MANDATED TRAININGS

SOUTHERN WORCESTER COUNTY EDUCATIONAL COLLABORATIVE



WHAT IS THE PURPOSE OF THIS TRAINING?

THIS POWERPOINT PRESENTATION IS DESIGNED TO PROVIDE THE REQUIRED ANNUAL MANDATED TRAININGS FOR ALL STAFF OF SOUTHERN WORCESTER COUNTY EDUCATIONAL COLLABORATIVE

DISCRIMINATION/HARASSMENT POLICY

- IT IS THE POLICY OF SWCEC TO PROVIDE A LEARNING AND WORKING ENVIRONMENT FREE FROM DISCRIMINATION AND HARASSMENT ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, GENETIC INFORMATION, SEX, SEXUAL ORIENTATION, PREGNANCY, GENDER IDENTITY OR EXPRESSION, DISABILITY, VETERAN STATUS, AGE, OR HOMELESSNESS. DISCRIMINATION AND/OR HARASSMENT OF STAFF, STUDENTS, AND THIRD-PARTIES OCCURRING ON SCHOOL GROUNDS OR IN CONNECTION WITH SCHOOL PROGRAMS IS UNLAWFUL AND WILL NOT BE TOLERATED BY THE DISTRICT. FURTHER, ANY RETALIATION AGAINST AN INDIVIDUAL WHO HAS COMPLAINED ABOUT DISCRIMINATION, HARASSMENT, OR RETALIATION AGAINST INDIVIDUALS FOR COOPERATING WITH AN INVESTIGATION UNDER THIS POLICY IS SIMILARLY UNLAWFUL AND WILL NOT BE TOLERATED.
- SWCEC STRICTLY ENFORCES A PROHIBITION AGAINST HARASSMENT AND DISCRIMINATION, SEXUAL OR OTHERWISE, OF ANY OF ITS STUDENTS OR EMPLOYEES BY ANYONE, INCLUDING ANY FELLOW STUDENT, TEACHER, SUPERVISOR, CO-WORKER, VENDOR, OR OTHER THIRD PARTY, AS SUCH CONDUCT IS CONTRARY TO THE MISSION OF SWCEC AND ITS COMMITMENT TO EQUAL OPPORTUNITY IN EDUCATION AND EMPLOYMENT. BECAUSE SWCEC TAKES ALLEGATIONS OF DISCRIMINATION AND HARASSMENT SERIOUSLY, WE WILL RESPOND PROMPTLY TO COMPLAINTS OF INAPPROPRIATE CONDUCT, AND WHERE IT IS DETERMINED THAT SUCH CONDUCT HAS OCCURRED, WE WILL ACT PROMPTLY TO ELIMINATE THE CONDUCT AND IMPOSE SUCH CORRECTIVE ACTION AS IS NECESSARY, INCLUDING DISCIPLINARY ACTION WHERE APPROPRIATE. CLAIMS OF RETALIATION WILL BE INVESTIGATED PURSUANT TO THIS POLICY AND PROCEDURES.

DEFINITION OF DISCRIMINATION AND HARASSMENT

• DISCRIMINATION AND HARASSMENT CONSISTS OF UNWELCOME CONDUCT, WHETHER VERBAL OR PHYSICAL, THAT IS BASED ON A CHARACTERISTIC PROTECTED BY LAW, SUCH AS RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, GENETIC INFORMATION, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION, DISABILITY, AGE, VETERAN STATUS, OR HOMELESSNESS. PROHIBITED BEHAVIOR INCLUDES, WITHOUT LIMITATION, SLURS OR OTHER DEROGATORY COMMENTS, OBJECTS, PICTURES, CARTOONS, OR DEMEANING GESTURES CONNECTED TO ONE'S MEMBERSHIP IN A PROTECTED GROUP. SWCEC WILL NOT TOLERATE HARASSING OR DISCRIMINATORY CONDUCT THAT AFFECTS EMPLOYMENT OR EDUCATIONAL CONDITIONS, THAT INTERFERES UNREASONABLY WITH AN INDIVIDUAL'S SCHOOL OR WORK PERFORMANCE, OR THAT CREATES AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK OR SCHOOL ENVIRONMENT.

- REFERÊNCE TO "HARASSMENT" SHALL ALSO INCLUDE "SEXUAL HARASSMENT". SEXUAL HARASSMENT MEANS SEXUAL
 ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN: (A)
 SUBMISSION TO OR REJECTION OF SUCH ADVANCES, REQUESTS, OR CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A
 TERM OR CONDITION OF EMPLOYMENT OR AS A BASIS FOR EMPLOYMENT DECISIONS; OR, (B) SUCH ADVANCES, REQUESTS,
 OR CONDUCT HAVE THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH AN INDIVIDUAL'S WORK
 PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE, HUMILIATING, OR SEXUALLY OFFENSIVE WORK ENVIRONMENT.
 PROHIBITED BEHAVIOR INCLUDES, WITHOUT LIMITATION, AND DEPENDING UPON THE TOTALITY OF THE CIRCUMSTANCES
 INCLUDING THE SEVERITY OF THE CONDUCT AND ITS PERVASIVENESS: UNWELCOME SEXUAL ADVANCES; SEXUAL EPITHETS,
 JOKES, WRITTEN OR ORAL REFERENCES TO SEXUAL CONDUCT, AND/OR GOSSIP REGARDING ONE'S SEX LIFE; A COMMENT
 ON AN INDIVIDUAL'S BODY, SEXUAL ACTIVITY, DEFICIENCIES, AND/OR PROWESS; DISPLAYING SEXUALLY SUGGESTIVE
 OBJECTS, PICTURES, AND/OR CARTOONS; UNWELCOME LEERING, WHISTLING, BRUSHING AGAINST THE BODY, SEXUAL
 GESTURES, AND/OR SUGGESTIVE OR INSULTING COMMENTS; INQUIRIES INTO ONE'S SEXUAL EXPERIENCES; AND/OR
 DISCUSSION OF ONE'S SEXUAL ACTIVITIES.
- DISCRIMINATION AND/OR HARASSMENT OF EMPLOYEES OR STUDENTS OCCURRING IN THE SCHOOLS OR WORKPLACE IS
 PROHIBITED BY LAW AND WILL NOT BE TOLERATED BY SWCEC. FOR PURPOSES OF THIS POLICY, "WORKPLACE" OR
 "SCHOOL" INCLUDES SCHOOL- SPONSORED SOCIAL EVENTS, TRIPS, SPORTS EVENTS, WORK RELATED TRAVEL OR SIMILAR
 EVENTS CONNECTED WITH SCHOOL OR EMPLOYMENT. FURTHER, ANY RETALIATION AGAINST AN INDIVIDUAL WHO HAS
 COMPLAINED ABOUT DISCRIMINATION, HARASSMENT, OR RETALIATION, OR ANY RETALIATION AGAINST ANY INDIVIDUAL
 WHO HAS COOPERATED WITH AN INVESTIGATION OF A DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINT, IS
 SIMILARLY UNLAWFUL AND WILL NOT BE TOLERATED.

COMPLAINT PROCEDURE

- ALL COMPLAINTS SHALL BE PROCESSED IN A FAIR, EXPEDITIOUS AND CONFIDENTIAL MANNER. STAFF, STUDENT, OR THIRD-PARTY COMPLAINTS OF DISCRIMINATION OR HARASSMENT BASED UPON RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, GENETIC INFORMATION, SEX, PREGNANCY, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION, DISABILITY, AGE, VETERAN STATUS, OR HOMELESSNESS SHOULD BE BROUGHT TO SWCEC'S DISCRIMINATION/HARASSMENT COMPLAINT COORDINATOR, THE EXECUTIVE DIRECTOR. COMPLAINTS MAY BE MADE VERBALLY OR IN WRITING TO THE COORDINATOR OR THE COORDINATOR'S DESIGNEE, WHO HAS AUTHORITY TO INVESTIGATE ALL GRIEVANCES. IF THE COMPLAINT CONCERNS ALLEGATIONS AGAINST THE COORDINATOR, THEN THE COMPLAINT SHOULD BE BROUGHT TO THE BUSINESS ADMINISTRATOR. COMPLAINTS SHOULD BE MADE PROMPTLY, WITHIN A SHORT TIME AFTER THE OCCURRENCE GIVING RISE TO THE COMPLAINT, TO ASSURE A PROMPT INVESTIGATION AND FAIR RESOLUTION.
- A STUDENT WHO BELIEVES THAT HE/SHE IS THE VICTIM OF HARASSMENT MAY ALSO REPORT THE MATTER TO A TEACHER, COUNSELOR, OR ADMINISTRATOR WHO IN TURN WILL NOTIFY THE PRINCIPAL/DIRECTOR IN THE SCHOOL. AS AN ALTERNATIVE, A STUDENT MAY REPORT DIRECTLY TO THE BUILDING PRINCIPAL OR SWCEC'S DISCRIMINATION/HARASSMENT COMPLAINT COORDINATOR.
- ALL EMPLOYEES OF SWCEC MUST RESPOND TO SUSPECTED HARASSMENT AND/OR COMPLAINTS BY STUDENTS OF HARASSMENT BY
 NOTIFYING THE PRINCIPAL/DIRECTOR. EMPLOYEES ARE EXPECTED TO TAKE EVERY REPORT OF DISCRIMINATION OR HARASSMENT SERIOUSLY
 AND TO UNDERSTAND THE REPORTING PROCEDURES.



INVESTIGATION

- SWCEC TAKES ALLEGATIONS OF DISCRIMINATION AND HARASSMENT SERIOUSLY AND WILL RESPOND PROMPTLY TO COMPLAINTS BY
 TAKING INTERIM STEPS TO PROTECT THE COMPLAINANT AND THE SCHOOL COMMUNITY FROM FURTHER DISCRIMINATION AND/OR
 HARASSMENT AND BY CONDUCTING A TIMELY, THOROUGH AND IMPARTIAL INVESTIGATION.
- ALL COMPLAINTS WILL BE THOROUGHLY INVESTIGATED BY THE COORDINATOR AND/OR THE COORDINATOR'S DESIGNEE. BOTH THE
 COMPLAINANT AND THE SUBJECT OF THE COMPLAINT WILL BE INTERVIEWED AND GIVEN A FULL OPPORTUNITY TO STATE THEIR CASE
 THROUGH THE PRESENTATION OF WITNESSES AND OTHER EVIDENCE. WITNESSES AND OTHER PERSONS RELEVANT TO THE COMPLAINT,
 IF ANY, MAY ALSO BE INTERVIEWED. A RECORD WILL BE KEPT OF EACH INVESTIGATION.
- COMPLAINTS WILL BE INVESTIGATED WITHIN A REASONABLE TIME, USUALLY NOT TO EXCEED THIRTY (30) SCHOOL DAYS AFTER THE
 COMPLAINT HAS BEEN RECEIVED. WHEN MORE THAN THIRTY (30) SCHOOL DAYS IS REQUIRED FOR THE INVESTIGATION, THE
 COORDINATOR OR HIS DESIGNEE SHALL INFORM THE EMPLOYEE OR STUDENT WHO FILED THE COMPLAINT THAT THE INVESTIGATION IS
 STILL ONGOING. BOTH THE COMPLAINANT AND THE SUBJECT OF THE COMPLAINT WILL BE INFORMED OF THE RESULT OF THE
 INVESTIGATION, IN WRITING IN A MANNER CONSISTENT WITH FEDERAL AND STATE LAW.



APPEALS

• IN THE EVENT A COMPLAINANT OR SUBJECT OF A COMPLAINT DISPUTES THE RESULTS OF THE INVESTIGATION OR RESOLUTION, SUCH PERSON MAY SUBMIT AN APPEAL IN WRITING TO THE EXECUTIVE DIRECTOR WITHIN TEN (10) SCHOOL DAYS OF THE COORDINATOR'S DECISION. AFTER RECEIPT OF SUCH AN APPEAL, THE EXECUTIVE DIRECTOR WILL CONDUCT A HEARING WITH THE PARTIES AND REVIEW THE RECORDS OF THE INVESTIGATION. THE EXECUTIVE DIRECTOR WILL ISSUE A DECISION WITHIN TEN (10) BUSINESS DAYS OF THE HEARING. THE EXECUTIVE DIRECTOR'S DECISION SHALL BE FINAL



DISCIPLINARY ACTION

- IF A COMPLAINT IS SUBSTANTIATED, THE COORDINATOR WILL ACT PROMPTLY TO ELIMINATE THE CONDUCT AND WILL REFER THE MATTER TO THE PROPER SUPERVISOR OR ADMINISTRATOR FOR APPROPRIATE RESPONSIVE MEASURES, INCLUDING BUT NOT LIMITED TO DISCIPLINARY ACTION. FOR STUDENTS, DISCIPLINE WILL BE IMPOSED CONSISTENT WITH THE STUDENT CODE OF CONDUCT AND STATE LAWS AND REGULATIONS. DISCIPLINE OF SCHOOL STAFF WILL BE CONSISTENT WITH COLLECTIVE BARGAINING PROCEDURES, IF APPLICABLE, AND MAY INCLUDE REPRIMAND, SUSPENSION FROM EMPLOYMENT, OR DISCHARGE. RESPONSIVE MEASURES WILL ALSO INCLUDE ANY STEPS NECESSARY TO PREVENT THE RECURRENCE OF ANY DISCRIMINATION AND/OR HARASSMENT, AND WILL INCLUDE CORRECTIVE ACTION AIMED AT ELIMINATING ANY DISCRIMINATORY EFFECTS ON THE COMPLAINANT AND OTHERS, AS APPROPRIATE.
- WHILE THIS POLICY SETS FORTH OUR GOALS OF PROMOTING A SCHOOL ENVIRONMENT THAT IS FREE FROM DISCRIMINATION AND HARASSMENT, THIS POLICY IS NOT DESIGNED OR INTENDED TO LIMIT THE AUTHORITY TO DISCIPLINE AND/OR TAKE REMEDIAL ACTION FOR CONDUCT WHICH WE DEEM UNACCEPTABLE, REGARDLESS OF WHETHER THAT CONDUCT FALLS WITHIN THE AMBIT OF THIS POLICY.
- IN CERTAIN CASES, HARASSMENT, ESPECIALLY SEXUAL HARASSMENT, OF A STUDENT MAY CONSTITUTE CHILD ABUSE UNDER MASSACHUSETTS LAW. SWCEC WILL COMPLY WITH ALL LEGAL REQUIREMENTS GOVERNING THE REPORTING OF SUSPECTED CASES OF CHILD ABUSE. SWCEC WILL ALSO REPORT INSTANCES OF HARASSMENT THAT MAY INVOLVE A CRIME IN A MANNER CONSISTENT WITH THE MOU BETWEEN THE SWCECS AND THE POLICE DEPARTMENTS WHERE SWCEC PROGRAMS ARE LOCATED.

TITLE II – AMERICANS WITH DISABILITIES ACT (ADA)

FEDERAL LAW: TITLE II (ADA)

- PROHIBITS DISCRIMINATION AGAINST ACCESS TO PROGRAMS AND FACILITIES, A FREE APPROPRIATE PUBLIC EDUCATION (FAPE) FOR ELEMENTARY AND SECONDARY STUDENTS, AND EMPLOYMENT DISCRIMINATION.
- APPLIES TO SPECIAL EDUCATION SERVICES, EVALUATIONS, INDIVIDUAL EDUCATION PLANS (IEPS), AND STUDENT DISCIPLINE.
- WHEN AN IEP EXISTS FOR A STUDENT, IT IS THE RESPONSIBILITY OF <u>ALL EDUCATORS</u> WHO WORK WITH THAT STUDENT TO PROVIDE THE ACCOMMODATIONS AND/OR MODIFICATIONS <u>THIS IS A LEGAL REQUIREMENT</u>.

IDEA: INDIVIDUALS WITH DISABILITIES ACT

- THE IDEA ENTITLES ELIGIBLE STUDENTS TO AN INDIVIDUALIZED PROGRAM OF SPECIALLY DESIGNED INSTRUCTION AND/OR RELATED SERVICES THAT ARE REASONABLY CALCULATED TO PROVIDE MEANINGFUL EDUCATIONAL BENEFIT IN THE LEAST RESTRICTIVE SETTING CONSISTENT WITH THAT GOAL
- A STUDENT WITH A DISABILITY WHO, BECAUSE OF THAT DISABILITY, REQUIRES SPECIALLY DESIGNED INSTRUCTION AND/OR RELATED SERVICES TO PROGRESS EFFECTIVELY IN THE GENERAL CURRICULUM.

MGL CHAPTER 119 SECTION 51A













DCF MANDATED REPORTER TRAINING

March 2016



Data on 51A Reports and DCF Consumers



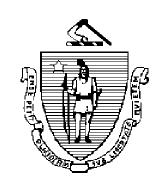
- 90,709 reports of child abuse or neglect filed in FY'15
- 21,445 reports were recorded during the 1st Quarter of FY'16
- 50,964 open child consumers as of 9/30/15
- There were 8,867 individuals in placement as of 9/30/15



Requirements for Mandated Reporters

Mass. General Law Chapter 119

Mandated Reporters are required to report when, in their professional capacity, they have reasonable cause to believe that a child under the age of eighteen years is suffering:



- physical or emotional injury resulting from abuse which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse, or from
- neglect, including malnutrition, or
- who is determined to be physically dependent upon an addictive drug at birth

Mandated Reporters are to immediately report such conditions to DCF by oral communication and by making a written report within forty-eight hours after such oral communication





Who Is a Mandated Reporter?

