

NEWBURYPORT SCHOOL COMMITTEE

NEWBURYPORT, MASSACHUSETTS

School Committee Business Meeting

**** AMENDED ****

Monday, May 1, 2023

6:30PM

- SC Packet Checklist:**
- SC Business Meeting Agenda May 1, 2023**
 - SC Business Meeting Agenda Notes May 1, 2023**
 - SC Business Meeting Minutes – 4/25/2023**
 - SC Special Business Meeting Minutes – 4/27/2023**
 - School Committee Business Bresnahan Assistant Principal Bio**
 - DESE Sponsored Program presentation**
 - 2023-2024 School Committee Meeting Schedule**
 - School Committee Meetings Policy (BE)**
 - Proposed NPS Policy Changes**
 - Section A: Foundations & Basic Commitments**
 - Section B: Board Governance & Operations**
 - Section C: General School Administration**

Newburyport Public Schools
Newburyport, MA
School Committee Business Meeting - AMENDED
Monday, May 1, 2023

6:30 PM, Senior/Community Center, 331 High Street, Newburyport, MA 01950

The Mission of the Newburyport Public Schools, the port where tradition and innovation converge, is to ensure each student achieves intellectual and personal excellence and is equipped for life experiences through a system distinguished by students, staff, and community who: - practice kindness and perseverance - celebrate each unique individual - value creativity; experiential, rigorous educational opportunities; scholarly pursuits; and life-long learning - provide the nurturing environments for emotional, social, and physical growth - understand and embrace their role as global citizens.

Please note: The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. The meeting will be televised locally live on Comcast Channel 9 & streamed via <https://ncmhub.org/share/channel-9/>.

Business Meeting Agenda:

1. Call to Order
2. Public Comment
3. Student Recognitions
 - *** short recess (2-3 minutes) ***
4. *Consent Agenda (Warrants and minutes of 4/25/23 and 4/27/23) – *possible Vote*
5. New Bresnahan Assistant Principal Introduction
6. DESE Sponsored Program – Equity in Action Network Presentation
7. *2023-2024 School Committee Meeting Schedule – 2nd read - *possible Vote*
8. Subcommittee Updates
 - a. Finance Subcommittee – Brian Callahan
 - b. Policy Subcommittee – Juliet Walker
 - Proposed changes to Policy Sections A through C based on the Policy Subcommittee Review with MASC. – *first reading*
9. Superintendent’s Report
10. New Business

*Possible Vote

Adjournment

***The School Committee reserves the right to call **executive session**, as provided under Chapter 30A, Section 21(a)(2), of the General Laws to discuss strategy sessions in preparation for negotiations, collective bargaining and/or potential litigation.

**Newburyport School Committee
Meeting Agenda Notes - AMENDED**

**Monday, May 1, 2023
6:30PM @ Senior/Community Center, 331 High Street, Newburyport, MA 01950**

AGENDA NOTES

The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. The meeting will be televised locally live on Comcast Channel 9 or stream via <https://ncmhub.org/share/channel-9/>.

Business Meeting Agenda:

3. Student Recognitions:

The following seven grade 9 students are being recognized for their volunteer work helping the Human Rights Commission with set up for the Community IFTAR at the high school on March 28th: Charlotte Kealey, Miguel (Josue) Nye, Catherine Duchesne, Lily DeJordy, Maya LaRosa, Devon Davis and Audrey Powers.

4. *Consent Agenda (Warrants and minutes of 4/25/2023 & 4/27/2023) – possible Vote

5. New Bresnahan Assistant Principal Introduction

Superintendent Sean Gallagher will introduce Allison Byrnes, the new Assistant Principal for the Bresnahan Elementary School.

6. DESE Sponsored Program – Equity in Action Network Presentation

Dr. Tom Abrams will present on the district team’s progress with this DESE professional development initiative.

7. *2023-2024 School Committee Meeting Schedule – 2nd read - possible Vote

The School Committee will review the attached 2023-2024 meeting schedule created using guidelines outlined in Policy BE – School Committee Meetings.

8. Subcommittee Updates

a. Finance Subcommittee – Brian Callahan

b. Policy Subcommittee – Juliet Walker

– Proposed changes to Policy Sections A through C, based on the Policy Subcommittee review with MASC. – *first reading*

○ Section A: Foundations & Basic Commitments Changes (attached)

○ Section B: Board Governance & Operations Changes (attached)

○ Section C: General School Administration Changes (attached)

○ Original Policies available online: <https://www.newburyport.k12.ma.us/Page/181>

9. Superintendent’s Report: Superintendent Sean Gallagher will provide an update regarding the Walker Association Special Education Audit, Apple 1:1 Device program and upcoming events.

10. New Business

FYI: Upcoming Dates:

✓ **Nock Musical “Oklahoma”:** May 4 & 5 @ 7PM, May 6 @ 2PM

✓ **Policy Subcommittee Meeting:** Monday, May 8 @ 6PM

✓ **NHS School Council:** Tuesday, May 9 @ 5PM

✓ **CISL Meeting:** Tuesday, May 9 @ 6PM

✓ **SEPAC Meeting:** Wednesday, May 10 @ 6PM

✓ **Early Release Day:** Friday, May 12

✓ **Grade 5 STEM Showcase:** Friday, May 12 @ 6PM

✓ **School Committee Meeting:** Monday, May 15 @ 6:30PM

✓ **NHS Music Concert:** Monday, May 15 @ 7PM

✓ **NHS Academic Awards Night:** Tuesday, May 16 @ 6:30PM

✓ **Waterfront Festival:** Saturday, May 20 @ 12-4PM

*Possible Vote

NEWBURYPORT SCHOOL COMMITTEE BUSINESS MEETING
Library @ High School, 241 High Street, Newburyport, MA 01950
Tuesday, April 25, 2023

Present: Mayor Sean Reardon, Sarah Hall, Juliet Walker, Bruce Menin, Brian Callahan, Steve Cole and Breanna Higgins

CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE:

Vice Chair Sarah Hall called the School Committee Business meeting of the Newburyport School Committee to order at 6:30 PM. Roll call found all members present. All those present stood for the Pledge of Allegiance.

A moment of silence was held in memory of two former employees: James T. Stehlin, past athletic director and football coach, and past history teacher, Jean Foley Doyle.

PUBLIC COMMENT:

None

STAFF RECOGNITIONS:

The School Committee recognized the district's crossing guards for their hard work, dedication and commitment to the safety of all Newburyport children and families as they travel to and from school each day: Janet Crump, Frank Crump, Diane Learned, Judith Nelson and Robin Turner.

A short recess was held for congratulations and picture taking.

CONSENT AGENDA:

Warrants:

Motion:

On a motion by Brian Callahan and seconded by Bruce Menin it was

VOTED: to approve, receive and forward to the City Auditor for payment the following Warrant:

Warrant 8081 FY23	\$613,323.39
<u>A-Warrant</u>	<u>\$ 23,573.76</u>
	\$636,897.15

Motion Passed Unanimously

Minutes:

Motion:

On a motion by Bruce Menin and seconded by Mayor Sean Reardon it was

VOTED: to adopt the minutes of the April 3, 2023 School Committee Business meeting.

Motion Passed Unanimously

Motion:

On a motion by Bruce Menin and seconded by Mayor Sean Reardon it was

VOTED: to adopt the minutes of the April 11, 2023 Special School Committee Business meeting.

Motion Passed

Breanna Higgins & Juliet Walker abstained

STUDENT REPRESENTATIVE REPORT:

Seniors Avery Hochheiser and Olivia Hansen provided the student report that included news from the College & Career Center, along with student recognitions, the Belize trip, accomplishments and several happenings at the High School. The full report is included with the minutes.

Proposed 2023-2024 NPS Budget:

Superintendent Sean Gallagher provided a brief summary of changes reflected in this version of the proposed budget, followed by a review of frequently asked budget questions and a brief look at budget trends from the North Shore school districts.

- This proposal contains a 4.5% City Appropriation, which is lower than the 5.3% originally presented on April 3rd.
- In addition, the overall increase is now at 6.6%, lower than the 7.1% previously proposed.
- Funding for the .5 BCBA positions at the Nock and Molin, the Molin Gr4-5 Language-based teacher, and the Bresnahan Special Ed Teacher has been shifted to funding from Special Education reimbursement (Circuit Breaker).

Motion:

On a motion by **Bruce Menin** and seconded by **Steve Cole** it was

VOTED: to accept the 2023-2024 NPS Budget as presented by the Superintendent, in accordance with Policy DBD – Budget Planning Process.

Roll Call Vote:

Mayor Reardon	Present
Sarah Hall	Yes
Brian Callahan	Yes
Bruce Menin	Yes
Steve Cole	Yes
Juliet Walker	Yes
Breanna Higgins	Yes

Motion Passed

2023-2024 School Committee Meeting Schedule (Draft):

- No changes were requested; put forward for a vote possibly on the May 1st meeting.
- Brian Callahan suggested using November 6 as a due date for the public to provide the School Committee with their input of what to include in the budget. Other ideas suggested

by Committee members were to use a survey to obtain public input, hold a workshop, and/or get feedback from School Councils.

