

MSEC
Merrimack Vocational High School
Student Handbook



Merrimack Special Education Collaborative

248 Boston Street • Topsfield, MA 01983

Tel: (978) 528-7850

www.merrimackcollaborative.org



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Introduction

The Merrimack Special Education Collaborative (MSEC) is an affiliation formed by geographically proximate public school districts for the purpose of better serving the needs of eligible students. Member school districts include Billerica, Dracut, Groton-Dunstable Regional, North Middlesex Regional, Tewksbury, Chelmsford, Tyngsborough, Westford, Nashoba Valley Technical High School, and Whittier Regional Vocational Technical High School.

These school districts have collaboratively developed a variety of services through MSEC, including:

- Academic programs
- Computer linkage
- Professional development
- Transportation
- Related therapies (speech and language, physical therapy, occupational therapy, home facilitation, behavior intervention, etc.)

The academic programs are designed to provide individualized educational programs in the least restrictive setting. Children's progress in each program is carefully monitored in order to maintain a close partnership with the local sending school and parents/guardians. Programming is adjusted as needed to assure progress and transition to the next less restrictive program as soon as appropriate.

MSEC is proud to provide quality services to children in response to the needs of the sending school districts.



Merrimack Special Education Collaborative Mission Statement

The Merrimack Special Education Collaborative (MSEC) is a Massachusetts Department of Education approved public school entity. MSEC provides high quality academic, therapeutic and vocational services to individuals referred by local school districts and social service agencies. MSEC also provides ongoing professional development and training experiences for educators and educational agencies. Recognizing that the educational environment rapidly changes, MSEC creates, adapts, and provides flexible programming to address these evolving needs.

MSEC provides an environment within which students and others can maximize educational and/or occupational skills. By sharing its resources with multiple school districts and social service agencies, meeting or exceeding state standards, and achieving economies of scale, its programs maintain superior quality and reasonable costs.

Guiding Principles

- 1) MSEC is dedicated to doing what is in the best interest of the people we serve with a common goal to be supportive and compassionate.
- 2) MSEC values the reputation and client satisfaction we have built through understanding and quickly responding to customer needs.
- 3) MSEC is committed to providing cost effective services.
- 4) MSEC takes pride in our professionalism, high standards, integrity, and dedication to excellence in education and technology.
- 5) MSEC strives to tenaciously create new opportunities through diverse, flexible, and cutting edge solutions.
- 6) MSEC nurtures a collegial, supportive work environment built on trust, respect, and continuous professional growth and teamwork.
- 7) MSEC empowers all employees through collaborative problem solving, shared decision-making, and strong leadership and direction.
- 8) By collaboratively pooling customer resources, we are able to realize economies of scale, which our customers could not achieve individually.



JULY 2011

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

7/1 – 7/8: No School
7/11: First Day of Summer Program

AUGUST 2011

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

8/19: Last Day of Summer Program
8/22-8/31: No School for Students
8/30-9/2: Teacher Week
8/29: Staff Orientation Day

SEPTEMBER 2011

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

8/30-9/2: Teacher Week
9/5: No School, Labor Day
9/6: First Day of Fall Session
(19 School Days)

OCTOBER 2011

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

10/10: No School, Columbus Day
(20 School Days)

NOVEMBER 2011

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

11/11: No School, Veterans day
11/23: ½ Day, Thanksgiving Recess
11/24-11/25: No School, Thanksgiving Recess
(19 School Days)

DECEMBER 2011

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

12/23-12/30: No School, Christmas Break
(16 School Days)

JANUARY 2012

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

1/2: No School, New Year's
1/16: No School, Martin Luther King Day
(20 School Days)

FEBRUARY 2012

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

2/20-2/24: No School, February Vacation
(16 School Days)

MARCH 2012

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

3/14: No School, Professional Development
(21 School Days)

APRIL 2012

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

4/6: No School, Good Friday
4/16 – 4/20: No School, April Vacation
(15 School Days)

MAY 2012

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

5/28: No School, Memorial Day
(22 School Days)

JUNE 2012

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

6/18: Last Day, No Snow Days
(12 School Days)



Merrimack School Philosophy

MSEC alternative programs are alternative education settings providing both academic and social-emotional education to adolescents who are not meeting the demands of the more traditional academic environments. Students will develop both academic and social skills toward the goal of becoming responsible contributing adults.

The program utilizes a Reality Therapy Approach consisting of seven basic principles:

- 1) Establish rapport/relationships with the students.
- 2) Deal with present behaviors...i.e., ask “what”, not “why”.
- 3) Have the students make a value judgment regarding behavior/attitude.
- 4) Make a plan to deal with the behavior/attitude.
- 5) Get a commitment of the plan from the students.
- 6) Accept NO excuses-show the students they can control themselves and the situation.
- 7) Do not use punishment – only natural consequences; the responsibility for change is then on the students.

To this end, a peer group is developed within the school community. Both positive and negative behaviors and attitudes are addressed and confronted in the group situation. The students are made aware of these behaviors and make a commitment to the group to change. The students are taking responsibility for themselves. Through this process the students learn that they are capable of behaving in a responsible manner, that they are capable of making good decisions, and consequently increasing their self-esteem.

School Year

September 6, 2011 - June 18, 2012



List of Holidays for 2011-2012

July 11	First Day of Summer School
September 6	First day of fall session
October 10	Columbus Day
November 11	Veterans Day
November 24-26	Thanksgiving Recess *24 half-day - 12:00 noon dismissal
December 24 -January 3	Winter Recess
January 17	Martin Luther King Day
February 20 -24	February Recess
March 14	Staff Professional Development Day-No School
April 16 - 20	April Recess
May 28	Memorial Day
June 18	Last Day of School ***



Merrimack Vocational High School
248 Boston Street, Topsfield, MA 01983
(978) 528-7850
Daily Routines

Time	Monday	Tuesday	Wednesday	Thursday	Friday
8:00 - 8:30	Arrival	Arrival	Arrival	Arrival	Arrival
8:30 - 8:45	Morning meeting	Morning meeting	Morning meeting	Morning meeting	Morning meeting
8:45 - 9:25	1 st Period	1 st Period	1 st Period	1 st Period	1 st Period
9:25 - 10:05	2 nd Period	2 nd Period	2 nd Period	2 nd Period	2 nd Period
10:05 - 10:30	Break	Break	Break	Break	Break
10:30 - 11:10	3 rd Period	3 rd Period	3 rd Period	3 rd Period	3 rd Period
11:10 - 11:50	4 th Period	4 th Period	4 th Period	4 th Period	4 th Period
11:50- 12:25	Lunch	Lunch	Lunch	Lunch	Lunch
12:25- 1:05	5 th Period	5 th Period	5 th Period	5 th Period	5 th Period
1:05 - 1:50	6 th Period Elective	6 th Period Elective	6 th Period Elective	6 th Period Elective	6 th Period Elective
1:50 - 2:00	Home Room	Home Room	Home Room	Home Room	Home Room



School Closing Due to Inclement Weather

The Merrimack School follows the Masconomet Public School System for cancellations due to inclement weather. If the MASCONOMET schools are closed, The Merrimack School will be closed. The announcement may be heard on the following radio stations: WNBZ 1450 AM and WBZ 1030 AM.

Delayed Opening

The delayed opening schedule is in accordance with the town in which you live and/or the town in which your child's program is located.

All other Residents

If your school is not in the MASCONOMET district and cancels school, the Transportation Collaborative will not transport. In the event of a delayed opening in all other towns, the Transportation Collaborative will transport according to the longest delay. Students will be picked up at the later hour (i.e., Lynn calls a 2-hour delay and Salem calls a 90 minute delay: pick up will be 2 hours later.)

Early Release

In case of a storm that develops in the middle of the day, the Senior Associate Director may make the decision to release students early in the sake of safety. Additionally, if the town in which your child's program is located has an early release, the MSEC classroom in that town will also have an early release. In this instance, we will contact you before your child is brought home. If you as a parent will be out of contact on a particular day, please let the driver and your child's teacher know in the morning where we should send your child if an early release is called.

NOTE: Please assure that your child has a current emergency card with proper telephone numbers and alternate caretakers.



Coordination & Collaboration with Public School Districts

Student Referral and Admissions

Prior to student placement in a MSEC program, the LEA will forward a comprehensive referral packet to the program in which the student's enrollment is to be considered. Upon receipt, the Program Director or his/her designee will work with the district to schedule a site visit and intake meeting, with the parents and district, at which time the Intake Coordinator will provide detailed information about the program as well as conduct a detailed student history interview. The Intake Coordinator will also conduct a tour of the program to include the classroom in which the student would be placed. Prior to enrollment, the sending district and parents must provide: a current, signed IEP, health and immunization records, and all required program forms.

Placement Meeting

Upon acceptance to a MSEC program, the LEA may schedule a Team meeting to determine placement. The placement shall meet the requirements of 34 CFR 300.552 and shall be held within ten school days following the meeting at which the Team developed the IEP. At the request of the parent, the placement meeting may be held at a later date.

Written Contracts

It is the responsibility of the LEA to enter into written contracts with the program of MSEC in which a student is being placed. In each such contract, MSEC will provide the following assurances:

- 1) Assurances on the part of MSEC that its program(s) will comply with all elements of the IEP for the student and shall provide, in writing, to the LEA detailed documentation of such compliance through completion of required student progress reports. (See Policy and Procedures Manual – Progress Reports).
- 2) MSEC will allow the placing school district to monitor and evaluate the education of the student and will make available, upon request, any records pertaining to the student to authorized school personnel from the LEA and the Department of Education in accordance with the Massachusetts Student Record Regulations.
- 3) MSEC shall allow the placing school district and/or the Department of Elementary and Secondary Education to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts' students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.



