborough Public Schools Reporting/Complaint Form, the designated official who receives the oral complaint or report will promptly prepare a written report, by filling out the Foxborough Public Schools Reporting/Complaint Form, using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.
7. On the Foxborough Public Schools Reporting/Complaint Form, the designated official will summarize any initial action taken.
8. If the complaint occurs at the school level, the designated official will promptly provide the principal with the completed Reporting/Complaint Form (or to the Assistant Superintendent, if the principal is the subject of the complaint), with a copy to the Assistant Superintendent. If the complaint occurs at the district level, the designated official will promptly provide the completed Reporting/Complaint Form to the Assistant Superintendent.
9. Reporting Sexual Abuse and Other Serious Criminal Conduct
 - a. Massachusetts General Laws Chapter 119, Section 51 A, makes administrators, teachers, school nurses, guidance counselors and other school staff members mandated reporters for purposes of reporting child abuse and neglect to the Department of Social Services (DSS). Under M.G.L. c. 119, Section 51A, a school staff member who has reasonable cause to believe that a student under the age of 18 years is suffering physical, sexual, or emotional abuse, or neglect, by a parent, guardian, school staff member, or other caretaker, must immediately report the abuse or neglect either directly to the DSS or to the person designated by the school to accept those reports, who, in turn, must promptly report the abuse to the DSS.
 - b. The principal and/or Superintendent will report certain forms of sexual harassment and conduct (i.e., unwanted sexual touching or sexual assault) that may constitute a crime to the local police.
 - c. The Principal and/or Superintendent will report physical injury, destruction of public property, potential hate crimes, and other acts of a serious criminal nature to the local police for criminal investigation.

C. FILING A COMPLAINT OR REPORT

1. The complainant or reporter files a written complaint or report with a designated official, using the Foxborough Public Schools Reporting/Complaint Form, identifying the name(s) of the subject of the complaint, if known; describing the facts and circumstances of the incident or pattern of behavior; providing the time(s) and date(s) of the incident(s); and identifying any witnesses and relevant documentary information.
2. A complainant or reporter may also file an oral complaint or report. In those circumstances, a designated official will complete the Foxborough Public Schools Reporting/Complaint Form based on the oral information, using, to the extent practicable, the complainant or reporter's own words. The complainant will sign the Reporting/Complaint Form.

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

1. After the school principal (or his/her designee), or the Assistant Superintendent, receives a complaint or report, the Foxborough Public Schools must determine whether to resolve the complaint or report through Formal or Informal Proceedings.
2. After receipt of a report, a designated official will attempt to identify and obtain the cooperation of the person(s) who is the victim of the alleged conduct, if there is one. Even where the designated official does not obtain the identity of or cooperation by the alleged victim(s), the Foxborough Public Schools will investigate the allegations, and proceed to Informal or Formal Proceedings, to the extent practicable.⁴
3. If the designated official, in consultation with the Assistant Superintendent, determines that (1) the allegation is serious enough that it appears to place the complainant or any other person at physical risk; (2) the incident has resulted in a criminal charge; (3) the incident involves a referral to the Department of Social Services; (4) the allegation involves a serious form of harassment, discrimination, or retaliation; (5) the allegation involves bullying behavior, where the Foxborough Public Schools has intervened with the alleged student offender under the Student Code of Conduct for bullying on two prior occasions; (6) there is a pending Formal Proceeding against the subject of the complaint; (7) the subject of the complaint has previously been found to have violated this Policy after Formal Proceedings; (8) or that a Formal Proceeding is otherwise appropriate under the circumstances, then the designated official must commence a Formal Proceeding under Section F.
4. For allegations or incidents that do not require a Formal Proceeding, a designated official, in consultation with the Assistant Superintendent, may at his/her discretion apply either the Student Code of Conduct or initiate an Informal Proceeding. If the designated official deems it appropriate, (s)he may initiate an Informal Proceeding to obtain a voluntary agreement between the complainant and alleged offender that will effectively correct the problem and end the complained of conduct. The primary focus of an Informal Proceeding is resolution through non-disciplinary corrective action, although a resolution may also include disciplinary action.
5. Nothing in this Policy limits the Foxborough Public Schools or school from taking immediate interim disciplinary action as set forth in the District and school's disciplinary code and policies.

