

**POLICY**

**IN**

**SCAP 4-16-2025 SEC #2**

## **File: AC-R - NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION**

The Tewksbury Public Schools will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our ~~detailed~~ response protocols **and applicable law**. Where it is determined that discrimination or harassment has occurred, the Tewksbury Public Schools will ~~act~~ promptly **act** to eliminate the conduct and will impose developmentally-~~appropriate~~ disciplinary, restorative, and/or corrective action **in accordance with District policies and applicable law**.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

### **Definitions**

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

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

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

individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

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

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Tewksbury Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

### Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator ~~and Grievance Officer~~ for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the **Tewksbury Public Schools**, and can be reached at:

**Karen Baker O'Brien, Director of Student & Family Support**  
139 Pleasant Street, Tewksbury, MA 01876  
Phone: 978-640-7800

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the **Tewksbury Public Schools**. In addition, the **Director of Student & Family Support** is the District 504 Coordinator, and can be reached at:

**Karen Baker O'Brien, Director of Student & Family Support**  
139 Pleasant Street, Tewksbury, MA 01876  
Phone: 978-640-7800

Inquiries concerning the **Tewksbury** Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of ~~Human Resources~~ **Student & Family Support**. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square,

8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov;  
Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375

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

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

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

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

Acts of 2022, Chapter 117 -  
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF: ACE, Nondiscrimination on the Basis of Disability

ACAB, Sexual Harassment

GBA, Equal Employment Opportunity

IJ, Instructional Materials

JB, Equal Educational Opportunities

Title IX Sexual Harassment Grievance Procedure

Civil Rights Grievance Procedure

SOURCE: MASC August 2022

**TPS ADOPTED:**

**Note: January 2025 - Reverted back to 2022 policy after Federal Court Ruling on Title IX**

## **File: IKF - GRADUATION REQUIREMENTS**

Graduation requirements are established by the Tewksbury School Committee. Any changes are subject to review and approval by the Committee. In order to receive a Tewksbury Memorial High School diploma all students must meet state mandates (Physical Education, US History and competency determination (MCAS) as well as the following requirements:

### ~~Graduation Requirements – Beginning with the Class of 2019~~

All students must earn a **minimum of 120 credits to graduate** from Tewksbury Memorial High School\*. **These credits must include the following minimum requirements:**

<a href="#">English</a>	4 full-year courses* (one each year)	20 credits
<a href="#">Mathematics</a>	4 full-year courses* (one each year)	20 credits
<a href="#">Science</a>	3 full years of a lab science	15 credits
<a href="#">Social Studies</a>	3 full years (1 year must be US History)	15 credits
<a href="#">World Languages</a>	2 full years of the same language	10 credits
<a href="#">Physical Education</a>	4 semester courses (one each year)	10 credits
<a href="#">Health</a>	2 semester courses (9th and 11th)	5 credits
<a href="#">Fine Arts</a>	1 semester course	2.5 credits
<a href="#">Performing Arts</a>	1 semester course	2.5 credits
<a href="#">Career, Technology and Business Education (CTBE)</a>	1 full year course or 2 semester courses	5.0 credits
Additional Electives	<ul style="list-style-type: none"> <li>Electives can include a variety of courses. However, please be aware that all students at Tewksbury Memorial High School must take courses to fulfill the Fine Arts, the Performing Arts and the Career, Technology and Business Education requirements.</li> <li>Pursuant to MA Gen Law Chapter 71 Section 3, all students at Tewksbury Memorial High School must take at least one semester of physical education each year.</li> <li>At least one of the two CTBE courses must be a computer course.</li> </ul>	15.0 credits

### ***\*NOTES***

- ~~All students must pass certain MCAS tests in order to graduate from any public high school in Massachusetts.~~
- ~~Electives can include a variety of courses. However, please be aware that all students at Tewksbury Memorial High School must take courses to fulfill the Fine Arts, the Performing Arts, and the Career, Technology and Business Education requirements.~~

- Pursuant to MA Gen Law Chapter 71 Section 3, all students at Tewksbury Memorial High School must take at least one semester of physical education each year. ~~Junior and Senior students may waive this requirement if they are currently participating in a full season of a junior varsity or varsity sport at TMHS.~~
- **TMHS Graduation Requirements meet or exceed all [MASSCore Requirements](#).**
- **English and math courses must be full-year 5-credit courses.**
- **While it is not a graduation requirement, it is recommended that TMHS students in Grades 10-12 take at least one online course while attending TMHS to further their interest in potential career and higher education study goals.**

**Minimum Promotion Requirements**

Grade 9 to Grade 10 - 30 credits

Grade 10 to Grade 11 - 60 credits

Grade 11 to Grade 12 - 90 credits

Graduation -- 120 Credits

**Graduation Requirements - For the Class of 2018**

~~All students must earn a **minimum of 120 credits** to graduate from Tewksbury Memorial High School. These credits must include the following requirements:~~

***\*NOTE***

- ~~• All students must pass certain MCAS tests in order to graduate from any public high school in Massachusetts.~~
- ~~• Electives can include a variety of courses. However, please be aware that all students at Tewksbury Memorial High School must take courses to fulfill the Applied Arts, Fine Arts and Computer Technology requirements.~~
- ~~• Pursuant to MA Gen Law Chapter 71 Section 3, all students at Tewksbury Memorial High School must take at least one semester of physical education each year. Junior and Senior students may waive this requirement if they are currently participating in a full season of a junior varsity or varsity sport at TMHS.~~

Revised: January 25, 2017

Revised: June 13, 2018

**Revised:**

## JICK - HARASSMENT OF STUDENTS

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Tewksbury Public Schools. This policy shall apply to alleged harassment involving conduct alleged to have occurred within the school's own program or activity, such as when the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, or when the District exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred., ~~against a person in the United States~~. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.

**Employee-to-Student Harassment** means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

**Student- to-Student Harassment** means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;

- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will respond promptly and reasonably investigate allegations of harassment through designation of the Title IX Coordinator, the Civil Rights Coordinator, or appropriate building based employees, ~~who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative and/or corrective action. The District will respond promptly and reasonably investigate allegations of sexual harassment through designation of the Title IX Coordinator or building based employees to any reports or complaints of discrimination, including harassment and retaliation, or other violations of this Policy~~<sup>civil rights</sup>, pursuant to the District's ~~our detailed~~ response protocol. Where it is determined that discrimination or harassment has occurred, the District will ~~act~~ promptly act to eliminate the conduct and will impose developmentally-appropriate disciplinary, restorative, and/or corrective action, in accordance with District policies and applicable law.

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

The Superintendent will recommend, in consultation with the principals, opportunities ~~to the designated recipients~~ for appropriate training.

Adopted:

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

Title IX of the Education Amendments of 1972

BESE 603 CMR 26:00

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

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

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

4-16-2025 Informational Reading - MASC policy recommendations: The Policy Subcommittee reviewed the policy and recommends adopting the MCAS policy with input from Legal Counsel.

Acts of 2022, Chapter 117 -

<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF.: [AC](#), Non-Discrimination Policy Including Harassment and Retaliation

SOURCE: MASC - September 2022

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

## **AC - NON--DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION**

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

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

The Tewksbury Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy, or pregnancy related conditions. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy, or pregnancy related conditions, their complaint should be registered with the Title IX compliance officer.