- 4) MSEC shall afford publicly funded students all the substantive and procedural rights held by eligible students, to be educated in the least restrictive environment, and shall comply with all other applicable requirements of the regulations and applicable policy statements and directives issued by the Department of Education.
- 5) MSEC assures the LEA that it does not deny a student access to its' programs or services on the grounds of race, color, religion, sexual orientation, or national origin, or qualified persons with disabilities.

Program Oversight

MSEC is responsive to the LEA, in ensuring that the student's IEP is being appropriately implemented and that the service delivery is aimed at assisting the student meet the goals identified on the student's IEP, and welcomes site visits by the LEA for program monitoring. Program visits by the LEA are documented in applicable student records.

Team Meetings

It is the responsibility of the LEA to schedule Team meetings. Team participants will include: parents/guardians, LEA designee, Program Director or his/her designee, classroom teacher, clinical and support services staff working with the student, designee of any district/agency cost sharing the placement (if applicable), and any other persons determined appropriate by members of the Team or invited by the parent/guardian.

Annually, and at the 3-year eligibility re-determination, the Team will evaluate the appropriateness of the student's placement in MSEC program as it relates to the student's needs as outlined in the IEP. Full consideration will be placed on transitioning the student to a less restrictive environment and, if determined appropriate, a transition plan will be implemented.

IEP Development and Implementation

The Program Director or his/her designee is responsible for overseeing the development and implementation of all components of the student's IEPs. MSEC Educational Team, including special education teacher, clinicians, and therapists (SLP, OT, and/or Vision staff in accordance with the student's IEP) re-evaluate the student's progress and current performance, determine if goals and benchmarks have been achieved and will then present recommendations to the Team at the IEP meeting. The Team will then prepare a new IEP for continued placement at MSEC program or movement to a new setting (see Planned Termination).

Testing for 3 year re-evaluations are the responsibility of the sending district. MSEC program staff can be available to complete educational assessments, which can be arranged with prior notification from the LEA. A minimum of 30 school days prior notification is required for testing completion.



Student Involvement

Upon reaching 14 years of age or upon entering the ninth grade, whichever comes first, the student will be invited to participate as a member of the Team and participate in the development of his/her own Individualized Education Plan (IEP).

The staff of the program and the parents may choose extend these rights to students under the age of 14 or to students who have not yet entered the ninth grade.

If for any reason, the student has not participated as a member of the Team, written documentation as to the circumstances for non-participation will be included in the IEP under Additional Information.

Student Participation and Consent at Age of Majority

When the student reaches age eighteen, he or she will have the right to make all decisions in relation to their special education programs and services. The LEA has the obligation to obtain consent from the student. To continue the student's special education program, MSEFC will work together with the LEA under the following conditions:

- 1) The parent will continue to receive written notices and information but will no longer have decision-making authority, except as provided below.
- 2) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority.
- 3) The parent shall not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
- 4) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP.
- 5) Such choice shall be made in the presence of the Team and shall be documented in written form.
- 6) The student's choice shall prevail at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
- 7) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice shall be made in the presence of at least one representative of the school district and one other witness and shall be documented in written form and maintained in the student record.



Transitioning to a Less Restrictive Environment

The programs of MSEC ensure flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a neighborhood public school or other community program or a period of transition from one program option to a less restrictive program option.

As a component of the intake/placement process, the sending district will identify student performance expectation for the re-entry to a public school setting. The Program Manager or his/her designee will work with the sending district to complete MSEC's Student Termination Plan form. This form will be reviewed at the annual team meeting through the Vision Statement process.

At each student's annual team meeting, program staff, the sending district, parents and students (if applicable), through the Vision Statement process, will identify if the student will be likely to transition back to the public school setting within that academic year. If it is determined that the student has reached the goals as outlined in the Student Termination Plan prepared by the sending district at intake, the team will then develop and implement the Student Termination Implementation Plan addressing the following areas:

- 1) Background information – statement of the students academic/behavioral/social-emotional needs and progress with specifics regarding what has been crucial to the student's success
- 2) School history – recommendation for school placement
- 3) Current educational needs – academic levels, accommodations, and materials needed in all subject areas
- 4) Access to regular education classes
- 5) Technology needs
- 6) Behavioral needs recommendations – plan, preferred activities, motivators, frequency
- 7) Learning style accommodations
- 8) Additional therapies – short statement of current functioning, accommodations, specific materials, service delivery
- 9) Therapeutic needs – individual/group therapy, daily/weekly check-ins/progress reports, outside therapist/community agency/physician(s) name and telephone numbers
- 10) Goals – transition into school, preparation for class



Written Notification and Communication

The Program Manager or his/her designee has the responsibility of notification and communication with school districts. The Program Manager or his/her designee may delegate other program staff in fulfilling the programs obligation to collaborate with the school districts. Such persons include the school secretaries, educational coordinators, clinicians, and nurses. The following is a guideline for delegation of collaboration and communication with sending districts.

- 1) School Secretary
 - a. Distribution of reports
 - b. Scheduling meetings
 - c. Distribution of attendance records
 - d. Medical emergency, injury or hospitalization
- 2) Clinicians
 - a. Student and family related issues
 - b. Medical emergency, injury or hospitalization
 - c. Behavior implementation plans/functional behavioral assessments
- 3) Educational Coordinators/Teachers
 - a. Alignment with district curriculum, education and graduation requirements (if applicable)
 - b. IEP implementation/revision, development/implementation of move to less restrictive environment or planned termination, and team meetings
 - c. Written progress reports to be written by service providers and sent to parents and LEA in a timely manner.
 - d. Ensure participation in state assessment programs in accordance with the student's IEPs
 - e. Progress reports.
- 4) Program Managers
 - a. Student and family related issues
 - b. Alignment with district curriculum, education and graduation requirements (if applicable)
 - c. Instances requiring disciplinary action
 - d. IEP implementation/revision, development/implementation of move to less restrictive environment or planned termination, and team meetings
 - e. Behavior implementation plans/functional behavioral assessments
 - f. Manifestation determination
 - g. Medical emergency, injury or hospitalization
 - h. Runaway student
 - i. Filing of a 51A against a staff person (applicable sending district)
 - j. Death of a student



Reports/Grades

Quarterly Reports/Report Cards

Report cards will be issued on a quarterly basis. A narrative report will be included with each quarterly report. The narrative report will describe actual work completed in academic classes as well as a social-emotional progress report.

A midterm report is also issued half way through each marking quarter.

These reports are sent to the parents, guardians, LEA’s and any other collaterals involved with the student.

Grades

Academic letter grades are based on actual achievement. Grades may be lower than the numerical average if a student is not completing the quality of work of which he/she is capable. Conduct, attitude, cooperation, and responsibility will all be considered in giving the grade.

The grading system:

A+	97 - 100	C+	77 – 79
A	94 – 96	C	74 – 76
A-	90 – 93	C-	70 – 73
B+	87 – 89	D	65 – 69
B	84 – 89	F	64 – below
B-	80 – 83	I	Incomplete

Credits

Credits are awarded at the end of each semester for classes that have been passed. Quarterly report cards are forwarded to the parents and LEA. Upon completion of the academic year, a transcript will be forwarded to the parents, guardians, LEA’s and any other collaterals involved with the student.

Scheduling

Student schedules will be established by The Merrimack School staff in accordance with the needs and course requirements of each particular student and their home school. Schedules may be revised during the year if deemed necessary.



State/District Wide Assessment

Both the Massachusetts Education Reform Law of 1993 and the Individuals with Disabilities Education Act—Amendments of 1997 (IDEA-97) require the full participation of students with disabilities in state and district wide testing programs. The Massachusetts Education Reform Law requires all students in publicly supported programs, including students with disabilities, to participate in MCAS, including students in educational collaborative's. The federal special education law, IDEA-97, requires that all children with disabilities participate in state and district-wide assessment programs, either:

- Routinely, as do non-disabled students; or
- With appropriate accommodations and modifications in administration where necessary; or
- Through alternate assessments for students who cannot participate in state and district wide assessments as determined by their IEP Team.

IDEA-97 also requires that students with disabilities be given the opportunity to participate in and make progress in the general education curriculum, with emphasis on being provided the supports and services necessary to ensure their success in this regard. This means that all students, even those with significant disabilities, must receive instruction that addresses, at minimum, the skills, concepts, and information supported by the learning standards in the Massachusetts Curriculum Frameworks that are taught to all students.

- 1) It is the responsibility of the Program Manager or his/her designee to ensure that all enrolled students have access to the general curriculum and are accessed via the MCAS in the following manner:
- 2) Ensure that all students with disabilities in the tested grades participate in MCAS in the manner prescribed by their IEP Team, and in accordance with student participation requirements described in the MCAS Alternate Assessment Educators Manual, and other MCAS publications.
- 3) Allocate and coordinate building resources, including personnel to assist the child's primary teacher, in order to ensure timely and appropriate participation by designated students with disabilities in MCAS Alternate Assessments.
- 4) Provide assurances that complete and accurate information on each student participating in MCAS Alternate Assessments is indicated on the Student Identification Form, student answer booklets, and other forms as appropriate, including proper identification and labeling of student portfolios.



- 5) For students participating in MCAS Alternate Assessments, ensure that student portfolios are completed and submitted no later than the due date as assigned by DESE.
- 6) For students participating in MCAS Alternate Assessments, monitor the alternate assessment process to ensure that student work is neither altered nor fabricated in a way that provides information that is false or portrays the student inaccurately.

The students' IEP Team is responsible for determining how each student will participate in MCAS, what accommodations, if any, will be necessary and the format of the Alternate Assessment portfolio evidences (*if Alternate Assessment is the assessment of choice*).