E. INFORMAL PROCEEDINGS

STEP ONE

1. Upon the initiation of an Informal Proceeding, the designated official, in consultation with the Assistant Superintendent, will separately meet in a timely manner with the complainant and the subject of the complaint, and if a student, with their parent(s) or guardian(s), to tell them about the informal process, the nature of the complaint, explain the prohibition against retaliation, and determine the corrective action the complainant seeks.

⁴ Where there is a felony complaint or conviction of a student involving reported or complained-of conduct in violation of this Policy, the principal of the school where the student is enrolled may decide to proceed under the requirements of General Laws Chapter 71, Section 37WA.

STEP TWO

2. If appropriate after adequate investigation, the designated official, in consultation with the Assistant Superintendent, will propose a resolution. If the complainant, the alleged offender and their parent(s) or guardian(s) agree with the proposed resolution, the designated official will write down the resolution, and the complainant and the subject of the complaint, and their parent or guardian, if present, will sign it, and each person will receive a copy. At the meeting, the designated official will again explain the prohibition against retaliation.

STEP THREE

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

STEP FOUR

4. If the complainant and alleged offender cannot agree to an informal resolution, or if at any time after resolution the designated official, in consultation with the Assistant Superintendent, determines that the problem is not corrected, the Foxborough Public Schools may apply the Student Code of Conduct or commence a Formal Proceeding. If this Policy does not cover the reported conduct, the Foxborough Public Schools will address the report or complaint through its Student Code of Conduct, if applicable.

STEP FIVE

5. File Retention: If the complaint occurs at the school level, the principal (or the Assistant Superintendent, if the principal is the subject of the complaint), will maintain in a separate confidential file the Foxborough Public Schools Reporting/Complaint Form, information obtained through inquiry and investigation, and the proposed and agreed-to resolution, if any, and will provide a copy of the file to the Assistant Superintendent and maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the district level, the Assistant Superintendent will maintain the file.

F. FORMAL PROCEEDINGS

STEP ONE

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

STEP TWO

2. A designated official will conduct an investigation in accordance with the procedures described in Section G, Investigations.

STEP THREE

3. The designated official, in consultation with the Assistant Superintendent, will determine whether the allegations have been substantiated, and whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct has been violated. If the complaint is substantiated, the designated official, in consultation with the Assistant Superintendent, will decide, based on the investigative findings, on the appropriate action. If legal issues arise, the designated official will seek the advice and guidance of legal counsel for the Foxborough Public Schools.
4. The designated official, in consultation with the Assistant Superintendent, will prepare a written report that includes the investigative findings, the investigative steps taken, and the reasons for those findings. These findings will specify whether the allegations have been substantiated, whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct, has been violated, and any decision for disciplinary and corrective action.
5. The principal, the employee's supervisor (if the subject of the complaint is an employee), or the Superintendent will impose any disciplinary or corrective action.

STEP FOUR

6. The designated official will promptly notify the complainant and the subject of the complaint in writing to let them know whether the complaint has been substantiated. If the complaint is substantiated, the designated official will also promptly notify the complainant of any non-disciplinary corrective action imposed to protect him/her from future Policy violations. If the complaint is substantiated and the offender remains a student in the school, the designated official will meet with the offender and his/her parent or guardian, to describe the disciplinary and/or corrective action imposed, the school's expectations for future behavior and the potential consequences for retaliation or future violation of the Policy.
7. If a complaint is substantiated, a report of the incident and its resolution will be placed in the offender's student record or employee personnel file.
8. File Retention: If the incident occurs at the school level, the principal (and if the principal is the subject of the complaint, the Assistant Superintendent), will maintain in a separate confidential file the original completed Reporting/Complaint Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials, and will provide a copy of the file to the Assistant Superintendent and maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the district level, the Assistant Superintendent will maintain the original documents.
9. If the Foxborough Public Schools investigation results from a third party report, the designated official will inform that person that the Foxborough Public Schools has taken steps consistent with the Policy, while not providing information about any disciplinary action imposed or any other information that would violate applicable state and federal confidentiality laws or student record regulations.
10. Any disciplinary or corrective action against a student or employee must conform to the due process requirements of federal and state law.