Revised: November 20, 1996

Revised: April 14, 2015

Revised: March 20, 2019

**Reviewed and Revised:**

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375

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

Rehabilitation Act of 1973

Education For All Handicapped Children Act of 1975

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

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

**Acts of 2022, Chapter 117 -**

<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

~~M.G.L. 76:5; Amended 1993~~

~~M.G.L. 76:16 (Chapter 622 of the Acts of 1971)~~

~~Board of Education regulations 603-26:00 Amended 2012~~

~~Board of Education regulations 603-CMR 28:00~~

CROSS REFS.: [ACE](#) Subcategories for Nondiscrimination on the Basis of Disability

[ACAB](#), Sexual Harassment

[GBA](#), Equal Opportunity Employment

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

IJ, Instructional Materials

JB, Equal Educational Opportunities

SOURCE: MASC August 2022

**Note: January 2025 - Reverted back to 2022 policy after Federal Court Ruling on Title IX**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

## **TPS: ACA - NONDISCRIMINATION ON THE BASIS OF SEX**

The Tewksbury School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex, **sexual orientation or gender identity, sexual orientation or gender identity** in the educational programs and activities of the Tewksbury Public Schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, **sexual orientation or gender identity**, to all of its students and employees.

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

{Adoption date}

Revised: January 18, 1996

Revised: April 14, 2015

### **Reviewed & Revised:**

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

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

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

BESE 603 CMR [26:00](#)

CROSS REF.: [AC](#) Nondiscrimination **Policy Including Harassment and Retaliation**

**REFERENCE: USDOE Notice of Interpretation -**

<https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protections-students-discrimination-based-sexual-orientation-and-gender-identity>

**SOURCE: MASC - Updated 2022**

**Note: January 2025 - Reverted back to 2022 policy after Federal Court Ruling on Title IX**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

## TPS: ACAB - SEXUAL HARASSMENT

~~Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Tewksbury Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.~~

~~Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.~~

~~**Employee-to-Student Harassment** means conduct of a written, verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:~~

- ~~• Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or~~
- ~~• Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.~~

~~**Student-to-Student Harassment** means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:~~

- ~~• Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.~~

~~Harassment as described above may include, but is not limited to:~~

- ~~• Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;~~
- ~~• Repeated remarks of a demeaning nature;~~
- ~~• Implied or explicit threats concerning one's grades, achievements, or other school matter.~~
- ~~• Demeaning jokes, stories, or activities directed at the student.~~

~~By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.~~

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

~~The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.~~

~~Sexual harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Tewksbury Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.~~

~~Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes.~~

The Tewksbury School Committee and Tewksbury Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual and sex-based harassment as provided under MA and Federal law. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Tewksbury Public Schools.

**Sexual harassment** is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity. It also includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime.

Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse and neglect, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals, these offences and any other serious matters shall be referred to local law

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

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

A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. *The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.* A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or a violation of this policy.

Retaliation against a complainant, because the complainant has filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

investigation or proceeding, is also prohibited. It is unlawful to retaliate against a district employee for filing a complaint of sexual harassment or for cooperating in an investigation. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

Sexual harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Tewksbury Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes.

Sexual harassment in the workplace is unlawful. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.

The District will promptly and reasonably investigate allegations of sexual harassment through designation of a Title IX Coordinator and building based employees, as set forth below

### **NOTICE OF SEXUAL HARASSMENT**

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

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

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

Upon receipt of allegations the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant that supportive measures are available with or without the filing of a formal complaint, and explain the process for filing a formal complaint. Supportive measures include, but are not limited to, non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school building/campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the building/campus, and other similar measures.

Where there has been a finding of responsibility, the regulations require remedies designed to restore or preserve access to the school's education program or activity.

### **DUE PROCESS PROTECTIONS**

Due process protections in connection with investigation and decision-making regarding a complaint include the following:

~~1) If the allegations do not meet the definition of sexual harassment or do not satisfy the requirements regarding location or connection to an educational program of the school district, the allegations shall be dismissed for purposes of Title IX, but may be investigated and addressed under other prohibitions in the student discipline code, relevant collective bargaining agreements or other laws under which they fit;~~

1 2) A presumption of innocence throughout the grievance process, with the burden of proof on the school;

~~3) A complainant's wishes with respect to whether the school investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;~~

2 4) A prohibition of the single investigator model, instead requiring a decision -maker separate from the Title IX Coordinator or investigator;

3 5) **The clear and convincing evidence or** ~~Proof by a~~ preponderance of the evidence, subject to limitations;

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

4 6) The opportunity to test the credibility of parties and witnesses through disclosure of evidence and opportunity to submit additional questions, subject to "rape shield" protections;

5 7) Written notice of allegations and an equal opportunity to review the evidence ~~upon filing a formal complaint~~;

8) ~~An objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoidance of credibility determinations based on a person's status as a complainant, a respondent, or a witness;~~

6 9) Title IX Coordinators, investigators, and decision-makers must be trained and free from bias or conflict of interest;

~~10) A right to appeal from a determination regarding responsibility and from a dismissal of a formal complaint or the allegations therein, where the determination or dismissal involved any of the following: procedural irregularity that affected the outcome; newly discovered evidence that could affect the outcome; or the Title IX Coordinator, the investigator, or the decision-maker had a conflict of interest or bias that affected the outcome ;~~Equal opportunity for parties to appeal, where schools offer appeals:

7 ~~11) As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a formal sexual complaint, but no such informal resolution can be used where the allegations are that an employee sexually harassed a student.~~

8 ~~11) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible for not responsible, including the facts and evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standards for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate information resolution of a sexual complaint.~~

A district may establish an informal investigation process that may, upon the request of the complainant, be followed by a formal process.

The Title IX Coordinator or the school building Principal shall be the initial entity to receive the sexual harassment complaint. In all cases the Title IX Coordinator shall be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

recipients. An employee with actual knowledge of conduct that may violate this policy must report to the Title IX Coordinator.

The District may remove a respondent on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. *The District will* provide the respondent with written notice and an opportunity to challenge the decision immediately following the removal in accordance with any applicable laws, collective bargaining agreements and student handbooks.

**The Superintendent in consultation with the** Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients.

## **INVESTIGATIONS**

The Title IX Coordinator shall designate an investigating officer. **The investigating officer may receive the complaint orally or in writing, and** The investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the ~~complaint recipient~~ **the Title IX investigator will**, to the extent appropriate, inform the **complainant** ~~person filing the complaint and the respondent person alleged to have committed the conduct,~~ of the results of ~~the~~ that investigation.

The investigator shall give the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence; shall give each party the same opportunity to select an advisor of the party's choice who may, but need not be, an attorney; shall send written notice of all interviews or meetings; shall send to the parties evidence directly related to the allegations, with at least 10 days for the parties to inspect, review, and respond; and shall prepare and submit an investigative report that fairly summarizes the relevant evidence to the decision-maker, who shall be designated by the Title IX Coordinator (but shall not be the investigator). Each party is entitled to be accompanied in interviews by an advisor, who may be a parent/guardian or an attorney, but who may only have limited participation in interviews. Translators will be provided upon request.

~~The investigator shall strive to complete investigations within thirty (30) school days of the filing of the formal complaint. Although the District's goal is to complete investigations generally within thirty (30) school days, the time may be extended for good cause upon written notice to the complainant and respondent. Additionally, the timeline for investigation may be suspended during any informal resolution procedure or meeting.~~

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

After all interviews are conducted and evidence is obtained, the parties and if applicable, their advisors, will have an equal opportunity to inspect, review and respond to any evidence obtained. Prior to completion of the investigative report, the investigator will provide each party all evidence subject to inspection and review and provide each party at least ten (10) school days to provide a response to the investigator. Evidence to be shared may be redacted to protect confidential information under the Family and Educational Rights and Privacy Act ("FERPA") or other federal or state laws and regulations.