SUBCOMMITTEE UPDATES:

Finance Subcommittee:

- Brian Callahan reported that FINCOM met two weeks ago mainly about fundraising. The committee would like a full audit of fundraising funds, as well as have a fundraising section on the website.
- District seeks approval to create a separate account in memory of James T. Stehlin.

Motion:

On a motion by **Brian Callahan** and seconded by **Bruce Menin** it was

VOTED: to create a separate account for the NHS Athletic Dept. to be used for donations received in memory of James T. Stehlin, in accordance with Policy KCD – Public Gifts to the Schools.

Motion Passed Unanimously

Policy Subcommittee:

Juliet Walker is working to have changes to Chapters A, B and C ready to present by the May 1st meeting.

SUPERINTENDENT'S REPORT:

- First two meetings of the new Adhoc Superintendent's Advisory Council have gone well.
- The hiring process for a new Bresnahan Assistant Principal is complete, and the Superintendent will introduce Ms. Allison Byrnes at the May 1st meeting.
- A second cohort of teachers are learning iPad technology and developing new instructional technologies.
- A group of High School teachers attended a virtual reality course with XR Terra. The Superintendent would like to schedule a vendor presentation to the School Committee by the end of the year.
- Mid-year assessment data for grades K-8 will be presented at the May 15th meeting.
- The Superintendent will provide an Apple 1:1 program update at the May 1st meeting.

NEW BUSINESS:

- There will be a Special School Committee Business meeting at 6:30PM on Thursday, April 27, 2023 at the Senior/Community Center
- The June 20th School Committee Business meeting may conflict with a City Council meeting on the same night. This meeting "may" need to be cancelled.
- The Peace Awards will be held live on May 25, 2023 from 6:00 – 7:30PM at the City Auditorium. Nominations forms have been distributed and are due by May 15th.

ADJOURNMENT:

Motion:

On a motion by Bruce Menin and seconded by Mayor Sean Reardon it was

VOTED: to adjourn the Business meeting of the Newburyport School Committee at 8:05 PM.

Motion Passed Unanimously

NEWBURYPORT SCHOOL COMMITTEE SPECIAL BUSINESS MEETING
Senior/Community Center, 331 Street, Newburyport, MA, 01950
Thursday, April 27, 2023

Present: Mayor Sean Reardon, Bruce Menin, Brian Callahan, Breanna Higgins,
Steve Cole and Juliet Walker

Absent: Sarah Hall

CALL TO ORDER / ROLL CALL:

Mayor Sean Reardon called the Special Business Meeting of the Newburyport School Committee to order at 6:30 PM. Roll call found all members present except Sarah Hall.

PUBLIC COMMENT:

There was no Public Comment at this time.

2023 – 2024 NPS Budget:

The School Committee discussed changes made to the 2023-2024 NPS Budget from April 25, 2023.

1. City Appropriation was reduced by \$70,710 to \$36,533,619 by changing the following:

- a. Remove the District Groundskeeper position (\$46,000).

The City DPW and NPS could share the position as a pilot for one year. For example, the City could handle all the outside work at the Bresnahan, leaving NPS to concentrate on the High School. In addition, the City could maintain the hilly areas by the stadium and Nock.

- b. Reduce the supplies/materials line across the District by 2% (\$24,710)

2. These changes will reduce the City Appropriation from 4.5% to 4.25%, and reduce the overall budget increase from 6.6% to 6.46%.

Mayor Sean Reardon thanked Superintendent Sean Gallagher for being flexible in reaching 6.46%. He feels that more overlap may exist with the City and NPS, and may wish to create a Mayor's Advisory Group in the future.

ADJOURNMENT:

Motion:

On a motion by Brian Callahan and seconded by Bruce Menin it was

VOTED: to adjourn the Special Business meeting of the Newburyport School Committee at 6:47PM.

Motion Passed

Mayor Reardon voted Present

Sarah Hall absent

Allison Byrnes

Relevant Certifications/Licenses

PreK-6 Principal

Sheltered English Immersion Endorsement

Elementary 1-6

Early Childhood all levels

Background

Allie Byrnes has an extensive background with over 15 years working in education. She currently serves as the Math Instructional Coach at the Bresnahan Elementary School. Prior to her time in Newburyport, she was an elementary school classroom teacher for grades 1-4 in both Swampscott and Reading, Massachusetts.

Allie completed her Bachelor of Arts in Education at Endicott College, received her Master of Education from American International College and has done post graduate work at Curry College.

Newburyport Public Schools

School Committee Meeting

May 1, 2023

Department of Elementary and Secondary Education (DESE) Equity in Action Working Group

- This fall Newburyport was selected as one of 13 districts to participate in a year long working group
- The goal of this DESE facilitated working group is to bring districts together to explore and problem solve the real-time implementation of equity strategies
- This Equity in Action Working Group will help shape DESE's strategies for supporting districts throughout the state

Connection to NPS District Goals

We are excited to be a part of DESE's working group to continue to build on the equity work NPS has been doing.

- Portrait of a Graduate Vision
- Strategic Goals (e.g., Reimagining Supports so all Students are Ready and Able to Learn; Reimagining a Culture of Self Discovery and Personal Achievement)
- School Improvement Goals (e.g., addressing achievement gaps and creating a strong school culture)
- Administrator and Educator Evaluation (e.g., curriculum, planning and assessment; teaching all students; family and student engagement)

Working Group Overview

- This is a year long commitment by a team of educators and administrators.
 - Superintendent Sean Gallagher
 - Assistant Superintendent LisaMarie Ippolito
 - Director of Student Services Wes Pierce
 - District Literacy Coordinator Tom Abrams
 - Bresnahan Math Coach Allyson Byrnes
 - Bresnahan Title I Teacher Rebecca Stuart
- The team attends monthly webinars/workshops where they collaborate with other districts, and develop self-assessments and action plans

Consultation

- In March, Pam Chu-Sheriff, a consultant from Novak Education/DESE visited classrooms to look for evidence of curriculum and instruction equity
- The visit included over thirty classrooms from the Molin, Nock, and High School
- Chu-Sheriff complimented the range of curriculum materials and diversity of instructional practices, of particular note was the genuine sense of belonging

District Level Work

- Under the leadership of Dr. Abrams, a 6-12 working group of English teachers met to craft a vision of equity statement and to analyze curriculum based on that vision
- This local working group will continue to meet

School Committee Meeting Schedule 2023 - 2024

2 nd read – May 1, 2023

Voted/Approved - _____

NOTES:
 School Committee Meetings are held on the **1st** and **3rd Mondays** of each month at 6:30 PM at the Senior/Community Center; (By city Charter, SC meetings shall not meet on the same day as a regular City Council meeting, except in case of an emergency.)
*Exceptions to the rule: *Tuesday, September 5 due to Labor Day; *Tuesday, November 14 - Joint FY24 Budget meeting; *Tuesday, January 2 due to New Year’s holiday, Tuesday, January 16 due to MLK holiday, *Tuesday, February 27 and Tuesday, and April 23 due to school vacation weeks, and not to conflict with City Council meetings.

DATE	TIME	INFO		DATE	TIME	INFO
August 7, 2023	4:00 PM - 8:00 PM	Summer Retreat <i>NHS Library</i>		<i>Tuesday, January 2, 2024</i>	6:30 PM	Inauguration? Business/Organizational Meeting
August 21, 2023	6:30 PM	Business Meeting		<i>Tuesday, January 16, 2024</i>	6:30 PM	Business Meeting
<i>Tuesday, Sept. 5, 2023</i>	6:30 PM	Business Meeting		February 5, 2024	6:30 PM	Business Meeting
September 18, 2023	6:30 PM	Business Meeting		<i>Tuesday, February 27, 2024</i>	6:30 PM	Business Meeting
October 2, 2023	6:30 PM	Business Meeting		March 4, 2024 <i>Public FY24 Preliminary Budget Presentations</i>	6:30 PM	Business Meeting
October 16, 2023	6:30 PM	Business Meeting		March 18, 2024	6:30 PM	Business Meeting
November 6, 2023	6:30 PM	Business Meeting		April 1, 2024	6:30 PM	<i>Public Hearing on Budget</i> Business Meeting
<i>*Tuesday, Nov. 14, 2023</i> 6:30 PM	City Council & School Committee Joint Meeting FY24 Budget			<i>Tuesday, April 23, 2024</i>	6:30 PM	Business Meeting
November 20, 2023	6:30 PM	Business Meeting		May 6, 2024	6:30 PM	Business Meeting
December 4, 2023	6:30 PM	Business Meeting		May 20, 2024	6:30 PM	Business Meeting
December 18, 2023	6:30 PM	Business Meeting		June 3, 2024	6:30 PM	Business Meeting
				June 17, 2024	6:30 PM	Business Meeting

**** Meeting dates, times and/or locations may be changed, added or deleted throughout the year.**

SCHOOL COMMITTEE MEETINGS

Section B: School Committee Governance and Operations	File: BE
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The School Committee will transact all business at official meetings of the Committee. These may be either regular or special meetings, defined as follows:

1. **Regular meeting:** the usual official legal action meeting, held regularly
2. **Special meeting:** an official legal action meeting called between scheduled regular meetings to consider specific topics

Every meeting of the School Committee, regular or special, will be open to the public unless an executive session is held in accordance with state law.

