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Dr. McGuinness,

As you are aware, an alarming number of educators at the Glover Elementary School have suffered physical injury caused by the dangerous behaviors of one or more dysregulated students, despite repeated requests for resources and support from the Department of Student Services. The Marblehead Public Schools have failed to adequately respond or take any appropriate action whatsoever to prevent such incidents and ensure the safety of staff and students at the Glover School. Instead, by its inaction, the Marblehead Public Schools has allowed an unsafe working environment to develop at the Glover Elementary School specifically, and, generally, among all the Marblehead Public Schools whose educators are subject to the lack of an adequate protocol for addressing such behaviors among students.

In addition to the provisions of the collective bargaining agreement, cited below, Massachusetts educators are covered by the regulations of the Occupational Safety and Health Administration ("OSHA"). The Occupational Safety and Health Act that applies to Marblehead Public Schools compels you to maintain a workplace that is "...free from recognized hazards that are causing or are likely to cause death or serious physical harm." Unfortunately, we must enforce our members' rights under federal legislation to ensure a hazard-free workplace.

According to Article XVII of the collective bargaining agreement, the Marblehead Education Association demands that the Marblehead Public Schools meet immediately with the Union to develop a mutually acceptable program to guarantee the safety of students, teachers, and property at the Glover School and all other Marblehead Public Schools. The Union further demands that pursuant to Massachusetts General Laws Ch. 71, Section 37H  $\frac{3}{4}$  and 603 CMR 53.07 as well as the Individuals With Disabilities ACT ("IDEA") Part B, Subpart E, Section 300.530, that the Glover Elementary School student (and any other student or students) whose behavior has been documented to raise specific concerns about the infliction of bodily injury or other serious harm, including to themselves or other students, be immediately suspended from school and placed in an interim alternative educational setting until a mutually acceptable program to ensure the safety of students and staff can be developed.

In making these demands the Union in no way wishes to deny any student their right to a Free and Appropriate Public Education, including those whose education is disrupted when their peers become dysregulated and exhibit dangerous behavior. Rather, we demand only that the District exercise its right to provide students who may need to be removed from the classroom temporarily, with the services they require in an alternative setting until their needs are re-evaluated, and a determination made as to how best to meet them in a manner that maintains everyone's right to a safe working and learning environment.

We sincerely hope that the Marblehead Public Schools will act deliberately to address these concerns. Should the Marblehead Public Schools fail to comply with its obligations as described above, the Union will have no choice but to seek any and all remedies available to us.

Please reply immediately to schedule a date to meet to discuss these concerns.

Respectfully Submitted,

Jonathan Heller & Sally Shevory  
Co-Presidents, Marblehead Education Association

c: Marblehead School Committee