### **DETERMINATIONS**

~~The decision-maker shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.~~

~~The decision-maker assigned will have no conflicts with or biases against either the complainant of the respondent and the decision maker will not be the Title IX Coordinator assigned in the matter or the investigator for the complaint. The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances. If the decision maker substantiates the allegations of sexual harassment, the decision maker may recommend or impose discipline against the respondent. If the decision maker does not substantiate the allegations of sexual harassment, the complaint will be dismissed.~~

~~The decision-maker shall provide the written determination to the complainant and respondent. Confidential student record information and personnel information may be redacted consistent with and as required by state and federal law.~~

### **APPEALS**

~~Appeals must be submitted to the Title IX Coordinator within five (5) school days of receipt of the written determination and contain a written statement in support or challenge of the outcome.~~

~~When an appeal is filed, the District shall notify the other party and ensure that the individual deciding the appeal is not the same person as the decision maker who reached the determination regarding responsibility and that the individual has no conflicts of interests and is free of bias. The non-appealing party shall have five (5) school days from the date of receipt of the notice of the appeal to submit a written statement to support or oppose the outcome.~~

~~The individual deciding the appeal shall issue a written decision describing the result of the appeal and rationale for the decision and provide the decision to both parties generally within ten (10) school days of receipt of the non-appealing party's written statement, or in the event no statement is submitted, the date the statement would have been due.~~

### **RECORD KEEPING REQUIREMENTS**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

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

**The District's Title IX Coordinators are as follows:**

The Title IX Coordinator is the Assistant Superintendent **or Designee**, Tewksbury Public Schools, 139 Pleasant Street, Tewksbury, MA 01876 (978-640-7800)

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

Complainants may also file a complaint with:

- The Massachusetts Commission Against Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108.  
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8th Floor  
Boston, MA 02109.  
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203.

LEGAL REFS.: M.G.L. [151B:3A](#)

Title IX of the Education Amendments of 1972

DESE 603 CMR [26:00](#)

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

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

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

Revised: November 20, 1996

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

REVISED: April 14, 2015

REVISED: October 13, 2021

**REVIEWED & REVISED:**

**Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.**

**SOURCE: MASC December 2021**

**Note: January 2025 - Reverted back to 2021 policy after Federal Court Ruling on Title IX**

## **File: ADDA - BACKGROUND CHECKS**

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

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

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

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

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

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

employee will be provided with all information needed to successfully register for a fingerprinting appointment.

### **Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

### **Storage of CHRI**

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

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

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

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

- Historical reference and/or comparison with future CHRI requests,
- Dispute of the accuracy of the record;
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

### **CHRI Training**

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

### **Determining Suitability**

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

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

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

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

### **Relying on Previous Suitability Determination**

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

- The suitability determination was made within the last seven years; and
- The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either
- The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

### **Adverse Decisions Based on CHRI**

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

- Provide the individual with a copy of his/her CHRI used in making the adverse decision;
- Provide the individual with a copy of this CHRI Policy;
- Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

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

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that an individual, after providing him a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B, S. 4,( 9,9 ½). Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations (see specific regulations in legal references), hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions. The superintendent is advised to confer with legal counsel whenever he/she solicits information from an individual concerning his/her history of criminal convictions.

### **Secondary Dissemination of CHRI**

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

The following information will be recorded in the log:

- Subject Name;
- Subject Date of Birth;
- Date and Time of the dissemination;
- Name of the individual to whom the information was provided;
- Name of the agency for which the requestor works;
- Contact information for the requestor; and
- The specific reason for the request

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

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

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license

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

### **C.O.R.I. REQUIREMENTS**

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

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

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

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

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral

to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

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

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

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

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

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

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

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

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

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

42 U.S.C. § 16962

603 CMR 51.00

803 CMR 2.00

803 CMR 3.05 (Chapter 14 of the Acts of 2004)

FBI Criminal Justice Information Services Security Policy

Procedure for Correcting a Criminal Record

FAQ - Background Checks

SOURCE: MASC October 2014

ADOPTED: April 14, 2015

REVIEWED AND ADOPTED: April 10, 2024

**REVIEWED AND REVISED:**

**NOTE: The Department of Criminal Justice Information Services (DCJIS) has adopted regulations requiring that it maintain a model CORI policy and that any written policy must meet the minimum standards as found in the model. Therefore, MASC recommends that school districts retain both the school district specific policy incorporated here and the DCJIS model policy attached as ADDA-R.**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

---

## **EFC - UNIVERSAL FREE SCHOOL MEALS**

The School Committee is committed to providing students with healthy, nutritious meals each day so they can focus on school work, while also maintaining the financial integrity of meal programs, and to ensure compliance with federal reporting requirements of the USDA Child Nutrition Program.

The District will participate in the National School Lunch Program, the Massachusetts Universal Free Meals Program, and other food programs that may become available to assure that all students in the schools receive healthy, nutritious school meals.

In accordance with guidelines for participation in these programs, the District will provide universal free meals to all students in the District.

Students seeking additional meals or a la carte items will be charged accordingly for those additional items.

Each student in the District is entitled to (1) free breakfast and (1) free lunch.

- It remains important that families complete the annual Household Application for Free and Reduced Price Meals. This form allows the school district to serve families more effectively for other important programs such as P-EBT benefits, fee waivers for school district programs/ services, (as determined by each school district), state and federal grant eligibility, and more.

As required by state and federal regulations, the School Committee approves this policy statement pertaining to eligibility for universal free school meals for all students in the District.

**CROSS REF:** EFE, Civil Rights Complaint Policy for Child Nutrition Programs

**LEGAL REFS.:** National School Lunch Act, as amended (42 USC 1751-1760);

Child Nutrition Act of 1966; P.L. 89-642, 80 Stat. 885, as amended;

USDA School Meal Program Guidelines May 2017;

M.G.L. 71:72; 15:1G; 69:1C;

Chapter 28 of the Acts of 2023 7053-1909

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**SOURCE: MASC - Complete rewrite 2023**

Adoption date: January 1996

Reviewed and Adopted September 25, 2013

Revised: December 6, 2017

Revised: October 12, 2022

**Reviewed & Adopted:**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**File: EFD - SCHOOL NUTRITION PROGRAM CHARGE POLICY**

The School Committee is committed to providing students with healthy, nutritious meals each day so they can focus on school work while also maintaining the financial integrity of meal programs.

The District provides free meals to students (one free meal per meal service period.) However, unpaid charges for additional meals, or a la carte items place a large financial burden on the school district, as food services is a self-supporting entity within the district. The purpose of this policy is to ensure compliance with federal reporting requirements of the USDA Child Nutrition Program, as well as provide oversight and accountability for the collection of outstanding student balances.

**Policy on Charging Meals and A La Carte Items**

All students are entitled to one complete breakfast and one complete lunch at no cost each day. Students may purchase an additional meal or a la carte items if they have a positive fund balance. Students with a negative fund balance or insufficient funds to cover an optional purchase may not purchase an additional meal or a la carte items.

**Payments**

Payments for additional food purchases beyond the regular meal may be made through the online payment program or directly to the District Food and Nutrition Services Program. Notices of low or deficit balances will be sent directly to parents/guardians via email or regular postal mail at regular intervals during the school year. Parents can also access a student's account information through the online payment system. At no time shall any staff member give payment notices to students unless that student is known to be an emancipated minor who is fully responsible for themselves or over the age of 18. If parents/guardians have issues with student purchases, they should contact the Food and Nutrition Services for assistance.

Parents/Guardians may pay in advance for anticipated purchases beyond the free meal allowed during each meal service period. Further details are available on the Tewksbury Public Schools' webpage and in student handbooks. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student, whether positive or negative, will be carried over to the next school year.

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

All school cafeterias possess computerized point-of-sale/cash register systems that maintain records of all monies deposited and spent for each student and those records are available to parents/guardians by setting up an online account (see student handbooks for more details) or by speaking with the school's Food Service Manager.