Examples of the methods that MSEC uses to compile portfolios are as follows:

- 1) Primary Evidence-samples of student work, instructional data, videotape and photographs
- 2) Secondary Evidence-narrative description, photographs, audiotape, reflection sheet, letters of support and other evidence at the discretion of the teacher



Granting of Diplomas and Certificates

In accordance with Massachusetts General Laws 69, s.1D and 71B, s.1, the requirements for the competency determination (performance at the level of 220 or better on the grade 10 MCAS in English language arts and mathematics) is a condition for high school graduation or receipt of high school diploma. The following procedures will be used in awarding diplomas to MSEC students:

- 1) All students of MSEC will participate in the MCAS testing program (or alternate assessment) according to the federal special education law and MCAS administration guidelines published by the Department of Elementary and Secondary Education.
- 2) At least one year in advance of a probable graduation date, the sending public school district has the responsibility to convene a Team meeting for annual review of the IEP. At this meeting, the public school district must indicate whether the student is expected to meet high school graduation standards and communicate the likelihood of graduation to the parent at the meeting and in the IEP that is proposed for the student. It is recommended that this dialogue begin upon the students' entrance into a MSEC high school program.
- 3) The standards for award of the high school diploma include requirements set by the district and state standards including the competency determination standard. However, by choosing to send a student to a MSEC program, the public school district is accepting the program as sufficient to meet local requirements that are necessary for graduation in addition to the competency determination.
- 4) Students funded by their public school who have satisfied MSEC curriculum and attendance policy, and who have achieved a passing or higher grade on the MCAS requirements are eligible for a high school diploma from their own sending school.
- 5) A sending public school district may issue a "certificate" to a MSEC student. The certificate may recognize achievement, attendance, course completion, or participation.
- 6) A MSEC student who receives a certificate, but who has not received a high school diploma or its equivalent will continue receiving publicly funded special education services as long as the student continues to meet the eligibility criteria for such services. The right to continued services will end when the student turns 22 or receives a high school diploma or its equivalent, whichever comes first.
- 7) A certificate issued to a MSEC student will only be called a "diploma" and indicate "high school graduation" if the student has met the state MCAS competency determination standard.
 - a. In these circumstances, the sending public school district may award a high school diploma to the student.
 - b. If the high school diploma is awarded, then the diploma will indicate that the student has met state standards for high school graduation, and that the diploma is awarded "by the [sending public school district] according to the standards of the Commonwealth of Massachusetts".



Home & School Contact, Visits, Telephone

The school staff welcomes and encourages communication between school and home. The staff communicates with parents on a regular basis, through telephone calls, daily communication books and progress reports. This contact is used to keep parents informed of student progress and to seek continuity of behavior management programs at home, in the community and at school.

Staff holds parent conferences and open house as appropriate to discuss programs, goals, progress, issues and concerns. Parent workshops are also held throughout the year on a variety of currently pertinent topics. A Parent Advisory Council (see that section) is annually organized for the purpose of advising the school on matters that pertain to the education, health, and safety of the students.

Parents are encouraged to contact teachers if they need assistance. If home intervention strategies appear necessary, staff can go to the home as determined by the Program Manager. On-going home visits are provided only when so indicated in a student's IEP.

Parents must make an appointment with the teacher if they wish to observe their child in a program. The observation appointments, generally up to an hour in length, are scheduled so as to limit disruption and overcrowding. Parents are expected to be as unobtrusive as possible, to avoid direct contact with the children and to hold questions and comments for a later date. Observations should not be discussed outside of the program in order to safeguard the confidentiality of the other children.

School telephone number as follows:

Merrimack Vocational High School, Topsfield
Charles LeBuff, Program Manager

978- 528-7851



Observation Procedures

The goal of the procedures outlined below is to allow a parent/legal guardian, consultant to the school system or evaluator to observe a student or program in order to gain the information the observer is seeking with as little disruption as possible to the students, staff, and educational process.

Please understand that an evaluator hired by the parent or guardian is observing on behalf of the parent or guardian and, therefore, the parent or guardian may not simultaneously observe the student or program. Additionally, it is anticipated that an evaluator will have the appropriate credentials or expertise to perform the observation, and will be attempting to provide objective data as part of an evaluation about the student or program upon which educational decisions can be based.

Any potential observer must complete and submit an "Observation Request Form" at least five (5) days in advance of any requested date for observation, except in exigent circumstances. This form asks observers to be as specific as possible about their requests, noting the purpose of their observation and whom or what they wish to observe. Due to the possible distraction caused by any visitor's presence, only one observer will be allowed to visit for two (2) consecutive classes/periods/therapy sessions or for a maximum of two (2) hours, at the discretion of the Program Director or his/her designee depending on the nature of the individual program being visited. Multiple appointments may be made to observe a variety of classes/periods/therapy sessions.

The Program Director or his/her designee shall have the sole discretion to approve observations and to determine the number, times, and dates of observations. Every effort will be made to accommodate the preferences of the observer as indicated on the "Observation Request Form" when possible. Under ordinary circumstances, observations are strongly discouraged during the first two weeks of school in September and January and during the month of June. After the form is submitted to the main office of the building in which the observation is sought, a designee of the Program Director will call the observer to schedule the visit and will send the observer written confirmation.

Observers are asked to be punctual on the date of the scheduled observation. Observers should arrive at the main office fifteen (15) minutes prior to the scheduled observation to sign in and otherwise comply with visitor procedures as set forth in the attached "Visitor Procedures." Late arrivals may have to reschedule their visit or wait until the following period to enter a classroom. Visitors are asked to limit the materials they bring with them. Food, drinks, books, catalogues, test reports, laptops, and other materials are discouraged, but a notepad is expected. Observers should not speak to staff or students during the observation or otherwise disrupt the class or therapy in anyway. In advance of an observation, an observer may request a conference with appropriate staff members. Such conferences may be limited by the availability of the particular staff member and shall be arranged at the discretion of the Program Director. A designated Merrimack Special Education Collaborative (hereinafter "MSEC") staff member will be assigned to accompany visitors throughout their observations and during such staff conferences.



Merrimack Special Education Collaborative School Visitor Procedures

While MSEC encourages the involvement of parents and community members in the education of MSEC's students, MSEC has a duty to protect the safety and confidentiality of its students, as well as to ensure that the educational process is not unnecessarily disrupted. As a result, certain rules and procedures must be followed to ensure that visits are beneficial to the visitors and not harmful to the students or the educational process.

Visitors will only be allowed to enter school buildings for purposes of pre-arranged meetings, visits, or observations. The only exception shall be for "quick visits" by parents guardians, and caretakers, for the purpose of dismissing a student, bringing in medications, dropping off forgotten lunches, gym clothes, et cetera. Such "quick visits" need not be pre-arranged; however, such visitors may not be allowed beyond the main office depending on the circumstances.

All visitors to the MSEC must report to the main office immediately upon entrance into a school building. All visitors whose destinations are other than the main office must sign in, noting the time of their arrival and identifying the location and purpose of their visit. These visitors must wear a visitor badge at all times while in the school building. The Program Director or his/her designee will designate a staff member to escort visitors to their appropriate destination.

Upon completion of their pre-arranged meetings, visits, or observations, all visitors shall proceed directly to the main office. They must sign out, noting the time of their departures, and return their visitor's badges. Visitors may not proceed to any areas of the building other than the designated locations of their meetings, visits, or observations, without first returning to the main office and obtaining express administrative approval to access other areas of the building.

Please see the attached "Observation Procedures" for more detailed procedures regarding arranging and attending an observation or visit of a program or classroom.



Merrimack Special Education Collaborative Observation Request Form

You should have received a copy of the MSEC’s “School Visitor Procedures” and “Observation Procedures” with this form. Please review those documents carefully before completing this form and again before arriving for your pre-arranged visit. Please thoroughly and carefully complete this form in order to help us best arrange for a visit that will meet your needs as well as cause minimum disruption to our students and staff. This form must be completed and returned to the main office of the building you wish to visit at least five (5) days prior to the date of any requested visit.

Name of student or program to be observed: _____

Please briefly describe the purpose of your observation: _____

Please identify which setting(s) you would like to observe:

___ Integrated Classes (please specify if you wish to see a specific class or subject area: _____)

___ Therapy Sessions (please specify if you wish to see a specific type of therapy: _____)

___ Special Education Classes (please specify if you wish to see a specific class or subject area: _____)

As stated in our “Observation Policy,” due to the distraction inherent in the presence of any outside observer, observations shall be limited to two (2) consecutive classes/periods/therapy sessions or for a maximum of two (2) hours, at the discretion of the Program Director of his/her designee depending on the nature of the individual program being visited. Given that limitation, please rank, in order of importance, the components of the program you wish to observe:

If you have particular questions about the program or there is general information that you would find helpful, please describe such information below so that we can have it prepared for you in advance of your visit. For example, you might be seeking information such as student/teacher ratios, a student’s schedule, class size, text used, etc.

Please list, in order of preference, several available dates on which you would like to observe. If your availability is limited to certain hours on any of these days, please note that as well:



If you are an individual authorized by the parent or legal guardian (i.e., an evaluator), please attach written documentation showing your status as an evaluator.

After this form has been submitted to the main office of the building in which the observation is sought, a designee of the program Director will call you to schedule the visit and will send you written confirmation.

Thank you in advance for your cooperation with the attached policies and procedures.

Name of observer: _____

Organization or affiliation:

Signature: _____ Date: _____

Approved:

Disapproved:

Signature: _____ Signature: _____



Student Record Policy

The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act guarantee rights relative to educational records. MSEC has a Student Records Policy included in program Policies and Procedures Manuals which includes the rights of parents/guardians to:

- 1) Inspect and review his/her child's educational records.
- 2) Make copies of these records.
- 3) Receive a list of the individuals having access to those records.
- 4) Ask for an explanation of any item in the records.
- 5) Ask for an amendment to any report on the grounds it is inaccurate, misleading, or violates the child's rights.
- 6) Request a hearing on the issue if the program refuses to make the amendment.