STEP FIVE

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

STEP SIX

12. The complainant may ask the Assistant Superintendent to review, and, if appropriate, revise any non-disciplinary corrective action imposed through a Formal Proceeding, if the complainant believes that the corrective action is not adequate to protect him/her from future harassment, discrimination, bullying, retaliation, or a hate crime.
13. Any right of appeal from a disciplinary decision is governed by the Student Code of Conduct, the school's disciplinary code, applicable collective bargaining agreements, and Massachusetts and federal law.

G. INVESTIGATIONS FOR FORMAL PROCEEDINGS

1. Prompt and Thorough Investigations: Except where Informal Proceedings are initiated, the school or Foxborough Public Schools, through a designated official, in consultation with the Assistant Superintendent, will promptly investigate all reports or complaints of an alleged violation of this Policy (even where the offender is unknown), as set forth below. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint. No complaint is considered frivolous; on the other hand, culpability is never presumed. These procedures are intended to protect the rights of a victim and the rights of a wrongfully accused individual.
2. Emergencies: School officials will immediately call 911 in case of a threat of imminent physical harm or actual physical harm to a school community member or where police, fire, medical, or other emergency assistance is needed.
3. Opening Investigations: Upon receipt of a report or complaint, a designated official, in consultation with the Assistant Superintendent, will promptly undertake an investigation or authorize a third party designated by the Foxborough Public Schools or school to undertake an investigation.
4. Investigative Procedure: The designated official investigating the incident will gather and preserve evidence, and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or other acts of a serious criminal nature, the designated official will confer with the local police department prior to gathering or preserving evidence to determine if the incident requires law enforcement involvement. Until the designated official confers with the local police, however, s(he) will secure the evidence from contamination or removal. The investigation will generally consist of personal interviews with the complainant, the subject(s) of the complaint and others who witnessed or may have potentially relevant knowledge about the alleged incident or circumstances giving rise to the report or complaint. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances. The designated official should take notes during interviews, or prepare

them soon thereafter, for the purpose of maintaining accurate records. The designated official will also generally review and evaluate any other information or document, including video recordings, voice mails, e-mails, instant messages, or other items deemed relevant to the allegations, and information regarding any prior incident(s) committed by the subject of the complaint.

5. Communication During Investigation: Throughout the investigatory and complaint resolution process, the designated official will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, and the anticipated timing for concluding the investigation, and making a determination. The designated official will notify each person interviewed or made aware of the investigation that the investigation is confidential and should not be discussed with other students or Foxborough Public Schools employees. The designated official will tell them that the Foxborough Public Schools will not tolerate retaliation against the complainant or reporter, or anyone else who cooperates with the investigation.
6. Time for Investigations: The designated official will complete his/her investigation as soon as practicable, not normally to exceed more than ten (10) business days after (s)he receives the complaint or report, except for good cause or with consent of the parties (as documented in the investigatory file). The designated official will expedite the investigation of any claim involving physical violence or serious threats of harm.
7. Ensuring Safety During Investigation: The designated official, in consultation with the Assistant Superintendent, will take any step he/she determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation. Those steps for students may include, but are not limited to, ordering interim disciplinary action under the Student Code of Conduct, appropriate adult supervision, reassigning classroom seating, temporarily transferring the student subject of the complaint from his/her class(es) with the complainant or to an alternative school assignment, instructing the subject of the complaint to avoid communication or contact with the complainant and to maintain a safe distance (for e.g., fifteen feet) from the complainant while on school property or in school-related activities, and monitoring compliance and reporting non-compliance of protective orders issued by a court. Prior to a resolution of the complaint or report, the designated official will make reasonable efforts to monitor the success of the interim measures in achieving their goals. At the discretion of a school and/or Foxborough Public Schools administrator, a student complainant may also temporarily transfer classes or schools, where available, but only where the student and his/her parent or guardian voluntarily consent to the transfer.
8. Victim Assistance: The designated official (or his/her designee) will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.
9. Victim Non-Cooperation: Where a violation of the Policy has been reported by a third party, and the alleged victim fails to cooperate with the investigation, or denies the incident occurred, disciplinary and corrective action may be precluded, or limited, depending on the circumstances and the availability of information from other sources.
10. False Charges: Any person who makes knowingly false charges or brings a malicious complaint is subject to disciplinary and/or corrective action.