### **Refunds**

Refunds for withdrawn and/or graduating students require a written request (email, postal, or in person) for a refund of any money remaining in their account to be submitted. Graduating students also have the option to transfer funds to a sibling's account or to donate to a student in need with a written request.

### **Delinquent Accounts/Collections**

The Superintendent shall ensure that there are appropriate and effective collection procedures and internal controls within the Tewksbury Public Schools' Business Office that meet the requirements of law.

### **Policy Communications**

This policy shall be communicated to all staff and families at the beginning of each school year and to families transferring to the district during the year.

ADOPTED: January 25, 2012

Revised and Adopted: September 25, 2013

Revised: December 9, 2015

Revised: August 15, 2018

Revised: August 17, 2022

**Revised:**

LEGAL REFS: MGL [71:72](#); USDA School Meal Program Guidelines May 2017,  
**Chapter 28 of the Acts of 2023**

CROSS REFS: [JQ](#), Student Fees, Fines & Charges

**EFE, Civil Rights Complaint Policy for Child Nutrition Programs**

**SOURCE: MASC - Updated 2023**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**File: JF - SCHOOL ADMISSIONS**

All children of school age who reside in the town will be entitled to attend the public schools. Advance registration for prospective kindergarten students will take place in March. Every student seeking admission to school for the first time must present a birth certificate or equivalent proof of age acceptable to the principal, proof of vaccination and immunizations as required by the state and the Tewksbury School Committee. Proof of residency of legal physical guardianship and custody may also be required by the school administration. **Tewksbury Public Schools reserves the right to investigate residency and occupancy at any time.**

Revised: January 18, 1996

Revised: May 14, 2014

Revised: June 12, 2019

**Reviewed and Revised:**

SOURCE: MASC Policy

LEGAL REFS.: M.G.L. [15:1G](#); [76:1](#); [76:5](#); [76:15](#); [76:15A](#)

603 CMR [26:00](#)

CROSS REFS.: [JLCA](#), Physical Examination of Students

[JLCB](#), Inoculations of Students

[JFBB](#), School Choice

[JFBB-1](#), School Choice

[JFABD](#), **Homeless Students: Enrollment Rights and Services**

[JFABE](#), **Educational Opportunities for Military Children**

[JFABF](#), **Educational Opportunities for Children in Foster Care**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**File: JLCB - IMMUNIZATION OF STUDENTS**

Students entering school for the first time, whether at **preschool**, kindergarten or through transfer from another school system, will be required to present a **healthcare provider's** certificate attesting to immunization against diphtheria, **pertussis, tetanus, measles, mumps, rubella, poliomyelitis, varicella, hepatitis B and such other** communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a **healthcare provider** that immunization would not be in the best interests of the **student**; **or, in the absence of an emergency or epidemic of disease declared by the department of public health**, the student's parent/guardian **states in writing** that vaccination or immunization is contrary to the religious beliefs of the student or parent/guardian.

Established by law

Revised: January 18, 1996

Revised: November 14, 2018

**Reviewed and Revised:**

LEGAL REF.: M.G.L. **76:15**

CROSS REF.: **JF**, School Admissions

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**File: JLCD - ADMINISTERING MEDICINES TO STUDENTS**

Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's **healthcare provider**. In the absence of the school nurse, a nurse from another building will travel to the school and administer the medication. No one but **a** school nurse, and those others listed in the medical administration plan acting within the above restriction, may give any medication to any student. The school nurse leader and school physician shall be the supervisor of the medication administration program in the Tewksbury Public Schools and shall develop the protocol and procedures relating to the administration of medication.

The school district shall, through the district nurse leader, register with the Dept. of Public Health and train personnel in the use of **Epinephrine** and medication for short term special circumstances or field trips within the Commonwealth of Massachusetts.

Following consultation with the school nurse, and with proper parental/**guardian** and medical permissions, students who fall into the following exceptions may self-administer medications:

1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
2. Students with food allergies may possess and administer prescription **Epinephrine**
3. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
4. Students with diabetes may possess and administer glucoses monitoring tests and insulin delivery systems.
5. Students with dermatological conditions that require topical creams/ointments duly prescribed may possess and administer prescription.

Revised: November 20, 2013

Revised: April 13, 2016

Revised: November 14, 2018

**Reviewed and Revised:**

LEGAL REF.: M.G.L. **71:54B** Dept. of Public Health Regulations: 105 CMR 210.00; 244 CMR 3.00

## **File: JLCD-R - REGULATIONS/PROCEDURES FOR MEDICATION ADMINISTRATION IN THE TEWKSBURY PUBLIC SCHOOLS**

The purpose of this policy is to outline the protocols to ensure that students who require medication during ~~the school day~~ **regular school activities** may continue ~~in school~~, to receive the medication in a safe and supervised manner. The administration of medications, though seemingly simple, has many complications. The protocols and procedures are in place to ensure that the medications are administered in a safe and supervised manner. This policy applies to Medication Administration during the school year during ~~school days~~ **regular school activities ONLY**. **Regular School Activities** means all instructional/academic activities, as well as all activities organized or sanctioned by the school, including but not limited to, school- provided transportation, interscholastic sporting events, after school or extracurricular clubs or organizations, and proms or other social events organized as part of the instructional/academic portion of the school, including overnight field trips.

### **I. Management of Medication Administration Program**

A. The ~~school nurse/school nurse leader~~ in consultation with the school physician shall be the ~~supervisor~~ **medication program manager** of the medication administration program. This shall include prescription and non-prescription medications, the decision to apply for delegation and the development of protocols and procedures for medication administration in the Tewksbury Public Schools.

B. The school nurse leader and school physician shall develop the policies and procedures relating to the administration of medication.

C. The Tewksbury Public Schools, under the direction of the school nurse leader and the school physician, will make an application to the Massachusetts Department of Public Health for delegation of medication to unlicensed **school** personnel under the following circumstances:

1. Delegation of **all available, FDA-approved, pre-dosed forms of epinephrine** Administration to Unlicensed **School** Personnel in Emergencies

2. Delegation of Medication to Unlicensed ~~Nursing~~ **School** Personnel for Field Trips

D. School nurses, associate nurses, and licensed practical nurses employed by the Tewksbury Public Schools and substitute school nurses will be the only staff members to administer medication during ~~the school day~~ **regular school activities**. For the purpose of 105 CMR 210, a licensed practical nurse ~~may administer medication and function under~~

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy.

~~the general supervision of the school nurse~~ may not delegate the administration of medications to unlicensed school personnel.

E. In accordance with standard nursing practice, the school nurse may refuse to administer or allow to be administered any medication during ~~the school day~~ regular school activities which, based on his/her assessment and professional judgment, has the potential to be harmful, dangerous, or inappropriate.

## II. Medication During School Hours

A. Every effort should be made to schedule medication at home outside of ~~school hours~~ regular school activities.

1. Daily/once a day medications will not be administered during ~~school hours~~ regular school activities.

The school nurse will contact the school physician to determine the medical rationale for administering the medication during ~~the school day~~ regular school activities.

2. Missed doses of medications will not be administered during ~~school hours~~ regular school activities.
3. Morning doses of medication will be administered at home prior to the student coming to school.
4. Schedule medications will only be administered on an *everyday* basis with the exception of prescribed as needed (PRN) medications.

B. Every effort will be made to schedule medication during non-academic times during ~~the school day~~ regular school activities.

C. Daily and scheduled medications will be administered by the school nurse in the health suite.

## III. Medication Orders - Parental/Guardian Consent

~~Physician~~ Health care provider and parent/guardian permission are both required for any Medication Administration. The protocols and policies are the same for over the counter and prescription medication and whether a Daily Scheduled or PRN Administered in the Tewksbury Public Schools.