Massachusetts law defines the following professionals as mandated reporters:

Physicians, medical interns, hospital personnel engaged in the examination, care or treatment, medical examiners;

Emergency medical technicians, dentists, nurses, chiropractors, podiatrists, optometrists, osteopaths;

Public or private school teachers, educational administrators, guidance or family counselors; Child care licensors, such as staff from the Department of Early Education and Care;

Early education, preschool, child care or after school program staff, including any person paid to care for, or work with, a child in any public or private facility, home or program funded or licensed by the Commonwealth, which provides child care or residential services.

Social workers, foster parents, probation officers, clerks magistrate of the district courts, and parole officers;

Firefighters and police officers;

School attendance officers, allied mental health and licensed human services professionals; Psychiatrists, psychologists and clinical social workers, drug and alcoholism counselors; and Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, accredited Christian Science practitioners, persons performing official duties on behalf of a church or religious body, or persons employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis.

The Child Advocate.





New Requirements for Mandated Reporters

- **Continued penalty of \$1,000 for failure to report.**
- Effective July 1, 2010, increased penalty for willfully failing to report child abuse or neglect that resulted in serious bodily injury or death: can be punished by a fine of up to \$5,000 and up to $2\frac{1}{2}$ years in jail, and be reported to the person's professional licensing authority.
- Effective July 1, 2010, increased penalty for knowingly and willfully filing a frivolous report of child abuse or neglect: can be punished by a fine of up to \$2,000 for the first offense, up to 6 months in jail for a second offense, and up to 2½ years in jail for a third offense
- Mandated reporters may, in addition to filing with the Department, notify local law enforcement or the Office of the Child Advocate of any suspected child abuse or neglect.
- Effective January 1, 2010, mandated reporters who are professionally licensed in the Commonwealth shall complete training to recognize and report suspected child abuse or neglect.



Important Definitions



Abuse:

The non-accidental commission of any act by a caregiver which causes, or creates a substantial risk of physical or emotional injury or sexual abuse; or the victimization of a child through sexual exploitation or human trafficking whether or not the person responsible is a caregiver. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of- home or inhome setting).

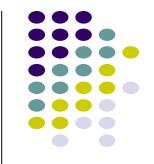
Neglect:

Failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; or failure to thrive. Neglect can not result solely from inadequate economic resources or be due solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home or in-home setting).



Human Trafficking/Sexual Exploitation

- 2012 State Law and 2014 & 2015 Federal Law
- Included Sexual Exploited Child and Human Trafficking as mandated child abuse reporting categories
- Includes Sexual Exploited Child and Human Trafficking victims in definition of child abuse
- Reports of sexually exploited child and child victim of human trafficking are mandated DA referral categories
- Requires states to:
 - Identify and assess all reports involving children suspected of being victims of sex trafficking
 - Provide training for child protective workers in identifying, assessing, and providing services for these victims
 - New term: Commercial Sexual Exploitation of Children (CSEC)



Definitions Continued



Caregiver:

- A child's parent, step-parent or guardian, or any household member entrusted with the responsibility for a child's health or welfare.
- Any other person entrusted with the responsibility for a child's health or welfare, both in and out of the child's home, regardless of age:

e.g., relatives from outside the home, teachers or staff in a school setting, workers at an early education, child care or afterschool program, a babysitter, foster parents, staff at a group care facility, or persons charged with caring for children in any other comparable setting.



Signs of Physical Abuse

- Bruising, welts or burns that cannot be sufficiently explained; particularly bruises on the face, lips and mouth of infants or on several surface planes at the same time;
- Unusual bruising patterns that reflect the shape of the instrument used to cause injury (e.g., belt, wire hanger, hairbrush, hand, human bite marks);
- Clusters of bruises, welts or burns, indicating repeated contact with a hand or instrument;
- Injuries on the body where children usually do not get hurt (e.g., the torso, back, buttocks, thighs, neck);
- Burns that are insufficiently explained (e.g., cigarette burns);
 - Immersion burns; marks indicating dunking in a hot liquid, including "stocking" and "glove" burns on feet and hands, or "doughnut" shaped burns on buttocks and genitalia; Rope or restraint burns on the arms, hands, neck or legs;
 - Dry burns caused by forced contact with a hot surface (e.g., a clothes iron, hair curler, heater or stove);
- Lacerations and abrasions of the lip, eye, or to any part of a child's face;
- Tears in the tissue of the gums, possibly as a result of force-feeding;
- Laceration or abrasion to external genitalia;
- Absence of hair or hemorrhaging beneath the scalp due to vigorous hair pulling.
- Withdrawn, fearful or extreme behavior.





Signs of Possible Sexual Abuse



Perceptible Signs of Sexual Abuse

Difficulty walking or sitting;
Pain or itching in the genital area;
Torn, stained or bloody underclothing;
Bruises or bleeding in external genitalia;
Erroquent complaints of stameshackes

Frequent complaints of stomachaches or headaches;

Venereal disease;

Frequent urinary or yeast infections; Pregnancy.

Behavioral Signs of Sexual Abuse

- Withdrawal or chronic depression;
- Inappropriate sex play or premature understanding of sex;
- Feeling threatened by physical contact, closeness;
- Promiscuity;
- Running away from home;
- Child is "parentified" or overly concerned for siblings;
- Poor self-esteem, lack of confidence;
- Peer problems, lack of involvement with friends;
- Extreme weight change;
- Suicide attempts or threats; especially with adolescents;
- Hysteria, lack of emotional control;
- Sudden school difficulties; or
- Unprovoked cruelty to animals.



Signs of Neglect



- Lack of medical or dental care
- Chronically dirty or unbathed
- Lack of adequate school attendance
- Lack of supervision; for example young children left unattended or with other children too young to protect or care for them
- Lack of proper nutrition
- Lack of adequate shelter
- Self-destructive feelings or behavior
- Alcohol or drug abuse
- SEN with or without FAS or NAS



How Do I File a Report of Child Abuse or Neglect?



When you suspect that a child is being abused or neglected, you should immediately telephone the DCF Area Office serving the child's residence and ask for the Protective Screening Unit. Visit www.state.ma.us/dcf

Regular Office hours are 8:45 a.m. - 5 pm, Monday through Friday.

To make a report at any other time, including after 5 p.m. and on weekends and holidays, please call the Child-At-Risk Hotline at: 1-800-792-5200.





What Information Will Be Requested when a Report Is Filed?

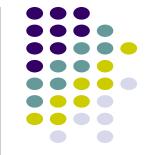


The DCF Screener will ask you to provide the following information:

- **Your Name, relationship to the child (if any), address and phone number;**
- Names and ages of the child(ren) about whom you have a concern;
- Names of parents/guardians of the child(ren);
- Names and ages of other children in the family;
- Address of the family on whom you are reporting, and other relevant addresses;
- Details about your concern "What are your worries?"
 - The nature and extent of the suspected abuse or neglect, including any evidence or knowledge of prior injury, abuse, maltreatment, or neglect;
- Dates and/or timeframes in which the abuse may have occurred;
- Circumstances under which you became aware of injuries, abuse, or neglect;
- What action has been taken thus far to treat, shelter, or otherwise assist the child;
- The identity of the person you believe may have caused the abuse / neglect (if known);
- Any other information you believe might be helpful in establishing the cause of the injury and/or person responsible; and
- Any other information you believe would be helpful to ensuring the child's safety and/or supporting the family to address the abuse and/or neglect concerns.



Additional Sources of Information



www.mass.gov/dcf for general information or to find a DCF Area Office

Child-At-Risk-Hotline: 1-800-792-5200

 DCF Ombudsman: 617-748-2444 (9-5pm, weekdays) for inquiries about agency programs, policies or service delivery.



IEP REQUIREMENTS FOR TEACHERS

IEP REQUIREMENTS FOR TEACHERS

- ALL ACCOMMODATIONS MUST BE FOLLOWED AS WRITTEN ON THE IEP
- SPECIAL EDUCATION STAFF IN EACH BUILDING ARE ASSIGNED AS LIAISONS FOR THE STUDENTS.
- PLEASE CONSULT WITH THE ADMINISTRATION OR DIRECTOR OF SPECIAL EDUCATION IF YOU HAVE ANY QUESTIONS ABOUT THE IEP PROCESS IN GENERAL OR SPECIFIC QUESTIONS ABOUT A PARTICULAR CHILD'S NEEDS.

IEP REQUIREMENTS FOR TEACHERS

• ALL STAFF MEMBERS WHO TEACH STUDENTS ON AN IEP MUST REVIEW THE ACCOMMODATIONS ON ESTAR.

• TRAININGS ON OUR NEW IEP SYSTEM ESTAR WILL BE OCCUR OVER THE FIRST FEW WEEKS OF SCHOOL.

MASSACHUSETTS RESTRAINT & SECLUSION REGULATIONS

603 CMR 46.00

WHY THIS TRAINING

- NEW MASSACHUSETTS REGULATIONS ARE GOING INTO EFFECT JANUARY 1, 2016 PREVENTION OF PHYSICAL RESTRAINT AND REQUIREMENTS IF USED
- THE STATE MANDATES THAT ALL STAFF RECEIVE ANNUAL TRAINING IN ORDER TO UNDERSTAND PREVENTION TECHNIQUES AS WELL AS TO UNDERSTAND THE REGULATIONS SURROUNDING THE APPLICATION OF PHYSICAL RESTRAINT TO STUDENTS.
- WE WANT OUR STUDENTS AND STAFF TO REMAIN SAFE IN SCHOOL WHEN INVOLVED WITH DIFFICULT BEHAVIOR.

- - 1. UNDERSTAND THE ROLE OF STUDENT, STAFF AND FAMILY IN PREVENTING RESTRAINT
 - 2. NOTIFY ALL STAFF OF NEEDING TO REVIEW THE DISTRICT'S RESTRAINT PREVENTION AND BEHAVIOR SUPPORT POLICY AND PROCEDURES WHEN THEY ARE AVAILABLE
 - 3. LEARN DE-ESCALATION STRATEGIES AND OTHER ALTERNATIVES TO RESTRAINT
 - 4. WHEN BEHAVIOR PRESENTS AN EMERGENCY, THE TYPES OF PERMITTED PHYSICAL INTERVENTIONS
 - 5. UNDERSTAND THE BIGGER PICTURE (MEDICAL, PSYCHOLOGICAL LIMITATIONS, KNOWN OR SUSPECTED TRAUMA HISTORY, AND/OR BEHAVIORAL INTERVENTION PLANS) AS IT APPLIES TO PHYSICAL RESTRAINT
 - 6. IDENTIFY THE PROGRAM STAFF WHO HAVE IN-DEPTH TRAINING IN THE USE OF PHYSICAL RESTRAINT



WHAT IS 603 CMR 46.00

- THESE STATE REGULATIONS GOVERN THE USE OF PHYSICAL RESTRAINT ON STUDENTS IN PUBLICLY FUNDED ELEMENTARY AND SECONDARY EDUCATION PROGRAMS, INCLUDING ALL MASSACHUSETTS PUBLIC SCHOOL DISTRICTS, CHARTER SCHOOLS, VIRTUAL SCHOOLS, COLLABORATIVE EDUCATION PROGRAMS, AND THE SCHOOL DAY OF APPROVED SPECIAL EDUCATION SCHOOLS.
- THE PURPOSE IS TO ENSURE THAT EVERY STUDENT PARTICIPATING IN A MASSACHUSETTS PUBLIC EDUCATION PROGRAM IS FREE FROM THE USE OF PHYSICAL RESTRAINT THAT IS INCONSISTENT WITH THESE REGULATIONS, AND THAT PHYSICAL RESTRAINT SHALL BE USED ONLY IN **EMERGENCY** SITUATIONS AS A **LAST RESORT**



THE REGULATIONS ENSURE:

- PHYSICAL RESTRAINT IS AN EMERGENCY PROCEDURE OF LAST RESORT AND IS PROHIBITED EXCEPT WHEN:
 - 1) A STUDENT'S BEHAVIOR POSES A THREAT OF ASSAULT, OR IMMINENT, SERIOUS, PHYSICAL HARM TO SELF OR OTHER AND
 - 2)THE STUDENT IS NOT RESPONSIVE TO VERBAL DIRECTIVES OR OTHER LAWFUL AND LESS INTRUSIVE BEHAVIOR INTERVENTIONS, OR
 - 3)SUCH INTERVENTIONS ARE DEEMED TO BE INAPPROPRIATE UNDER THE CIRCUMSTANCES

REVISED REGULATIONS, EFFECTIVE JANUARY 1, 2016

- SEVERAL CHANGES HAVE BEEN MADE TO THE REGULATIONS THAT WILL GO INTO EFFECT AS OF JANUARY 1, 2016. THESE INCLUDE:
 - REVISED DEFINITIONS OF RESTRAINT
 - ADDITION OF THE DEFINITION OF "TIME OUT"
 - NEW PROHIBITIONS ON THE USE OF PRONE RESTRAINT
 - REVISED/ADDITIONAL REPORTING REQUIREMENTS AFTER RESTRAINT HAS BEEN USED



DEFINITION OF A RESTRAINT:

• THE REGULATIONS DEFINE **PHYSICAL RESTRAINT** AS:

• "DIRECT PHYSICAL CONTACT THAT PREVENTS OR SIGNIFICANTLY RESTRICTS A STUDENT'S FREEDOM OF MOVEMENT. PHYSICAL RESTRAINT DOES NOT INCLUDE: BRIEF PHYSICAL CONTACT TO PROMOTE STUDENT SAFETY, PROVIDING PHYSICAL GUIDANCE OR PROMPTING WHEN TEACHING A SKILL, REDIRECTING FOR ATTENTION, PROVIDING COMFORT, OR A PHYSICAL ESCORT."

• THE DEFINITION OF PHYSICAL RESTRAINT IS ALSO MADE DISTINCT FROM A PHYSICAL ESCORT WHICH IS DEFINED AS:

• "A TEMPORARY TOUCHING OR HOLDING, WITHOUT THE USE OF FORCE, OF THE HAND, WRIST, ARM, SHOULDER, OR BACK FOR THE PURPOSE OF INDUCING A STUDENT WHO IS AGITATED TO WALK TO A SAFE LOCATION."

WHAT IS PERMITTED UNDER THE NEW REGULATIONS

- BRIEF PHYSICAL CONTACT TO PROMOTE STUDENT SAFETY (SUCH AS GUIDING A STUDENT OR RE-DIRECTING A STUDENT)
- PROVIDING PHYSICAL GUIDANCE OR PROMPTING WHEN TEACHING A SKILL
- REDIRECTING ATTENTION (SUCH AS TO A SHOULDER, FACE, OR TORSO)
- PROVIDING COMFORT
- PHYSICAL ESCORT THAT DOES NOT INVOLVE FORCE



TRAINING REQUIREMENTS

- ALL STAFF MUST RECEIVE A GENERAL TRAINING REGARDING THE DISTRICT'S RESTRAINT PREVENTION AND BEHAVIOR SUPPORT POLICY AND REQUIREMENTS WHEN RESTRAINT IS USED. THIS TRAINING MEETS THE REQUIREMENTS SET FORTH UNDER THESE REGULATIONS.
- ADDITIONALLY, SPECIFIC PROGRAM STAFF IDENTIFIED BY THE PRINCIPAL OR HIS/HER DESIGNEE MUST RECEIVE AN "IN-DEPTH TRAINING" IN THE USE OF PHYSICAL RESTRAINT AND ASSIST IN ENSURING PROPER ADMINISTRATION OF PHYSICAL RESTRAINT.

PREVENTING RESTRAINTS



ROLES OF INDIVIDUALS

- STUDENTS, FAMILIES, AND SCHOOL STAFF EACH PLAY A ROLE IN PREVENTING RESTRAINT AND ENSURING THE SAFETY OF THE SCHOOL COMMUNITY:
- STUDENTS-STUDENTS SHOULD FOLLOW SCHOOL RULES AND CODES OF CONDUCT AS OUTLINED IN DISTRICT POLICIES (E.G. STUDENT HANDBOOKS)
- FAMILIES- FAMILIES SHOULD BE MADE AWARE OF SCHOOL RULES AND CODES OF CONDUCT, AS WELL AS DIRECT POLICIES AND PROCEDURES; REGULAR COMMUNICATION BETWEEN PARENTS AND SCHOOL IS IMPORTANT TO FACILITATE FAMILY SUPPORT



• SCHOOL STAFF- STAFF SHOULD INFORM STUDENTS AND PARENTS OF SCHOOL RULES AND DISTRICT POLICIES, AND ABIDE BY SCHOOL POLICIES AND PROCEDURES, INCLUDING ADHERENCE TO MASSACHUSETTS RESTRAINT REGULATIONS.

• STAFF MUST ALSO PROMPTLY INFORM THE PRINCIPAL OR HIS/HER DESIGNEE OF THE USE OF RESTRAINT AND MUST PROVIDE A WRITTEN DETAILED REPORT TO THE PRINCIPAL/DESIGNEE WITHIN ONE SCHOOL WORKING DAY.