Meetings

- a) The School Committee will meet on the first Monday of each month from August through June. The Committee will meet on the third Monday of the month, except in the month of July. The Committee shall set a standard start time and location for these meetings during the first meeting of each new year. The Committee may, by a majority vote, and for good reason, change the date, place or time of the regular meeting.
- b) Special meetings will be scheduled when called by the Chairperson and/or their designee, requested by two or more members, or collectively agreed upon by a majority of the committee as the result of a discussion during a regular meeting or an executive session. The need for timeliness for such a meeting will be recognized when it's scheduled. The notice of the special meeting shall state the reason for the meeting and shall be transmitted to each member and to the City Clerk at least two (2) business days, excluding weekends and holidays, prior to the time of the meeting.
- c) The Committee may, by a majority vote of those present, there being a quorum, adjourn any meeting to another date and time, and such meeting shall be deemed a continuation of the present meeting.
- d) The Committee may, by a majority vote, conduct a public hearing to ascertain public opinion on a subject that is before the Committee and shall, in any case, conduct a public hearing on the school budget in accordance with the law. The Committee shall set the date, time, and place of such public hearing and shall establish rules for the conduct of such hearing.
- e) The Committee may meet from time to time for the purpose of receiving information and discussing matters pertaining to the educational program of the schools. Any such session shall be posted in the office of the City Clerk at least two (2) business days, excluding weekends and holidays, prior to the time of the meeting.
- g) Any duly-called meeting of the Committee may, for good and sufficient reason, be canceled or postponed by the Chairperson or the Vice-Chairperson. When the Chairperson or the Vice-Chairperson cancels or postpones a meeting, he/she shall inform the Superintendent, whose responsibility it shall be to notify the members.

Sources: MASC

LEGAL REFS.: M.G.L. 30A:18-25

CROSS REFS.: BEC, Executive Sessions; BEDA, Notification of School Committee Meetings

Newburyport School Committee Policy Manual

Version Control

Action	Date
First Reading	7/22/2016
Second Reading	9/6/2016
Adopted	9/6/2016
Revised	8/3/2020

Newburyport Public School District Policies

Section A: Foundations and Basic Commitments

*for First Reading on May 1,
EDITED VERSION (with changes tracked)*

Insertions shown in BOLD (or as otherwise noted)

Deletions shown in ~~Strikethrough~~

SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the City of Newburyport, Massachusetts is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education and the City Charter articles pertaining to the School Committee.

Under the General Laws of Massachusetts,

"... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Newburyport structurally is a department of the City operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Newburyport Public Schools is coterminous with the City of Newburyport.

LEGAL REFS.: Constitution of Massachusetts, [Part II, Chapter V, Section II](#)
M.G.L. [71:1](#)

CROSS REF.: File BB, School Committee Legal Status

SOURCE: ~~Newburyport/MASC~~

THE PEOPLE AND THEIR SCHOOL DISTRICT

The Newburyport School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility. The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community.
2. Establish policies and make decisions on the basis of the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education.

SOURCE: ~~Newburyport/MASC~~

NONDISCRIMINATION

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

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

This policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, pregnancy or pregnancy related conditions or disability.

If anyone has a complaint, or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation, or disability, pregnancy or pregnancy related conditions, their complaint should be registered with the Title IX compliance officer.

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

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

11375 Equal Pay Act, as amended by the Education Amendments of 1972

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

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

Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational opportunity, adopted 6/24/75, as amended 10/24/78

Board of Education Chapter 766 Regulations, adopted 10/74, as amended Through 3/28/78

McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et seq.); Sec.721

SOURCE: Newburyport

NEW SECTION

NONDISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Newburyport School Committee and Newburyport Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Newburyport Public Schools.

Newburyport Public Schools does not exclude from participation, deny the benefits of NPS from or otherwise discriminate against, individuals on the basis of race*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

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

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

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

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school

community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

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

LEGAL REFS: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Acts of 2022, Chapter 117 -
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF: ACE, Nondiscrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

NONDISCRIMINATION STATEMENT

The Newburyport Public Schools does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, or disability, pregnancy or pregnancy related conditions in admission to, access to, employment in, or treatment in its programs and activities.

The Newburyport Public Schools is committed to maintaining a school environment free of harassment based race, color, sex, gender identity, religion, national origin, sexual orientation, or disability, pregnancy or pregnancy related conditions. Harassment by administrators, staff, and support personnel, students, vendors and other individuals at school, or at school-sponsored events, is unlawful and is strictly prohibited. The Newburyport Public Schools requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

To file a complaint alleging discrimination by Newburyport Public Schools on the basis of race, color, national origin, sex, gender identity, disability, age, sexual orientation, or religion pregnancy or pregnancy related conditions, or to make inquiry concerning the application of Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, or applicable state laws and their respective implementing regulations, please contact:

District Level:	School Level:
Title IX Coordinator	Personnel designated appear in
Civil Rights Officer	each school's student and parent
Newburyport Public Schools	handbook.
70 Low Street	
Newburyport, MA 01950	
978-465-4456	

Inquiries concerning the applicability of the aforementioned federal laws and regulations to Newburyport Public Schools also may be referred to:

Office for Civil Rights
U.S. DOE
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Phone: 617-289-0111; or, 1-800-437-0833
FAX: 617-289-0150
e-mail: OCR.Boston@ed.gov

A grievant may file a complaint with OCR, generally,

1. within 180 calendar days of alleged discrimination or harassment; or,
2. within 60 calendar days of receiving notice of Newburyport Public School's final disposition on a complaint filed through Newburyport Public Schools; or,
3. within 60 calendar days of receiving a final decision by the Massachusetts Department of Elementary & Secondary Education, Bureau of Special Education Appeals; or,
4. instead of filing a complaint with Newburyport Public Schools

~~Inquiries relative to state law may be referred to the Massachusetts Department of Education, 75 Pleasant St., Malden, MA 02148-4906 (phone 781-338-3000, or, 1-800-439-2370) or the Massachusetts Commission Against Discrimination at One Ashburton Place #601, Boston, MA 02108 (telephone 617-994-6000).~~

~~SOURCE: Newburyport~~

NEW SECTION

NONDISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

Newburyport Public Schools (NPS) will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, NPS will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

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

Definitions

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

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

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

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

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

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

Resources

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

Director of Human Resources
70 Low Street
978-465-4456

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Newburyport Public Schools. In addition, the Director of Human Resources is the District 504 Coordinator, and can be reached at:

Director of Human Resources
70 Low Street
978-465-4456

Inquiries concerning the Newburyport Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr

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

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Acts of 2022, Chapter 117 -
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF: ACE, Nondiscrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

Title IX Sexual Harassment Grievance Procedure
Civil Rights Grievance Procedure

NONDISCRIMINATION ON THE BASIS OF SEX

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

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

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

SOURCE: ~~MASC~~ Updated 2022

LEGAL REFS.: Title IX of the Education Amendments of 1972
45 CFR, Part 86, (Federal Register, 6/4/75)
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE 603 CMR 26:00

REFERENCE: USDOE Notice of Interpretation -
<https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

CROSS REF.: AC, Nondiscrimination Policy Including Harassment and Retaliation

~~HARRASSMENT INCLUDING HARRASSMENT BASED UPON SEX, RACE, COLOR, NATIONAL ORIGIN, RELIGION, AGE, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY~~

~~Newburyport Public Schools is committed to the prevention of harassment based upon sex, race, color, national origin, religion, age, disability, sexual orientation, and gender identity. It is the policy of the Newburyport Public Schools to provide a school and workplace and environment free from harassment. The Newburyport Public Schools strictly enforces a prohibition against harassment of any of its student or employees, by anyone, including any fellow student, teacher, supervisor, co-worker, vendor or other third party, as such conduct is contrary to the mission of the School District to and its commitment to ensuring equal opportunity in education and employment.~~

~~Harassment consists of unwelcome conduct, whether verbal, written, or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, religion, age, disability, sexual orientation or gender identity. The Newburyport Public Schools will not tolerate any harassing conduct that: has the purpose, or effect, of creating an intimidating, hostile or offensive academic or work environment; has the purpose, or effect, of substantially or unreasonably interfering with an individual's academic or work performance; or otherwise adversely affects an individual's academic or employment opportunities. The Newburyport Public Schools prohibits and will not tolerate harassment of employees or students occurring in the schools or work place. For the purposes of this policy, "workplace" or "school" also includes school-sponsored social events, trips, sports events, work-related travel or similar events connected with school or employment.~~

~~Staff, students or third party complaints of harassment based upon sex, race, color, national origin, religion, age disability, sexual orientation and gender identity be reported to those individuals indicated below. Upon receipt of a complaint of harassment, the Newburyport Public Schools will respond promptly by taking interim measures to protect the complainant from further harassment and by conducting a timely, thorough and impartial investigation. Where it is determined that prohibited conduct has occurred, the school District will act promptly to eliminate the conduct and will impose corrective action if appropriate, up to and including school-related discipline or termination of employment. In all actions taken, the School District will strive to provide due process rights to those persons involved, while minimizing the burden to the complainant student or teacher.~~

~~Any retaliation against an individual who has complained about harassment or retaliation; or any retaliation again any individual who has cooperated with an investigation of a harassment or retaliation compliant is similarly unlawful and will not be tolerated. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Claims of retaliation will also be investigated pursuant to this policy and procedures, and corrective action will be taken as appropriate.~~

~~The policy and procedures set forth herein shall apply to complaints pursuant to both state and federal laws, including Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment Act of~~

1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; and Massachusetts General Laws Chapter 151B.