Notification

Annually, MSEC Student Record Policy is distributed to students and their parents. The Commonwealth of Massachusetts regulation (603 CMR 23.00) regarding student records is available for review at all MSEC programs.

Privacy and Security of Student Records

The Program Manager or his/her designee, as keeper of the records, is responsible for the privacy and security of all student records maintained in the school/program. They shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and the Student Records Policies of MSEC, and are educated as to the importance of information privacy and confidentiality; and that any computerized systems are electronically secure.

Application of Rights

603 CMR 23.00 ensures parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records. These rights, set forth in 603 CMR 23.00, apply to the student under the following circumstances:

- 1) Upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.



- 2) If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his/her parents, or either acting alone, shall exercise these rights.
- 3) If a student is 18 years of age or older, he/she shall exercise these rights, subject to the following:
 - a. The parent may continue to exercise the rights until expressly limited by such student.
 - b. The student may limit the rights which extend to his/her parent (except the right to inspect the student record) by making a request in writing to the Program Manager or his/her designee or Executive Director who will honor the request and retain a copy of it in the student record.
 - c. The parent of a student may inspect the student record regardless of the student's age.
- 4) The staff of the program and the parents may extend these rights to students under the age of 14 or to students who have not yet entered the ninth grade.

Student Record

The student record will consist of and be defined by the following:

- 1) The transcript, which contains administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. This data shall be limited to:
 - a. Student name, address, and phone number
 - b. Date of birth
 - c. Parent/guardian name, address, and phone number
 - d. Course titles
 - e. Grades (or equivalent when grades are not applicable)
 - f. Course credit
 - g. Grade level completed
 - h. Year completed
- 2) The temporary record, which consists of all the information in the student record which is not contained in the transcript and which is clearly of importance to the educational process. Such information may include: standardized test results, class rank (when applicable), extracurricular activities, IEPs, and evaluations of teachers, counselors, and other school staff.
- 3) The student record, which consists of both the transcript and the temporary record, including all information recorded and computer tapes, microfilm, microfiche, or any other materials and is to be labeled with the student's name, at a minimum.



Personal Files of MSEC Employees

Student records do not include notes, memory aids and other similar information that is maintained in the personal files of a program employee. This information is not accessible or revealed to authorized school personnel or any third party, but may be shared with the student, parent or a temporary substitute of the maker of the record. If the personal files of an employee are released to authorized school personnel, it will then become part of the student record.

Collection of Data

Collection of student record data will be handled by the following procedures:

- 1) All information and data contained in or added to the student record shall only pertain to the educational needs of the student.
- 2) Information and data that is added to the temporary record will include:
 - a. Name, signature, and position of the person who is the source of the information.
 - b. The date of entry into the record.
- 3) Standardized group test results that are added to the temporary record only need to include:
 - a. Name of the test and/or publisher
 - b. Date of testing.

Access to Student Records

- 1) Access of Authorized School Personnel - The following school personnel are authorized to access student records:
 - a. School administrators
 - b. Teachers
 - c. Counselors
 - d. Direct service personnel
 - e. Administrative office staff
 - f. Clerical personnel
 - g. Evaluation team which evaluates a student
- 2) Authorized school personnel are allowed access to the student records of the students to whom they are providing services in order to perform their official duties. The consent of the eligible student or the parent is not necessary.
- 3) The Log of Access – A log is to be kept as part of each student’s record. If parts of the student record are separately located, a separate log will be kept with each part. The log is to indicate all persons who have obtained access to the student record stating:
 - a. The name, position and signature of the person releasing the information
 - b. The name, position and, if a third party, the affiliation if any, of the person who is to receive the information



- c. The date of access
 - d. The parts of the record to which the access was obtained
 - e. Purpose of access

- 4) Unless student record information is to be deleted or released, this log requirement shall not apply to:
 - a. Authorized school personnel who inspect the student record
 - b. Administrative office staff and clerical personnel who add information to or need to obtain access to the student record
 - c. School nurses who inspect the student health record

- 5) Access of Eligible Students and Parents – The eligible student or parent shall have access to the student record. Access is to be granted within two consecutive days of the initial request, unless the requesting party agrees to a delay. Upon the request for access, the entire student record regardless of location of its parts will be made available. (Parent is defined as a student’s father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian.)
 - a. Upon request, copies of any information contained in the student will be provided to the eligible student or the parent.
 - b. Any student, regardless of age, may request and will receive a copy of his/her transcript.
 - c. The eligible student or the parent may request to meet with qualified school personnel to have any of the contents of the student record interpreted.
 - d. The eligible student or the parent may grant a third party access to the student record with written authorization.

- 6) Access of Third Parties – No third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student and parent must designate which parts of the student record shall be released to the third party. A copy of the consent will be retained by the eligible student or parent, and the original will be placed in the temporary record. Access to the student record is only to be granted to a third party if they consent not to share the information with any other third party without the written consent of the eligible student or parent. The following exceptions apply:
 - a. Upon receipt of a court order or lawfully issued subpoena the program shall comply, but will make every effort to notify the eligible student or parent of the order or subpoena in advance of compliance.
 - b. Upon receipt of request from the Department of Children and Families, a probation officer, a justice of any court, or the Department of Children and Families
 - c. Federal, state and location education officials, and their authorized agents shall be allowed access to student records in connection with the audit, evaluation or enforcement of federal and state education laws, or programs. When the collection of personally identifiable information is specifically authorized by law, the data



- collected is to be protected so that parties other than these officials cannot identify the students and their parents. Personally identifiable data obtained must be destroyed when no longer needed for this purpose.
- d. MSEC staff may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals, which may include the local police department and the Department of Children and Families.
 - e. Upon notification by law enforcement authorities of a missing child, either current or former, a mark shall be placed in the student record. The school shall report any request concerning the student records of the missing child to the appropriate law enforcement authorities.
 - f. Authorized school personnel of a school that a student seeks or intends to attend may have access.
 - g. School health and local and state health department personnel may have access to student health records when access is required for the performance of their official duties.
- 7) Access Procedures for Non-Custodial Parents - a non-custodial parent may have access to the student record in accordance with the following provisions. (A non-custodial parent is defined as any parent who by court order does not have physical custody of the student.)
- a. A non-custodial parent is eligible to obtain access to the student record unless:
 - i. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
 - ii. The parent has been denied visitation or has been ordered to supervised visitation, or
 - iii. The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.
 - b. In order to obtain access, the non-custodial parent must submit a written request for the student record to the Program Director or his/her designee annually. The initial request must include the following:
 - i. A certified copy of the court order or judgment relative to the custody of the student that either indicates that the requesting parent is eligible to receive access (see 6a above) or a certified copy of a court order specifically ordering that the student records be made available to the non-custodial parent, and
 - ii. An affidavit from the non-custodial parent that said court order or judgment remains in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.
 - c. The non-custodial parent must submit a written request for access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access.
 - d. Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary



- language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the Program Manager or his/her designee or the Executive Director with documentation that the non-custodial parent is not eligible to obtain access.
- e. The school must delete the address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
 - f. Upon receipt of a court order which prohibits the distribution of information (G.L. c. 71, §34H), the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

Amending Student Records

- 1) The eligible student or parent has the right to add information, comments, data or any other relevant written material to the student record.
- 2) The eligible student or parent shall have right to request in writing deletion or amendment of any information contained in the student record, except for information inserted into the student record by the Evaluation Team. This request may be accepted after the acceptance of an IEP. If the IEP is rejected, the request may be accepted following the completion of the special education appeal process.
- 3) Any deletion or amendment of the student record will be done in accordance with the following:
 - a. If in the opinion of the eligible student or parent, adding information to the student record is not sufficient to explain, clarify or correct objectionable material, they have the right to present their objection in writing and to request in writing to have a conference with the Program Manager or his/her designee to make their objections known.
 - b. Within one week of receipt of the objection or following the conference, the Program Manager or his/her designee will render his/her decision in writing, stating the reasons for the decision. If the decision is in favor of the eligible student or parent, the Program Manager or his/her designee will promptly put the decision into effect.
- 4) In the event that the eligible student or parent should disagree with any part of the decision made by the Program Manager or his/her designee, they may appeal the decision and/or request a meeting in writing with the Executive Director of MSEC. The Executive Director must respond in writing within two weeks of receipt of the appeal and will promptly see that his decision is put into effect.
- 5) If the eligible student or parent is still unsatisfied with the decision, it is recommended that they then contact the Director of Special Education of their sending district and express their concerns in writing.



Destruction of Student Records

Destruction of student records will be handled as follows:

During the time a student is enrolled in a program of MSEC, the Program Director or his/her designee of that program shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student, his/her parent, and sending district are notified in writing and are given opportunity to receive the information or a copy of it prior to its' destruction. A copy of the notice shall be placed in the temporary record.

Student Records for Students No Longer Enrolled

Program Manager or his/her designee will forward the Student Records of all students upon graduation or termination of enrollment to the Executive Director. The Executive Director or his designee will transfer all records to the appropriate Local Education Authority (LEA).



Parent Advisory Council

The program strives to involve parent in a Parents' Advisory Council (PAC) for the purpose of advising the school on matters that pertain to the education, health and safety of the students in the program. The PAC also coordinates events, workshops and fundraising activities. Any funds raised are kept in an account with the school business manager. The parent co-chair must submit a Release of Funds form accompanied by the signature of two (2) active parent participants from the PAC to access funds from this account. Upon request an annual financial statement will be provided to the parent co-chair by the business manager.

Procedure

Outreach to parents is organized on an annual basis for the sole purpose of establishing a Parent Advisory Council (PAC). This outreach begins in September of each school year. The PAC elects a parent co-chair, secretary, and treasurer on an annual basis. The school provides a co-chair on an annual basis. Current officers and telephone contact numbers are provided for all parents.