RESTRAINT PREVENTION & BEHAVIOR SUPPORT

POLICY AND PROCEDURES

DE-ESCALATION/PHYSICAL RESTRAINT POLICY & PROCEDURE

• THE USE OF DE-ESCALATION/PHYSICAL RESTRAINT AS A BEHAVIOR MANAGEMENT TECHNIQUE WILL BE UTILIZED ONLY WITH EXTREME CAUTION IN EMERGENCY SITUATIONS, AFTER OTHER LESS INTRUSIVE ALTERNATIVES HAVE EITHER FAILED OR HAVE BEEN DEEMED INAPPROPRIATE. IN THE EVENT THAT PHYSICAL RESTRAINT IS REQUIRED TO PROTECT THE SAFETY OF COLLABORATIVE COMMUNITY MEMBERS, THE COLLABORATIVE HAS ENACTED THE FOLLOWING POLICY AND PROCEDURES TO ENSURE THE PROPER USE OF RESTRAINT TO PREVENT OR MINIMIZE ANY HARM TO THE STUDENT AS A RESULT OF THE USE OF RESTRAINT.



"TIME OUT" VS. SECLUSION

- **SECLUSION** MEANS THE INVOLUNTARY CONFINEMENT OF A STUDENT ALONE IN A ROOM OR AREA FROM WHICH THE STUDENT IS PHYSICALLY PREVENTED FROM LEAVING. SECLUSION DOES NOT INCLUDE TIME-OUT AS DEFINED IN 603 CMR 46.02 <u>SECLUSION IS PROHIBITED UNDER 603 CMR 46.03</u>
- TIME-OUT MEANS THE TEMPORARY SEPARATION FROM LEARNING OR THE CLASSROOM, BUT DOES NOT NECESSARILY MEAN GOING TO A SPECIAL "TIME-OUT ROOM"; IT COULD MEAN MOVING TO A DESK OUTSIDE OF THE CLASSROOM OR TO THE GUIDANCE OFFICE TO CALM DOWN.



TIME-OUT

- TIME-OUT IS A BEHAVIORAL SUPPORT STRATEGY DEVELOPED PURSUANT TO 603 CMR 46.04(1) IN WHICH A STUDENT:
 - 603 CMR 46.04(1) IN WHICH A STUDENT:
 TEMPORARILY SEPARATES FROM THE LEARNING ACTIVITY OR THE CLASSROOM, EITHER BY CHOICE OR BY DIRECTION FROM STAFF, FOR THE PURPOSE OF CALMING
 - DURING TIME-OUT, A STUDENT MUST BE **CONTINUOUSLY OBSERVED** BY A STAFF MEMBER
 - STAFF SHALL BE WITH THE STUDENT OR IMMEDIATELY AVAILABLE TO THE STUDENT AT ALL TIMES
 - THE SPACE FOR TIME-OUT MUST BE CLEAN, SAFE, SANITARY, AND APPROPRIATE FOR THE PURPOSE OF CALMING. TIME-OUT SHALL CEASE AS SOON AS THE STUDENT HAS CALMED.



RESTRICTIONS ON TIME-OUT

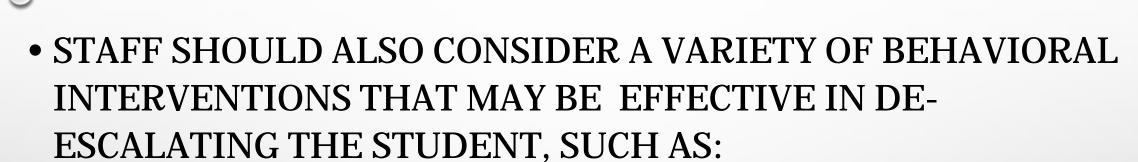
- IF THE TIME-OUT PERIOD LASTS 30 MINUTES, THE PRINCIPAL/DESIGNEE MUST APPROVE THE CONTINUATION OF TIME-OUT BASED ON THE STUDENT'S CONTINUING AGITATION
- THE TIME-OUT PROCEDURE SHOULD INCLUDE SEEKING PRINCIPAL APPROVAL PRIOR TO THE 30 MINUTE TIMEFRAME IN ORDER TO PROCEED WITH THE TIME-OUT



- THE EMPHASIS ON THE ADDED DEFINITION OF "TIME-OUT" IN THE REGULATIONS IS TO CLEARLY IDENTIFY TIME-OUT AS A BEHAVIOR SUPPORT STRATEGY THAT IS NON-PUNITIVE AND WHERE STUDENTS ARE NEVER LEFT ALONE. A STAFF PERSON IS ALWAYS IN PROXIMITY AND IS ABLE TO VIEW THE STUDENT AT ALL TIMES.
- THE AMENDED REGULATIONS EXPLICITLY PROHIBIT SECLUSION. IT SHOULD NEVER BE USED WITH STUDENTS! A STUDENT **MAY NOT BE LEFT ALONE IN A ROOM UNTIL THEY CALM DOWN** WITHOUT A STAFF MEMBER CONTINUOUSLY OBSERVING HER/HIM.

EARLY SIGNS OF ESCALATION

- IF A STUDENT IS SHOWING SIGNS OF ESCALATING BEHAVIORS, STAFF SHOULD CONSIDER THE ENVIRONMENT AND MAKE SOME QUICK ADJUSTMENTS IF NEEDED TO ENSURE THE SAFETY OF THE STUDENT AND OTHERS. THESE MAY INCLUDE:
 - > REMOVE POTENTIAL WEAPONS FROM THE IMMEDIATE AREA (E.G. SCISSORS, SHARP PENCILS, MATERIALS THAT COULD BE USED AS A PROJECTILE, ETC)
 - > ATTEMPTING TO REDIRECT THE STUDENT TO ANOTHER SAFER AREA, IF POSSIBLE
 - > REMOVING OTHER STUDENTS FROM THE IMMEDIATE AREA



- > OFFERING CHOICES OF ACTIVITIES
- > REDUCING THE DEMANDS/AMOUNT OF WORK EXPECTED (WITHOUT REMOVING THE EXPECTATION ENTIRELY)
- > REMINDING STUDENT OF REINFORCERS AVAILABLE FOR ENGAGING IN APPROPRIATE BEHAVIORS (E.G. FIRST WORK, THEN YOU CAN READ)
- > PROMPTING THE STUDENT TO USE FUNCTIONAL LANGUAGE TO COMMUNICATE THEIR FEELINGS OR NEEDS (E.G. IF YOU ARE FRUSTRATED YOU CAN TELL ME "I NEED A BREAK")



- WHENEVER THERE IS A **BEHAVIOR SUPPORT PLAN** IN PLACE FOR THE STUDENT, STAFF SHOULD DEFER TO THE SPECIFIC INTERVENTIONS OUTLINED IN THE BEHAVIOR PLAN!
- BE FAMILIAR WITH YOUR STUDENTS' BEHAVIOR SUPPORT PLANS AND/OR INDIVIDUALIZED EDUCATION PROGRAMS AND THE INTERVENTIONS AND ACCOMMODATIONS RECOMMENDED IN THOSE DOCUMENTS.

NEW LIMITATIONS ON BEHAVIOR SUPPORT PLANS

• NO WRITTEN BEHAVIOR SUPPORT PLAN OR INDIVIDUALIZED EDUCATION PROGRAM (IEP) MAY INCLUDE "PHYSICAL RESTRAINT" AS A STANDARD RESPONSE TO ANY BEHAVIOR.

PHYSICAL RESTRAINT IS AN EMERGENCY PROCEDURE AND A LAST RESORT.



CRISIS INTERVENTION

- IF A STUDENT'S BEHAVIOR IS SIGNIFICANTLY ESCALATED, SOMETIMES ATTEMPTING TO TALK TO THE STUDENT CAN MAKE THEM MORE AGITATED. STAFF MAY CONSIDER USING THE "WAIT STRATEGY" AND LIMIT THEIR USE OF VERBAL LANGUAGE, WHILE STILL VISUALLY MONITORING THE STUDENT AT ALL TIMES, AND WAIT UNTIL THE STUDENT SHOWS SIGNS OF CALMING BEFORE ATTEMPTING TO TALK TO THE STUDENT.
- IF A STUDENT CANNOT BE SAFELY MAINTAINED IN AN AREA, STAFF MAY ALSO CONSIDER THE USE OF A TIME-OUT SPACE AS A SAFER ALTERNATIVE TO PHYSICAL RESTRAINT.



- IF A STUDENT'S BEHAVIOR POSES A THREAT OF ASSAULT, OR IMMINENT SERIOUS PHYSICAL HARM TO SELF OR OTHERS AND THE STUDENT IS NON-RESPONSIVE TO VERBAL DIRECTIVES OR OTHER LAYFUL AND LESS INTRUSIVE BEHAVIOR INTERVENTIONS, OR SUCH INTERVENTIONS ARE DEEMED TO BE INAPPROPRIATE UNDER THE CIRCUMSTANCES, PHYSICAL RESTRAINT SHALL BE CONSIDERED AN EMERGENCY PROCEDURE OF LAST RESORT, GIVEN THESE EXCEPTIONS.
- THIS MEANS STAFF MAY FORCEFULLY MOVE A STUDENT IF THE ABOVE CRITERIA ARE MET, PRIOR TO THE ARRIVAL OF A STAFF MEMBER WITH IN-DEPTH RESTRAINT TRAINING. ONLY THE AMOUNT OF FORCE NECESSARY TO PROTECT THE STUDENT OR OTHERS FROM PHYSICAL INJURY OR HARM SHOULD BE USED.



- A STUDENT MAY CHOOSE TIME-OUT OR A STAFF MEMBER MAY DIRECT A STUDENT TO THE TIME-OUT AREA, FOR THE PURPOSE OF CALMING
- ANY STUDENT REMOVAL FROM THE INSTRUCTIONAL AREA DUE TO ESCALATED BEHAVIORS IS CONSIDERED TO BE A "TIME-OUT" (E.G. PRINCIPAL/GUIDANCE OFFICE, ALTERNATE ROOM, CHAIR AT THE BACK OF THE CLASSROOM). IT IS NOT LIMITED ONLY TO SPACES LABELED AS A "TIME-OUT" AREA.
- ANY STUDENT IN A TIME-OUT SPACE MUST BE CONTINUOUSLY OBSERVED BY A STAFF MEMBER.
- STAFF SHALL BE WITH THE STUDENT OR IMMEDIATELY AVAILABLE AT ALL TIME.
- THE SPACE MUST BE CLEAN AND SAFE.

TYPES OF PERMITTED RESTRAINTS

- ONLY PHYSICAL RESTRAINTS, CONSISTENT WITH 603 CMR 46.00 ARE PERMITTED TO BE USED IN SCHOOLS.
- MECHANICAL RESTRAINTS, MEDICATION RESTRAINTS, AND SECLUSION ARE **PROHIBITED** IN PUBLIC SCHOOL PROGRAMS!
- ADDITIONALLY, PRONE RESTRAINTS (WHERE STUDENT IS PLACED LAYING FACE-DOWN ON THE FLOOR) ARE ALSO **PROHIBITED**, (EXCEPT IN RARE CIRCUMSTANCES WHERE THERE IS EXPLICIT WRITTEN CONSENT TO DO SO).

WHAT IS PHYSICAL RESTRAINT?

- PHYSICAL RESTRAINT: "THE USE OF BODILY FORCE TO LIMIT A STUDENT'S FREEDOM OF MOVEMENT."
- NOT PHYSICAL RESTRAINT: "TOUCHING OR HOLDING A STUDENT WITHOUT THE USE OF FORCE" -- INCLUDING PHYSICAL ESCORT, TOUCHING TO PROVIDE INSTRUCTIONAL ASSISTANCE, AND OTHER FORMS OF PHYSICAL CONTACT THAT DO NOT INCLUDE THE USE OF FORCE.

UNDERSTANDING THE TERMS

- PHYSICAL ESCORT: "TOUCHING OR HOLDING A STUDENT WITHOUT THE USE OF FORCE FOR THE PURPOSE OF DIRECTING THE STUDENT."
- EXTENDED RESTRAINT: "A PHYSICAL RESTRAINT THE DURATION OF WHICH IS MORE THAN 20 MINUTES. RISK OF INJURY IS INCREASED, REQUIREMENT OF ADDITIONAL WRITTEN DOCUMENTATION."
- NON-SECLUSIONARY TIME-OUT: A TIME OUT WHERE STAFF REMAINS ACCESSIBLE.

WHEN CAN PHYSICAL RESTRAINT BE USED?

• WHEN OTHER, NON-PHYSICAL, INTERVENTIONS HAVE BEEN TRIED AND FAILED OR ARE JUDGED TO BE INADEQUATE TO THE CIRCUMSTANCES.

• A STUDENT'S BEHAVIOR POSES A THREAT OF IMMINENT, SERIOUS, PHYSICAL HARM TO SELF AND/OR OTHERS

LIMITATIONS ON USE OF RESTRAINT

• RESTRAINT MAY NOT BE USED: WHEN NON-PHYSICAL INTERVENTIONS COULD BE USED TO DE-ESCALATE THE SITUATION OR PROBLEM SOLVING STRATEGIES COULD BE IMPLEMENTED

AS A MEANS OF PUNISHMENT

• AS A RESPONSE TO PROPERTY DESTRUCTION, SCHOOL DISRUPTION, REFUSAL TO COMPLY, OR VERBAL THREATS

USE OF PHYSICAL RESTRAINT

- ONLY STAFF TRAINED IN PHYSICAL INTERVENTION SHOULD USE PHYSICAL RESTRAINTS.
- WHENEVER POSSIBLE, STAFF TRAINED IN RESTRAINT SHOULD HAVE A WITNESS WHO DOES NOT PARTICIPATE IN THE HOLD.
- TRAINING REQUIREMENTS IN 603 CMR 46.00 <u>DO NOT</u> PREVENT A TEACHER, EMPLOYEE OR AGENT OF A SCHOOL FROM USING REASONABLE FORCE TO PROTECT STUDENTS, OTHER PERSONS OR THEMSELVES FROM ASSAULT OR IMMINENT, SERIOUS, PHYSICAL HARM.

USE OF PHYSICAL RESTRAINT

- ONLY THE AMOUNT OF FORCE NECESSARY TO PROTECT THE STUDENT OR OTHERS FROM PHYSICAL HARM OR INJURY SHOULD BE USED.
- THE SAFEST METHOD AVAILABLE AND APPROPRIATE TO THE SITUATION AND THE INDIVIDUAL SHOULD BE USED. FLOOR OR PRONE HOLDS ARE PROHIBITED UNLESS STAFF ADMINISTERING THESE HAVE RECEIVED IN-DEPTH TRAINING (16 HOURS MINIMUM) IN SUCH PROCEDURES.
- THE HOLD SHOULD END AS SOON AS POSSIBLE. A HOLD OF OVER 20 MINUTES IS DEFINED AS AN "EXTENDED RESTRAINT."



SAFETY REQUIREMENTS

• A STUDENT'S COLOR AND RESPIRATION DURING A HOLD MUST BE MONITORED. IF THERE IS ANY CHANGE IN STUDENT'S PALLOR, RESPIRATION, SPEECH OR OTHER SIGNS OF PHYSIOLOGICAL DISTRESS, THE HOLD MUST BE RELEASED IMMEDIATELY.

• PHYSICAL HOLDING SHOULD BE IMPLEMENTED TO PREVENT OR MINIMIZE PHYSICAL HARM.



SAFETY REQUIREMENTS

• KNOW YOUR STUDENTS: BE AWARE OF MEDICAL OR PSYCHOLOGICAL ISSUES AND ATTEMPT TO IMPLEMENT BEHAVIOR INTERVENTIONS BEFORE CONSIDERING UTILIZATION OF PHYSICAL RESTRAINT.

• WHEN A SITUATION OCCURS WHERE A STUDENT IS DEMONSTRATING POTENTIALLY HARMFUL BEHAVIORS, SEEK ASSISTANCE IMMEDIATELY.

COMMUNICATE WITH OTHER STAFF

- **COMMUNICATE** DURING A CRISIS. STATE WHAT TYPE OF ASSISTANCE YOU NEED.
- POST COMMUNICATION INFORMATION IN YOUR CLASSROOM SO THAT SOMEONE CAN CONTACT HELP QUICKLY.
- TRY TO ENSURE A WITNESS IS PRESENT DURING ANY CRISIS.
- **DOCUMENT** THE OCCURRENCE OF EACH INSTANCE OF AGGRESSION AND/OR USE OF PHYSICAL RESTRAINT.

FOLLOW-UP PROCEDURES AFTER A PHYSICAL RESTRAINT

REVIEW THE INCIDENT WITH STUDENT TO ADDRESS BEHAVIOR.

• THOSE STAFF MEMBERS INVOLVED IN THE SITUATION MUST DEBRIEF WITH AN ADMINISTRATOR REGARDING THE SITUATION.

• CONSIDER FOLLOW-UP THAT MAY BE NECESSARY WITH STUDENTS WHO MAY HAVE WITNESSED THE RESTRAINT.



REVIEW THE INCIDENT

- REVIEW TO SEE IF ESTABLISHED PROCEDURES WERE FOLLOWED.
- LOOK FOR PATTERNS IN RESPONDING.
- DISCUSS DIFFICULTIES, DEVELOP STRATEGIES TO ADDRESS THESE DIFFICULTIES.
- GET CONSENSUS ON ANY RECOMMENDATIONS -- CONSISTENCY IS NECESSARY FOR ANY PROCEDURE TO WORK EFFECTIVELY.



- <u>WHEN TO REPORT</u>: REPORT ONLY RESTRAINTS OVER 5 MINUTES OR IN <u>ANY</u> CASE OF AN INJURY (TO STUDENT OR STAFF).
- <u>NOTIFY SCHOOL ADMINISTRATION</u>: NOTIFY SCHOOL ADMINISTRATION OF <u>ANY PHYSICAL</u> RESTRAINT AS SOON AS POSSIBLE, AND PROVIDE WRITTEN REPORT BY THE NEXT SCHOOL WORKING DAY.
- NOTIFY PARENTS: THE PRINCIPAL OR DIRECTOR OF THE PROGRAM MUST NOTIFY THE PARENT VERBALLY AS SOON AS POSSIBLE, AND BY WRITTEN REPORT WITHIN THREE SCHOOL WORKING DAYS.