RESPONSIBILITIES

Individual: All students, teachers, administrators and other school personnel of the Newburyport Public Schools are responsible for creating an environment that is free of harassment, and for conducting themselves in a manner consistent with the spirit and intent of this policy.

Principals: Principals are responsible to ensure that this policy is conspicuously posted in appropriate student/employee work areas, on the website, school and district, and that it is printed in each school's student handbook. The posting shall include the name, mailing address, and telephone number of each school's harassment contact, as well as the name, address, and telephone number of the School District's Civil Rights Officer.

Superintendent or Designee: The Newburyport Public Schools are responsible for the dissemination of this policy and training. The School District will ensure that it will:

1. develop a method of discussing this policy with students and employees;
2. provide appropriate training to administrators and others who are assigned the responsibility to implement the procedures of this policy; and
3. see that this policy is reviewed periodically for compliance with state and federal law.

PROCEDURES: REPORT, INVESTIGATION, RESPONSE

REPORTING

Any person who believes that a student, teacher, administrator or other school personnel has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, is encouraged to report the alleged prohibited conduct as soon as possible to the appropriate individual listed in this policy.

The reporting party or complainant is encouraged to use the Harassment Report Form available on the School District's website, or from the school principal, each School District's Central Office or Superintendent's Office. Oral reports/complaints will also be accepted. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct directly to the district's Civil Rights Officer, or to the Superintendent. Further, nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different administrator than the administrator designated, or in the case of a student, to a district employee.

The School District designates the Director of Pupil Services as the Civil Rights Officer with responsibility to oversee administration of these procedures and to monitor compliance. If a complaint involves the Director of Pupil Services, the complaint shall be made or filed directly with the Superintendent. If a complaint involves the Superintendent, the report will be filed directly with the School Committee.

In each school there are two (2) designees with the responsibility for receiving and investigating oral or written reports of alleged harassment. Any employee who receives a report of alleged harassment shall promptly inform the principal, or other school administrator as indicated below. If the complaint involves the school principal, the complaint shall be filed with the Superintendent.

The School District and school-level harassment contacts are as follows:

Civil Rights Officers: Director of Pupil Services; Superintendent of Schools (alternate)

Title IX Coordinator: Director of Pupil Services

Francis T. Bresnahan Elementary School: Principal (Grades 1-3); Principal (Grades PreK-K); Asst. Principal

Edward G. Molin Upper Elementary School: Principal; Director of Pupil Services

Rupert A. Noek Middle School: Principal; Asst. Principal

Newburyport High School: Principal; Associate Principal; Principal

INVESTIGATION

Upon receipt of a report or complaint of alleged harassment, the responsible administrator shall initiate a timely investigation of the complaint. Interim measures shall also be taken to protect the complainant from further harassment during the pendency of the investigation.

If warranted by the circumstances of the complaint, the School District's Civil Rights Officer may assist the school contact with the investigation, may assume responsibility for the investigation, or may authorize an investigation by a third party who shall report to the District's Civil Rights Officer.

The investigation may consist of personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others that may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether the conduct alleged constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, including but not limited to: the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged conduct occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances.

Upon completion of the investigation, the harassment contact shall generate an investigation report, which will include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The complainant will be informed in writing as to whether or not the allegation of harassment was substantiated. In accordance with state and federal law regarding law or records privacy, the complainant will also be informed that appropriate corrective action has been taken.

CORRECTIVE ACTION

Upon completion of an investigation and substantiation of the complaint, the School District will take appropriate corrective action. Such action may include, but is not limited to: an apology, direction to stop the offensive behavior, counseling, training, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Massachusetts and federal laws and School District policies.

In the case of substantiated harassment by an employee, the Superintendent will include a written statement of the findings, the corrective action taken, and the consequences of continued harassment, in the individual's personnel file.

In the case of substantiated harassment by a student, the principal will include a written statement, as above, in the student's discipline file.

During the entire process of reporting, investigating, and corrective action (if applicable), confidentiality will be maintained to every extent possible.

If harassing conduct constitutes a hate crime or abuse/neglect of a child, it will be reported to the appropriate state agencies/authorities as required by law.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

Nothing in this policy shall be deemed to effect a complainant's right to other remedies at law, including administrative appeals or lawsuits. Administrative agencies with jurisdiction in these matters include:

The Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148
(781) 388-3300

The U.S. Department of Education, Office for Civil Rights
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
(617) 289-0111

Newburyport Police Department
4 Green Street
Newburyport, MA 01950
(978) 462-4411

LEGAL REFS: ~~Title VI and VII of the Civil Rights Act of 1964,
Title IX of the 1972 Education Amendments to the Civil Rights Act,
Section 504 of the Rehabilitation Act of 1973, the Age of Discrimination in
Employment Act, the Americans with Disabilities Act, Chapter 622 of the Acts of
1971,
G.L. c. 151B and G.L. c. 151C, G.L. 265 Section 37, G.L. 265 Section 39, G.L.
266 Section 98, G.L. 266 Section 126A, and G.L. 266 Section 126B.
McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et seq.);
Sec.721~~

NEW SECTION**SEXUAL HARASSMENT**

The Newburyport School Committee and Newburyport Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Newburyport Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an

environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

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

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

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

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

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

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;

- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

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

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

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

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

List the name and phone number of the District’s Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School
Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

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

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

NONDISCRIMINATION ON THE BASIS OF HANDICAP ~~DISABILITY~~

Title II of the Americans with Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal or architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

Reasonable Modification

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

Communications

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability and equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services

"Auxiliary Aids and Services" includes:

- (1.) Qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments.
- (2.) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments.
- (3.) Acquisition or modification of equipment or devices.
- (4.) Other similar services and actions.

Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the Superintendent after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

Notice

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans With Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The Title IX coordinator will serve the function of Compliance Coordinator.

The School system receives Federal financial assistance and must comply with the above requirements. Additionally, it is generally viewed that:

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

LEGAL REFS.: Rehabilitation Act of 1973, Section 504
 Education For All Handicapped Children Act of 1975
 M.G.L. 71B:1 es seq. (Chapter 766 of the Acts of 1972)
 Title II, Americans with Disabilities Act of 1992
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended
 Through 3/28/78
 McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et seq.),
 Sec.721

CROSS REFS.: **IGB, Support Services Programs**

SCHOOL DISTRICT MISSION STATEMENT, BELIEFS AND VALUES

Mission

The mission of the Newburyport Public Schools, the port where tradition and innovation converge, is to ensure each student achieves intellectual and personal excellence and is equipped for life experiences through a system distinguished by students, staff, and community who: - practice kindness and perseverance - celebrate each unique individual - value creativity; experiential, rigorous educational opportunities; scholarly pursuits; and life-long learning - provide the nurturing environments for emotional, social, and physical growth - understand and embrace their role as global citizens.

Beliefs

We believe that

- Each person is worthy of respect
- A strong community celebrates individual uniqueness
- Each individual has inherent worth
- Opportunity stems from adversity; growth from mistakes
- Through reflection we gain understanding
- Compassion and empathy build community
- Everything can be done with kindness
- Individuals are responsible for their own actions
- Attitude has power
- We have an obligation to serve one another
- Trusting relationships require clear and open communication
- A community is responsible for its individuals
- Education is fundamental to an empowered, evolving society

Clipper Values

Respect

- ~~Am I showing respect for myself?~~
- ~~Am I showing respect for the rights and worth of others?~~
- ~~Am I showing respect for school and community property?~~
- ~~Am I showing respect for the environment?~~
- ~~Am I showing respect for others' views?~~
- ~~Am I respectful in my written and spoken communication to others?~~

Kindness

- ~~Am I showing kindness by treating others the way I want to be treated?~~
- ~~Am I showing kindness by promoting the welfare of others?~~
- ~~Am I showing kindness by being patient with others?~~
- ~~Am I showing kindness by acting with empathy and compassion?~~

Innovation

- ~~Does my work stretch my understanding?~~
- ~~Am I approaching problems in new and different ways?~~
- ~~Are we advancing innovation in all areas?~~
- ~~Do I foster and celebrate creativity in all of its different forms?~~
- ~~Do I understand the purpose of innovative practice?~~
- ~~Is the innovative practice rigorous as well as creative?~~

Perseverance

- Do I know how to approach a problem without a clear answer?
- Am I willing to take risks?
- Do I recognize what is holding me back?
- Do I set goals for myself?
- Am I able to use strategies to overcome challenges?
- Am I doing my personal best?