The PAC annually determines the frequency, duration, and schedule of meetings. The parent co-chair is responsible for developing an agenda for each meeting.

Any funds raised by the PAC will be kept on account with the Collaborative Business Manager. The parent chair or co-chairs must submit a Release of Funds form accompanied by the signature of two active parent participants from the PAC to access funds from this account. An annual financial statement will be provided to the parent chair/co-chairs.



Toileting Procedures

All students at The Merrimack High School are expected to maintain appropriate hygiene. The school will provide personal care education on an ongoing basis in Health Seminar. Should any student require specific toileting needs, a plan would be developed with the assistance of parents, nursing staff and teachers.

Toilets in each program are sized appropriately for the ages of the students and have ventilation and dividers to protect privacy. Sinks, soap, and towels are adjacent. All young students are required to have one set of extra clean, dry indoor clothes to change into if their clothing becomes soiled or wet.

Food and Nutrition

The Merrimack Vocational High School makes available to each student breakfast, lunch and snack items. Students for a minimal charge may purchase these items in the school's Café. A kitchen area with a stove, microwave and refrigerator is available for students to store food brought from home. Nutritional awareness is an ongoing subject reviewed in Health Seminar.

Any food provided by the school for the students is purchased at a local supermarket. Storage of dry goods is in cabinets in the kitchen. Frozen goods or foods requiring refrigeration are stored in the freezer/refrigerator in either original packaging or airtight containers made specifically for food storage. All utensils, drinking vessels, dishes and foodstuffs are sanitary. Used disposable eating utensils and unused foods are properly disposed of.

William Bryant, Todd Warmington and Jerold White will provide oversight of the food program at The Merrimack Vocational High School Sites 80 and 84.

Legal/Living Status

All parents and guardians must keep the program informed of any changes in a student's legal/living status and of the results of all judicial and administrative proceedings concerning the student. This information must be given to the Program Manager or his/her designee. The Program Manager or his/her designee will disseminate this information to the appropriate school personnel.



Reporting Child Abuse and Neglect

Under Massachusetts General Laws Chapter 119, Section 51A 51G, any public or private school teacher, educational administrator, guidance or family counselor, nurse, or social worker, or other professionals who in his/her professional capacity shall have reasonable cause to believe that a child under eighteen years is suffering serious physical or emotional injury resulting from abuse by a caretaker, including sexual abuse, or neglect, including malnutrition, must immediately report such conditions to the Department of Children and Families. MSEC staff must adhere to the following guidelines in the handling of suspected abuse and neglect cases.

- 1) Each program will designate a Child Protection Team for assisting and follow-up to each case of suspected child abuse. The Child Protection Team will consist of the Program Manager or his/her designee, a clinician (social worker or psychologist), the program nurse and the staff member(s) reporting the initial concern.
- 2) The Child Protection Team consists of:
 - a. Cheryl Crumb, Turnpike 978-256-9997 x332
 - b. Timothy Fontana 978-528-7852
 - c. Tracey Pare, Topsfield 978-528-7852
 - d. Joe Yarid, 40 Brick Kiln 978-459-1652
 - e. Melina Seitzinger, 40 Linnell Circle 978-528-7800 ex 261
 - f. Pamela Walker, 40 Brick Kiln 978-459-1652 ex 307
- 3) The program employee who has the initial concern will initiate with the Program Manager or his/her designee the involvement of the Child Protection Team.
- 4) An immediate meeting of the Child Protection Team will be convened to discuss the steps to be taken in order to determine whether and when to file a 51A. These steps may include:
 - a. Gathering additional information from the child; documenting any physical signs of abuse.
 - b. Gathering information from other people familiar with the child and his or her situation. Confidentiality must be maintained in these cases.
 - c. Consulting with the Department of Children and Families.
- 5) The Team will determine the process and individuals to be involved in filing a 51A.
- 6) If the Team decides that a 51A will be filed, the Team determines who will telephone the report to the nearest DCF Office.

Lowell	(978) 275-6800
Lawrence	(978) 557-2500
Haverhill	(978) 469-8800
Cape Ann, Salem	(978) 825-3800
Lynn	(781) 477-1600



- 7) The Program Manager or his/her designee is responsible for ensuring completion of the required written forms, which will be submitted to DCF within 48 hours of the oral report.
- 8) Un-resolvable differences of opinion among the Child Protection Team members may inhibit filing as a Team. It is important to note, however, that if notified of the suspicion, the Program Manager or his/her designee assumes the responsibility of reporting. If the Program Manager or his/her designee is not immediately present or available, the designated person in charge will perform the Program Manager or his/her designee's obligation.
- 9) If the Team decides to file a 51A, the Team will also decide who will inform the parents and when this will take place. It is recommended that the Program Manager or his/her designee notify the parents. The timing of the notification of the parents should take into account that the essence of the Chapter 51A law is that the child's welfare is the top priority. DCF has discouraged parent notification or the legal guardians if the child will be placed at risk for further abuse when the fact of the interview is revealed. When this is the case, the Team should decide in consultation with DCF at what time the parents should be informed.
- 10) The Program Manager or his/her designee will notify and keep the Executive Director informed of the concern throughout the process. The Executive Director may be directly involved in the process at the request of either the Program Manager or his/her designee or staff.
- 11) The Program Manager or his/her designee will inform the Executive Director within 24 hours of filing of the 51A and send a copy of the 51A for filing in an administrative file at MSEC Administrative Office, as well as a completed Unusual Incident Report form.
- 12) If the suspected abuse/neglect is the result of an action of a staff member or another student, DESE Form 2 will be completed and forwarded to the Department of Elementary and Secondary Education by a Site Administrator.
- 13) When DCF requests to interview the child at school, the Program Manager or his/her designee will be available to join the interview if requested by DCF.
- 14) In the event of an emergency, when members of the Team are unavailable (such as Friday afternoon or before a vacation), the staff member suspecting abuse should consult with the Executive Director. The Executive Director will assist the staff member in reaching a decision to file a 51A and in filing if appropriate.
- 15) Unless specifically mandated, no reference to the 51A report will be made in the child's Student Record.
- 16) If the student has an on-going case with DCF, a member of the Team will initially attempt to contact the On-Going Worker of the case at DCF. If the student's On-Going Case



Worker is unavailable, the On-Going Case Worker's supervisor will be contacted. In the event that neither person is available, the team will follow the reporting policy as outlined above.

- 17) If the student is 18 years of age or older, follow the above procedure and contact the Massachusetts Disabled Persons Protection Commission at 800-426-9009 to file a report.



Code of Student Conduct and Due Process Rights

Statement

It is the role of MSEC to provide a safe and secure learning environment for all its students without distinction based on race, religion, ethnicity, disability, gender, or sexual orientation.

Any incident on the part of any pupil, teacher, administrator, or other school staff engaged in the violation of the civil rights, including harassment, of any other pupil, teacher, administrator, or other school staff will result in a full investigation by MSEC administrators and if found to be true will result in a referral to law enforcement agencies.

MSEC will investigate all claims of civil rights violations and will follow all procedures as outlined in this policy as well as Personnel Policies.

Commitment to Prevention

MSEC is committed to a prevention and accurate reporting of all incidents of civil rights violations such that all students and staff can enjoy a safe, non-threatening educational and working environment.

Required Reporting and Intervention

- 1) MSEC staff must intervene in all civil rights violations and instances of harassment whenever witnessed, reported or suspected.
- 2) Program administrators and the Executive Director will be notified immediately whenever civil rights violations are in question.
- 3) Program staff will move quickly in preventing a recurrence of any civil rights violation or incidence of harassment.
- 4) Program administrators will thoroughly investigate all instances of violation and follow disciplinary steps as outlines in the student Discipline Code or staff Personnel Policies, which ever applicable), as well as report such instances to law enforcement agencies where appropriate.



Civil Rights Administrators

Program Managers or his/her designee will be responsible for responding to all matters of civil rights. All instances of violation, whether confirmed or suspected, will be reported to the Executive Director. It is the responsibility of the Program Managers or his/her designee to uphold all civil rights and safety policies and serve as a liaison to law enforcement agencies.

Identification of Prohibited Conduct

Definitions

- 1) Bias incident means any act, including conduct or speech, directed at or which occurs to a person or property because of actual or perceived race, religion, ethnicity, disability, gender, or sexual orientation. A bias incident may or may not be a criminal act.
- 2) Bias indicators are objective facts and circumstances, which suggest that an action was motivated in whole or in part by a particular type of bias.
- 3) Bias motives recognized by Massachusetts law as causing hate crimes include prejudice based on race, religion, ethnicity, disability, gender, and sexual orientation.
- 4) Civil rights violations involve interfering by threats, intimidation or coercion, with someone's enjoyment of constitutional or statutory rights. Rights protected against interference include non-discrimination in access to advantages and privileges or a public school education. The term "civil rights violation" also covers bias-related and sexual harassment and bias crimes, so the term is applied generically to any civil or criminal law infractions.
- 5) Discrimination consists of actions taken against other(s) which treat them unequally because of race, religion, national origin, disability, sexual orientation, or gender bias.
- 6) Harassment consists of unwelcome, verbal, written or physical conduct targeting specific person(s), which is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, humiliating, or offensive school environment, or substantially interfere with the progress of student's education.
 - a. Bias-related harassment will present bias indicators, most commonly epithets: name-calling derogatory to a particular racial, religious, or sexual orientation group.
 - b. Sexual harassment covers instances of physical or verbal conduct of a sexual nature, not limited to but including sexual advances, which foster a hostile educational environment for the victim.
- 7) Hate crimes include any criminal acts to which recognized types of bias motives are an evident contributing factor. Criminal bias-motivated conduct entails, at a minimum, threats. Criminal conduct includes acts putting someone in fear of immediate physical



harm (assaults), and actual physical violence (assault and battery), and grows most serious if a victim suffers any bodily injury. Repeated threatening or menacing actions like following someone can amount to the crime of stalking.