H. BASIS FOR DETERMINING WHETHER POLICY VIOLATED

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

I. CONFIDENTIALITY

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

6. Disciplinary and Corrective Action

A. IMPOSING DISCIPLINARY AND CORRECTIVE ACTION

If a designated official, in consultation with the Assistant Superintendent, concludes that the subject of the complaint has violated this Policy, the Foxborough Public Schools will in a timely manner impose disciplinary measures and/or corrective action reasonably calculated to end the complained of conduct, deter future conduct, and protect the complainant(s) and other similarly situated individuals. In imposing disciplinary and corrective measures the Foxborough Public Schools will take into account harm the victim and other members of the school community suffered and any damage to school climate or property. The decision whether discipline is imposed and the nature of any disciplinary action must comply with the Foxborough Public Schools and school's disciplinary policies.

B ACTION CONCERNING STUDENTS

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

Discipline for Students with Disabilities

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

C. ACTION CONCERNING SCHOOL EMPLOYEES

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

D. ACTION CONCERNING INDEPENDENT CONTRACTORS

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

E. ACTION CONCERNING SCHOOL VOLUNTEERS

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

F. ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS

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

G. PREVENTION AND REMEDIATION

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

H. ACTION CONFORMING TO LAW AND APPLICABLE CONTRACTS

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

7. Additional Provisions

A. OVERSIGHT OF FOXBOROUGH PUBLIC SCHOOLS COMPLIANCE WITH POLICY

The Assistant Superintendent, under the supervision of the Superintendent, will ensure the successful administration of and compliance with this Policy. The Foxborough Public Schools will post conspicuously in the central office and in each school the name of the Assistant Superintendent, and his/her mailing address, telephone number and email address. The Assistant Superintendent's responsibilities include:

1. Maintaining complaint and investigation records under this Policy and of Informal and Formal Proceedings;
2. Maintaining and regularly analyzing documentation of incidents of harassment, bullying, discrimination, retaliation, and hate crimes throughout the Foxborough Public Schools;
3. Advising and assisting with and/or conducting investigations of complaints and reports of violations of this Policy;
4. Regularly assessing the need for and arranging training of school and Foxborough Public Schools personnel and students on the requirements of and compliance with this Policy;
5. Assisting the Superintendent in regularly reviewing the effectiveness of the Foxborough Public Schools efforts to correct and prevent harassment, bullying, discrimination, retaliation, and hate crimes and proposing improvements in those efforts, consistent with 603 CMR 26.07 (1) & (4);
6. Ensuring that appropriate Foxborough Public Schools and school officials are informed about violations of this Policy and the adequacy of the response;
7. Reviewing this Policy annually for compliance with state and federal law and updating it as necessary; and
8. Ensuring that s(he) and the Foxborough Public Schools and school Title II, Title VI, Title DC and Section 504 coordinators are provided appropriate training to serve in this capacity and receive regular updates on changes in laws, regulations, policies and procedures concerning harassment, bullying, discrimination, retaliation, and hate crimes.