Responsibility

- Do I accept responsibility for my actions and my words?
- Do I accept responsibility for contributing to my class or group?
- Do I accept responsibility for my personal growth?
- Do I accept responsibility for making ethical choices?
- Do I accept responsibility for contributing to my local or global community?
- Do I take ownership of my responsibilities?

Reflection

- Do I think before I act?
- Do I give sufficient time for reflection before I take action?
- Am I willing and able to make change and act based on the feedback I receive?
- Do I value my own work and that of others?
- Do I have an understanding of my learning style, strengths and weaknesses?
- Do I define success in a variety of ways?

SOURCE: Newburyport

NEW SECTION

TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

LEGAL REF: M.G.L. [71:37H](#); [270:6](#)

CROSS REFS.: GBED, Tobacco use on School Property by Staff Members Prohibited
JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

BACKGROUND CHECKS

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

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI (Criminal History Record Information) checks

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

Access to CHRI

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

Storage of CHRI

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

Retention and Destruction of CHRI

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

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

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

CHRI Training

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

Determining Suitability

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

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

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

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

Relying on Previous Suitability Determination.

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

- The suitability determination was made within the last seven years; and
- The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either
- The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or
- If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination.

Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

Adverse Decisions Based on CHRI

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

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

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

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that an individual, after providing him a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B, S. 4,(9,9 ½).

Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations (see specific regulations in legal references), hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions. The superintendent is advised to confer with legal counsel whenever he/she solicits information from an individual concerning his/her history of criminal convictions.

Secondary Dissemination of CHRI

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

The following information will be recorded in the log:

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

Reporting to Commissioner of Elementary and Secondary Education

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

C.O.R.I. REQUIREMENTS

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

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

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

Pursuant to a Department of Education regulation, "Direct and unmonitored contact with children" means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds." In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children. CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services. Access to CORI material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI material should be obtained only where the Superintendent had determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

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

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

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

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

LEGAL REFS.: M.G.L. 6:167-178; 15D:7-8; 71:38R, 151B, 276:100A
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)
42 U.S.C. § 16962
603 CMR 51.00
803 CMR 2.00
803 CMR 3.05 (Chapter 149 of the Acts of 2004)
FBI Criminal Justice Information Services Security Policy
Procedure for correcting a criminal record
FAQ

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

SOURCE: ~~Newburyport/MASC~~

DCJIS MODEL CORI POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of their signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

DETERMINING SUITABILITY

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

SOURCE: ~~MASC~~ - Reviewed 2022

WELLNESS POLICY

PURPOSE AND GOALS

This document serves to guide the direction of the Newburyport Public Schools toward a school community and community at-large that enjoys higher levels of wellness. It contains policy elements and goal statements. It intentionally does not mirror the style of other policy documents, and is intended to be a living document that will evolve with progress toward our goals. Goals or statements that require additional budgetary or human resources describe a desired direction and do not imply a policy requirement.

The Newburyport Public School system is committed to promoting health and wellness for the students and staff within the school community. The District also collaborates with others to help improve the health and wellness of the whole community. The Newburyport Public School system supports guidelines for nutrition education, physical activity, food and beverages sold and served within our schools, and the establishment of a Wellness Advisory Committee. The Newburyport Public School System also strives to reduce youth risk behaviors and to build ASSETS in our youth and community through our curriculum and by collaborating with others in the community.

The Foods at School provisions of this policy was fully implemented by January 1, 2009 and the 105 CMR 225 Nutrition Standards for Competitive Foods and Beverages in Public Schools was implemented in August 2012.

NUTRITION EDUCATION

- The curriculum will include nutrition education following the Massachusetts Department of Education (DOE) Curriculum Frameworks at all levels consistent with our system's goal of offering elementary, middle, and high school health education.
- The staff responsible for nutrition education will be provided curriculum and support materials as well as professional development activities as needed. Professional development activities will provide basic knowledge to effectively deliver an accurate nutrition education program as planned.
- The school cafeteria serves as a "learning laboratory" to allow students to apply their learning about nutrition and critical thinking skills taught in the classroom.
- The school system will provide information to families that encourage them to teach their children about health and nutrition.
- Students will be encouraged to start each day with a healthy breakfast.
- Students, parents and staff will learn about food allergies, their impact on child health, and the emotional dimensions of having an allergy.

PHYSICAL ACTIVITY AND HEALTHY CHOICES EDUCATION

- Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate motor skills, social skills and knowledge.

- Policies ensure that state-certified physical education instructors teach all physical education classes.
- Time allotted for physical activity will be consistent with research, national and state standards.
- A daily recess period will be provided for students in grades kindergarten to eight, which is not used as a punishment or a reward.
- Physical activity participation will take into consideration the “balancing equation” of food intake and physical activity.
- Physical education will include the instruction of individual activities as well as competitive and non-competitive team sports to encourage life-long physical activity.
- Adequate equipment will be available for all students to participate in physical education. Physical activity facilities on school grounds will be safe.
- The school system will provide physical and social environments that encourage safe and enjoyable activity for all students.
- Schools are encouraged to provide community access to and encourage students and community members to use the school’s physical activity facilities outside of the normal school day.
- The District supports and helps to coordinate initiatives and programs that promote physical activities, such as a walk to school program or community activities that promote fitness.
- The Newburyport Public Schools will collaborate with the Beacon Coalition and other community agencies and organizations to promote the goals of this policy in the community at large.

OTHER SCHOOL BASED ACTIVITIES

- After school programs will encourage physical activity and healthy habit formation.
- Support for the health of all students is demonstrated by having a school nurse in every building, hosting health screenings, and helping to enroll eligible children in Medicaid and other state children’s health insurance programs. Having the community hospital and other health support systems involved will support the goals.

NUTRITION GUIDELINES FOR ALL FOODS AT SCHOOL

- There will be District guidelines, reviewed as needed, disallowing certain foods and practices and encouraging other foods and practices. These shall be reviewed as needed by the Wellness Advisory Committee in conjunction with Food Services or other designees. Recommendations will be forwarded to the Superintendent as needed.
- Policies will be developed by Principals in consideration of recommendations made by each School Council that will limit foods and determine other practices at the school level that will support the essential principles of this Wellness Policy. Practices addressed shall include parties and celebrations, individual student snacks, fund-raisers, vending, sale of food on campus during school hours (hot dog stands, special event vendors, etc.), field trips, and any food brought into school outside of the school lunch program. School level policies shall strictly observe the District Guidelines immediately following. School-level and District policies will be regularly communicated to parents and students and, what is appropriate will be included in student/parent handbooks and other annual publications.

District Guidelines on Foods and Food Practices During School Hours

- Soda and candy shall not be allowed in school.
- Nuts and nut products, peanuts and peanut products are restricted foods. Allowance of these foods will be based on health concerns in each school. Decisions in regard to these foods rest with the Principal and School Nurse and shall reflect District policies and guidelines issued by the Massachusetts Department of Public Health. The Principal shall have final authority.
- Food shall not be used as a reward or given out as a treat by school staff at any time with the exception of approved celebrations and in situations where food is part of an Individualized Education Plan. Staff may not otherwise provide candy to students unless indicated in a child's health plan or as directed by a medical professional.
- Fund-raising activities shall not sell or provide food to students for consumption on school premises during school hours.

Principals and School Councils shall consider the following lists when developing school-level rules in regard to foods brought into the school outside of the school lunch program:

School-level Policies Shall **Encourage** These Foods and Practices

100% juice	Milk, fat free and 1% fat
Fresh fruit	Vegetables
Whole grain products	
Celebrations and parties that feature activities rather than food	Foods on Massachusetts A la Carte and food and beverage standards list

School-level Policies Shall **Limit** These Foods

High sugar, fat, or sodium snacks, foods and beverages including, but not limited to, the following:

Cakes	Full fat dairy products
Cookies	Ice cream
Cupcakes	Pies
Doughnuts	

And School-level Policies Shall **Limit** These Practices

Parties and celebrations with food

Home prepared foods and baked goods without specific ingredients lists

EATING ENVIRONMENT

- Students will be provided adequate time to eat lunch (approximately 20 minutes for lunch).
- Lunch periods will be scheduled as near the middle of the school day as possible.
- Cafeterias will include enough serving areas so that students do not have to spend too much time waiting in line.
- Drinking water will be available for students at meals through the water dispensers located throughout the schools.
- Cafeteria climate can be evaluated by the Wellness Advisory Committee representative. Recommendations will then be forwarded to the Wellness Advisory Committee.

SCHOOL LUNCH PROGRAM

- The school breakfast and lunch program will ensure that all students have affordable access to the varied and nutritious foods they need to stay healthy and learn well.
- The school system will strive to increase participation in the available federal Child Nutrition programs, including breakfast where available.
- All food service personnel shall have adequate in-service training in food service operations meeting state annual hourly requirements.
- All foods and beverages sold individually by the contracted food service provider, à la carte or in vending machines, will serve to enhance a student's school lunch with the focus on healthier food and beverage choices. These choices will follow the USDA Dietary Guidelines and the Massachusetts A la Carte and Food and Beverage Standards.
- Meals served through the National School Lunch and Breakfast Programs will meet or exceed nutrition requirements established by local, state, and federal statutes and regulations, and offer a variety of fruits and vegetables. Portion control and nutritious food choices will be considered in the pricing of our school lunch.
- deleted because the breakfast program was expanded
- There shall be no discrimination in any manner within the school lunch program.
- No soft drinks (soda/pop) will be available for sale to students at any school.
- Meals served through the National School Lunch and Breakfast Programs will be appealing and attractive to children, served in clean and pleasant settings, meet or exceed nutrition requirements established by local, state, and federal statutes and regulations, and offer a variety of fruits and vegetables. Portion control and nutritious food choices will be considered in the pricing of our school lunch.
- There shall be no discrimination in any manner within the National School Lunch and Breakfast Program sold and served to students.
- Principals, in collaboration with the Wellness Advisory Committee, the contracted Food Services Manager, or other designees will have oversight of the school lunch program within their buildings.