A. **Medication order:** The school nurse shall ~~insure~~ ensure that a proper medication order from a licensed prescriber is renewed ~~as necessary~~, including the beginning of each academic school year and as clinically necessary. Medication orders are valid for one

school year only. A telephone or facsimile order from a ~~physician~~ **health care provider** for any change in medication shall be received only by the school nurse. The verbal order must be followed by a written **or electronic** order by the student's ~~physician~~ **health care provider** within three school days. Whenever possible, within a month of commencing the school year, the medication order and the administration plan shall be developed before the student enters or re-enters school. Emails or text messages will not be accepted for a medication order.

1. In accordance with standard medical practice, a medication order from a licensed prescriber shall contain:

- a. Student's name.
- b. Name and signature of the licensed prescriber and telephone number.
- c. Name of the medication.
- d. Dosage of medication.
- e. Frequency and approximate time of medication administration.
- f. Date of the order and discontinuation date.
- g. Diagnosis and other medical conditions requiring medication, if not a violation of confidentiality or if not contrary to the request of a parent/guardian to keep confidential.
- h. Specific direction for administration.

2. Every effort shall be made to obtain from the licensed prescriber the following additional information, if appropriate:

- a. Any ~~special~~ **student-specific** side effects, contraindications and adverse reactions.
- b. Any other medications being taken by the student.
- c. Date of next scheduled visit, if known.

3. **Standing orders/protocols:** The school physician will annually provide standing medication protocols for the administration of the following medications to be administered on as needed basis:

- a. Acetaminophen
- b. Ibuprofen
- c. **All available, FDA-approved, pre-dosed forms of epinephrine**

d. Benadryl or generic equivalent

e. ~~Liquid~~ antacids

f. Narcan or generic equivalent

g. Hand Sanitizer

4. The protocols will include the parameters including the weight of the student, the symptoms that are being experienced, and the number of doses that may be administered.

5. The school nurse at ~~his/her~~ **their** discretion may require a written order from the student's ~~primary care physician/HCP~~ **health care provider** for acetaminophen and ibuprofen.

The school nurse may at ~~his/her~~ **their** discretion allow the use of standing orders for a total of three consecutive doses.

## **B. Parent/Guardian Authorization**

The school nurse shall ensure that there is a written authorization by parent/guardian. Text or email requests will not be accepted. Telephone permission will be accepted for one day only and must be followed by written permission from the parent/guardian in cases of medications for which there are school protocols. Verbal permission will not be accepted for psychotropic drugs, insulin orders, or opiate pain medication or any other prescription medication.

The school nurse shall ensure a reasonable effort is made to obtain written authorization by parent/guardian which contains:

the parents/guardian printed name, signature and emergency phone numbers;

a list of all medications the student is currently receiving if not a violation of confidentiality or contrary to the request of the parent/guardian, that such medications not be documented;

approval to have the school nurse administer the medication, or in the cases of field trips or special situations ~~within the school day~~ **during regular school activities** when the school nurse may delegate medication administration to a specially trained **unlicensed** school ~~employee~~ **personnel**.

## **C. Medication Administration Plan**

1. A medication administration plan shall be established for each student who has orders for medication by the school nurse and in collaboration with parent/guardian whenever possible. The student, whenever possible (the DESE requires student

consent for age 18-21 and student participation in the plan after age 14 if appropriate), shall be involved in the decision-making process. Such plan may be referenced in the student's IEP with parent(s)/guardian(s) consent.

2. Prior to the initial administration of the medication, the school nurse shall assess the student's health status and develop a medication administration plan to include:

- a. Name of student.
- b. An order from a licensed prescriber, including telephone number.
- c. Signed authorization of the parent/guardian, including home and business telephone numbers.
- d. Any known allergies to food or medications.
- e. Diagnosis, unless a violation of confidentiality or the parent/guardian or student requests that it not be documented.
- f. Name of medication.
- g. Dosage of the medication, frequency of administration.
- h. Specific directions for administration.
- i. Possible side effects, adverse reactions or contraindications.
- j. Quantity of medication to be received by school from ~~the~~ parent/guardian or other adult.
- k. Required storage conditions.
- l. Duration of prescription.
- m. Plans, if any, for teaching self-administration of medication.
- n. When appropriate and with parental/guardian permission, other persons, including teachers, to be notified of medication administration and possible adverse effects.
- o. List of other medications being taken by student, if not a violation of confidentiality or contrary to the request of the parent/guardian or student that such medication not be documented.
- p. Provision for medication administration in case of field trips and other short-term special school events that occur during ~~the school day~~ regular school activities.

- q. The school nurse shall develop a system so as to identify each student who receives medication.
- r. Significant observations relating to the medication effectiveness and/or adverse reactions or other harmful effects will be communicated to the student's parent/guardian.
- s. In accordance with standard nursing practice, the school nurse may refuse to administer any medication, which, based on **their** individual assessment and professional judgment, has the potential to be harmful, dangerous or inappropriate.

In these cases, the parent/guardian and licensed prescriber and school physician shall be notified immediately by the school nurse and the reason for refusal explained. Such refusal will be documented on the medical record.

- t. The school nurse shall have ~~a current drug reference available for use~~ **access to current, peer-reviewed medication references.**

#### IV. Special Medication Situations

##### **A. Short-term medications, i.e., those requiring administration for ten school days or fewer**

- 1. The pharmacy-labeled container may be used in lieu of a licensed prescriber's order.
- 2. If the school nurse has a question, she may request that the licensed prescriber provide a written order for the medication.
- 3. Written parent/guardian permission is required.
- 4. Medication must be delivered to school by the parent/guardian.
- 5. Self-administration is not permitted for short term medication with the exception of inhalers.

##### **B. "Over-the-Counter" medications, i.e. those medications that can be obtained without a prescription. Cough drops are considered over the counter medications**

(Mass General Laws Chapter [30A Section 8](#) and Chapters [112 Section 80B](#))

- 1. A written order from the licensed prescriber is required in accordance with the regulations of the Board of Registration of Nursing which must contain:

- a. Drug name
  - b. Dose to be administered
  - c. Dosage Frequency
  - d. Indications for use
  - e. Contraindications
  - f. Potential side effects
2. Written parent/guardian consent for permission is required. At the school nurse discretion, a one-time phone permission for acetaminophen or ibuprofen will be permitted. The school nurse will send home the parent/guardian permission form to be completed and returned the next day. A facsimile permission is acceptable to be followed with a written parent/guardian permission form.
  3. Self-administration is not permitted for any over the counter medication with the exception of cough drops.
    - a. Student will only have one dosage on person.
    - b. Student will return to the health room for each dose.
  4. Over the counter medications must be provided by the parent/guardian in the original, manufacturer's package/container that is unopened when delivered to school nurse.
  5. Prior to administration, the school nurse will review and assess the need for medication, the student's current medication profile, and the student's history of allergies.
  6. Documentation of OTC medication administered will be consistent with documentation of prescription medication.

**C. Investigational Drugs** may be administered in the schools under the following conditions and after consultation with the school physician:

1. With a written order by a ~~licensed physician~~ **healthcare provider**.
2. Written consent of the parent/guardian.
3. A correctly labeled and current pharmacy labeled container for dispensing.
4. Prior to administration the school nurse will seek consultation and approval from the school physician to administer the medication in the school setting.