REPORTING TO THE DEPARTMENT OF EDUCATION

- REGULATION 46.06(5)
- EXTENDED RESTRAINTS (RESTRAINTS OVER 20 MINUTES) MUST BE REPORTED.
- ANY TIME THERE IS A SERIOUS INJURY IT MUST BE REPORTED.
- REPORTS MUST BE MADE WITHIN FIVE SCHOOL WORKING DAYS OF RESTRAINT. A LOG FOR THE 30 DAY PERIOD PRIOR TO RESTRAINT MUST BE INCLUDED.
- THE DESE MAY DETERMINE ADDITIONAL REQUIRED ACTION.

RIGHT TO KNOW LAW

OVERVIEW OF WORKPLACE REQUIREMENTS



Commonwealth of Alassachusetts Executive Office of Labor and Workforce Development

MASSACHUSETTS RIGHT TO KNOW LAW

An Overview of Workplace Requirements

Deval L. Patrick, Governor Timothy P. Murray, Lieutenant Governor

Joanne Goldstein, Secretary George Noel, Director

THE LAW

Massachusetts General Law (MGL) Ch. 111F

454 CMR 21.00

 Under the law, employers have certain obligations and employees have certain rights when dealing with chemical hazards



INTENT

- This law protects employees by providing information on chemical hazards in the workplace
- Intended to prevent adverse health effects

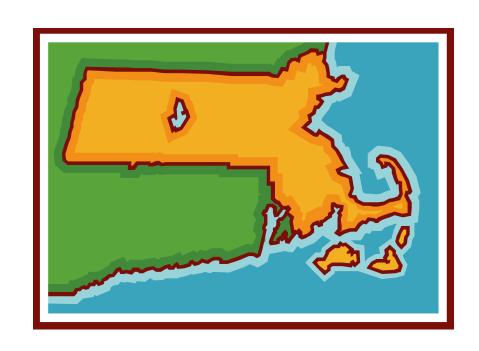


WHEN THE LAW TOOK EFFECT



- Law became effective in 1984
- It was pre-empted by the OSHA Hazard Communication Standard in 1988 for private sector workplaces

WHO IS COVERED BY THIS LAW?



 Law currently applies to public sector employees working in Massachusetts: people working in state, county or municipal jobs

EXCEPTIONS

- There are certain workplaces for which this law does not apply. These include:
- Police stations where ammunition is stored
- Research laboratories (if application is made to the Department of Public Health for an exemption)

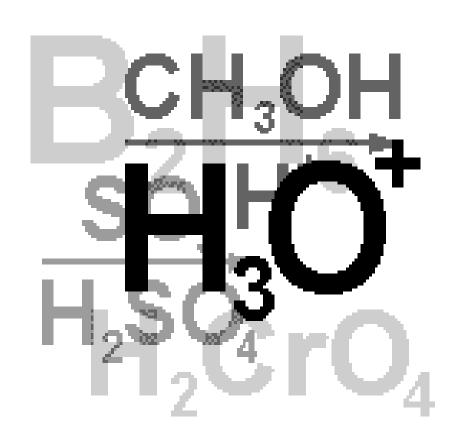


WHAT CHEMICALS ARE COVERED?

- According to the letter of the law:
- The Right to Know law covers only those chemicals on the Massachusetts Substance List – an extensive list of chemicals considered hazardous



ISSUES TO CONSIDER



- The law requires that the employer compare the workplace chemicals with the list
- This is very time consuming.

ALTERNATIVE APPROACH

- By policy, DOS says that a workplace can assume all chemicals for which a material safety data sheet (MSDS) has been prepared are covered by the Right to Know Law.
- This is the same as the OSHA Hazard Communication standard that all private sector workplaces follow.

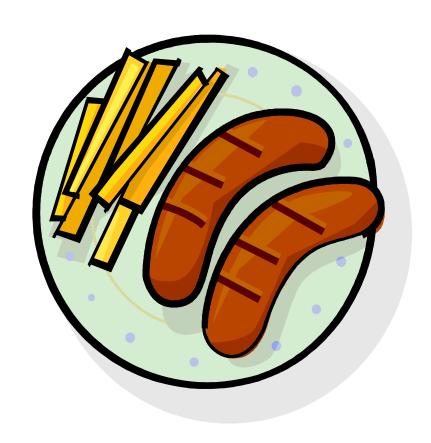


ALTERNATIVE APPROACH (cont'd)

- This alternative approach eliminates the need for the employer to spend time comparing chemical substances to the list AND
- it is at least as protective since it covers all chemicals that have a hazard



EXEMPTIONS



- There are certain items that are exempt from the law and employers have no obligations in relation to these
- These items include food, alcoholic beverages, and some consumer items

CONSUMER ITEMS

- Examples of consumer items that are exempt (as long as they are used in the manner and quantity that a consumer would use them) include:
- Windex
- White out
- Toner



WHEN ARE CONSUMER ITEMS NOT EXEMPT?

- ▶ A chemical product (e.g., Windex) used by the janitorial staff on a routine, frequent basis would not be exempt – in other words, it would be covered by the Right to Know Law
- Also, toner used in a copy room by copy staff would be covered
- However, the same chemical products used occasionally by office staff wouldn't be covered

FOUR MAJOR PROVISIONS

- The Right to Know Law requires that employers provide employees who are or may be exposed to hazardous chemicals with:
- Workplace poster
- Access to material safety data sheets
- Labeling on chemical containers
- Training on these chemicals

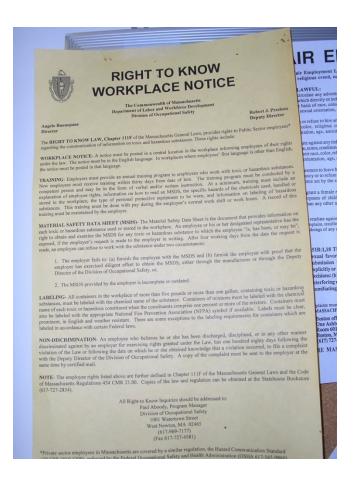
WORKPLACE NOTICE



- A Right to Know workplace notice must be posted in a central location at all workplaces covered by this law
- The notice can be downloaded off the DOS website or you can call DOS to request it

WORKPLACE NOTICE

- The notice must be in English
- In workplaces where employees' first language is other than English, the notice must be posted in the language.



MATERIAL SAFETY DATA SHEETS

- A material safety data sheet (MSDS) is a document that provides information on:
- Chemical ingredients
- Hazards associated with the chemical(s)
- Protective equipment
- Safe work practices



MSDS (cont'd)

- MSDSs must also include information such as:
- The manufacturer's name & telephone number;
- Physical data such as flash point and fire and explosion hazards
- Health hazard information that includes: regulatory standards; effects of overexposure; emergency first aid procedures

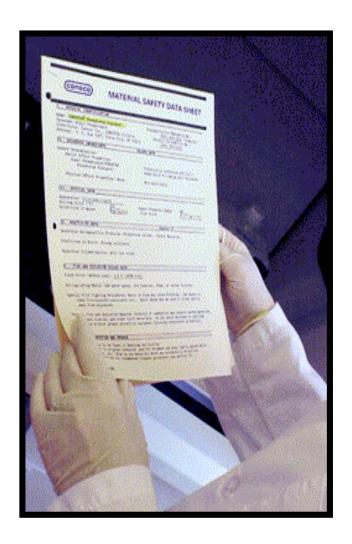
MSDSs (cont'd)



- The MSDS is developed by the product manufacturer
- If not received, it is the employer's responsibility to request one from the manufacturer

MSDSs (cont'd)

- MSDSs for identical or similar substances may vary from manufacturer to manufacturer.
- Some MSDSs contain accurate and detailed information while others may not



FILING OF MSDSs



 MSDSs should be filed in a central location so they are accessible to employees

REQUESTING AN MSDS

- Employees have the right to request a MSDS for any toxic or hazardous substance to which he or she is exposed
- Employers must make the MSDS available within four working days of a written request

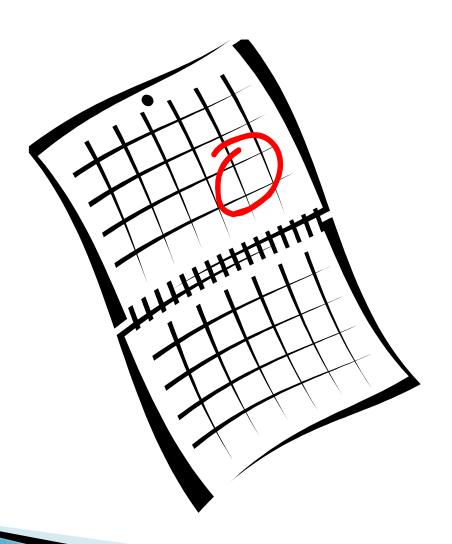


IF AN MSDS IS NOT AVAILABLE

In some cases the employee has the right to refuse to work if the MSDS is not provided within four working days of a written request



MAINTAINING MSDSs



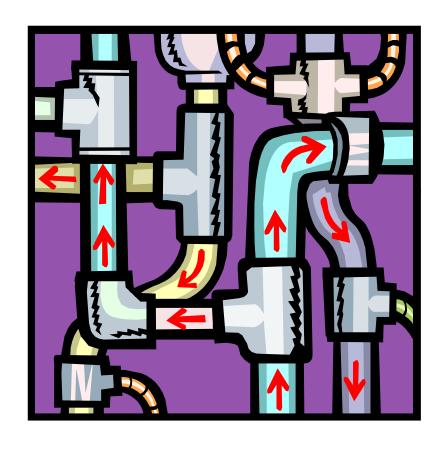
- MSDSs must be kept for a minimum of thirty years from the end of use of the chemical
- It is recommended that the MSDS be dated when use is discontinued and the MSDS be kept on file.

LABELING

Substances subject to the Right to Know Law that are in containers of more than one gallon or more than five pounds must be labeled.



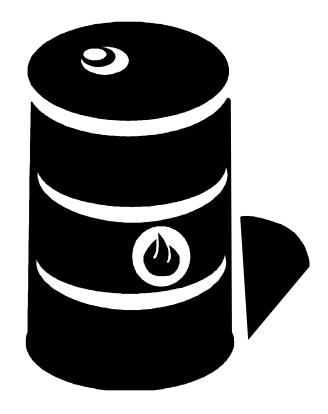
LABELING (CONT'D)



- Other containers that must be labeled include:
- Pipes
- Piping systems
- Vessels
- Fixed tanks

LABELING REQUIREMENTS

Label must include the chemical name of each hazardous constituent if that constituent is present in the container in quantities greater than 1% (2% if an impurity)



LABELING: RTK VS. HAZARD COMMUNICATION

- Most chemical manufacturers, however, label in accordance with OSHA Hazard Communication, and not the Massachusetts Right to Know Law because:
 - Hazard Communication is in effect in all private (and some public) workplaces throughout the United States.
 - Massachusetts RTK only applies to public workplaces in Massachusetts.

ALTERNATIVE APPROACH: LABELING

Therefore, according to DOS policy, containers labeled in accordance with the OSHA Hazard Communication Standard satisfy the labeling requirements



HAZARD COMMUNICATION: LABELING

- Under the Hazard Communication standard, a container must be labeled with:
- The name of the product as listed on the MSDS;
- The health hazard warnings (gives target organ health effects);
- The physical hazard warnings (such as flammability).

ACETONE

DANGER!

EXTREMELY FLAMMABLE. HARMFUL IF SWALLOWED OR INHALED. CAUSES IRRITATION.

Keep away from heat, sparks and flames. Avoid contact with eyes, skin and clothing.

Avoid breathing vapor. Keep in tightly closed container. Use with adequate

Ventilation. Wash thoroughly after handling.

PRECAUTIONARY STATEMENTS: Contact with skin has a defatting effect, causing drying and irritation. Overexposure to vapors may cause irritation to mucous membranes, dryness of mouth and throat, headache, nausea, and dizziness.

FIRST AID PROCEDURES: If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. In case of contact, flush eyes or skin with plenty of water for at least 15 minutes. Flush skin with water. If swallowed and victim is conscious, immediately induce vomiting.

Consult MSDS for further health and safety information

CAS NO [67-64-1]

TRAINING



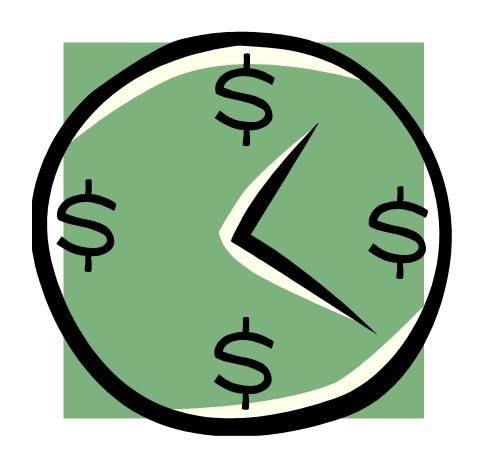
Employees who are or may be exposed to hazardous chemicals must receive training.

TRAINING REQUIREMENTS (cont'd)

- Training must be provided within thirty days of hire.
- Annual training is required.



TRAINING REQUIREMENTS (cont'd)



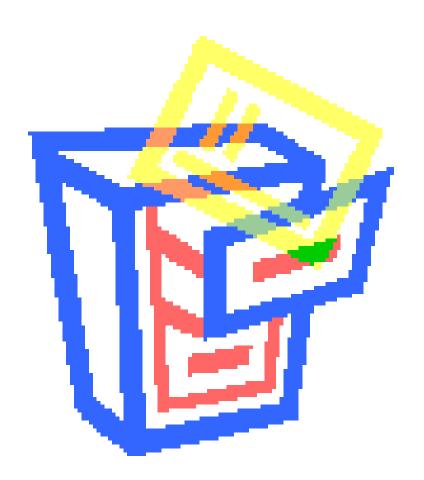
- Training must be done with pay
- Training must be done during the employees' normal work hours

CONTENTS OF TRAINING

- Training must include the following:
- A summary of employees' rights under the law;
- Information on how to read an MSDS
- Information on the specific hazards of the chemicals used, handled or stored in the workplace;
- Safe work practices for preventing hazards

TRAINING RECORDS

- A record of training must be kept for the duration of employment. This includes:
- A description of the training;
- The date of the training;
- The names of both the instructor and employees



WHO MUST CONDUCT THE TRAINING?



- The training must be conducted by a competent person.
- If done by an outside instructor, he or she must be registered as a third party Right to Know instructor with the MA Division of Occupational Safety

NON-DISCRIMINATION

- An employee has the right not to be discriminated against for exercising his or her rights under the law
- An employee who believes he or she has been discharged, disciplined or discriminated against for exercising rights may (within 180 days) file a complaint with the Commissioner of the Division of Occupational Safety

COMPLAINT INVESTIGATION AND ENFORCEMENT

Inquiries should be addressed to :

Program Manager

Massachusetts Division of Occupational Safety

1001 Watertown Street

West Newton, MA 02465

Tel.: 617-969-7177

Fax: 617-244-2705

WHERE TO GET A COPY OF THE LAW

- Right to Know Package that contains: Copy of the law and regulations; and The Massachusetts Substance List
- Available through the statehouse bookstore at 617–727– 2834

HELPFUL DOCUMENTS

- Employer Assistance Manual: reviews employers' responsibilities under the Law and provides steps to come into compliance
- Right to Know poster in English
- Understanding MSDSs: A document that explains the terms on an MSDS
- List of third party Right to Know instructors currently registered with DOS

HELPFUL DOCUMENTS – where to get them

All of the documents (except Understanding MSDSs) are available at www.mass.gov/dos

These documents are also available by calling DOS at 617-969-7177 and asking for the Workplace Safety and Health Program.

RESOURCES (STATE)

Massachusetts Division of Occupational Safety

Tel.: 617-969-7177

website: www.mass.gov/dos/

Massachusetts Department of Public Health

Tel.: 617-624-6000

website: www.mass.gov/dph/

Massachusetts Department of Environmental Protection

Tel.: 617-292-5500

website: www.mass.gov/dep/

BLOOD BORN PATHOGENS & UNIVERSAL PRECAUTIONS

REGULATIONS

- OSHA STANDARD ON BLOOD BORNE PATHOGENS:
 29 CFR 1910.1030
- MASSACHUSETTS DIVISION OF OCCUPATIONAL SAFETY POLICY DICTATES THAT PUBLIC SECTOR EMPLOYERS COMPLY WITH THE SAME REQUIREMENTS.

POLICY MANDATES ANNUAL STAFF TRAINING.



OBJECTIVES:

- LIST THE THREE MOST COMMON BLOOD BORNE PATHOGENS (BBPS).
- > IDENTIFY APPROPRIATE ACTIONS TO REDUCE RISK OF EXPOSURE TO BBPS.
- > DESCRIBE HOW TO RESPOND IF AN EXPOSURE OR INJURY OCCURS.



- > THE HEALTH INSURANCE
 PORTABILITY AND ACCOUNTABILITY
 ACT.
- > ENACTED BY U.S. CONGRESS IN 1996.
- PRIVACY & SECURITY STANDARDS TO PROTECT THE CONFIDENTIALITY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.