B. POLICY DISSEMINATION

1. At the beginning of each school year, the Foxborough Public Schools will distribute this Policy to all school employees, provide a summary of the Policy to volunteers and independent contractors, and publicize the Policy within the school community.
2. The Foxborough Public Schools and its schools will incorporate a summary of this Policy in the Student Handbook and in each school's code of conduct, and explicitly state that a violation of this Policy is subject to disciplinary action.
3. The Foxborough Public Schools will post this Policy and a summary of the Policy on its Foxborough Public Schools website.

Experts have determined that bullying is a form of aggression involving a power imbalance between the bully and victim, where the bully has actual or perceived physical, social, and/or psychological power over his or her target(s). Bullying generally involves a pattern of conduct that is directed at a victim, rather than a single isolated incident.

GLOSSARY OF TERMS

BULLYING: Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to the person's membership in a protected class (e.g., race, sex).⁵ Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through e-mails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime. (See Student Code of Conduct for how the Foxborough Public Schools addresses bullying not covered by this Policy.)

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

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

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

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

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

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

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

Disability Harassment

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

National Origin Harassment

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

Racial Harassment

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

Religious Harassment

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

Sexual Orientation Harassment

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

Sexual Harassment:

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

- Sexual harassment may occur adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.

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

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

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

Indicators that a crime may constitute a hate crime include:

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

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

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

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

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

SCHOOL COMMUNITY MEMBER: Any student, Foxborough Public Schools or school employee, Foxborough School Committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school-sponsored function or activity.

SCHOOL EMPLOYEE: Any Foxborough Public Schools or school administrator, teacher, school counselor, nurse, secretary, librarian, and any other professional or support staff member employed by the Foxborough Public Schools, and (except school volunteers) subject to the District's direction or control.

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

SCHOOL VOLUNTEER: Any person who without compensation provides goods, supplies, or services to the Foxborough Public Schools or its schools on a one time or an ongoing basis, and who is not a school employee or independent contractor.

CROSS REFS.: JBA, Student-to-Student Harassment
JICFB, Bullying Prevention

Policy adopted: 2-13-06
Policy adopted as revised: 3-24-08
Policy Revised: 4-4-11

NONDISCRIMINATION ON THE BASIS OF SEX

The Foxborough 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 Foxborough 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 Foxborough School 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. The Title IX compliance officer is listed in the Student Handbook.

The Superintendent will notify the Foxborough School Committee of any incidents of nondiscrimination complaints upon completion of the investigation.

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

Policy adopted: 3-24-08
Policy adopted as revised: 2-25-13

SEXUAL HARASSMENT

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

Because the Foxborough 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 Officers: [Mr. Joseph A Heinricher, Foxborough High School, 543-1616; Ms. Michelle McCarthy, Burrell School, 543-1605]

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:

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:
 - Attempt to resolve the matter informally through reconciliation.
 - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee 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.
5. The Superintendent will notify the Foxborough School Committee of any incidents of sexual harassment complaints upon completion of the investigation.

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

Policy adopted: 3-24-08

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 Foxborough School 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 Foxborough Public Schools or be subject to discrimination. Nor shall the Foxborough 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 Foxborough Public Schools.

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

Communications: The Foxborough 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 Foxborough Public Schools 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 Foxborough Public Schools. In determining what type of auxiliary aid or service is necessary, the Foxborough 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 aurally 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 Foxborough Public Schools 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 Foxborough Public Schools shall be made by the Foxborough School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The Foxborough Public Schools 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 Foxborough Public Schools. The information shall be made available in such a manner as the Foxborough School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The Foxborough 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 Foxborough 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 school system receives federal financial assistance and must comply with the above requirements. Additionally, the Foxborough School Committee is of the general view that:

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

LEGAL REFS.: The Individuals with Disabilities Act (IDEA)
 Rehabilitation Act of 1973, Section 504, as amended
 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, Support Services Programs

Policy adopted: 3-24-08

MISSION STATEMENT

Mission Statement

The mission of the Foxborough Public Schools, guided by its core values, is to engage students in a rich, diversified education, thereby empowering them to challenge themselves as they become productive, responsible citizens.