**D. Opiate Pain Medication** may be administered in the schools under the following conditions, and only when the interval between doses requires administration during ~~school hours~~ **regular school activities**:

1. For the management of chronic, intractable pain.
2. With a written order from the prescribing ~~physician~~ **healthcare provider**.
3. With written permission from the parent/guardian.
4. No self-administration will be permitted.
5. Medication must be administered in the health suite by the school nurse.
5. The school nurse leader and school physician will be consulted prior to administration.
7. Medication must be delivered to the school by the parent/guardian only.
8. Only three doses of medication may be delivered to the school by the parent/guardian.
9. No student who has been administered opiate pain medication will be permitted to operate equipment including a motor vehicle. When opiate medication is administered, the parent/guardian will be notified and the student will be picked up from school.
10. The school nurse will monitor the therapeutic benefits and ~~sides~~ effects.
11. Each dose of the medication will be counted and documented ~~on~~ **in** the ~~Medication count sheets~~ **EHR** which will be part of the cumulative health record.

**E. Intravenous and Medication Administration through Central Lines including Peripherally Inserted Central Catheter**

1. Intravenous medications will be infused only through a peripheral line and not a central line by the school nurse.
2. The school nurse will not perform routine dressing changes related to these sites.
3. The increased complexity of central line and intravenous medication will require that prior to the administration of the medication the school nurse will have demonstrated and documented competency and updated training by MASSTART or another professional nursing/medical institution and its nursing personnel.
4. The school nurse will have a written order from the ~~physician~~ **healthcare provider**.

5. A written prescription from the ~~physician~~ **healthcare provider** must accompany the fluids and be placed on file in the health office. First dose of any medication must be administered at home.
6. The school nurse will not mix the medications. The medication must be pre-mixed by the pharmacy. Correct and up to date labeling of the medication will be labeled on the IV fluid bottle.
7. The peripheral line will be checked by the school nurse at the beginning of the day to ~~insure~~ **ensure** the infusion needle is adequately secured in place. If the nurse is unsure, the parent/guardian is to be contacted to come to the health office to check for placement and security of the infusion needle. The student may be referred to the health care provider.
8. The nurse will provide emergency care as needed (bleeding from the site, needle pulled out, allergic reaction, etc.). The parent/guardian will be notified and the student will be dismissed for further evaluation.
9. The infusion must be given by a portable infusion pump. The pump must be small and be carried by the student. No large pumps or rolling IV poles will be permitted.
10. The school nurse will meet with the parent/guardian for the development of a health care plan prior to the student returning to school and before medication administration in school commences.

## **V. Self Administration and Self-Carry of Medications**

**A.** "Self-administration" means that the student is able to consume or apply medication in the manner directed by the licensed prescriber, without additional assistance or direction. The only categories for self-administration are:

1. **All available, FDA-approved, pre-dosed forms of epinephrine**
2. Insulin administration.
3. Pancreatic enzymes (for patients with cystic fibrosis).
4. Inhalers for the management of asthma.
5. Topical ointments/creams prescribed.

**B.** A student may be responsible for self-administration of ~~his/her~~ **their** own medication, **consistent with school policy, the school nurse may permit self-administration of medication by a student provided that the following requirements are met:** ~~after the school nurse has determined that the following requirements are met:~~

1. The student, school nurse and parent/guardian, where appropriate, enter into an agreement, which specifies the conditions under which medication may be self-administered (Self-administration agreement.), **which may include the conditions under which a student may self-carry medication or whether the medication being self-administered is being taken or applied by the student themselves or with an FDA-approved medical device;**
2. The school nurse, if so ~~determines~~ **determined**, based on a nursing assessment of the medication, its side effects, the time and route of administration and the cognitive development of the student develops a medication administration plan, **pursuant to 105 CMR 210.005(E)** which contains only those elements necessary to ensure safe self-administration of medications.
3. The school nurse is reasonably assured that the student is able to identify the appropriate medication, knows the frequency and time of day for which the medication is ordered.
4. There is a written authorization from the student's parent/guardian that the student may ~~self-medicate~~ **self-administer medication**, unless the student has consented to treatment under M.G.L. c. **112 § 12F** or other authority permitting the student to consent to medical treatment without parental/guardian permission.
5. The school nurse will request that the licensed prescriber provide a written order for self-administration.
6. The student's self-administration is monitored based on ~~his/her~~ **their** cognitive abilities, physical abilities and health status.
7. With parent/guardian and student permission, and only as appropriate, **if required by law**, the school nurse may inform appropriate teachers and administrators that the student is self-administering **and/or self-carrying** a medication.
8. As necessary, the school nurse will consult with administration, student and parent/guardian to determine a safe place for storing medication that are being self-administered. In the case of an inhaler or other preventive or emergency medication, whenever possible, a backup supply of the medication shall be kept in the health room or a second readily available location.
9. The Tewksbury Public Schools cannot be held responsible for a student missing a dose when a student is self-administering,

## **VI. Handling, Storage and Disposal of Medications**

- A. A parent/guardian or parent/guardian designated responsible adult shall deliver all medication to be administered or to be taken by ~~self-medicating~~ **self-administering**

students (if required by the self-administration agreement) to the school nurse **or other person designated and trained by the school nurse to receive medication.**

All medications shall be delivered to the school under the following conditions:

- a. The medication must be in a pharmacy or manufacturer labeled container that is current and appropriately labeled with the current date and dosage of medication.
- b. The school nurse receiving the medication shall document the quantity of medication delivered. In cases of psychotropic medications and opiate pain medication the school nurse will count with the adult delivering the medication to verify the amount received.
- c. In extenuating circumstances as determined by the school nurse, the medication may be delivered by **another** responsible adult, provided that the school nurse is notified in advance by the parent/guardian of the delivery of medication beforehand and the quantity of medication being delivered to the school.

**B.** All medications shall be stored in their original pharmacy or manufacturer labeled containers and in such manner as to render them safe and effective.

Expiration dates shall be checked and documented.

**C.** All medications to be administered shall be kept in a securely locked cabinet used exclusively for medications, which is kept locked except when opened to obtain medications with the exception of ~~Epipens~~ **Epinephrine** and inhalers.

1. The cabinet shall be substantially constructed and anchored securely to a solid surface.
2. The cabinet will contain two locks that require two different keys to access.
3. ~~Medications requiring refrigeration shall be stored in the health room refrigerator with access available only to the school nurse.~~ **Medications requiring refrigeration shall be stored in either a locked box in a refrigerator or in a locked refrigerator maintained at temperatures between 36°F (2°C) to 46°F (8°C). Medications requiring freezer storage shall be stored in either a locked box in a freezer or in a locked freezer maintained at temperatures between -13°F (-25°C) to 14°F (-10°C).**

**D.** Parents/guardians may retrieve the medications from the school at any time.

E. No more than a thirty (30) school day supply of the medication for a student shall be stored at the school, **with the exception of multidose devices, which may contain more than a 30-day supply.**

F. Where and when possible, all unused, discontinued or outdated medications shall be returned to the parent/guardian and the return appropriately documented. After discontinuation of a medication, if the parent/guardian has not picked up the medication within one week, the medication shall be discarded. All medications should be returned at the end of the school year. If at the last day of the school year the parent/guardian has not picked up the medication, the medication will be discarded.

1. **The** parent/guardian will be informed at the time of the delivery of the medication of the process of pick-up of medication.
2. A notice will be sent home with the student, reminding parents/guardians of the requirement to pick up the medication by the last day of school.

## **VII. Administration of **any available, FDA-approved, pre-dosed forms of epinephrine** to Individuals Experiencing Life Threatening Allergic Reaction**

### **A. Administration of Epinephrine by Non-Licensed ~~Nursing~~ **School** Personnel**

1. The Tewksbury Public Schools will register with the Department of Public Health for the limited purpose of permitting properly trained school personnel to administer **epinephrine** in a life threatening situation during the school day when a school nurse **is** not immediately available, including field trips. The school nurse may train unlicensed ~~nursing~~ **school** personnel to administer **epinephrine** to individuals with **diagnosed life-threatening allergic events** only.