FOOD SAFETY AND FOOD SECURITY

- All foods made available on school grounds will comply with the state and local food safety and sanitation regulations. Hazard Analysis and Critical Control Points (HACCP)

- plans and guidelines will be implemented to prevent food illness in schools.
- All food service Kitchen Managers and Assistant Kitchen Managers will be Serv-Safe Certified and participate in continuing staff development and training. Remaining Food Service staff will be Serv-Safe Trained.
 - For the safety and security of the food and facility, access to the food service operations will be limited to Child Nutrition staff, custodial and authorized personnel (US Department of Agriculture food security guidelines).

YOUTH RISK BEHAVIOR

The Newburyport Public Schools will systematically address youth risk behaviors by:

- Participating in the Youth Risk Behavior Survey and the ASSETS survey on a regular basis.
- Educating the public about the meaning of the survey data.
- Organizing the wellness curriculum to systematically address risk behaviors and health choices from kindergarten through grade twelve.
- Collaborating with the Beacon Coalition and other organizations to impact students, families, and the larger community, in regard to promotion of ASSET building and reduction of youth risk behaviors.
- Supporting intervention programs in the schools and in the community including Social Emotional Learning (Elementary Schools), Social-Emotional and Behavioral Universal Screening, USafe Social Emotional Learning and Wellness (high school), NAN Project (High School), Health and Prevention Program (High School), substance use prevention education (all levels), SBIRT screening programs (Middle and High School), Signs of Suicide Programs (Middle, High, and Senior Year), re-entry transition programs, and other similar intervention programs.
- Striving to secure a position in the school system dedicated to the coordination of health and wellness programming PK-12 through grant funding and allocations from the local education budget.
- Integrating resources procured through grants such as the Comprehensive School Health Services grant with wellness and prevention efforts and programs.
- Maintaining a publicly accessible web site that provides information about issues and services pertaining to health and wellness and that serves as a resource for the schools and community.

IMPLEMENTATION AND MONITORING

The individual health needs of each student will be taken into consideration in the implementation of this policy and these guidelines.

Wellness Advisory Committee

The Wellness Advisory Committee will foster and monitor physical activity, wellness, good nutrition, and healthy choices in our schools. The Advisory Council will be co- chaired by the Asst. Superintendent and School Nurse Leader

The Wellness Advisory Committee will consist of members appointed by the Superintendent representing the following constituencies:

- Superintendent
- Assistant Superintendent- Co-chair
- School Nurse Leader- Co-chair
- Parents
- High School Students
- Teachers
- Food Services Director
- High School Wellness Department Chair
- Representative of Youth Services and the Beacon Coalition
- School Prevention Specialists
- Clergy

The Wellness Advisory Committee's role and responsibilities will include but not be limited to:

1. Recommend procedures to the Superintendent and Principals to implement this policy.
2. Review the policy and the implementation procedures annually.
3. Monitor and evaluate the progress toward compliance with the goals of the policy.
4. Measure the outcomes of the changes implemented by various tools such as student satisfaction surveys, parent satisfaction surveys, school health statistical data collected in compliance with the Department of Public Health (DPH), and other data collection and monitoring mechanisms.
5. added back-Provide an annual report to the Superintendent of Schools regarding the policy and its implementation, including recommendations and measures to take to improve student wellness by May 15th of each year.
6. Advise the contracted food services provider on meeting the goal of offering healthy, attractive, and student-acceptable breakfast, lunch, and à la carte food items that meet or exceed federal and state guidelines.
7. Support school based wellness initiatives as they develop
8. Act as a liaison to municipal agencies that are collaborating with the Newburyport Public Schools on wellness programs.
9. Promote parent and staff education around the Wellness Policy.

added back: The Superintendent shall annually report to the School Committee progress toward the ends of the School Committee's policy on wellness and the goals of this administrative policy at or before the last School Committee meeting of the school year.

SOURCE: ~~Newburyport~~

Newburyport Public School District Policies

Section B: Board Governance and Operations

*for First Reading on May 1,
EDITED VERSION (with changes tracked)*

Insertions shown in BOLD (or as otherwise noted)

Deletions shown in ~~Strikethrough~~

SCHOOL COMMITTEE OPERATIONAL GOALS

The School Committee is responsible to the people for whose benefit the school system has been established. The Committee's current decisions will influence the course of education in our schools for years to come. The Committee and each of its members must look to the future and to the needs of all people more than the average citizen finds necessary. This requires a comprehensive perspective and long-range planning in addition to attention to immediate problems.

The School Committee's primary responsibility is to establish those purposes, programs, and procedures that will best produce the educational achievement needed by our students. The Committee is charged with accomplishing this while also being responsible for wise management of resources available to the school system. The Committee must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results. It must carry out its functions openly, while seeking the comments of public, students, and staff in its decision-making processes.

In accordance with these principles, the process will involve:

1. Periodically setting performance objectives for the School Committee itself and evaluating their accomplishment.
2. Setting objectives for performance for each position and function in the system.
3. Allowing the people responsible for carrying out objectives to have a role in setting them.
4. Establish practical and smart goals.
5. Conducting a concrete and periodic review of performance against these goals.
6. Considering what pieces of our work the community would want to know about and how best to communicate that information.

EVALUATION OF SCHOOL COMMITTEE OPERATIONAL PROCEDURES

The School Committee will periodically establish realistic objectives related to Committee procedures and relationships. ~~At the end of a specified length of time~~ **Concurrent with the summative evaluation of the Superintendent**, the Committee will measure its performance against the stated objectives.

The following areas of School Committee operations and relationships are representative of those in which objectives may be set and progress appraised:

1. Communication with the public
2. School Committee - Superintendent relationships
3. School Committee member development and performance
4. Policy development
5. Educational leadership
6. Fiscal management
7. School Committee meetings
8. Performance of subcommittees of the School Committee
9. Interagency and governmental relationships

When the Committee has completed its self-evaluation, the members will discuss the results in detail and formulate a new series of objectives. At the same time, the Committee will set an approximate date on which the next evaluation will be conducted.

Implied in the concept of evaluation is an assumption that individuals and Committees are capable of improvement. The School Committee believes that its performance will be improved if evaluation is carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results.

SCHOOL COMMITTEE LEGAL STATUS

The School Committee is the governing board of the city's public school system. Although it functions as a duly elected Committee of city government, the School Committee has, unlike other city boards, autonomous and absolute authority within limitations established by the Commonwealth of Massachusetts to carry out the educational policies of the state and guide the educational process.

Excerpted from Newburyport Charter:

SECTION 4-1: SCHOOL COMMITTEE

- ~~(a) Composition, Term of Office - There shall be a school committee which shall consist of 7 members. Six of these members shall be nominated and elected by and from the voters at large. The seventh member shall be the mayor who shall serve as the chair.~~
- ~~(b) Term of Office - The term of office for elected school committee members shall be for 4 years each beginning on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event the term shall begin on the following day and until his successor has been qualified. The terms of office of elected school committee members shall be so arranged that at least 3 such seats shall be filled at each regular municipal election.~~
- ~~(c) Eligibility - Any voter shall be eligible to hold the office of school committee. If a school committee member removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.~~

SECTION 4-2: SCHOOL COMMITTEE CHAIR

~~Powers and Duties - If present, the mayor shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. In the absence of the mayor, the member to serve as the chair shall be prescribed within the rules of the school committee. The mayor shall appoint all members of all sub-committees of the school committee, whether special or standing. The mayor shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The mayor shall perform such other duties consistent with the office as may be provided by this charter or by vote of the school committee.~~

LEGAL REFS.: M.G.L. 41:1 and 71:37 specifically, but powers and duties of School Committees are established throughout the General Laws of Massachusetts Relating to School Committees
Newburyport Charter, **Section 4**

CROSS REFS.: AA, School District Legal Status; BBA, School Committee Powers and Duties

SCHOOL COMMITTEE POWERS AND DUTIES

The School Committee has all the powers conferred upon it by state law and must perform those duties mandated by the state. These include the responsibility and right to determine policies and practices and to employ a staff to implement its directions for the proper education of the children of the community.