- 8) Hostile environment exists when a student has been or is subjected to threats, intimidation, or coercion by another (or others) or is reasonably in fear for his or her safety. Whether a school environment has become hostile must be evaluated based on the totality of the circumstances. Repeated instances of bias-related and sexual harassment create a hostile environment if sufficiently severe. A hostile environment does not necessarily entail that a student exhibits quantifiable harm, such as a drop in grades.
- 9) Stalking, a felony, consists of intentional conduct involving two or more acts directed at a specific person, which would cause an average person substantial distress, where the perpetrator has made threats causing the targeted person fear of death or injury.

Common Bias Indicators

- 1) Bias-related oral comments or epithets
- 2) Bias-related markings, drawings, or graffiti
- 3) Use of bias-related symbols
- 4) No clear economic motive for an assault and battery
- 5) Crime involving disproportionate cruelty or brutality
- 6) Offender history of crimes with similar modus operandi and victims of the same group

Examples of Civil Rights Violations and Bias Incidents

- 1) Racial or color harassment – Unwelcome verbal, written, or physical conduct directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs (racial and color harassment).
- 2) Religious harassment – Unwelcome verbal, written, or physical conduct, directed at the characteristics of a person's religion, such as derogatory comments regarding surnames, religious tradition, or religious slurs, or graffiti.
- 3) National origin harassment – Conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.



- 4) Sexual orientation harassment – Conduct directed at the characteristics of a person’s sexual orientation – actual, perceived, or asserted – such as negative name calling and imitating mannerisms.
- 5) Disability harassment – Conduct directed at the characteristics of a person’s disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.
- 6) Crime of assault – Physical conduct putting someone in fear of imminent harm, coupled with name-calling of bigoted nature.
- 7) Civil rights violation or crime of stalking – Repeated, purposeful following of someone, coupled with evident bias against the victim’s actual or perceived group status.
- 8) Crime of vandalism – Painting swastikas on walls or other public or private property.
- 9) Crime of battery – Hitting someone because of their actual or perceived group status.

Scope of Information

This information applies to bias crimes, civil rights violations, bias incidents, and bias-related harassment occurring on school premises or property, or in the course of school-sponsored activities, including outside of school if there is a detrimental effect on the school or educational climate.

Procedures for Responding to and Investigating Incidents

- 1) All instances of civil rights violations, witnessed or suspected, must be reported to the Program Manager or his/her designee.
- 2) Any student coming forward to report a civil rights violation he or she has experienced will be directed to the Program Manager or his/her designee, following any emergency needs being attended to.
- 3) Consideration will be given to whether any immediate or interim steps are necessary to ensure the safety of and avert retaliation of the complainant.
- 4) The investigation must determine whether a civil rights violation has in fact occurred.
- 5) The investigation must include preservation and gathering of evidence from the scene of an incident. For example, bias-related graffiti will be photographed.
- 6) The investigation will include interviewing victims and witnesses as soon as possible, as well as others who may have relevant knowledge.



- 7) The investigation may include other methods and documents deemed relevant and useful.
- 8) All interviews and evidence should be carefully evaluated for the presence of bias indicators that would characterize the matter as a civil rights violation.
- 9) The investigation will conclude with a finding as to whether a civil rights violation has or has not occurred.

Consequences for Civil Rights Violations and Failures to Act as Required

The following is a guideline for disciplinary action. Staff who have been accused of violating the civil rights of students or other staff should also refer to MSEC Personnel Policies Employee Code of Conduct and Discipline Procedure.

- 1) Non-disciplinary corrective actions – Some violations can be addressed with steps that do not necessitate disciplinary action. These steps usually lie within the discretion of the Program Manager or his/her designee. Such instances may warrant counseling, diversity awareness training, separating offender and victim, parent conferences, and/or special school assignments.
- 2) Disciplinary proceedings – Disciplinary actions will be taken toward the goal of eliminating the offending conduct, preventing recurrence, and reestablishing a school environment conducive for the victim to learn. Violations of civil rights of students or staff may result in sanctions including suspension and expulsion for students and suspension and termination for staff.
- 3) Failure to Act by Administrators or Staff – All staff have a duty to act to stop witnessed civil rights violations, as safely as can be done, and report such instances to program administrators. Failure to do so may result in disciplinary action.

Commitment to Non-Retaliation

MSEC will deal seriously with any and all threats or acts of retaliation for the good faith filing of a complaint. Such action will result in disciplinary proceedings. Staff will monitor situations to ensure that no threats or acts of reprisal are made. Program administrators may use non-disciplinary procedures to prevent retaliation from occurring.



Referral to Law Enforcement Authorities

Program administrators have the responsibility of notifying the local police when they have reason to believe that a hate crime has been or is to be committed. This is mandatory for all hate crimes violations.

Documentation Requirements

- 1) Record-keeping – The Program Manager or his/her designee is responsible for keeping records of all civil rights violations and hate crimes reported for the program and will make all such records available to the Executive Director for review. Records will be grouped according to school year. Record-keeping will include particulars of the incident, response actions taken, results of the investigation and intervention.
- 2) Monitoring and tracking to identify patterns – Records should be maintained and monitored to detect patterns in violations, repeat offenders, and locations for problems. Actions will be taken once patterns have been revealed.

Dissemination of Information and Training

- 1) This policy will be available to staff, students and parents.
- 2) This policy will be included in the programs Policies and Procedures Manual and the Student Handbook.
- 3) Staff will receive training relevant to this policy annually during staff orientation.
- 4) Students and parents will receive this policy annually and at time of admission to the program.
- 5) This policy will be reviewed annually for compliance with state and federal law.

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal financial assistance, which includes the programs of MSE. The Program Manager or his/her designee will serve as the 504 Coordinator for all students entering the program under a 504 Plan.



Non-Discrimination Policy

MSEC operates under a non-discrimination policy. The Board of Directors requires equal employment practices for everyone. Based on this belief MSEC Board of Directors require that sexual, ethnic, racial, or other harassment of any kind by any employee of MSEC will not be tolerated.

In compliance with 603 CMR 26.00, MSEC insures that no staff discriminate against students on the basis of race, color, sex, religion, national origin or sexual orientation and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study.

Student Rights

Students have all the rights conferred under federal and state laws. They have the right to be safe, to be treated with respect and to receive an appropriate education in a clean, organized, properly lighted and heated environment. Likewise, they have the responsibility to treat other people and the environment. Likewise, they have the responsibility to treat other people and the environment safely and with respect. High School students have the right to freedom of expression provided that they do not cause any disruption or disorder within the school. Freedom of expression shall include without limitation, the rights and responsibilities of students, collectively and individually without limitation, the rights and responsibilities of students, collectively and individually 1) to express their views through speech and symbols; 2) to write, publish and disseminate their views; 3) to assemble peaceably on school property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the Program Manager or designee. No expression made by the students in the exercise of these rights shall be an expression of school policy and no school officials shall be held responsible for any civil or criminal action for any expression made or published by the students.

High school students have the right to personal dress and appearance as long as they do not violate reasonable standards of health, safety and cleanliness or disrupt the learning environment of others.

Students will not be suspended, expelled or otherwise disciplined on account of marriage, pregnancy, and parenthood or for conduct, which is not connected with any school-sponsored activities. However, pregnant students are required to be under the care of a physician.

Students have the responsibility to respect the rights of all persons involved in the program and to exercise the highest degree of self-discipline in observing and adhering to legitimate rules and regulations. Responsibility is inherent in the exercise of every right. It is impossible to list all students' rights, but it must be emphasized that lack of responsibility means a weakening of rights of others.

Therefore, if a student should violate the rights of others, it is his/her responsibility to compensate that person or property. The following is a working sample of students' rights.



- 1) Students have the right to a meaningful education that will be of value to them for the rest of their lives.
- 2) Students have the right to the maintenance of high educational standards. The maximum potential of the student must be developed.
- 3) Students have the right to a meaningful curriculum and the right to voice their opinions in the development of such a curriculum.
- 4) Students have the right to a safe building and sanitary facilities.
- 5) Students have the right to respect from teachers and administrators, which would exclude their being subjected to cruel and unusual punishments, especially those which are demeaning or derogatory, or which diminish their self-esteem.
- 6) Students have the right to express their opinions and feelings.
- 7) Students have the right to use school supplies and facilities and work in a clean, organized environment.
- 8) Students have the right to socialize with teachers and friends and enjoy themselves.

Complaint Process

Parents and others may register complaints regarding the student's education and care at the facility. Parents are encouraged to bring questions and concerns directly to the attention of their child's teacher in order to reach a quick resolution. If concerns remain, parents may telephone or write the Program Manager or his/her designee for resolution. If issues are still not satisfied, parents may call or write the Executive Director.

Written communication should include:

- 1) child's full name and date of birth
- 2) parent's full name, address and telephone number
- 3) name of child's teacher and site of program
- 4) steps taken to reach resolution (dates, people included in communications)
- 5) date and frequency or duration of incident/condition
- 6) suggestion(s) for problem resolution

If the parent believes resolution has not been reached, he or she should notify the director at their local sending school and/or the Department of Elementary and Secondary Education.



The Merrimack School Disciplinary Policy

School Rules

Appropriate behavior, attitude and language are expected of all students attending all MSEC programs.

Rules

- 1) No drugs or alcohol in school. Do not come to school under the influence of substances.
- 2) No weapons, violence or threats of violence.
- 3) No destruction of property.
- 4) No stealing.
- 5) No leaving the school building without permission.
- 6) No using the phone without permission.
- 7) No smoking in the school building.
- 8) No driving to school, being driven to school or being picked up from school without permission.
- 9) Appropriate attendance is required.
- 10) Appropriate dress is required.