The registration is valid for **one** years.

2. The training program will be managed with full decision making authority by the school nurse leader and at the school level by the school nurse in consultation with the school physician.
3. **All Tewksbury Public School staff are trained annually in Epinephrine administration,** ~~The school nurse leader/school nurse in consultation with the school physician and school department administration will select the individuals authorized to administer **epinephrine**. Persons authorized to administer **an epinephrine** and will meet the requirements of CMR 210.004.~~

**B. ~~The~~ All school personnel **are** authorized to administer **epinephrine** and are trained and tested for competency by the designated school nurse leader or responsible school nurse,**

in accordance with standards and a curriculum established by the Massachusetts Department of Public Health.

**C.** The Tewksbury Public Schools will conduct this training prior to the start of each academic year and once during the year prior to a field trip, **if applicable**.

1. The designated school nurse leader or responsible school nurse, or school nurses designated by this person, shall document the training and testing of competency.
2. The designated school nurse leader or responsible school nurse, shall provide a training review and informational update ~~at least twice a year~~ **annually and prior to any field trip**.
3. The training, at a minimum includes:
  - a. procedures for risk reduction
  - b. recognition of the symptoms of a severe allergic reaction;
  - c. the importance of following the medication administration plan;
  - d. proper use of the **epinephrine**
  - e. requirements for proper storage and security
  - f. notification of appropriate persons following administration; and record keeping.
4. The school shall maintain and make available, upon request by parents/guardians or staff, ~~a list~~ **documentation** of ~~those~~ **the unlicensed** school personnel authorized and trained to administer **epinephrine** in an emergency, when the school nurse is not immediately available.

**D.** Epinephrine shall be administered by non-licensed ~~nursing~~ **school** personnel only in accordance with an individualized medication administration plan satisfying the applicable requirements of 105 CMR 210.005(E) and 210.009(A)(6), updated every year, which includes the following:

1. A diagnosis by a ~~physician~~ **healthcare provider** that the child is at risk of a life threatening allergic reaction and a medication order containing proper dosage and indications for administration of epinephrine;
2. Written authorization by a parent or legal guardian;
3. Home and emergency number for the parent(s) or legal guardian(s), as well as the names(s) and phone number(s) of any other person(s) to be notified if the parent(s)/guardian(s) are unavailable;

4. Identification of places where the epinephrine is to be stored, following consideration of the need for storage:
  - a. at one or more places where the student may be most at risk;
  - b. in such a manner as to allow rapid access by authorized persons, including possession by the student when appropriate;
  - c. in a place accessible only to authorized persons. The storage location(s) should be secure, but not locked during those times when epinephrine is most likely to be needed, as determined by the school nurse;
5. A plan for comprehensive risk reduction for the student, including preventing exposure to specific allergens; and
6. An assessment of the student's readiness for self-administration and training, as appropriate.

E. When epinephrine is administered, there shall be immediate notification of the local Emergency Medical Services System (generally 911), followed by notification of the student's parent(s)/guardian(s). ~~or, if the parent(s) or guardian(s) caregiver(s) are not available, any other designated person(s), the school nurse, the student's physician healthcare provider, and the school physician, to the extent possible; because of the danger of biphasic reactions, the child will be transported by trained emergency medical personnel to the nearest emergency medical facility.~~ **If epinephrine is administered by unlicensed school personnel, the school nurse, and other individuals as warranted and deemed appropriate by the school nurse, must also be notified**

1. The school nurse will, in association with the individual administering **of epinephrine**, complete the MDPH Epinephrine Administration Form.
- ~~2. The school nurse in association with the individual administering the EpiPen will be responsible for the completion and filing of the MDPH 911 Emergency Form.~~

F. Epinephrine may be administered in accordance with these regulations in before and after school programs as offered including athletic program, extended day, after school clubs and enrichment programs provided that the Tewksbury Public Schools is registered with **the** Department of Public Health pursuant to CMR 210.000.

1. The Tewksbury Public Schools will identify the school official along with the school nurse for each school responsible for determining which before and after school programs and special events are to be covered by the policy.
2. The designated school nurse approves administration of Epinephrine in that program and selects the properly trained person to administer.

3. The school complies with the requirements including immediate notification of emergency medical services following administration.
4. The school nurse will be notified as soon as the Epinephrine has been administered.

#### **VIII. Medication Administration for Field Trips ONLY During the School Day**

**A.** The Tewksbury School Committee under the authorization of the school nurse leader and school physician will register with the MDPH for permission to delegate to unlicensed ~~school~~ personnel, medication administration for field trips.

**B.** ~~The school nurse, in consultation with the school physician, and school administration shall have final decision-making authority with respect to delegating administration of medication to unlicensed school personnel.~~ The school nurse has final decision-making authority for the provision of medication administration in the case of field trips and other short-term special school events, which may include nursing staffing, delegation of medication administration, or a combination of nursing staffing and delegation of medication administration.

1. Delegation of medication administration to unlicensed ~~nursing~~ school personnel will be to Tewksbury Public Schools' employees only.
2. The school nurse shall supervise the training of the designees consistent with the MDPH requirements.
3. The school nurse will document any such training and evidence of competency of unlicensed ~~nursing~~ school personnel designated to assume the responsibility for medication administration.
4. The school nurse shall provide a training review and informational update at least annually for those school employees.

**C.** When medication administration is delegated by the school nurse, such personnel shall be under the supervision of the school nurse.

**D.** A school nurse shall be on duty in the school system while medications are being administered by designated unlicensed school personnel and available by telephone for consultation.

**E.** Written parental/guardian consent is required for delegation.

**F.** The administration of parenteral medications may not be ~~delegated~~ with the exception of Epinephrine when the child has a known allergy and there is an individual order for

administration of the medication from a licensed prescriber and with written consent of the parent/guardian.

**G.** The school nurse has no authority to delegate medication administration to unlicensed nursing school personnel on out of state field trips.

The school nurse is not licensed to practice nursing outside of the Commonwealth of Massachusetts.

**I.** Medication requiring a skilled nursing assessment prior to administration cannot be delegated to non-nursing licensed personnel.

## **IX. Documentation and Record-Keeping**

**A.** The school nurse shall maintain a ~~written~~ medication administration record for each student who receives medication during school hours.

1. Such record shall include a daily log and a medication administration plan, including the medication order and parent/guardian authorization.

2. The medication administration plan shall include the information described earlier.

3. The school nurse will use the electronic health record (EHR) medication daily log for each medication that is to be administered. The daily log shall contain:

a. The dose or amount of medication administered.

b. In cases where different doses are administered at the same time, the school nurse will use different daily logs for each medication.

c. PRN (as needed) medications will be documented on the EHR as PRN.

d. As per the medication plan, and at the developmental level of the school nurse will notify the parent/guardian of the administration of as needed medication.

In cases where two doses of medication are administered during the school day, the parent/guardian will be notified

e. The date and time of administration or omission of administration, including the reason for omission, and action taken post omission.

f. The full name of the nurse administering the medication. ~~If the medication is given by a "sub nurse", he/she will initial the EHR in the notes section.~~

- g. The school nurse shall document in the medication administration record significant observations of the medication's effectiveness, as appropriate, and any adverse reactions, as well as any action taken.
- h. The school nurse will notify the parent/guardian and/or ~~physician~~ **healthcare provider** and ~~so~~ document in the ~~health record~~ **EHR** of any adverse reactions to the medication.
- i. All documentation shall be recorded in the EHR, ~~and shall not be altered.~~ **in a manner that prevents alteration or destruction of the record.**
- j. The completed medication administration record shall be archived in the student's electronic health record. When the parent/guardian or student, where appropriate, objects, these records shall be regarded as confidential medical notes and shall be kept confidential.
- k. Beginning in 2012, medication orders will be entered into the Electronic Health Record. ~~Documentation will take place on both the medication log and in the Electronic Health Record.~~

**B.** The Department of Public Health may inspect any individual student medication record or record relating to the administration or storage of medications without prior notice to ensure compliance with the Regulations Governing the Administration of Prescription Medications in Public and ~~Private~~ **Non-Public** Schools.