Vision

The Foxborough Public Schools, in collaboration with the community, will provide students with intellectual, artistic and character building educational experiences to inspire them to achieve.

CROSS REFS.: ADA, School District Goals and Objectives
 IA, Instructional Goals

Policy adopted: 3-24-08

DISTRICT-WIDE GOALS

The Foxborough Public Schools Goals are based on the four core values for Academic Excellence, Environment, Respect, and Communication and Collaboration.

Operating Principles

The Foxborough Public Schools Improvement Plan (DIP) and the School Improvement Plan (SIP) have reciprocal influence. Whereas the DIP is general in order to include the goals of each of the schools, the SIP is specific to the needs of the individual school. In return, the DIP shall provide structure and support in the form of a curriculum cycle, district-wide improvements, and the Foxborough Public Schools budget.

District-wide goals shall:

1. Guide and direct continuous improvement in the quality of education in each school in the Foxborough Public School system. Quality must be measured objectively based on state and federal requirements. The DIP outlines a specific direction under which each school council must operate in developing the SIP for its own school. Each plan must be based on at least three years of data.
2. Increase accountability and improvement in education. The Foxborough Public Schools will be accountable to the Department of Education as directed by No Child Left Behind.
3. Promote participation and active involvement with parents, staff, and the community.

Policy adopted: 7/15/76

Adopted as reviewed: 6/6/88

Policy adopted as revised: 3-24-08

LONG RANGE STRATEGIC PLANNING

A key element of effective management of a school system is the use of long range plans. Long range strategic planning is strongly supported in the research related to management of education.

The Foxborough School Committee and Superintendent share the responsibility for setting direction for Foxborough Public Schools. Long range strategic planning is the primary process for effecting long term direction.

The Foxborough School Department is committed to the concept of long range strategic planning. This planning is focused upon the major components of the school system as recommended by the Superintendent. This concept will be implemented in the school system as a result of the following process:

A long-range strategic plan will be developed to include a three-year period. The plan will be prepared by the Superintendent and recommended to the Foxborough School Committee for approval. The Superintendent will provide the School Committee with an annual update on the plan's progress. The Superintendent will insure appropriate staff and community participation in the development of the plan. The timeline for development, presentation, and approval of the plan is as follows:

- A. Six months prior to the expiration of the current three-year plan, the Superintendent will form a strategic planning work group consisting of administrators, staff, and community members.
- B. A draft will be submitted to the School Committee for review and final approval.

Policy adopted 2/3/86

Policy amended 2/2/87

Policy adopted as revised: 3-24-08

Policy adopted as revised: 5-16-16

ALCOHOLIC BEVERAGES ON SCHOOL PREMISES

Alcoholic beverages will not be allowed on school premises or in buildings.

Policy adopted: 5/12/79

Policy reviewed: 9/06/88

Policy accepted as reviewed: 9/19/88

Policy adopted as revised: 3-24-08

LEGAL REFS.: M.G.L. 138:14; 272 S.40A, as amended by St. 1978. C.469

SMOKING ON SCHOOL PREMISES

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses 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 Foxborough Public Schools policy and requirements of state law.

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

Policy adopted: 3-24-08

C.O.R.I. REQUIREMENTS

It shall be the policy of the Foxborough Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I) from the Department of Criminal Justice Information Services (DCJIS) of prospective employee(s), volunteer(s) or subcontractor(s) of the school department including any individual who regularly provides school related transportation to students, who may have direct and unmonitored contact with students, prior to hiring the employee(s), subcontractor(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, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the DCJIS on all employees, individuals who regularly provide school related transportation to students, including taxicab company employees, and volunteers who may have direct and unmonitored contact with students, during their term of employment or volunteer service.