YOUR ROLE & RESPONSIBILITIES:

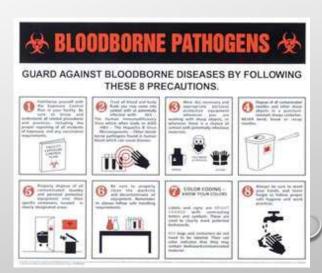
- MINIMIZE THE RISK OF BBP EXPOSURE FOR STUDENTS, YOUR CO-WORKERS AND YOURSELF.
- TAKE PROPER PRECAUTIONS.
- WHEN AN INCIDENT OCCURS, RESPOND QUICKLY AND CORRECTLY.



BLOOD BORNE PATHOGENS:

INFECTIOUS MATERIALS IN BLOOD, AND ANY BODY FLUID VISIBLY CONTAMINATED WITH BLOOD, THAT CAN CAUSE DISEASE IN HUMANS INCLUDING BUT NOT LIMITED TO:

- > HEPATITIS B
- > HEPATITIS C
- > HUMAN IMMUNODEFICIENCY VIRUS (HIV)





3 MOST COMMON BBPS

HEPATITIS B:

- MOST PEOPLE RECOVER
- > THERE IS A VACCINE

HEPATITIS C:

> CAN CARRY VIRUS FOR YEARS WITHOUT VISIBLE SYMPTOMS

> HUMAN IMMUNODEFICIENCY VIRUS (HIV)

- ATTACKS THE IMMUNE SYSTEM
- > CAN CARRY THE VIRUS FOR YEARS WITHOUT VISIBLE SYMPTOMS
- HIV CAN DEVELOP INTO AIDS



MOST COMMONLY SPREAD THROUGH HIGH RISK ACTIVITIES LIKE UNPROTECTED SEX AND SHARING DRUG NEEDLES.

EXPOSURE RISK

POTENTIAL RISKS INCLUDE INFECTED BLOOD OR BODY FLUIDS THAT:

- > SPRAY OR SPLASH INTO THE NOSE, MOUTH OR EYE (MUCOUS MEMBRANE)
- **CONTACTS BROKEN AREAS OF SKIN**
- ACCIDENTAL INJURY WITH SHARP OBJECT (NEEDLE OR BROKEN GLASS)

PROTECT YOURSELF

REMEMBER THE FOLLOWING:

- **UNIVERSAL PRECAUTIONS**
- > HAND WASHING
- > PERSONAL PROTECTIVE EQUIPMENT

UNIVERSAL PRECAUTIONS

A METHOD OF INFECTION CONTROL IN WHICH ALL BLOOD OR BODILY FLUIDS ARE ASSUMED TO BE POTENTIALLY INFECTIOUS.



HAND WASHING



HAND WASHING – HOW TO:

- > WET HANDS THOROUGHLY UNDER WARM WATER.
- > DISPENSE NON-ABRASIVE SOAP ONTO WET HANDS.
- > VIGOROUSLY RUB HANDS TOGETHER FOR AT LEAST 20 SECONDS.
- **BE SURE TO SCRUB ALL SURFACES.**
- > THOROUGHLY RINSE HANDS.
- > DRY HANDS WITH DISPOSABLE TOWEL.
- > USE TOWEL TO TURN OFF THE FAUCET AND DISPOSE OF TOWEL.

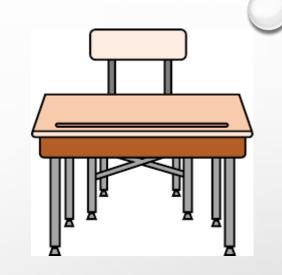
ALCOHOL – BASED HAND SANITIZER

- > APPLY ABOUT ½ TSP OF THE PRODUCT ONTO THE PALM OF YOUR HAND.
- > RUB YOUR HANDS TOGETHER, COVERING ALL SURFACES OF YOUR HANDS, UNTIL DRY.
- **WASH HANDS WITH SOAP & WATER WHEN ABLE**



WORK SURFACES

DESKS, COUNTERS, DOOR KNOBS AND HIGH CONTACT AREAS SHOULD BE CLEANED FREQUENTLY WITH FACILITIES APPROVED DISINFECTANT.





SHARP OBJECTS

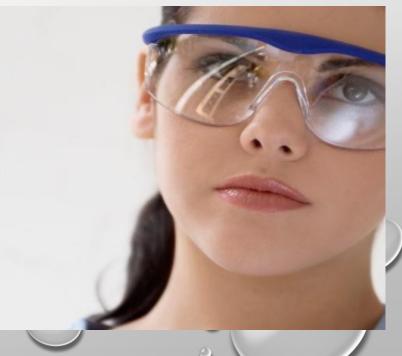
- NEVER COMPACT OVERFLOWING TRASH CONTAINERS WITH YOUR HANDS OR FEET
- > ALWAYS CARRY TRASH BAGS AWAY FROM THE BODY
- NEVER PICK UP BROKEN GLASS WITH YOUR HANDS.



PERSONAL PROTECTIVE EQUIPMENT

SPECIALIZED CLOTHING OR EQUIPMENT WORN BY AN EMPLOYEE FOR PROTECTION AGAINST INFECTIOUS MATERIALS.







USING GLOVES

ALWAYS WEAR GLOVES WHEN YOU ANTICIPATE TOUCHING BLOOD, BODILY FLUIDS OR CONTAMINATED SURFACES.

- > WEAR DISPOSABLE NON-LATEX GLOVES WHEN ADMINISTERING FIRST AID.
- > IF YOU HAVE CUTS, COVER THEM WITH A BAND AID FIRST BEFORE PUTTING ON GLOVES.
- MAKE SURE GLOVE FITS SNUGLY.
- > CHECK FOR RIPS OR TEARS.



PROPER GLOVE REMOVAL:

- 1. GRASP OUTSIDE EDGE NEAR WRIST.
- 2. PEEL AWAY FROM HAND TURNING GLOVE INSIDE OUT.
- 3. HOLD IN OPPOSITE HAND.
- 4. SLIDE UNGLOVED FINGER UNDER THE WRIST OF THE REMAINING GLOVE.
- 5. PEEL OFF FROM THE INSIDE WHILE CONTINUING TO HOLD FIRST GLOVE.
- 6. DISCARD



NEEDLE / SHARPS DISPOSAL ALWAYS PLACE USED SHARPS IN BIOHAZARD SHARPS CONTAINER FOUND IN THE HEALTH OFFICE.



ACCIDENTAL EXPOSURE IF DESPITE PRECAUTIONS YOU ARE EXPOSED:

- > IMMEDIATELY WASH THE EXPOSED AREA WITH SOAP & WATER
- FLUSH EYES, NOSE, OR MOUTH WITH RUNNING WATER IF THEY HAVE BEEN EXPOSED.

IF AN INJURY OCCURS:

1. ASSESS THE SITUATION

> YOUR FIRST INSTINCT IS TO HELP AN INJURED CHILD IMMEDIATELY, BUT TAKE A MOMENT TO THINK SO THAT YOU CAN SAFELY APPROACH THE SITUATION.

2. ADMINISTER FIRST AID

- > FOR MINOR CUTS & SCRAPES, ENCOURAGE SELF-ADMINISTER FIRST AID (I.E FOR NOSE BLEED STUDENT CAN PINCH THEIR NOSE THEMSELVES OR FOR A CUT THEY CAN COVER THE CUT WITH GAUZE UNTIL SEEN BY THE SCHOOL NURSE)
- > FOR MORE SERIOUS INJURIES, PUT ON A PAIR OF GLOVES BEFORE YOU ADMINISTER FIRST AID AND CALL THE SCHOOL NURSE

3. REPORT THE INCIDENT

- > ALL INJURIES SHOULD BE SENT TO THE SCHOOL NURSE.
- > REPORT ANY ACCIDENTAL INCIDENT IMMEDIATELY TO THE SCHOOL NURSE.
- > AN EXPOSURE REPORT IS REQUIRED WHEN AN ACCIDENT EXPOSURE OR INCIDENT OCCURS IN WHICH THERE IS A POTENTIAL EXPOSURE TO A BBP



EXPOSURE CONTROL PLAN

> OSHA REQUIRES EMPLOYERS TO DEVELOP WRITTEN DOCUMENTS TO EXPLAIN HOW THEY WILL IMPLEMENT THE BBP STANDARD, PROVIDE TRAINING TO EMPLOYEES AND PROTECT THE HEALTH & SAFETY OF THEIR WORKERS.



AT RISK JOBS

- > HEALTH SERVICE PERSONNEL
- > COACHES, ATHLETIC TRAINERS, & PE TEACHERS
- > SPECIAL ED TEACHERS
- > SPECIAL ED BUS DRIVERS & AIDES
- **CUSTODIANS**



CLEANING BLOOD SPILLS

CAREFULLY COVER THE SPILL WITH PAPER TOWELS, THEN CAREFULLY POUR AN EPA APPROVED CLEANSING SOLUTION OVER THE AREA; LEAVE IT FOR 10 MINUTES TO KILL BBPS.

DISPOSING OF CONTAMINATED WASTE

- WEAR GLOVES-ALL STAFF ARE GIVEN GLOVES AT THE BEGINNING OF THE SCHOOL YEAR. SEE THE SCHOOL NURSE IF YOU NEED ANOTHER PAIR.
- > PLACE CONTAMINATED ITEMS IN A LEAK PROOF BAG.
- > PLACE SECURELY FASTENED BAG IN A PLASTIC LINED TRASH CONTAINER.
- > DISCARD GLOVES.



SOILED CLOTHING

THE RISK OF ACTUAL DISEASE TRANSMISSION THROUGH SOILED CLOTHING IS NEGLIGIBLE.

USE COMMON SENSE.

CONTAMINATED SHARPS

- ANY CONTAMINATED OBJECT THAT CAN PENETRATE THE SKIN INCLUDING, BUT NOT LIMITED TO NEEDLES, AND BROKEN GLASS.
- > WEAR GLOVES.
- ► USE A BRUSH & DUSTPAN OR TONGS TO PICK UP BROKEN GLASS/SHARP OBJECTS. **NEVER** DIRECTLY USE YOUR HANDS.
- > PLACE THE ITEMS IN A CLOSABLE, LEAK PROOF, PUNCTURE RESISTANT CONTAINER.



USE AN EPA-REGISTERED DISINFECTANT SOLUTION TO CLEAN AND DECONTAMINATE SPORTS ITEMS AND EQUIPMENT THAT HAS COME IN CONTACT WITH BLOOD.





SUMMARY

YOU HAVE EXPLORED:

- > THE 3 MOST COMMON BBPS.
- UNIVERSAL PRECAUTIONS FOR REDUCING RISK OF EXPOSURE.
- > WHAT TO DO WHEN AN INJURY OCCURS.



REFERENCES:

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- HTTP://EHS.UKY.EDU/OHS/GOVEUSE.HTML
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- ALSPACH, JOANN <u>THE EDUCATIONAL PROCESS IN NURSING STAFF</u>
 <u>DEVELOPMENT</u> MOSBY (ST LOUIS) 1995
- EDELSTEIN, JOAN DRPH, RN, HEALTH SERVICE COORDINATOR, OAKLAND, CALIFORNIA (WITH PERMISSION)
- MASSACHUSETTS DIVISION OF OCCUPATIONAL SAFETY
- U.S. DEPARTMENT OF LABOR: OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

NON-CUSTODIAL PARENT REGULATIONS

CUSTODIAL & NON-CUSTODIAL PARENTS

- EACH PUBLIC ELEMENTARY AND SECONDARY SCHOOL SHALL PROVIDE STUDENT RECORDS, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING INFORMATION, IN A TIMELY AND APPROPRIATE MANNER TO THE PARENTS OF A CHILD ENROLLED IN THE SCHOOL IF THE PARENTS ARE ELIGIBLE FOR INFORMATION UNDER THIS SECTION AND REQUEST THE INFORMATION IN THE MANNER SET FORTH IN THIS SECTION: REPORT CARDS AND PROGRESS REPORTS; THE RESULTS OF INTELLIGENCE AND ACHIEVEMENT TESTS; NOTIFICATION OF A REFERRAL FOR A SPECIAL NEEDS ASSESSMENT; NOTIFICATION OF ENROLLMENT IN AN ENGLISH LANGUAGE LEARNERS PROGRAM ESTABLISHED UNDER CHAPTER 71A; NOTIFICATION OF ABSENCES; NOTIFICATION OF ILLNESSES; NOTIFICATION OF ANY DETENTIONS, SUSPENSIONS OR EXPULSION; AND NOTIFICATION OF PERMANENT WITHDRAWAL FROM SCHOOL.
- FOR PURPOSES OF THIS SECTION, ANY PARENT WHO DOES NOT HAVE PHYSICAL CUSTODY OF A CHILD SHALL BE ELIGIBLE FOR THE RECEIPT OF INFORMATION UNLESS: (1) THE PARENT'S ACCESS TO THE CHILD IS CURRENTLY PROHIBITED BY A TEMPORARY OR PERMANENT PROTECTIVE ORDER, EXCEPT WHERE THE PROTECTIVE ORDER, OR ANY SUBSEQUENT ORDER WHICH MODIFIES THE PROTECTIVE ORDER, SPECIFICALLY ALLOWS ACCESS TO THE INFORMATION DESCRIBED IN THIS SECTION; OR (2) THE PARENT IS DENIED VISITATION OR, BASED ON A THREAT TO THE SAFETY OF THE CHILD, IS CURRENTLY DENIED LEGAL CUSTODY OF THE CHILD OR IS CURRENTLY ORDERED TO SUPERVISED VISITATION, AND THE THREAT IS SPECIFICALLY NOTED IN THE ORDER PERTAINING TO CUSTODY OR SUPERVISED VISITATION. ALL SUCH DOCUMENTS LIMITING OR RESTRICTING PARENTAL ACCESS TO A STUDENT'S RECORDS OR INFORMATION WHICH HAVE BEEN PROVIDED TO THE SCHOOL OR SCHOOL DISTRICT SHALL BE PLACED IN THE STUDENT'S RECORD.

MGL 603 CMR 23.00

CONFIDENTIALITY – FERPA & STUDENT RECORDS

SWCEC CONFIDENTIALITY POLICY

 SOUTHERN WORCESTER COUNTY EDUCATIONAL COLLABORATIVE RECOGNIZES THE OBLIGATION OF ALL MEMBERS OF THE SCHOOL SYSTEM TO BE CONSCIOUS OF THEIR PROFESSIONAL RESPONSIBILITY NOT TO DIVULGE INFORMATION PRESENTED BY A STUDENT, A PARENT, A COLLEAGUE OR AN AGENCY WHEN THAT REVELATION IS NOT IN THE BEST INTEREST OF THAT PERSON OR PERSONS. THE SWCEC RECOGNIZES THAT WITHIN A HUMAN SERVICE ORGANIZATION AS COMPLEX AS A SCHOOL SYSTEM IT IS NECESSARY TO SHARE INFORMATION ON A "NEED TO KNOW" BASIS. HOWEVER, THIS SHARING OF INFORMATION SHOULD ONLY SERVE TO ASSIST, RECTIFY OR RESOLVE A SITUATION AND SHOULD NEVER BE DOWNGRADED TO IDLE GOSSIP OR NEGATIVE COMMENTARY.



STUDENT RECORDS

- THE FOLLOWING PERSONS MAY ALSO HAVE ACCESS TO THE STUDENT'S EDUCATIONAL RECORDS: (NOTE DUE TO BE AN EXTENSION OF THE SCHOOL DISTRICT WE ASK FOR PARENT/GUARDIAN SIGNATURE RELEASE FORM)
 - SCHOOL EMPLOYEES ON A NEED TO KNOW BASIS
 - LAW OFFICIALS AND/OR PERSONS WITH COURT ORDERS OR SUBPOENAS
 - PERSONS INVOLVED IN A HEALTH OR SAFETY EMERGENCY
 - PARENTS HAVE THE RIGHT TO REVIEW THEIR CHILD'S EDUCATIONAL RECORD AND REQUEST CHANGES IF THERE ARE INACCURACIES

MCKINNEY-VENTO ACT

HOMELESS ASSISTANCE

INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE SERVICES INCLUDE CHILDREN AND YOUTH WHO:

- DO NOT HAVE A PERMANENT HOME
- LIVE IN MOTELS, HOTELS, TRAILER PARKS OR CAMPING GROUNDS
- LINE IN STATE CARE AND CUSTODY
- LIVE IN CARS, PARKS, PUBLIC PLACES, ABANDONED BUILDINGS, SUBSTANDARD BUILDINGS, OR SIMILAR SETTINGS
- SHARE HOUSING OF OTHER PERSON DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIPS, OR A SIMILAR REASON
- ARE CONSIDERED AN UNACCOMPANIED YOUTH (NOT IN PHYSICAL CUSTODY OF A PARENT OR GUARDIAN)

THEY HAVE THE RIGHT TO:

- GO TO SCHOOL, NO MATTER WHERE THEY LIVE OR HOW LONG THEY HAVE LIVED THERE. THEY MUST BE GIVEN ACCESS TO THE SAME PUBLIC EDUCATION PROVED TO OTHER STUDENTS.
- CONTINUE IN THE SCHOOL THEY ATTENDED BEFORE THEY BECAME HOMELESS OR THE SCHOOL THEY LAST ATTENDED.
- RECEIVE TRANSPORTATION TO THE SCHOOL THEY ATTENDED BEFORE THEY BECAME HOMELESS OR THE SCHOOL THEY LAST ATTENDED, IF THEY REQUEST TRANSPORTATION.