## **X. Reporting and Documentation of Medication Errors**

**A.** A medication error includes any failure to administer medication as prescribed for a particular student, including failure to administer the medication:

- 1. Within appropriate time frame (30 minutes prior and 30 minutes after.)
- 2. In the correct dosage.
- 3. In accordance with accepted practice.
- 4. To the correct student.

**B.** In the event of a medication error, the school nurse shall notify the parent/guardian immediately. The nurse shall document the effort to reach the parent/guardian. If there is a question of potential harm to the student, the nurse shall also notify the student's licensed prescriber or school physician.

**C.** Medication errors shall be documented by the nurse on the Medication Error Report form. A copy will be provided to the school nurse leader. These reports shall be retained

in the medication error file. The school nurse leader will notify the school physician. They shall be made available to the Department of Public Health upon request.

**D.** All medication errors ~~resulting in serious illness~~ requiring medical care **or ongoing assessment** shall be reported, **as instructed**, to the Department of Public Health, ~~Bureau of Family and Community Health~~.

**E.** All suspected diversion or tampering of drugs shall be reported to the building Administrator, the Superintendent of Schools, the local police and the Department of Public Health, ~~Division of Food and Drugs~~ **Drug Control Program**.

**F.** The school nurse leader and the school physician shall review reports of medication errors and take necessary steps to ensure appropriate medication administration in the future.

#### **XI. Response to Medication Emergencies**

**A.** The school nurse will assess the child, contact the child's prescribing ~~physician~~ **healthcare provider** and parent/guardian and call EMS services or initiate any other action for transport as ordered by the ~~physician~~ **healthcare provider**.

**B.** In an emergency situation, per standing orders and medication protocols the school nurse may administer **epinephrine** (~~Epipens~~) to a student who is assessed to be at risk for or is exhibiting symptoms of **an** anaphylactic reaction.

**C.** The school nurse shall maintain a list of emergency contact phone numbers for each student.

#### **XII. Dissemination of Information to Parents or Guardians Regarding Administration of Medication**

**A.** An outline of the above medication policies is available to parents/guardians upon request.

**B.** A summary of medication procedures is outlined in the ~~parent's~~ **schools** newsletter at least annually.

**C.** This policy is available on line on the Tewksbury Public School's website.

#### **XIII. Procedures for Resolving Questions between the School and Parents/Guardians Regarding Administration of Medications**

The proper channeling of complaints involving medication administration is as follows:

1. The school nurse,
2. The school nurse leader,

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy.

3. The school physician, and

4. The Superintendent of Schools

#### **XIV. Policy Review and Revision**

Review and revision of these policies shall occur as needed but at least every two years.

Also see:

Copy of Mass General, §§ [74-81C](#), "Professional Nursing" Defined

Policy of the Board of Registration in Nursing for non-prescription medications.

MGL. Chapter [71:Section 54 B](#)

Massachusetts Nurse Practice Act Chapter 112 Section 80 B

Adopted: November 20, 2013

REVISED: April 13, 2016

**Reviewed & Revised:**

4-16-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.

3-11-2025 Information Reading: Recommendation of the Policy Subcommittee to revise the policy

**File: JLCDA - DELEGATION OF ~~PRESCRIPTION~~ MEDICATIONS FOR FIELD TRIPS AND SHORT TERM SPECIAL SCHOOL EVENTS**

Several field trips and short term special school events, some of which involve out-of-state travel, are planned for students each year. **The school nurse must be notified of all field trips as soon as they are approved by administration. The review of medical needs of students attending is crucial.**

Because anticipated student participants are required to take or may be in need of medication while on these school-sponsored trips, the Tewksbury Public Schools will register with the Department of Public Health for the purpose of obtaining permission to delegate the administration of medications during field trips. Field trips are defined by the Department of Public Health as follows: "Field trips include unique one-time events which are not part of the regular school schedule and involve travel from the school site.

Under this limited delegation, the site-based School Nurse would be able to train the appropriate **unlicensed** school personnel who would be participating in each field trip to administer medications in accordance with DPH Health Regulations 105 CMR 210.000.

SOURCE: Tewksbury

**Revised & Adopted:**

4-16-2025 Second & Final Reading: Recommendation of the Policy Subcommittee to revise the policy.  
3-11-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.  
2-5-2025 Informational Reading: Recommendation of the Policy Subcommittee to revise the policy.

## **File: JLCA - PHYSICAL EXAMINATIONS OF STUDENTS**

### **The Tewksbury Public Schools will comply with 105 CMR 200 regarding the Physical Examination of Students**

The Tewksbury Public School District strongly encourages the performance of mandated physicals by the family's own **healthcare provider** whenever possible. The referring **healthcare provider** shall promptly notify the student's parent(s) or legal guardian(s) of any disabilities or medical conditions found during physical examinations of a student. **The school physician will be available for consultation.**

### **Entry into School**

M.G.L. Ch71 s57 and 105 CMR 200.000-200.920 require physical examinations of school children:

Within one year prior to entrance to school or within 30 days after school entry and at intervals of either three or four years thereafter;

### **Periodic Examination**

The Tewksbury Public Schools have designated required subsequent physicals in grades 4, 7 and 10; A physical exam is required for a preschool student, kindergarten, grade 4, grade 7 and grade 10. **It is also encouraged that physical exams be submitted to the school nurse every year, so that students' health information can be kept current.**

### **Transfer Students**

A student transferred from another school system shall be considered as an entering student. (See School Admissions - Policy JF.) Health records transferred from the student's previous school may be used to determine compliance with this requirement;

### **Employment Certificates**

Students under 16 and over 14 years of age requesting employment certificates;

### **Athletic Physicals**

Prior to a student's participation in competitive athletics, on an annual basis;

Chapter 1 Massachusetts Interscholastic Athletic Association (MIAA) Rule 56.1 Student Eligibility: Physical Examinations:

4-16-2025 Second & Final Reading: Recommendation of the Policy Subcommittee to revise the policy.  
3-11-2025 First Reading: Recommendation of the Policy Subcommittee to revise the policy.  
2-5-2025 Informational Reading: Recommendation of the Policy Subcommittee to revise the policy.

All students must pass a physical examination prior to participation in high school athletics. A physical **examination** must be performed by a duly registered **healthcare provider**.

### **Other Circumstances**

The School Committee shall ensure that a student is referred and examined by the student's **healthcare** provider for the following situations:

1. Frequent absences due to unexplained illness;
2. Known or suspected physical disabilities or medical conditions that require appraisal;
3. Referral by the school nurse;
4. At any time to determine the presence or absence of communicable or contagious diseases.

If the child does not have a primary **healthcare provider**, the school nurse will consult with the school physician and provide the parent/guardian with referral sources to fulfill the mandated requirement.

LEGAL REFS.: M.G.L. [105](#) CMR 200 MIAA 56.1

Revised: January 18, 1996

Revised: August 20, 2014

**Revised:**

SOURCE: MASC Policy

LEGAL REFS.: M.G.L. [71:53](#); [71:54](#); [71:56](#); [71:57](#)

CROSS REF.: [JF](#), School Admissions