The Committee takes a broad view of its functions. It sees them as:

1. **Legislative or policymaking.** The Committee is responsible for the development of policy as guides for administrative action and for employing a Superintendent who will implement its policies.
2. **Appraisal.** The Committee is responsible for evaluating the effectiveness of its policies and their implementation.
3. **Provision of financial resources.** The Committee is responsible for adoption of a budget that will enable the school district to carry out the Committee's policies.
4. **Public relations.** The Committee is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
5. **Educational planning and evaluation.** The Committee is responsible for establishing educational goals and policies that will guide the Committee and staff for the administration and continuing improvement of the educational programs provided by the School District.

Personnel Matters

The Superintendent shall be appointed by vote of the Committee and shall directly report to the Committee as provided by law and perform all the duties that are prescribed by law and such other duties, not inconsistent thereto, as a majority of the Committee may direct.

The School Committee shall appoint, upon the recommendation of the Superintendent, Assistant/Associate/Deputy Superintendent(s), School Business Administrator, Special Education Administrator, School Physician, School Nurses, and Supervisor of Attendance. Such positions shall not report directly to the School Committee.

LEGAL REF.: M.G.L. [71:37](#) specifically, but powers and duties of School Committees are established throughout the Massachusetts General Laws.

CROSS REF.: [BB](#), School Committee Legal Status
[BDG](#), School Attorney

SCHOOL COMMITTEE MEMBER AUTHORITY

Authority

Because all powers of the School Committee derived from state laws are granted in terms of action as a group, members of the School Committee have authority only when acting as a Committee legally in session.

The School Committee will not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a result of specific instructions of the Committee.

No member of the Committee, by virtue of his/~~her~~**their** office, will exercise any administrative responsibility with respect to the schools or command the services of any school employee.

The School Committee will function as a body and all policy decisions and other matters, as required by law, will be settled by an official vote of the Committee sitting in formal session.

Duties

The duties and obligations of the individual Committee member may be enumerated as follows:

1. To become familiar with the General Laws of the Commonwealth relating to education and School Committee operations, regulations of the Massachusetts Board of Education, policies and procedures of this School Committee and School Department.
2. To keep abreast of new laws and the latest trends in education.
3. To have a general knowledge of the goals, objectives, and programs of the **district** town's public schools.
4. To work effectively with other Committee members without trying either to dominate the Committee or neglect his/~~her~~**their** share of the work.
5. To respect the privileged communication that exists in executive sessions by maintaining strict confidentiality on matters discussed in these sessions, except that which becomes part of the public record, once it has been approved for release.
6. To vote and act in Committee impartially for the good of **the all** students.
7. To accept the will of the majority vote in all cases, and to remember that ~~he/she is~~ **they are** one of a team and must abide by, and carry out, all Committee decisions once they are made.
8. To represent the Committee and the schools to the public in a way that promotes interest and support.
9. To refer questions and complaints to the proper school authorities.
10. To comply with the accepted code of ethics for School Committee members.

NEW SECTION

SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE

In order to serve on the School Committee, an individual must be a registered voter in the town from which they are elected or appointed and must take an oath of office as required by law.

Each new member will present to the Committee secretary official certification of having sworn the oath before an officer duly qualified to administer oaths prior to entering on their official duties as a member of the Committee.

From the Municipal or District Clerk, newly qualified Committee members, by law, receive, and sign a receipt for, a copy of the Massachusetts open meeting law governing the conduct of Committee meetings in general and executive sessions in particular.

Newly qualified Committee members shall, by law, receive and sign a receipt for, within 30 days of taking office, a copy of the Massachusetts Ethics Commission's Summary of the Conflict of Interest laws. As municipal employees, all School Committee members shall receive a copy of said summary annually. All School Committee members shall, within 30 days of taking office, and every 2 years thereafter, complete the Massachusetts Ethics Commission's online training program. Upon completion of the online training program, members shall provide notice of such completion to be retained for 6 years by the Municipal or District Clerk.

LEGAL REFS.: M.G.L. [30A:20](#); [41:1](#); [41:107](#); [76:5](#); 268A:27-28;

NEW SECTION

SCHOOL COMMITTEE MEMBER RESIGNATION

A current School Committee member who submits a resignation to the appropriate certifying authority terminates School Committee duties at the time of such resignation unless a later time is stated in the resignation.

Should a School Committee member move out of the municipality or District in which they hold office, that member shall be deemed to have vacated the office.

LEGAL REFS.: M.G.L. 41:2; 41:109

NEW SECTION

UNEXPIRED TERM FULFILLMENT

When a vacancy on the School Committee occurs for any reason, the Select Board or City Council and the remaining members of the Committee share the responsibility for filling it.

As provided in the law, the School Committee will notify the Select Board or City Council that a vacancy has been created within 30 days after it has occurred. After one week's notice has been given by the Committee to the Select Board or City Council, so that voters of the municipality may have the opportunity to state their candidacy, the two governing bodies will meet to fill the vacancy by roll call vote.

For election to fill a vacancy, a candidate must receive a majority of the votes of the officers entitled to vote. The person so elected will fill the seat on the Committee for the remainder of the unexpired term. However, if the vacancy occurs within the first eighteen months of an unexpired term, the person will serve until the next biennial city election, at which the voters will elect a person to fill the remainder of the unexpired term.

LEGAL REF.: M.G.L. 41:11

Newburyport City Charter, Article 4, Section 6

SCHOOL COMMITTEE MEMBER ETHICS

The acceptance of a Code of Ethics implies the understanding of the basic organization of School Committees under the Laws of the Commonwealth of Massachusetts. The oath of office of a School Committee member binds the individual member to adherence to those State Laws which apply to School Committees since School Committees are Agencies of the State.

This Code of Ethics delineates three areas of responsibility of school committee members:

1. Community responsibility;
2. Responsibility to school administration; and,
3. Relationship to fellow committee members.

1. A School Committee member in his/her/their relations with his/her/the community should:
 - a) Realize that his/her/their primary responsibility is to the children.
 - b) Recognize that his/her/their basic function is to the policy-making and not administrative.
 - c) Remember that he/she is they are one of a team and must abide by, and carry out, all committee decisions once they are made.
 - d) Be well informed concerning the duties of a committee member on both a local and state level.
 - e) Remember that he/she/they represent the entire community at all times.
 - f) Accept the office as a committee member as a means of unselfish service with no intent to "play politics," in any sense of the word, or to benefit personally from his/her/their committee activities.
 - g) Remember and make clear that they speak as individuals, and not for the committee as a whole.
2. A School Committee member in his/her/their relations with his/her/the school administration should:
 - a) Endeavor to establish sound, clearly-defined policies which will direct and support administration.
 - b) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - c) Act only on the recommendations of the chief administrator in all matters of employment or dismissal of school personnel.
 - d) Give the chief administrator full responsibility for discharging his professional duties and hold him/her responsible for acceptable results.
 - e) Refer all complaints to the administrative staff for solution and only discuss them at committee meetings if such solutions fail.
3. A School Committee member in his/her/their relations to his/her/their fellow committee members should:
 - a) Recognize that action at official meetings is binding and that he/she/they alone cannot bind the committee outside of such meetings.

- b) Realize that statements or promises should not be made regarding how they will vote on matters that will come before the committee.
- c) Uphold the intent of Executive Sessions and respect the privileged communication that exists in executive sessions.
- d) Not withhold pertinent information on school matters or personnel problems.
- e) Make decisions only after all facts on a question have been presented and discussed.

SCHOOL COMMITTEE OPERATING PRINCIPLES & NORMS OF INTERACTION

The School Committee will:

1. Represent the needs and interests of all students in the district, striving to represent common interests rather than factions. We will make decisions that are best for students in all cases: all means all.
2. Exercise leadership in vision, planning, policy making, evaluation, and advocacy on behalf of the students and district, not in managing the day-to-day operations of the district.
3. We will communicate positively about other school committee members, staff, and the system. As advocates for Newburyport Public Schools and public education, we readily accept our roles promoting support for public education and spreading the news of our success.
4. Conduct its business through a set agenda. Emerging items will be addressed in subsequent meetings through agenda items, with the exception of items that are time sensitive or require urgent attention.
5. Provide full disclosure. Each member will provide input, encouragement, express concerns and positions rather than withhold information from other members. When a school committee member feels that there has not been full disclosure, an objective process for revisiting the issue will be used.
6. Maintain an open environment where each member is empowered to freely express opinions, concerns, and ideas. School committee members will engage in active listening to clarify and restate discussions in order to strive for full understanding. We will provide continuing education opportunities and support to each other, striving to build trusting relationships.
7. Keep an open mind and accept that they can change their opinions by recognizing that they are not locked into their initial stated positions.
8. Make decisions on information and not on personalities. School committee members will act with the best information available at the time considering data, the superintendent's recommendations, proposals, and suggestions. School committee members will strive to make the best decisions at the time, without waiting for the perfect decision.
9. Debate the issues, not one another. The school committee will engage in critical and creative thinking, expecting all school committee members to freely offer differing points of view as part of the discussion, prior to making a school committee decision.
10. Be clear about, and stay true to, the role of the school committee. Not take unilateral action. A committee member's authority is derived through the majority of the school committee acting as a whole during an open public meeting. We will reach decisions by consensus, and individual members will publicly abide by those decisions, speaking with one voice, once a vote is taken. We will recognize a single official "voice" of the school committee.
11. Attend meetings on time and well prepared to discuss issues on the agenda, and will be prepared to make decisions, striving for efficient decision making.
12. Strive to have no surprises for the committee or superintendent. Surprises will be the exception. All members will provide and receive the same information in a timely manner.
13. Respect all persons presenting to the school committee.
14. Follow the chain of command and direct others to do the same. Personnel complaints and concerns will be directed to the superintendent.