Interventions

- 1) Group. Group is utilized as part of the Reality Therapy process. Group is used to discuss various behaviors and attitudes, to discuss rules and to encourage students in their understanding of school rules.
- 2) Time Out. Time out is used when a student feels the need to distance him/herself from a certain situation to gain control. We do not have a “time out room”. Students use a quiet area in the school when they require this intervention. The student is observable at all times, is directly observed by designated staff at least every 15 minutes. The time out is documented in the student’s file, including date, reasons for intervention, length of time, who approved procedure, and who directly observed the student every 15 minutes.
- 3) Corporal Punishment. The power of any teacher or other agent of MSEC to maintain discipline shall not include the right to inflict corporal punishment upon any pupil.



Rule Violations

Dangerous Weapons, Controlled Substances, Assault on Staff

Any student who is found on school premises or at a school-sponsored or school-related event in possession of a dangerous weapon, including but not limited to, a gun or knife; or a controlled substance including, but not limited to, marijuana, cocaine and heroin, may be subject to termination by the Executive Director. (see planned and emergency termination)

Distribution of drugs will not be tolerated at all in The Merrimack School. If a student is caught selling drugs, the police will be notified, charges will be pressed and a Team meeting will be held to discuss the student's termination from the program. (see emergency termination).

Alcohol

Alcohol use, possession and/or distribution are suspendible offenses.

- 1) For first offense possession and/or use a student will receive a two-day suspension. Before the student may return a meeting must be held to discuss the incident and explain the consequences of any further involvement in that behavior.
- 2) For second offense possession and/or use a student will receive a three-day suspension. Before the student may return a formal meeting must be held to discuss the incident and explain the consequences of any further involvement in that behavior.
- 3) The third offense for possession and/or use will result in a five-day suspension and a Team meeting to discuss further placement in the program will be held.

Drugs

Drug use, possession and/or distribution in school will result in suspension or termination as detailed under M.G.L., Chapter 71, Section 37H ½.

- 1) For first offense possession and/or use a student will receive a three-day suspension. Before the student may return, a meeting must be held to discuss the incident and explain the consequences of any further involvement in that behavior.
- 2) For the second offense for possession and/or use will result in a five-day suspension and a formal meeting to discuss further placement in the program.
- 3) If a third offense occurs, MSEC will request for the IEP Team to reconvene to discuss the appropriateness of the placement.

Under the Influence in School

If a student comes to school under the influence of alcohol or drugs (which includes the inability to function due to late night partying) the student will be suspended for the day and may return, only after a meeting is held with the student's parent/guardian. The student's parent/guardian must



come to school and pick the student up, staff will not be responsible for taking students home and the students will not be allowed to stay in school. If a pattern of use prior to school develops a meeting will be held to discuss the issue and a plan to stay in the program will be developed.

The Program Manager or his/her designee or the Executive Director is at liberty to make the final decision in any disciplinary involvement with any student.

At each meeting on any of the above three mentioned offenses a plan to stay in the program will be discussed and/or developed, which may include, but is not limited to, outside intervention such as AA or NA. The Merrimack School staff will take into account each scenario and extenuating circumstances.

The Program Manager or his/her designee or the Executive Director is at liberty to make the final decision in any disciplinary involvement with any student.

Violence/Threats of Violence

Any student who assaults a staff member on school premises or at a school-sponsored or school-related event may be subject to termination from the school by the Executive Director. (see planned and emergency termination)

Acts of violence are also prohibited. Acts of violence will result in suspension.

- 1) For first offense fighting a student will receive a two-day suspension. Before the student may return a meeting must be held with the student's guardian to discuss the incident and explain the consequences of any further involvement in that behavior.
- 2) For second offense fighting a student will receive a three-day suspension. Before the student may return a formal meeting must be held to discuss the incident and explain the consequences of any further involvement in that behavior.
- 3) The third offense for fighting will result in a five-day suspension and a Team meeting to discuss further placement in the program will be held.

Threats of violence will not be tolerated and may result in a therapeutic leave or suspension. The intervention used first, and most often, will be a group to discuss the incident and have the students involved process the issue and commit not to repeat the threat.

If the threats continue, or are more serious in nature, the student may be sent home for the day for the safety of the other students. If this becomes a necessary intervention an amendment may be made to the student's IEP.

In extreme cases a student may be suspended for making threats. If a student continues to make threats he may become a threat to the personal safety of himself and his peers. In this case a formal meeting would be held with all collaterals to discuss subsequent termination from the program.



At each meeting a plan to stay in the program will be discussed and/or developed, which may include, but is not limited to, outside intervention such as an anger control class. MSEC staff will take into account each scenario and extenuating circumstances.

The Program Manager or his/her designee or the Executive Director is at liberty to make the final decision in any disciplinary involvement with any student.

Destruction of Property

If students destroy property, they will be responsible for financially replacing that property. Their parents or guardians will be notified to arrange repayment. If the destruction involves a serious act of violence the steps above could also be taken. Students who damage property will be billed for replacing or repairing the property.

Stealing

Trading and other acts of exchange are not encouraged. Students who steal will be confronted in the group. Parents/guardians will be notified. Stolen items will need to be replaced. Serious acts of theft may result in more serious consequences.

Leaving the School without Permission

In accordance with Reality Therapy, students who get angry and choose to leave the school grounds without permission will not be forcibly held back. At times, testing this decision-making opportunity is beneficial to the student. Should a student leave grounds without permission, the parent and the Special Education Director will be notified immediately.

Using the Phone without Permission

Students are not allowed to use the phone without permission. Phone calls may be made with staff approval. At times, staff may choose to monitor phone calls. If the privilege is abused the issue will be taken to group. Further abuse of the rule could result in the complete loss of phone privileges for all students.

Smoking, Tobacco or Alcohol Use

Tobacco products are not allowed on school property during school hours. Any student who smokes, uses tobacco products, or distributes tobacco within school buildings, facilities, on school grounds or on school vehicles is subject to legal prosecution and to school discipline.

Any violation of this policy by students shall be referred to the Program Manager or his/her designee. First time violators will receive a verbal warning and loss of privileges. Second offense will result in a parent-teacher conference. Further offenses will result in a parent-teacher-Program Manager or his/her designee conference and may result in a suspension from the program.



Driving to School

Students are not allowed to drive to school. If a student has made the honor roll and has a specific reason why he/she should be able to drive to school they may petition the program.

The staff would then make a decision and notify the Program Director as well as the Special Education Director of the student's sending district to obtain their permission. It is mandatory that the student's guardian provide written permission to the district and MSEC authorizing the student to drive to school and releasing both of liability.

Driving to school is a privilege. Driving privileges may be revoked at anytime by school administration for abuse of the privilege.

Being Picked Up From School

Students cannot be driven to school or picked up from school without staff and parental permission. Students are not allowed to drive any other students from school. If a student is caught leaving with other students they may be suspended from school. Parents need to complete a transportation permission slip when students are enrolled in the program. Students will only be allowed to be transported by those people the parent has indicated are appropriate. If any of these people become disruptive to the school environment the school has the authority to not allow that person on school grounds.



Physical Restraint, Removals, and Escorts

Physical Restraint

The program does not utilize physical restraint as a regular means of discipline. Staff has been trained in the use of Nonviolent Crisis Intervention, a method that utilizes restraints only after all other means have been exhausted. There is no crisis room. Should a student consistently lose control and become harmful to him/her or others, physical intervention may be required. This is viewed as a very serious matter and would require the necessary meetings and discussions to determine if The Merrimack School can meet the needs of the student.

Protocol Regarding the Use of Removals and Escorts

MSEC serves a population of children who can, at times, display extremely unsafe behavior. MSEC staff work very hard through the use of de-escalation techniques and behavior management strategies to help children remain safe without the use of physical intervention. However, due to the nature of the children's behaviors, it is sometimes necessary to physically intervene in order to keep children and staff safe. This type of intervention can happen in three different ways:

Removals

- 1) As taught in MSEC In-Service trainings, removals are used only when it is necessary to move a child a *few feet* in order to hold them in a safer spot, for example:
 - a. They are near some broken glass.
 - b. In a space too small to hold them safely.
- 2) Staff should use their judgment to choose the safest option possible when intervening in a crisis situation. If it is possible to do safely, staff should first attempt to "wait out" a child when they are having difficulty in order to avoid having to physically intervene.
- 3) On occasion, staff may need to remove a child from a group in order to prevent group chaos. For example:
 - a. A child may need to be removed from a classroom for screaming and disrupting the entire group because this can lead to other children escalating as well, thus creating an unsafe situation.
 - b. These removals should only be a short distance, i.e., out of the classroom to the hallway.
- 4) Removals are not escorts and should not be used to move children long distances.



Escorts

MSEC staff should not use physical escorts unless a child is determined to be at risk for unsafe behavior or in specifically defined situations. Examples of when an escort could be used are:

- 1) Escorts are to be done consistent with training.
 - a. When a child has pulled a fire alarm or is threatening to do so.
 - b. When a child has run away (i.e., out of the building/play area) or has threatened to do so.
 - c. When a child has displayed severe impulsive behavior.
 - d. When students are engaged in a physical altercation.
- 2) Once the child has reached the destination, staff should let go of their arm.
- 3) If a child is physically struggling or refuses to move, staff should not attempt to escort them and should wait until it is safe to do so.
- 4) If the child becomes unsafe, the staff may then need to place the child in a therapeutic hold or remove them a few feet if it is not safe to hold them where they are.
- 5) Staff should never carry children and should never attempt to physically escort a child who is struggling. Staff should never physically move a child up or down any stairs/steps.
- 6) If staff is using an escort as part of a child's treatment plan for a specific reason (such as with a 4-year old impulsive child who requires hand-held transitions), all staff working with the child should be notified.