The Superintendent, 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 students, 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 students’ 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 students 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 students. 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, subcontractors, volunteers, and persons regularly providing school related transportation to students of the school district shall sign a request/acknowledgement form authorizing receipt by the Foxborough Public Schools of all available C.O.R.I. data from the DCJIS. In the event that a current employee has questions concerning the signing of the request/acknowledgement form, he/she may meet with the Superintendent or designee; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request/acknowledgement forms must be kept in secure files. The Superintendent, or designee 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 students.

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 DCJIS.

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

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the DCJIS, the Superintendent will closely compare the record provided by DCJIS with the information on the C.O.R.I. request/acknowledgement form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the Foxborough Public Schools is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record, the Foxborough Public Schools C.O.R.I. policy, the DCJIS *Information Concerning the Process in Correcting a Criminal Record*, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment 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 students. Current employees, persons regularly providing school related transportation, subcontractors, 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 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 students.

As soon as possible after the Foxborough Public Schools obtains the certification from the DCJIS 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 REFS.: 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)

Policy adopted: 3-24-08

Policy adopted as revised: 2-25-13

C.O.R.I. REQUIREMENTS

Applicants challenging the accuracy of the policy shall be provided a copy of the Department of Criminal Justice Information Services (DCJIS) *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 DCJIS and request a detailed search consistent with DCJIS policy.

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in Foxborough Public Schools 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;
- (i) 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.

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INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

If you have undergone a background check by an agency that has received a criminal record from the Department of Criminal Justice Information Services (DCJIS), 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 Department of Criminal Justice Information Systems, 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 DCJIS 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 DCJIS 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 DCJIS website <https://icori.chs.state.ma.us/icori> The DCJIS 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_co

In some situations of identity theft, you may need to contact the DCJIS 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 DCJIS for assistance at (617) 660-4640.

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C.O.R.I. REQUIREMENTS

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 there from, 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 failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

Policy adopted: 3-24-08

WELLNESS

It is the policy of the Foxborough Public School District to promote actions that create a healthy and safe environment for all students, faculty, and staff. It is our goal to promote and protect our students' physical, emotional, and social well-being through a coordinated school wellness program. This includes providing a healthy environment, nutritious school meals, health and physical education, opportunities for physical activity, school nurse services, and mental health services.

It is the intent of this policy to enable students to become independent and self-directed learners by taking initiative to meet their own health, physical, and nutritional needs as developmentally appropriate. Specific actions and decisions will take into account the health needs and well-being of all children without discrimination or isolation of any child. Our goal is to provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity.

The Foxborough Public Schools' Wellness Task Force will meet annually to review, monitor, and evaluate the goals of this policy.

I. Nutrition and Wellness

The Foxborough Public School District aims to teach, encourage, and support healthy eating by students. Our goal is to provide nutrition education at all levels throughout our district by using the following strategies:

- Offer a comprehensive, standards-based health curriculum designed to provide students with the knowledge and skills necessary to promote and protect their health at all levels;
- Provide instruction for students in nutrition that teaches the skills they need to develop and maintain healthy eating habits;
- Through the nutrition education program, establish the link between food and beverage intake and physical activity as key components to healthy weight management;
- Promote healthy eating decisions such as: fruits, vegetables, whole grain products, low fat and fat free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- Offer healthy meals and snacks that promote good health and provide students with the appropriate daily nutrition that is consistent with the Dietary Guidelines for Americans;
- Support healthy lifestyles at home through parent education activities;
- Provide nutrition education professional development opportunities for teachers and support staff such as Food Service.

II. Guidelines for Foods and Beverages on School Campuses

All food made available during the school day will comply with current *Dietary Guidelines for Americans* and the *Massachusetts A La Carte Food and Beverage to Promote a Healthier School Environment* by Action for Healthy Kids. This includes vending machines, concessions, a la carte, school stores, school-sponsored fundraisers, and other venues under the control of the school department.

The School Food Service Child Nutrition Program will comply with federal, state, and local requirements and will be accessible to all children. Foods made available during the school day will promote the consumption of nutrient dense foods and beverages (i.e. milk, meat/poultry, fresh fruits, vegetables and whole grains) on a daily basis.