THEY HAVE THE RIGHT TO:

- ATTEND A SCHOOL AND PARTICIPATE IN SCHOOL PROGRAMS WITH STUDENTS WHO ARE NOT HOMELESS.
- ENROLL IN SCHOOL WITHOUT GIVING A PERMANENT ADDRESS. SCHOOL CANNOT REQUIRE PROOF OF RESIDENCY THAT MIGHT PREVENT OR DELAY SCHOOL ENROLLMENT.
- ENROLL AND ATTEND CLASSES WHILE THE SCHOOL ARRANGES FOR THE TRANSFER OF SCHOOL AND IMMUNIZATION RECORDS OR ANY OTHER DOCUMENTS REQUIRED FOR ENROLLMENT.
- RECEIVE THE SAME SPECIAL PROGRAMS AND SERVICES, IF NEEDED AS PROVIDED TO ALL OTHER STUDENTS SERVED IN THESE PROGRAMS.



FOR MORE INFORMATION:

- TO LEARN MORE ABOUT MCKINNEY-VENOT ACT
 - VISIT THE DEPARTMENT OF EDUCATION WEBSITE AT:
 - HTTP://WWW.DOE.MASS.EDU/MV/HAA/

ACCEPTABLE USE POLICY

USE OF THE SWCEC NETWORK IS A PRIVILEGE, NOT A RIGHT, AND WILL BE EXTENDED TO INDIVIDUALS AS LONG AS
THEY OBSERVE THE RULES OF ACCEPTABLE USE AS OUTLINED BELOW. SWCEC HAS ESTABLISHED CERTAIN PROTOCOLS
TO ENSURE THE SAFETY OF OUR SCHOOL COMMUNITIES, THE SECURITY OF THE COMPUTER NETWORKS, AND
COMPLIANCE WITH APPLICABLE LAWS. ALL USERS SHOULD BE AWARE OF THE FOLLOWING PROVISIONS:

NETWORK AND INTERNET MONITORING:

SWCEC LOCATIONS AND/OR THEIR HOST DISTRICTS HAVE SOFTWARE AND SYSTEMS IN PLACE THAT MONITOR AND RECORD ALL
INTERNET USAGE. USERS SHOULD HAVE NO EXPECTATION OF PRIVACY WHEN BROWSING THE WEB, SENDING OR RECEIVING EMAIL, OR USING OTHER ELECTRONIC RESOURCES.

• FILTERING:

• IN ACCORDANCE WITH THE CHILDREN'S INTERNET PROTECTION ACT (CIPA), PASSED BY THE U.S. LEGISLATURE IN JANUARY 2001 (PUBLIC LAW 106-554), SWCEC SHALL EMPLOY FILTERING SOFTWARE TO BLOCK ACCESS TO INAPPROPRIATE CONTENT ON ALL COMPUTERS WITH INTERNET ACCESS. SWCEC, ITS SCHOOLS, AND DISTRICTS CERTIFY THAT A POLICY OF INTERNET SAFETY AND TECHNOLOGY PROTECTION MEASURES SHALL BE ENFORCED. USERS ARE RESTRICTED FROM ACCESSING VISUAL DEPICTIONS OF SUBJECT MATTER THAT ARE OBSCENE, PORNOGRAPHIC, OR HARMFUL TO MINORS. IN COMPLIANCE WITH CIPA, SWCEC POLICY, AND, IF APPLICABLE, HOST DISTRICTS POLICY, SHALL, IN FURTHERANCE OF THIS SET OF ACCEPTABLE USE PROCEDURES REGARDING INTERNET SAFETY, MONITOR THE ONLINE ACTIVITIES OF USERS.

SWCEC AND HOST DISTRICTS CANNOT BE HELD RESPONSIBLE FOR MISUSE OF MATERIAL DOWNLOADED FROM ANY ONLINE SERVICE, OR FOR INAPPROPRIATE OR SEXUALLY EXPLICIT MATERIAL BEING OBTAINED THROUGH THE NETWORK.

- USER-SPECIFIC PROVISIONS
- STUDENTS, ADMINISTRATORS, STAFF AND FACULTY SHALL NOT:
- USE THE NETWORK TO ACCESS AND/OR TRANSMIT MATERIAL IN VIOLATION OF ANY U.S. OR COMMONWEALTH LAW, INCLUDING COPYRIGHTED MATERIAL.
- ACCESS, DOWNLOAD, DISPLAY, TRANSMIT, PRODUCE, GENERATE, COPY OR PROPAGATE ANY MATERIAL THAT IS OBSCENE OR PORNOGRAPHIC; ADVOCATES
 ILLEGAL ACTS; CONTAINS ETHNIC SLURS OR RACIAL EPITHETS; OR DISCRIMINATES ON THE BASIS OF GENDER, NATIONAL ORIGIN, SEXUAL ORIENTATION,
 RACE, COLOR, ANCESTRY, RELIGION, HANDICAP OR AGE.
- DEGRADE, DAMAGE OR DISRUPT EQUIPMENT OR SYSTEM/NETWORK PERFORMANCE (FOR EXAMPLE EXCESSIVE BANDWIDTH USE THAT DISRUPTS THE NETWORK FOR OTHER USERS).
- GAIN UNAUTHORIZED ACCESS TO NETWORK RESOURCES.
- PERMIT OR AUTHORIZE ANY OTHER PERSON TO USE THEIR NAME OR LOGIN PASSWORD.
- USE AN ACCOUNT OF ANY OTHER PERSON OR VANDALIZE ANOTHER USER'S DATA.
- WASTE ELECTRONIC STORAGE SPACE BY SAVING UNNECESSARY FILES OR PROGRAMS.
- DOWNLOAD, INSTALL, LOAD OR USE PROGRAMS WITHOUT WRITTEN PERMISSION OF THE TECHNOLOGY COORDINATOR OR HIS/HER DESIGNEE.
- USE THE INTERNET FOR PERSONAL COMMERCIAL PURPOSES OR FOR POLITICAL LOBBYING.
- USE INAPPROPRIATE, OFFENSIVE, FOUL OR ABUSIVE LANGUAGE.
- HARASS OR ANNOY ANY OTHER PARTY WITH OBSCENE, LIBELOUS, THREATENING OR ANONYMOUS MESSAGES, OBJECTIONABLE INFORMATION, IMAGES OR LANGUAGE.
- KNOWINGLY MAKE USE OF PIRATED SOFTWARE OR VIOLATE SOFTWARE-LICENSING AGREEMENTS.
- ENGAGE IN THE PRACTICE OF "HACKING" OR KNOWINGLY ENGAGE IN ANY OTHER ILLEGAL OR INAPPROPRIATE ACTIVITY USING THE NETWORK.

- STUDENTS, STAFF AND FACULTY MUST:
- USE THE INTERNET AND OTHER ELECTRONIC RESOURCES ONLY FOR LEGITIMATE EDUCATIONAL AND COLLABORATIVE BUSINESS PURPOSES.
- RESPECT COMMONLY ACCEPTED PRACTICES OF INTERNET ETIQUETTE INCLUDING, BUT NOT LIMITED TO, USE OF APPROPRIATE LANGUAGE.
- BE AWARE OF POTENTIAL SECURITY RISKS AT ALL TIMES AND TAKE ALL REASONABLE STEPS TO MINIMIZE RISKS BY, AT MINIMUM, LOGGING OFF THE NETWORK WHEN A COMPUTER IS UNATTENDED AND REPORTING ALL UNAUTHORIZED USE OF ONE'S ACCOUNT TO TECHNOLOGY COORDINATOR.
- AVOID BULK E-MAILING AND FORWARDING E-MAILS OF BROAD INTEREST, SUCH AS VIRUS ALERTS TO THE LARGER COMMUNITY WITHOUT PRIOR APPROVAL FROM THE TECHNOLOGY COORDINATOR.
- TREAT ALL COMPUTER AREAS AND EQUIPMENT WITH THE UTMOST CARE AND RESPECT.
- PROTECT THEIR OWN AND RESPECT OTHER USERS ID'S AND PASSWORDS INCLUDING PRACTICING REGULAR REPLACEMENT OF PASSWORDS.
- STUDENTS MAY ACCESS THE INTERNET ONLY WITH ADULT SUPERVISION FOR A SPECIFIC TASK.
- ABIDE BY THIS PROCEDURE AND SPECIFIC HOST DISTRICT POLICIES WHERE APPLICABLE.

- ELECTRONIC COMMUNICATION
- COLLABORATIVE RESOURCES FOR ELECTRONIC COMMUNICATION SHALL BE USED FOR EDUCATIONAL PURPOSES. ELECTRONIC COMMUNICATION DONE FOR AND ON BEHALF OF SWCEC MUST BE DONE WITH OFFICIAL SWCEC EMAIL ACCOUNTS PROVIDED TO USERS AND SHOULD NOT USE ANY PERSONAL ACCOUNTS. PROHIBITED ELECTRONIC COMMUNICATIONS INCLUDE, BUT ARE NOT LIMITED TO:
- USE OF ELECTRONIC COMMUNICATIONS TO SEND COPIES OF DOCUMENTS IN VIOLATION OF PRIVACY OR COPYRIGHT LAWS.
- USE OF ELECTRONIC COMMUNICATIONS TO INTIMIDATE OTHERS OR TO INTERFERE WITH THE ABILITY OF OTHERS TO CONDUCT SCHOOL/DISTRICT BUSINESS.
- CONSTRUCTING ELECTRONIC COMMUNICATIONS TO APPEAR TO BE FROM SOMEONE ELSE.
- OBTAINING ACCESS TO THE FILES OR COMMUNICATIONS OF OTHERS FOR THE PURPOSE OF SATISFYING IDLE CURIOSITY, WITH NO SUBSTANTIAL SCHOOL/DISTRICT BUSINESS PURPOSE.
- USERS WILL CONFORM TO THE RULES OF E-MAIL ARCHIVING AND DOCUMENT RETENTION SET FORTH BY POLICY OR APPLICABLE LAWS.



• <u>SOFTWARE</u>

- SOFTWARE WHICH SWCEC HAS STANDARDIZED AND USE WIDELY WILL BE GIVEN PRIORITY IN TERMS OF INSTALLATION,
 TROUBLESHOOTING AND TRAINING. INSTALLATION, TROUBLESHOOTING AND TRAINING FOR ALL OTHER SOFTWARE USED BY FACULTY,
 STAFF AND STUDENTS WILL BE SUPPORTED AS TIME PERMITS. SOFTWARE TO BE USED IN THE CURRICULUM OR IN A LAB ENVIRONMENT
 MUST BE PURCHASED IN "LAB PACKS" OF SUFFICIENT QUANTITIES TO ACCOUNT FOR THE GREATEST NUMBER OF SIMULTANEOUS USERS
 OR AS SITE LICENSES, AND MUST BE OWNED BY SWCEC OR HOST SCHOOL/DISTRICT. SINGLE COPIES OF SOFTWARE ARE CONSIDERED
 EVALUATION COPIES AND WILL NOT BE SUPPORTED, INSTALLED ON MULTIPLE COMPUTERS, OR MADE AVAILABLE FROM THE NETWORK TO
 MULTIPLE COMPUTERS.
- SOFTWARE THAT MAKES THE COMPUTERS AND NETWORK HARDER TO MAINTAIN AND SUPPORT AND THAT OFFERS LITTLE OR NO BENEFIT
 OVER COMPARABLE SOFTWARE WILL NOT BE SUPPORTED. DO NOT INSTALL ANY SOFTWARE ON ANY SWCEC COMPUTER WITHOUT
 PRIOR PERMISSION FROM THE TECHNOLOGY COORDINATOR OR HIS/HER DESIGNEE. THE TECHNOLOGY COORDINATOR RESERVES THE
 RIGHT TO UNINSTALL UNSUPPORTED SOFTWARE OR REIMAGE ANY COMPUTER AS NECESSARY.



 THE TECHNOLOGY COORDINATOR HAS THE RIGHT TO REIMAGE ANY COMPUTER AS NECESSARY. NO PERSONAL DATA OR FILES SHOULD BE STORED ON A LOCAL MACHINE OR NETWORK SERVER.

• SWCEC MAKES EVERY EFFORT TO RUN REGULAR BACKUPS ON DATA AND E-MAIL HOSTED ON ITS SYSTEMS AND NETWORKS; HOWEVER, IT CANNOT GUARANTEE THAT IN THE EVENT OF DATA LOSS OR CATASTROPHIC FAILURE ALL INFORMATION WILL BE RECOVERED.



HARDWARE

- USE OF EQUIPMENT OTHER THAN THAT OWNED BY THE SWCEE OR THE HOST SCHOOL/DISTRICT:
- SWCEC PROVIDES LIMITED SUPPORT FOR EQUIPMENT BROUGHT IN FROM THE OUTSIDE BY ANY USER.
- IF A COMPUTER NETWORK IS PROVIDED THAT IS DESIGNATED FOR GUESTS, USERS MUST ONLY CONNECT OUTSIDE DEVICES TO THESE NETWORKS.
- THE TECHNOLOGY COORDINATOR HAS THE RIGHT TO CONFISCATE OR DISCONNECT ANY OUTSIDE EQUIPMENT THAT INTERFERES WITH OPERATION OF THE SYSTEM/NETWORK.
- SWCEC AND HOST SCHOOL/DISTRICT ARE NOT RESPONSIBLE FOR DAMAGE TO OR LOSS OF EQUIPMENT BROUGHT IN FROM THE OUTSIDE.
- ANY VIOLATIONS OF THIS POLICY MAY RESULT IN DISCIPLINARY ACTION INCLUDING BUT NOT LIMITED TO THE LOSS OF NETWORK
 PRIVILEGES OR TERMINATION FROM EMPLOYMENT.
- NOTE: THE SWCEC ACCEPTABLE USE POLICY PERTAINS TO BOTH STAFF AND STUDENTS. IT IS PRINTED IN ITS ENTIRETY ON THE SWCEC WEBSITE (SWCEC.ORG). SWCEC RESERVES THE RIGHT TO CHANGE THIS POLICY WITHOUT PRIOR NOTICE.

SUMMARY OF THE CONFLICT OF INTEREST LAW

FOR MUNICIPAL EMPLOYEES

GENERAL LAWS CHAPTER 268A

- THIS SUMMARY OF THE CONFLICT OF INTEREST LAW, GENERAL LAWS CHAPTER 268A, IS INTENDED TO HELP MUNICIPAL EMPLOYEES UNDERSTAND HOW THAT LAW APPLIES TO THEM. THIS SUMMARY IS NOT A SUBSTITUTE FOR LEGAL ADVICE, NOR DOES IT MENTION EVERY ASPECT OF THE LAW THAT MAY APPLY IN A PARTICULAR SITUATION.
- MUNICIPAL EMPLOYEES CAN OBTAIN FREE CONFIDENTIAL ADVICE ABOUT THE CONFLICT OF
 INTEREST LAW FROM THE COMMISSION'S LEGAL DIVISION AT OUR WEBSITE, PHONE NUMBER,
 AND ADDRESS ABOVE. MUNICIPAL COUNSEL MAY ALSO PROVIDE ADVICE. THE CONFLICT OF
 INTEREST LAW SEEKS TO PREVENT CONFLICTS BETWEEN PRIVATE INTERESTS AND PUBLIC
 DUTIES, FOSTER INTEGRITY IN PUBLIC SERVICE, AND PROMOTE THE PUBLIC'S TRUST AND
 CONFIDENCE IN THAT SERVICE BY PLACING RESTRICTIONS ON WHAT MUNICIPAL EMPLOYEES
 MAY DO ON THE JOB, AFTER HOURS, AND AFTER LEAVING PUBLIC SERVICE, AS DESCRIBED
 BELOW. THE SECTIONS REFERENCED BELOW ARE SECTIONS OF G.L. C. 268A.
- WHEN THE COMMISSION DETERMINES THAT THE CONFLICT OF INTEREST LAW HAS BEEN VIOLATED, IT CAN IMPOSE A CIVIL PENALTY OF UP TO \$10,000 (\$25,000 FOR BRIBERY CASES) FOR EACH VIOLATION. IN ADDITION, THE COMMISSION CAN ORDER THE VIOLATOR TO REPAY ANY ECONOMIC ADVANTAGE HE GAINED BY THE VIOLATION, AND TO MAKE RESTITUTION TO INJURED THIRD PARTIES. VIOLATIONS OF THE CONFLICT OF INTEREST LAW CAN ALSO BE PROSECUTED CRIMINALLY.

I. ARE YOU A MUNICIPAL EMPLOYEE FOR CONFLICT OF INTEREST LAW PURPOSE?

• YOU DO NOT HAVE TO BE A FULL-TIME, PAID MUNICIPAL EMPLOYEE TO BE CONSIDERED A MUNICIPAL EMPLOYEE FOR CONFLICT OF INTEREST PURPOSES. ANYONE PERFORMING SERVICES FOR A CITY OR TOWN OR HOLDING A MUNICIPAL POSITION, WHETHER PAID OR UNPAID, INCLUDING FULL- AND PART-TIME MUNICIPAL EMPLOYEES, ELECTED OFFICIALS, VOLUNTEERS, AND CONSULTANTS, IS A MUNICIPAL EMPLOYEE UNDER THE CONFLICT OF INTEREST LAW. AN EMPLOYEE OF A PRIVATE FIRM CAN ALSO BE A MUNICIPAL EMPLOYEE, IF THE PRIVATE FIRM HAS A CONTRACT WITH THE CITY OR TOWN AND THE EMPLOYEE IS A "KEY EMPLOYEE" UNDER THE CONTRACT, MEANING THE TOWN HAS SPECIFICALLY CONTRACTED FOR HER SERVICES. THE LAW ALSO COVERS PRIVATE PARTIES WHO ENGAGE IN IMPERMISSIBLE DEALINGS WITH MUNICIPAL EMPLOYEES, SUCH AS OFFERING BRIBES OR ILLEGAL GIFTS. TOWN MEETING MEMBERS AND CHARTER COMMISSION MEMBERS ARE NOT MUNICIPAL EMPLOYEES UNDER THE CONFLICT OF INTEREST LAW.