Holds

- 1) Staff may only place children in holds when they are at imminent risk of hurting themselves or others, and only as a last resort. Most staff working with children participates in 12-hours of training annually.



Felony Complaint or Conviction of Student; Suspension; Expulsion; Right to Appeal

Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint upon a student, the Program Manager or his/her designee may suspend such student for a period of time determined appropriate by said Program Manager or his/her designee if said Program Manager or his/her designee determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reason for such suspension prior to such suspension taking effect. The student shall also receive written notification of this right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Executive Director.

The student shall receive written notification of the charges and the reason for such suspension prior to such suspension taking effect. The student will also receive written notification of this right to appear and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Executive Director.

The student shall notify the Executive Director in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The Executive Director shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have a right to present oral and written testimony on his/her behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the Program Manager or his/her designee. The Executive Director shall render decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the collaborative with regard to the suspension.

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Executive Director may determine that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the collaborative program. In that instance the Executive Director may move for an Emergency Termination.



Suspension

Suspension shall be defined as any action, which results in the removal of a student from the program prescribed in his/her IEP. The term includes in-school suspension as well as any exclusion from transportation services, which prohibits the student's participation in his/her prescribed program. (Sending a student home "early" is considered a suspension if the student's IEP does not allow for a modification of the learning hours.)

The school immediately notifies the parents and sending school or human service agency responsible for the placement when a student is suspended. Within 24 hours, the school sends a written statement explaining the reasons for the suspension to the parents and public school district. No student is sent home until a responsible adult is available to receive the student.

If a student has been suspended for 3 consecutive school days or 5 non-consecutive school days in a school year, the program convenes a meeting with the program staff, parents and sending school district. Participants explore together all possible program modifications within the program in an attempt to prevent total suspension of the student. Student suspensions are recorded; the number and duration are tracked, including suspensions from any part of the student's IEP. Suspension from transportation is included in the tracking.

Suspensions exceeding 10 days (consecutive or cumulative in one year)

When/if suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days, the school will request that the sending school district convene a meeting prior to a suspension that constitutes a change in placement of a student with disabilities.

The program will participate in the Team meeting to:

- 1) Develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan
- 2) Identify appropriate alternative educational setting(s)
- 3) Conduct a manifestation determination (i.e. determine the relationship between the disability and the behavior)

To do this, the Team asks questions including:

- 1) Is the IEP appropriate?
- 2) Is the placement appropriate?
- 3) Is there a behavior plan? If so, was it implemented?
- 4) Does the student understand the impact and consequences of his/her behavior?
- 5) Can the student control his/her behavior?

If the Team determines that the behavior is NOT a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The sending school district must, however, offer an appropriate education program to the student with disabilities that may be in some other setting.



Planned Termination

The programs of the Merrimack Special Education Collaborative (hereinafter “MSEC”) ensure flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a neighborhood public school or other community program or a period of transition from one program option to a less restrictive program option.

As a component of the intake/placement process, the sending district will identify student performance expectation for the re-entry to a public school setting. The sending district will be responsible for the completion of MSEC Student Transition Plan form (see attached). This form will be reviewed at the annual team meeting through the Vision Statement process.

At each student’s annual team meeting, program staff, the sending district, parents and students (if applicable), through the Vision Statement process, will identify if the student will be likely to transition back to the public school setting within that academic year. If it is determined that the student has reached the goals as outlined in the Student Transition Plan prepared by the sending district at intake, the team will then develop and proceed with the Student Transition Implementation Plan addressing the following areas:

- 1) Background information – statement of the student’s academic/behavioral/social-emotional needs and progress with specifics regarding what has been crucial to the student’s success
- 2) School history – recommendation for school placement
- 3) Current educational needs – academic levels, accommodations, and materials needed in all subject areas
- 4) Access to regular education classes
- 5) Technology needs
- 6) Behavioral needs recommendations – plan, preferred activities, motivators, frequency
- 7) Learning style accommodations
- 8) Additional therapies – short statement of current functioning, accommodations, specific materials, service delivery
- 9) Therapeutic needs – individual/group therapy, daily/weekly check-ins/progress reports, outside therapist/community agency/physician(s) name and telephone numbers
- 10) Goals – transition into school, preparation for class



Emergency Termination of Enrollment

Consideration of termination of enrollment is part of the Team process in determining appropriate placement for a student. Every effort is made to continue enrollment for students that may be in crisis. However, if a student presents with severe behavioral incidents requiring more support and intervention than is routinely part of our therapeutic procedures, the following processes occur:

- 1) An emergency Team Meeting is convened to discuss alternative strategies to address the student's presenting issues.
- 2) The Team develops an interim action plan which can include, but not exclusive to:
 - a. 1-1 staff supervision and support
 - b. Change in length of school day
 - c. Change in daily academic and behavioral expectations
 - d. Change in environment within the school program
 - e. Addition of therapeutic/clinical intervention
 - f. Or any other option as determined by the team
- 3) A follow-up Team meeting is scheduled four to six weeks following the interim action plan to assess the student's status.

In the event of an emergency situation, it is the conclusion of the Crisis Team that the enrollment of a student should be terminated, the following assurances are given:

- 1) The enrolling public school district shall receive immediate notification (see Immediate Notification - Policies and Procedures).
- 2) In accordance with 603 CMR 28.09(12), at the request of the district, the student's termination can be delayed for two calendar weeks to allow the district to convene an emergency Team meeting or to conduct other appropriate planning discussions.
- 3) By mutual agreement, the student's termination can be delayed for longer than two weeks.
- 4) Staff will be available at the request of the enrolling district to attend the emergency Team meeting with the parents, the public school representatives, and any other agencies responsible to the student.

An emergency situation will be defined as: a student presents a clear and present threat to the health and safety of him/herself or others.

If a student has been hospitalized due to an emergency situation, a re-entry after hospitalization meeting will be scheduled. The Team may determine an emergency termination is required.



Student Internet/Email Usage Policy

**Students should read this policy and complete the Signature Form below.
The Signature Form is required.**

Introduction

The Merrimack Special Education Collaborative (MSEC) aims to provide students with accessible, up-to-date and reliable information to support you in your studies and educational experience. This goal requires us to provide access to the vast information resources of the Internet to help you in your studies and to be well-informed. The Internet is an educational tool for MSEC. Users must understand that this access is for educational purposes and not for non-educational activities. Students will be utilizing the Internet, but WILL NOT have access to email or instant messaging.

Internet Use

MSEC provides students with Internet access in most classrooms and some locations have computer labs. All students may have access to the Internet. Students who wish this access must read and sign the "Student Internet/Email Usage Policy" form.

Authorized Use

MSEC's Internet connection is intended primarily for educational use. That means we expect you to use your Internet access primarily for education-related purposes, i.e. to research relevant topics and to obtain useful information. The following are specific provisions regarding authorized use of MSEC's Internet connection:

- Users may use MSEC's Internet services for personal improvement provided that such use is consistent with staff and educational conduct.
- Internet use should be restricted to sites and materials such as news or information that might be considered reasonable if read as a text publication in a classroom or library environment.

Unauthorized Use

Users shall not use MSEC's Internet services to view, download, save, receive, or send material related to the following:

- Offensive content of any kind, including pornographic material.
- Propagating a virus, worm, Trojan horse, or trap-door program code.
- Disabling or overload any computer system or network.
- Circumventing any system intended to protect the privacy or security of another user.
- Promoting discrimination on the basis of race, gender, national origin, age, marital status, or disability.
- Visiting web sites that promote threatening or violent behavior.
- Using the Internet for illegal activities including the illegal downloading of music, movies, or other copyrighted materials.
- Distributing commercial messages.
- Gambling web sites.
- Hosting of 'game servers' for online or network gaming.



The above list of prohibited actions is by way of an example only and is not intended to be exhaustive.

Privacy and Monitoring

MSEC has software and systems in place to monitor and record all Internet usage. Our security systems are capable of recording each Web site, email, and instant message into and out of our internal networks. We reserve the right to do so at anytime. No student should have any expectation of privacy as to his or her Internet usage. Our technicians will periodically review Internet activity and contact staff of improper use to ensure that MSEC Internet resources are devoted to maintaining the highest levels of access and integrity. We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy.

Accidental/Unintended Violations

MSEC does utilize software designed to identify inappropriate or sexually-explicit Internet sites. We block access from within our networks to all such sites. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. A user who accidentally accesses a prohibited site is encouraged to report the incident to staff without the threat of consequences.

Consequences

Students who are not responsible and who do not follow MSEC's policies on the use of the Internet and email may face one or all of the following penalties. Remember, the use of the Internet and various technologies offered by MSEC is a privilege, not a right.

Students K-5

- Parent Notification
- District Notification
- Possible Parent Conference or Team Meeting
- Loss of Internet access

Students 6-12

- Parent Notification
- District Notification
- Possible Parent Conference or Team Meeting
- Loss of Internet access
- Possible Suspension from school
- Civil and Criminal Penalties when appropriate



**Merrimack Special Education Collaborative
Student Agreement and Parental Permission Form
2011-2012 School Year**

As a user of the Internet and other technologies offered by the Merrimack Special Education Collaborative, I have read, fully understand, and will comply with MSEC’s Acceptable Use Policy.

Student Signature: _____

Student Advisor: _____

Date: _____

As the parent or legal guardian of the above student, I give permission for him or her to use the Internet and other network technologies offered by MSEC. I understand the rules of the Acceptable Use Policy and also understand the consequences if said rules are not followed. I hereby release MSEC and its employees from any and all liability arising from my child's use, or inability to use, MSEC’s Internet and/or other networking systems.

Parent/Guardian Signature: _____ Date: _____

Name of Student: _____ Date: _____