School menus will be analyzed using USDA approved software. Nutrition information will be available for all foods offered through the Child Nutrition Program. Age appropriate daily requirements and portion size information will be available in all programs.

The school district will provide information and outreach materials about other Federal Nutrition Standards programs such as Supplemental Nutrition Assistance (SNAP), and Women, Infants, and Children (WIC) to students and parents through the school/district website.

The school district encourages all students to participate in school meals program, i.e. the National School Lunch and School Breakfast programs where offered.

All foods made available on campus by the food services department will adhere to food safety and security guidelines. Hazard Analysis and Critical Control Points (HACCP) plans and guidelines will be implemented to prevent food illness in schools.

Food safety issues related to food allergy are adhered to for all foods served in school. Refer to Foxborough Public Schools' Life Threatening Allergy Policy JLCE for more information.

Food services will strive to offer only those snack items included on the Department of Education's A List.

Birthday celebrations must be "food free" throughout the district. Classroom snacks and food provided for non-birthday related celebrations feature healthy choices. Schools will not use food as rewards. Exceptions to this policy may only be made when behavior rewards or discipline are part of a student's Individualized Educational Program (IEP).

It is recommended that non-school sponsored events including fundraisers and concessions held on school grounds and/or to benefit schools in the Foxboro school district will be encouraged to include healthy choices and promote healthy living.

The school district encourages parents, teachers, school administrators, students, food service professionals, and community members to serve as role models in practicing healthy eating and being physically active, both in school and at home.

III. Physical Activity Opportunities and Physical Education

Students in grades K-10, including students with disabilities, special health-care needs, and in alternative settings, will participate in physical education for the entire school year. Students in grades 11 and 12 are offered physical education electives. All physical education classes will be taught by a certified physical education teacher.

Currently, students are receiving the following number of hours of organized physical education per year:

- K-4: 33 hours/year
- Gr. 5-8: 34 hours/year
- Gr. 9-10: 71 hours/year

The physical education program includes instruction of individual skills and fitness activities to encourage life-long physical activity. Students will spend well over fifty percent of physical education class time participating in moderate to vigorous physical activity.

All students through grade six will have 15-20 minutes of supervised recess daily. Whenever possible, all of the students' recess time is spent outdoors.

All schools will offer a range of extracurricular physical activity programs and activities that meet the needs of diverse learners, such as co-curricular clubs, interscholastic athletic programs and Intramural programs.

Schools will not use physical activity or the withholding of recess or other physical activity as a means of punishment or as a regular form of discipline. Exceptions to this policy may only be made when behavior rewards or discipline are part of a student's Individualized Educational Program (IEP).

School spaces and facilities should be available to students, staff, and community members during and after the school day, on weekends and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times. See Policy KF – Community Use of School Facilities.

IV. Other School-Based Activities

The school district will ensure adequate time for students to enjoy eating healthy foods in a collegial environment.

When possible, schools will schedule recess for elementary students before lunch so that children will come to lunch less distracted and ready to eat.

The Foxborough Public School District values the health and well-being of every staff member and will plan and implement activities and policies that support efforts by the staff to maintain a healthy lifestyle. The district will make every effort to inform and educate staff, and to encourage staff health and wellness as related to healthy eating, physical activity, and other elements of a healthy lifestyle.

CROSS REFS.: IHAE, Physical Education
IHAM, Health and Wellness Education
IHAMA, Teaching About Alcohol, Drugs & Tobacco

LEGAL REF.: MGL 7:23B
An Act Relative to School Nutrition (H4459)
Child Nutrition and WIC Reauthorization Act of 2004

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Policy adopted as revised: 4-4-11
Policy adopted as revised: 6-4-12

COMMITMENT TO ACCOMPLISHMENT

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

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the Foxborough Public Schools.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the Foxborough Public Schools.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the Foxborough Public Schools.

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

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