II. ON-THE-JOB RESTRICTIONS

BRIBES. ASKING FOR AND TAKING BRIBES IS PROHIBITED. (SEE SECTION 2)

- A BRIBE IS ANYTHING OF VALUE CORRUPTLY RECEIVED BY A MUNICIPAL EMPLOYEE IN EXCHANGE FOR THE EMPLOYEE BEING INFLUENCED IN HIS OFFICIAL ACTIONS. GIVING, OFFERING, RECEIVING, OR ASKING FOR A BRIBE IS ILLEGAL.
- BRIBES ARE MORE SERIOUS THAN ILLEGAL GIFTS BECAUSE THEY INVOLVE CORRUPT INTENT. IN OTHER WORDS, THE MUNICIPAL EMPLOYEE INTENDS TO SELL HIS OFFICE BY AGREEING TO DO OR NOT DO SOME OFFICIAL ACT, AND THE GIVER INTENDS TO INFLUENCE HIM TO DO SO. BRIBES OF ANY VALUE ARE ILLEGAL.

GIFTS AND GRATUITIES. ASKING FOR OR ACCEPTING A GIFT BECAUSE OF YOUR OFFICIAL POSITION, OR BECAUSE OF SOMETHING YOU CAN DO OR HAVE DONE IN YOUR OFFICIAL POSITION, IS PROHIBITED. (SEE SECTIONS 3, 23(B)(2), AND 26)

- MUNICIPAL EMPLOYEES MAY NOT ACCEPT GIFTS AND GRATUITIES VALUED AT \$50 OR MORE GIVEN TO INFLUENCE THEIR OFFICIAL ACTIONS OR BECAUSE OF THEIR OFFICIAL POSITION. ACCEPTING A GIFT INTENDED TO REWARD PAST OFFICIAL ACTION OR TO BRING ABOUT FUTURE OFFICIAL ACTION IS ILLEGAL, AS IS GIVING SUCH GIFTS. ACCEPTING A GIFT GIVEN TO YOU BECAUSE OF THE MUNICIPAL POSITION YOU HOLD IS ALSO ILLEGAL. MEALS, ENTERTAINMENT EVENT TICKETS, GOLF, GIFT BASKETS, AND PAYMENT OF TRAVEL EXPENSES CAN ALL BE ILLEGAL GIFTS IF GIVEN IN CONNECTION WITH OFFICIAL ACTION OR POSITION, AS CAN ANYTHING WORTH \$50 OR MORE. A NUMBER OF SMALLER GIFTS TOGETHERWORTH
- \$50 OR MORE MAY ALSO VIOLATE THESE SECTIONS.
- **EXAMPLE OF VIOLATION**: A TOWN ADMINISTRATOR ACCEPTS REDUCED RENTAL PAYMENTS FROM DEVELOPERS.
- EXAMPLE OF VIOLATION: A DEVELOPER OFFERS A SKI TRIP TO A SCHOOL DISTRICT EMPLOYEE WHO OVERSEES THE DEVELOPER'S WORK FORTHE SCHOOL DISTRICT.
- REGULATORY EXEMPTIONS. THERE ARE SITUATIONS IN WHICH A MUNICIPAL EMPLOYEE'S RECEIPT OF A GIFT DOES NOT PRESENT A GENUINE RISK OF A CONFLICT OF INTEREST, AND MAY IN FACT ADVANCE THE PUBLIC INTEREST. THE COMMISSION HAS CREATED EXEMPTIONS PERMITTING GIVING AND RECEIVING GIFTS IN THESE SITUATIONS. ONE COMMONLY USED EXEMPTION PERMITS MUNICIPAL EMPLOYEES TO ACCEPT PAYMENT OF TRAVEL-RELATED EXPENSES WHEN DOING SO ADVANCES A PUBLIC PURPOSE. ANOTHER COMMONLY USED EXEMPTION PERMITS MUNICIPAL EMPLOYEES TO ACCEPT PAYMENT OF COSTS INVOLVED IN ATTENDANCE AT EDUCATIONAL AND TRAINING PROGRAMS.
- OTHER EXEMPTIONS ARE LISTED ON THE COMMISSION'S WEBSITE.
- **EXAMPLE WHERE THERE IS NO VIOLATION**: A FIRE TRUCK MANUFACTURER OFFERS TO PAY THE TRAVEL EXPENSES OF A FIRE CHIEF TO A TRADE SHOW WHERE THE CHIEF CAN EXAMINE VARIOUS KINDS OF FIRE-FIGHTING EQUIPMENT THAT THE TOWN MAY PURCHASE. THE CHIEF FILLS OUT A DISCLOSURE FORM AND OBTAINS PRIOR APPROVAL FROM HIS APPOINTING AUTHORITY.

• **EXAMPLE WHERE THERE IS NO VIOLATION**: A TOWN TREASURER ATTENDS A TWO-DAY ANNUAL SCHOOL FEATURING MULTIPLE SUBSTANTIVE SEMINARS ON ISSUES RELEVANT TO TREASURERS. THE ANNUAL SCHOOL IS PAID FOR IN PART BY BANKS THAT DO BUSINESS WITH TOWN TREASURERS. THE TREASURER IS ONLY REQUIRED TO MAKE A DISCLOSURE IF ONE OF THE SPONSORING BANKS HAS OFFICIAL BUSINESS BEFORE HER IN THE SIX MONTHS BEFORE OR AFTER THE ANNUAL SCHOOL.

MISUSE OF POSITION. USING YOUR OFFICIAL POSITION TO GET SOMETHING YOU ARE NOT ENTITLED TO, OR TO GET SOMEONE ELSE SOMETHING THEY ARE NOT ENTITLED TO, IS PROHIBITED. CAUSING SOMEONE ELSE TO DO THESE THINGS IS ALSO PROHIBITED. (SEE SECTIONS 23(B)(2) AND 26)

- A MUNICIPAL EMPLOYEE MAY NOT USE HER OFFICIAL POSITION TO GET SOMETHING WORTH \$50 OR MORE THAT WOULD NOT BE PROPERLY AVAILABLE TO OTHER SIMILARLY SITUATED INDIVIDUALS. SIMILARLY, A MUNICIPAL EMPLOYEE MAY NOT USE HER OFFICIAL POSITION TO GET SOMETHING WORTH \$50 OR MORE FOR SOMEONE ELSE THAT WOULD NOT BE PROPERLY AVAILABLE TO OTHER SIMILARLY SITUATED INDIVIDUALS. CAUSING SOMEONE ELSE TO DO THESE THINGS IS ALSO PROHIBITED.
- **EXAMPLE OF VIOLATION**: A FULL-TIME TOWN EMPLOYEE WRITES A NOVEL ON WORK TIME, USING HER OFFICE COMPUTER, AND DIRECTING HER SECRETARY TO PROOFREAD THE DRAFT.
- EXAMPLE OF VIOLATION: A CITY COUNCILOR DIRECTS SUBORDINATES TO DRIVE THE COUNCILOR'S WIFE TO AND FROM THE GROCERY STORE.
- **EXAMPLE OF VIOLATION**: A MAYOR AVOIDS A SPEEDING TICKET BY ASKING THE POLICE OFFICER WHO STOPS HIM, "DO YOU KNOW WHO I AM?" AND SHOWING HIS MUNICIPALI.D.

SELF-DEALING AND NEPOTISM. PARTICIPATING AS A MUNICIPAL EMPLOYEE IN A MATTER IN WHICH YOU, YOUR IMMEDIATE FAMILY, YOUR BUSINESS ORGANIZATION, OR YOUR FUTURE EMPLOYER HAS A FINANCIAL INTEREST IS PROHIBITED. (SEE SECTION19)

- A MUNICIPAL EMPLOYEE MAY NOT PARTICIPATE IN ANY PARTICULAR MATTER IN WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY (PARENTS, CHILDREN, SIBLINGS, SPOUSE, AND SPOUSE'S PARENTS, CHILDREN, AND SIBLINGS) HAS A FINANCIAL INTEREST. HE ALSO MAY NOT PARTICIPATE IN ANY PARTICULAR MATTER IN WHICH A PROSPECTIVE EMPLOYER, OR A BUSINESS ORGANIZATION OF WHICH HE IS A DIRECTOR, OFFICER, TRUSTEE, OR EMPLOYEE HAS A FINANCIAL INTEREST. PARTICIPATION INCLUDES DISCUSSING AS WELL AS VOTING ON A MATTER. AND DELEGATING A MATTER TO SOMEONE ELSE.
- A FINANCIAL INTEREST MAY CREATE A CONFLICT OF INTEREST WHETHER IT IS LARGE OR SMALL, AND POSITIVE OR NEGATIVE. IN OTHER WORDS, IT DOES NOT MATTER IF A LOT OF MONEY IS INVOLVED OR ONLY A LITTLE. IT ALSO DOES NOT MATTER IF YOU ARE PUTTING MONEY INTO YOUR POCKET OR TAKING IT OUT. IF YOU, YOUR IMMEDIATE FAMILY, YOUR BUSINESS, OR YOUR EMPLOYER HAVE OR HAS A FINANCIAL INTEREST IN A MATTER, YOU MAY NOT PARTICIPATE. THE FINANCIAL INTEREST MUST BE DIRECT AND IMMEDIATE OR REASONABLY FORESEEABLE TO CREATE A CONFLICT. FINANCIAL INTERESTS WHICH ARE REMOTE, SPECULATIVE OR NOT SUFFICIENTLY IDENTIFIABLE DO NOT CREATE CONFLICTS.
- **EXAMPLE OF VIOLATION**: A SCHOOL COMMITTEE MEMBER'S WIFE IS A TEACHER IN THE TOWN'S PUBLIC SCHOOLS. THE SCHOOL COMMITTEE MEMBER VOTES ON THE BUDGET LINE ITEM FOR TEACHERS' SALARIES.

- **EXAMPLE OF VIOLATION**: A MEMBER OF A TOWN AFFORDABLE HOUSING COMMITTEE IS ALSO THE DIRECTOR OF A NON-PROFIT HOUSING DEVELOPMENT CORPORATION. THE NON-PROFIT MAKES AN APPLICATION TO THE COMMITTEE, AND THE MEMBER/DIRECTOR PARTICIPATES IN THE DISCUSSION.
- **EXAMPLE**: A PLANNING BOARD MEMBER LIVES NEXT DOOR TO PROPERTY WHERE A DEVELOPER PLANS TO CONSTRUCT A NEW BUILDING. BECAUSE THE PLANNING BOARD MEMBER OWNS ABUTTING PROPERTY, HE IS PRESUMED TO HAVE A FINANCIAL INTEREST IN THE MATTER. HE CANNOT PARTICIPATE UNLESS HE PROVIDES THE STATE ETHICS COMMISSION WITH AN OPINION FROM A QUALIFIED INDEPENDENT APPRAISER THAT THE NEW CONSTRUCTION WILL NOT AFFECT HIS FINANCIAL INTEREST.
- IN MANY CASES, WHERE NOT OTHERWISE REQUIRED TO PARTICIPATE, A MUNICIPAL EMPLOYEE MAY COMPLY WITH THE LAW BY SIMPLY NOT PARTICIPATING IN THE PARTICULAR MATTER IN WHICH SHE HAS A FINANCIAL INTEREST. SHE NEED NOT GIVE A REASON FOR NOT PARTICIPATING.
- THERE ARE SEVERAL EXEMPTIONS TO THIS SECTION OF THE LAW. AN APPOINTED MUNICIPAL EMPLOYEE MAY FILE A WRITTEN DISCLOSURE ABOUT THE FINANCIAL INTEREST WITH HIS APPOINTING AUTHORITY, AND SEEK PERMISSION TO PARTICIPATE NOTWITHSTANDING THE CONFLICT. THE APPOINTING AUTHORITY MAY GRANT WRITTEN PERMISSION IF SHE DETERMINES THAT THE FINANCIAL INTEREST IN QUESTION IS NOT SO SUBSTANTIAL THAT IT IS LIKELY TO AFFECT THE INTEGRITY OF HIS SERVICES TO THE MUNICIPALITY. PARTICIPATING WITHOUT DISCLOSING THE FINANCIAL INTEREST IS A VIOLATION. ELECTED EMPLOYEES CANNOT USE THE DISCLOSURE PROCEDURE BECAUSE THEY HAVE NO APPOINTING AUTHORITY.
- **EXAMPLE WHERE THERE IS NO VIOLATION**: AN APPOINTED MEMBER OF THE TOWN ZONING ADVISORY COMMITTEE, WHICH WILL REVIEW AND RECOMMEND CHANGES TO THE TOWN'S BY-LAWS WITH REGARD TO A COMMERCIAL DISTRICT, IS A PARTNER AT A COMPANY THAT OWNS COMMERCIAL PROPERTY IN THE DISTRICT. PRIOR TO PARTICIPATING IN ANY COMMITTEE DISCUSSIONS, THE MEMBER FILES A DISCLOSURE WITH THE ZONING BOARD OF APPEALS THAT APPOINTED HIM TO HIS POSITION, AND THAT BOARD GIVES HIM A WRITTEN DETERMINATION AUTHORIZING HIS PARTICIPATION, DESPITE HIS COMPANY'S FINANCIAL INTEREST. THERE IS NO VIOLATION.
- THERE IS ALSO AN EXEMPTION FOR BOTH APPOINTED AND ELECTED EMPLOYEES WHERE THE EMPLOYEE'S TASK IS TO ADDRESS A MATTER OF GENERAL POLICY AND THE EMPLOYEE'S FINANCIAL INTEREST IS SHARED WITH A SUBSTANTIAL PORTION (GENERALLY 10% OR MORE) OF THE TOWN'S POPULATION, SUCH AS, FOR INSTANCE, A FINANCIAL INTEREST IN REAL ESTATE TAX RATES OR MUNICIPAL UTILITY RATES.

- REGULATORY EXEMPTIONS. IN ADDITION TO THE STATUTORY EXEMPTIONS JUST MENTIONED, THE COMMISSION HAS CREATED SEVERAL REGULATORY EXEMPTIONS PERMITTING MUNICIPAL EMPLOYEES TO PARTICIPATE IN PARTICULAR MATTERS NOTWITHSTANDING THE PRESENCE OF A FINANCIAL INTEREST IN CERTAIN VERY SPECIFIC SITUATIONS WHEN PERMITTING THEM TO DO SO ADVANCES A PUBLIC PURPOSE. THERE IS AN EXEMPTION PERMITTING SCHOOL FEES THAT WILL AFFECT THEIR OWN CHILDREN IF THEY MAKE A PRIOR WRITTEN DISCLOSURE. THERE IS AN EXEMPTION PERMITTING TOWN CLERKS TO PERFORM ELECTION-RELATED FUNCTIONS EVEN WHEN THEY, OR THEIR IMMEDIATE FAMILY MEMBERS, ARE ON THE BALLOT, BECAUSE CLERKS' ELECTION-RELATED FUNCTIONS ARE EXTENSIVELY REGULATED BY OTHER LAWS. THERE IS ALSO AN EXEMPTION PERMITTING A PERSON SERVING AS A MEMBER OF A MUNICIPAL BOARD PURSUANT TO A LEGAL REQUIREMENT THAT THE BOARD HAVE MEMBERS WITH A SPECIFIED AFFILIATION TO PARTICIPATE FULLY IN DETERMINATIONS OF GENERAL POLICY BY THE BOARD, EVEN IF THE ENTITY WITH WHICH HE IS AFFILIATED HAS A FINANCIAL INTEREST IN THE MATTER. OTHER EXEMPTIONS ARE LISTED IN THE COMMISSION'S REGULATIONS, AVAILABLE ON THE COMMISSION'S WEBSITE.
- **EXAMPLE WHERE THERE IS NO VIOLATION**: A MUNICIPAL SHELLFISH ADVISORY BOARD HAS BEEN CREATED TO PROVIDE ADVICE TO THE BOARD OF SELECTMEN ON POLICY ISSUES RELATED TO SHELLFISHING. THE ADVISORY BOARD IS REQUIRED TO HAVE MEMBERS WHO ARE CURRENTLY COMMERCIAL FISHERMEN. A BOARD MEMBER WHO IS A COMMERCIAL FISHERMAN MAY PARTICIPATE IN DETERMINATIONS OF GENERAL POLICY IN WHICH HE HAS A FINANCIAL INTEREST COMMON TO ALL COMMERCIAL FISHERMEN, BUT MAY NOT PARTICIPATE IN DETERMINATIONS IN WHICH HE ALONE HAS A FINANCIAL INTEREST, SUCH AS THE EXTENSION OF HIS OWN INDIVIDUAL PERMITS ORLEASES.

FALSE CLAIMS. PRESENTING A FALSE CLAIM TO YOUR EMPLOYER FOR A PAYMENT OR BENEFIT IS PROHIBITED, AND CAUSING SOMEONE ELSE TO DO SO IS ALSO PROHIBITED. (SEE SECTIONS 23(B)(4) AND 26)

- A MUNICIPAL EMPLOYEE MAY NOT PRESENT A FALSE OR FRAUDULENT CLAIM TO HIS EMPLOYER FOR ANY PAYMENT OR BENEFIT WORTH \$50 OR MORE, OR CAUSE ANOTHER PERSON TO DO SO.
- **EXAMPLE OF VIOLATION**: A PUBLIC WORKS DIRECTOR DIRECTS HIS SECRETARY TO FILL OUT TIME SHEETS TO SHOW HIM AS PRESENT AT WORK ON DAYS WHEN HE WAS SKIING.

APPEARANCE OF CONFLICT. ACTING IN A MANNER THAT WOULD MAKE A REASONABLE PERSON THINK YOU CAN BE IMPROPERLY INFLUENCED IS PROHIBITED. (SEE SECTION 23(B)(3))

• A MUNICIPAL EMPLOYEE MAY NOT ACT IN A MANNER THAT WOULD CAUSE A REASONABLE PERSON TO THINK THAT SHE WOULD SHOW FAVOR TOWARD SOMEONE OR THAT SHE CAN BE IMPROPERLY INFLUENCED. SECTION 23(B)(3) REQUIRES A MUNICIPAL EMPLOYEE TO CONSIDER WHETHER HER RELATIONSHIPS AND AFFILIATIONS COULD PREVENT HER FROM ACTING FAIRLY AND OBJECTIVELY WHEN SHE PERFORMS HER DUTIES FOR A CITY OR TOWN. IF SHE CANNOT BE FAIR AND OBJECTIVE BECAUSE OF A RELATIONSHIP OR AFFILIATION, SHE SHOULD NOT PERFORM HER DUTIES. HOWEVER, A MUNICIPAL EMPLOYEE, WHETHER ELECTED OR APPOINTED, CAN AVOID VIOLATING THIS PROVISION BY MAKING A PUBLIC DISCLOSURE OF THE FACTS. AN APPOINTED EMPLOYEE MUST MAKE THE DISCLOSURE IN WRITING TO HIS APPOINTING OFFICIAL

• **EXAMPLE WHERE THERE IS NO VIOLATION**: A DEVELOPER WHO IS THE COUSIN OF THE CHAIR OF THE CONSERVATION COMMISSION HAS FILED AN APPLICATION WITH THE COMMISSION. A REASONABLE PERSON COULD CONCLUDE THAT THE CHAIR MIGHT FAVOR HER COUSIN. THE CHAIR FILES A WRITTEN DISCLOSURE WITH HER APPOINTING AUTHORITY EXPLAINING HER RELATIONSHIP WITH HER COUSIN PRIOR TO THE MEETING AT WHICH THE APPLICATION WILL BE CONSIDERED. THERE IS NO VIOLATION OF SEC. 23(B)(3).

CONFIDENTIAL INFORMATION. IMPROPERLY DISCLOSING OR PERSONALLY USING CONFIDENTIAL INFORMATION OBTAINED THROUGH YOUR JOB IS PROHIBITED. (SEE SECTION 23(C))

- MUNICIPAL EMPLOYEES MAY NOT IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION, OR MAKE PERSONAL USE OF NON-PUBLIC
- INFORMATION THEY ACQUIRED IN THE COURSE OF THEIR OFFICIAL DUTIES TO FURTHER THEIR PERSONAL INTERESTS.

III. AFTER-HOURS RESTRICTIONS

TAKING A SECOND PAID JOB THAT CONFLICTS WITH THE DUTIES OF YOUR MUNICIPAL JOB IS PROHIBITED. (SEE SECTION 23(B)(1))
A MUNICIPAL EMPLOYEE MAY NOT ACCEPT OTHER PAID EMPLOYMENT IF THE RESPONSIBILITIES OF THE SECOND JOB ARE INCOMPATIBLE WITH HIS OR HER MUNICIPAL JOB.

EXAMPLE: A POLICE OFFICER MAY NOT WORK AS A PAID PRIVATE SECURITY GUARD IN THE TOWN WHERE HE SERVES BECAUSE THE DEMANDS OF HIS PRIVATE EMPLOYMENT WOULD CONFLICT WITH HIS DUTIES AS A POLICE OFFICER.

DIVIDED LOYALTIES. RECEIVING PAY FROM ANYONE OTHER THAN THE CITY OR TOWN TO WORK ON A MATTER INVOLVING THE CITY OR TOWN IS PROHIBITED. ACTING AS AGENT OR ATTORNEY FOR ANYONE OTHER THAN THE CITY OR TOWN IN A MATTER INVOLVING THE CITY OR TOWN IS ALSO PROHIBITED WHETHER OR NOT YOU ARE PAID. (SEE SEC. 17)

BECAUSE CITIES AND TOWNS ARE ENTITLED TO THE UNDIVIDED LOYALTY OF THEIR EMPLOYEES, A MUNICIPAL EMPLOYEE MAY NOT BE PAID BY OTHER PEOPLE AND ORGANIZATIONS IN RELATION TO A MATTER IF THE CITY OR TOWN HAS AN INTEREST IN THE MATTER. IN ADDITION, A MUNICIPAL EMPLOYEE MAY NOT ACT ON BEHALF OF OTHER PEOPLE AND ORGANIZATIONS OR ACT AS AN ATTORNEY FOR OTHER PEOPLE AND ORGANIZATIONS IN WHICH THE TOWN HAS AN INTEREST. ACTING AS AGENT INCLUDES CONTACTING THE MUNICIPALITY IN PERSON, BY PHONE, OR IN WRITING; ACTING AS A LIAISON; PROVIDING DOCUMENTS TO THE CITY OR TOWN; AND SERVING AS SPOKESMAN.

A MUNICIPAL EMPLOYEE MAY ALWAYS REPRESENT HIS OWN PERSONAL INTERESTS, EVEN BEFORE HIS OWN MUNICIPAL AGENCY ORBOARD, ON THE SAME TERMS AND CONDITIONS THAT OTHER SIMILARLY SITUATED MEMBERS OF THE PUBLIC WOULD BE ALLOWED TO DO SO. A MUNICIPAL EMPLOYEE MAY ALSO APPLY FOR BUILDING AND RELATED PERMITS ON BEHALF OF SOMEONE ELSE AND BE PAID FOR DOING SO, UNLESS HE WORKS FOR THE PERMITTING AGENCY, OR AN AGENCY WHICH REGULATES THE PERMITTING AGENCY.

EXAMPLE OF VIOLATION: A FULL-TIME HEALTH AGENT SUBMITS A SEPTIC SYSTEM PLAN THAT SHE HAS PREPARED FOR A PRIVATE CLIENT TO THE TOWN'S BOARD OF HEALTH.

EXAMPLE: A SCHOOL COMMITTEE MEMBER WHO HAS BEEN DESIGNATED AS A SPECIAL MUNICIPAL EMPLOYEE APPEARS BEFORE THE BOARD OF HEALTH ON BEHALF OF A CLIENT OF HIS PRIVATE LAW PRACTICE, ON A MATTER THAT HE HAS NOT PARTICIPATED IN OR HAD RESPONSIBILITY FOR AS A SCHOOL COMMITTEE MEMBER. THERE IS NO CONFLICT. HOWEVER, HE MAY NOT APPEAR BEFORE THE SCHOOL COMMITTEE. OR THE SCHOOL DEPARTMENT, ON BEHALF OF A CLIENT BECAUSE HE HAS OFFICIAL RESPONSIBILITY FOR ANY MATTER THAT COMES BEFORE THE SCHOOL COMMITTEE. THIS IS STILL THE CASE EVEN IF HE HAS RECUSED HIMSELF FROM PARTICIPATING IN THE MATTER IN HIS OFFICIAL CAPACITY.

- **EXAMPLE OF VIOLATION**: A PLANNING BOARD MEMBER REPRESENTS A PRIVATE CLIENT BEFORE THE BOARD OF SELECTMEN ON A REQUEST THAT TOWN MEETING CONSIDER REZONING THE CLIENT'S PROPERTY.
- WHILE MANY MUNICIPAL EMPLOYEES EARN THEIR LIVELIHOOD IN MUNICIPAL JOBS, SOME MUNICIPAL EMPLOYEES VOLUNTEER THEIR TIME TO PROVIDE SERVICES TO THE TOWN OR RECEIVE SMALL STIPENDS. OTHERS, SUCH AS A PRIVATE ATTORNEY WHO PROVIDES LEGAL SERVICES TO A TOWN AS NEEDED, MAY SERVE IN A POSITION IN WHICH THEY MAY HAVE OTHER PERSONAL OR PRIVATE EMPLOYMENT DURING NORMAL WORKING HOURS. IN RECOGNITION OF THE NEED NOT TO UNDULY RESTRICT THE ABILITY OF TOWN VOLUNTEERS AND PART-TIME EMPLOYEES TO EARN A LIVING, THE LAW IS LESS RESTRICTIVE FOR "SPECIAL" MUNICIPAL EMPLOYEES THAN FOR OTHER MUNICIPAL EMPLOYEES.
- THE STATUS OF "SPECIAL" MUNICIPAL EMPLOYEE HAS TO BE ASSIGNED TO A MUNICIPAL POSITION BY VOTE OF THE BOARD OF SELECTMEN, CITY COUNCIL, OR SIMILAR BODY. A POSITION IS ELIGIBLE TO BE DESIGNATED AS "SPECIAL" IF IT IS UNPAID, OR IF IT IS PART-TIME AND THE EMPLOYEE IS ALLOWED TO HAVE ANOTHER JOB DURING NORMAL WORKING HOURS, OR IF THE EMPLOYEE WAS NOT PAID FOR WORKING MORE THAN 800 HOURS DURING THE PRECEDING 365 DAYS. IT IS THE POSITION THAT IS DESIGNATED AS "SPECIAL" AND NOT THE PERSON OR PERSONS HOLDING THE POSITION. SELECTMEN IN TOWNS OF 10,000 OR FEWER ARE AUTOMATICALLY "SPECIAL"; SELECTMAN IN LARGER TOWNS CANNOT BE "SPECIALS."
- IF A MUNICIPAL POSITION HAS BEEN DESIGNATED AS "SPECIAL," AN EMPLOYEE HOLDING THAT POSITION MAY BE PAID BY OTHERS, ACT ON BEHALF OF OTHERS, AND ACT AS ATTORNEY FOR OTHERS WITH RESPECT TO MATTERS BEFORE MUNICIPAL BOARDS OTHER THAN HIS OWN, PROVIDED THAT HE HAS NOT OFFICIALLY PARTICIPATED IN THE MATTER, AND THE MATTER IS NOT NOW, AND HAS NOT WITHIN THE PAST YEAR BEEN, UNDER HIS OFFICIAL RESPONSIBILITY.

IV. AFTER YOUR LEAVE MUNICIPAL EMPLOYMENT (SEE SECTION 18)

EXAMPLE: A MEMBER WHO SITS AS AN ALTERNATE ON THE CONSERVATION COMMISSION IS A SPECIAL MUNICIPAL EMPLOYEE. UNDER TOWN BY- LAWS, HE ONLY HAS OFFICIAL RESPONSIBILITY FOR MATTERS ASSIGNED TO HIM. HE MAY REPRESENT A RESIDENT WHO WANTS TO FILE AN APPLICATION WITH THE CONSERVATION COMMISSION AS LONG AS THE MATTER IS NOT ASSIGNED TO HIM AND HE WILL NOT PARTICIPATE IN IT.

(C) INSIDE TRACK. BEING PAID BY YOUR CITY OR TOWN, DIRECTLY OR INDIRECTLY, UNDER SOME SECOND ARRANGEMENT IN ADDITION TO YOUR JOB IS PROHIBITED, UNLESS AN EXEMPTION APPLIES. (SEE SECTION 20)

- A MUNICIPAL EMPLOYEE GENERALLY MAY NOT HAVE A FINANCIAL INTEREST IN A MUNICIPAL CONTRACT, INCLUDING A SECOND MUNICIPAL JOB. A MUNICIPAL EMPLOYEE IS ALSO GENERALLY PROHIBITED FROM HAVING AN INDIRECT FINANCIAL INTEREST IN A CONTRACT THAT THE CITY OR TOWN HAS WITH SOMEONE ELSE. THIS PROVISION IS INTENDED TO PREVENT MUNICIPAL EMPLOYEES FROM HAVING AN "INSIDE TRACK" TO FURTHER FINANCIAL OPPORTUNITIES.
- **EXAMPLE OF VIOLATION**: LEGAL COUNSEL TO THE TOWN HOUSING AUTHORITY BECOMES THE ACTING EXECUTIVE DIRECTOR OF THE AUTHORITY, AND IS PAID IN BOTH POSITIONS.
- **EXAMPLE OF VIOLATION**: A SELECTMAN BUYS A SURPLUS TRUCK FROM THE TOWN DPW.
- **EXAMPLE OF VIOLATION**: A FULL-TIME SECRETARY FOR THE BOARD OF HEALTH WANTS TO HAVE A SECOND PAID JOB WORKING PART-TIME FOR THE TOWN LIBRARY. SHE WILL VIOLATE SECTION 20 UNLESS SHE CAN MEET THE REQUIREMENTS OF AN EXEMPTION.
- **EXAMPLE OF VIOLATION**: A CITY COUNCILOR WANTS TO WORK FOR A NON-PROFIT THAT RECEIVES FUNDING UNDER A CONTRACT WITH HER CITY. UNLESS SHE CAN SATISFY THE REQUIREMENTS OF AN EXEMPTION UNDER SECTION 20, SHE CANNOT TAKE THE JOB.
- THERE ARE NUMEROUS EXEMPTIONS. A MUNICIPAL EMPLOYEE MAY HOLD MULTIPLE UNPAID OR ELECTED POSITIONS.
 SOME EXEMPTIONS APPLY ONLY TO SPECIAL MUNICIPAL EMPLOYEES. SPECIFIC EXEMPTIONS MAY COVER SERVING AS AN
 UNPAID VOLUNTEER IN A SECOND TOWN POSITION, HOUSING-RELATED BENEFITS, PUBLIC SAFETY POSITIONS, CERTAIN
 ELECTED POSITIONS, SMALL TOWNS, AND OTHER SPECIFIC SITUATIONS. PLEASE CALL THE ETHICS COMMISSION'S LEGAL
 DIVISION FOR ADVICE ABOUT A SPECIFIC SITUATION.

(C) PARTNERS. YOUR PARTNERS WILL BE SUBJECT TO RESTRICTIONS WHILE YOU SERVE AS A MUNICIPAL EMPLOYEE AND AFTER YOUR MUNICIPAL SERVICE ENDS.

- PARTNERS OF MUNICIPAL EMPLOYEES AND FORMER MUNICIPAL EMPLOYEES ARE ALSO SUBJECT TO RESTRICTIONS UNDER THE CONFLICT OF INTEREST LAW. IF A MUNICIPAL EMPLOYEE PARTICIPATED IN A MATTER, OR IF HE HAS OFFICIAL RESPONSIBILITY FOR A MATTER, THEN HIS PARTNER MAY NOT ACT ON BEHALF OF ANYONE OTHER THAN THE MUNICIPALITY OR PROVIDE SERVICES AS AN ATTORNEY TO ANYONE BUT THE CITY OR TOWN IN RELATION TO THE MATTER.
- **EXAMPLE**: WHILE SERVING ON A CITY'S HISTORIC DISTRICT COMMISSION, AN ARCHITECT REVIEWED AN APPLICATION TO GET LANDMARK STATUS FOR A BUILDING. HIS PARTNERS AT HIS ARCHITECTURE FIRM MAY NOT PREPARE AND SIGN PLANS FOR THE OWNER OF THE BUILDING OR OTHERWISE ACT ON THE OWNER'S BEHALF IN RELATION TO THE APPLICATION FOR LANDMARK STATUS. IN ADDITION, BECAUSE THE ARCHITECT HAS OFFICIAL RESPONSIBILITY AS A COMMISSIONER FOR EVERY MATTER THAT COMES BEFORE THE COMMISSION, HIS PARTNERS MAY NOT COMMUNICATE WITH THE COMMISSION OR OTHERWISE ACT ON BEHALF OF ANY CLIENT ON ANY MATTER THAT COMES BEFORE THE COMMISSION DURING THE TIME THAT THE ARCHITECT SERVES ON THE COMMISSION.
- **EXAMPLE**: A FORMER TOWN COUNSEL JOINS A LAW FIRM AS A PARTNER. BECAUSE SHE LITIGATED A LAWSUIT FOR THE TOWN, HER NEW PARTNERS CANNOT REPRESENT ANY PRIVATE CLIENTS IN THE LAWSUIT FOR ONE YEAR AFTER HER JOB WITH THE TOWN ENDED.



THIS SUMMARY IS NOT INTENDED TO BE LEGAL ADVICE AND, BECAUSE IT IS A SUMMARY, IT DOES NOT MENTION EVERY PROVISION OF THE CONFLICT LAW THAT MAY APPLY IN A PARTICULAR SITUATION. OUR WEBSITE, http://www.mass.gov/ethics, CONTAINS FURTHER INFORMATION ABOUT HOW THE LAW APPLIES IN MANY SITUATIONS. YOU CAN ALSO CONTACT THE COMMISSION'S LEGAL DIVISION VIA OUR WEBSITE, BY TELEPHONE, OR BY LETTER



PLEASE CLICK HERE TO FILL OUT AND PRINT YOUR ACKNOWLEDGMENT FOR COMPLETING THE MANDATED TRAININGS. ONCE SIGNED PLEASE HAND IN TO YOUR SCHOOL PRINCIPAL.