15. Review and revise operating principles, as needed, as part of the school committee's self-evaluation.
16. Recognize that all communications created and received to our district email accounts are public documents, unless a specific statutory exemption applies.
17. Refrain from reading or sending electronic communications, and remain off of all social media platforms during meetings, in the interest of transparency.

SCHOOL COMMITTEE ORGANIZATIONAL MEETING

For the purpose of organizing, the School Committee shall meet on the first Monday in January of each year. The Chairperson, or in his/her/their absence, the most senior member present in point of service on the Committee, shall call the meeting to order.

- The Committee, by viva-voce vote, shall elect one member to serve as Vice- Chairperson.
- The Committee, by viva-voce vote, shall adopt the rules and regulations for its proceedings.
- The Committee, by viva-voce vote, shall designate one member to sign payrolls and vouchers. In the absence of the member so designated, payrolls and vouchers will be signed by the designated alternate chosen by the Committee.

The Vice-Chairperson shall preside at all meetings, if so requested by the Chairperson.

Guides to Conduct, Operation and Practices

1. The Newburyport School Committee guides its conduct, operations and practices by three documents:
 - a. The Code of Ethics of the Massachusetts Association of School Committees
 - b. The Newburyport School Committee **Operating Principles &** Norms of Interaction
 - c. ~~The Newburyport School Committee Principles of Operation~~
2. In order to ensure consistent understanding and application of these documents and the practices included therein these documents will be read aloud and points of clarification discussed during the School Committee Organizational meeting each year.
3. It is the responsibility of all School Committee members to both follow and enforce the letter and spirit of the Code of Ethics, the Norms of Interaction, and the Principles of Operation. In order to confirm our acceptance of this point, each member shall sign a copy of each document after its reading and acceptance at the annual organizational meeting.
4. In the event that a School Committee member observes another member in violation of any of these documents, she/he will report the violation to the Vice Chair.
 - a. The vice chair or his/her/their designate will speak to the offender to correct the behavior.
 - b. A second offense will cause a comment during a public school committee meeting.
 - c. Further violations are cause for a vote of censure by the entire committee.
5. The Vice Chair shall keep a record of all offenses and once a quarter shall report to the committee those items that suffered multiple violations so that they may be brought up for discussion and clarification.

Legal Ref: Newburyport City Charter, Article 4

SCHOOL COMMITTEE MEMBERS AND OFFICERS

The membership of the Committee consists of the Mayor, who shall be the Chairperson, and six members elected at-large for a term of four years, three of whom shall be elected at each biennial city election.

Duties of the Chair

The Chair of the School Committee has the same powers as any other member of the Committee to vote upon all measures coming before it, to offer resolutions and to discuss questions. He/she **They** will perform those duties that are consistent with his/her **the** office and those required by law, state regulations, and this Committee. The Vice-Chairperson shall preside at all meetings, if so requested by the Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the most senior member present in point of service shall preside.

In carrying out these responsibilities, the Chair/Designee will:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Committee.
2. Consult with the Superintendent in the planning of the Committee's agendas.
3. Confer with the Superintendent on crucial matters that may occur between Committee meetings.
4. Appoint subcommittees, subject to Committee approval.
5. Call special meetings of the Committee as found necessary.
6. Be public spokesperson for the Committee at all times except as this responsibility is specifically delegated to others.
7. Be responsible for the orderly conduct of all Committee meetings.

As presiding officer at all meetings of the Committee, the Chair/Designee will:

1. Call the meeting to order at the appointed time.
2. Enforce the Committee's policies relating to the order of business and the conduct of meetings.
3. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.
4. Explain what the effect of a motion would be if this is not clear to members.
5. Restrict discussion to the question when a motion is before the Committee.
6. Answer all parliamentary inquiries.
7. Put motions to a vote, stating definitely and clearly the vote and result thereof.

Duties of the Vice-Chair

The Vice-Chairperson shall preside at all meetings, if so requested by the Chairperson. The Vice-Chair of the Committee will act as presiding officer of the Committee and will perform such other duties as may be delegated or assigned to him/her.

Duties of the Superintendent

The Superintendent shall be the chief executive officer and shall serve as or designate a person to serve as Secretary of the Committee. ~~He/she~~ **They** shall exercise general supervision over the schools in accordance with the policies of the Committee and subject to its direction.

~~SCHOOL COMMITTEE – SUPERINTENDENT RELATIONSHIP~~

~~The Committee shall elect by a majority of the full membership a Superintendent of Schools who shall enter upon his/her duties on a date decided by the Committee.~~

~~Duties of the Superintendent~~

- ~~1. The Superintendent shall be the chief executive officer and shall serve as or designate a person to serve as Secretary of the Committee. He/she shall exercise general supervision over the schools in accordance with the policies of the Committee and subject to its direction.~~
- ~~2. The Superintendent shall carry out all duties imposed upon him/her by the laws of the Commonwealth of Massachusetts.~~
- ~~3. The Superintendent shall attend all meetings of the Committee, unless excused, and shall have the right to be heard on any question before the Committee.~~
- ~~4. The Superintendent shall notify members of all meetings of the Committee and shall record the minutes.~~
- ~~5. The Superintendent shall report to the Committee whatever in his/her judgment should be brought to the attention of the members and shall render any reports requested by the Committee.~~
- ~~6. The Superintendent shall keep himself/herself informed about the progress of education in general, and of the Newburyport schools in particular, and shall from time to time make recommendations to the Committee for the improvement of the schools.~~
- ~~7. The Superintendent shall support the School Committee in the accomplishment of the Committee's annual goals and negotiations of union contracts~~
- ~~8. The superintendent may access legal counsel, hired by the School Committee to meet the District's needs.~~

SOURCE: ~~Newburyport~~

NEW SECTION

SCHOOL COMMITTEE-SUPERINTENDENT RELATIONSHIP

The Committee will leave to the Superintendent all matters of decision and administration that come within their scope as executive officer or as professional leader of the school district. While the Committee reserves to itself the ultimate decision of all matters concerning general policy or expenditures of funds, it will normally proceed in these areas after receiving recommendations from its executive officer. Further:

1. The Superintendent may seek guidance from the Committee with respect to matters of operation whenever appropriate. If it is necessary to make exceptions to an established policy, they will submit the matter to the Committee for advice and direction.
2. The Superintendent will assist the Committee in reaching sound judgments and establishing policies, and will place before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed of situations or business at hand.

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The Committee may establish subcommittees whenever it deems advisable. The members of such subcommittees shall be designated by the Chairperson. The subcommittees, **comprised of less than a quorum of the full School Committee,** will be established by action of the School Committee.

1. The School Committee Chair will appoint the subcommittee chair and its members. ~~Members may include School Committee members and other residents. Staff members and students may also be appointed as appropriate.~~
2. Each subcommittee will be provided with a charge and a list of functions and duties.
3. The subcommittee may make recommendations for School Committee action, but may not act for the School Committee. In all its decision making the school Committee acts as a whole, and subcommittees are designed to assist the School Committee in its work and deliberations.
4. ~~The School Committee Chair and the Superintendent will be ex-officio members of all subcommittees.~~
5. **4.** The School Committee, upon the completion of the subcommittee's assignment will dissolve a subcommittee, or a subcommittee may be dissolved at any time by vote of the School Committee at any time.
6. **5.** Subcommittees will conduct meetings in open session, except when an executive session is necessary as prescribed by state law. Meetings will be held at publicly announced times and places. A summary of the open meeting law will be given to each subcommittee chair. The Central Office will announce and post the times and locations of all meetings.

The School Committee has the **F**ollowing standing subcommittees:

- Finance – **Responsible for informing the School Committee on the adoption of a budget that will enable the school system to carry out the Committee's policies.**
- Policy – **Responsible for the development of policy as guides for administrative action, works with the Superintendent who will implement these policies. This subcommittee evaluates the effectiveness of district policies and their implementation, reporting back to the School Committee.**
- Superintendent Evaluation – **Manages the process by which the superintendent is evaluated, setting goals and collecting data to measure their effectiveness.**

~~ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE~~

~~The following general policies will govern the appointment and functioning of advisory committees to the School Committee other than the student advisory committee, which is governed by the terms of the Massachusetts General Laws.~~

- ~~1. The Committee may establish advisory committees as it sees fit and may establish guidelines for their work.~~
- ~~2. Such advisory committees shall serve at the pleasure of the Committee.~~

NEW SECTION

ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE

The following general policies will govern the appointment and functioning of advisory committees to the School Committee other than the student advisory committee, which is governed by the terms of the Massachusetts General Laws.

1. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide continuing consultation in a particular area of activity. However, there will be no standing overall advisory committee to the School Committee.
2. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that particular type of committee.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed to the committee as members or consultants, as found desirable.
4. Appointments to such committees will be made by the Committee; appointment of staff members to such committees will be made by the School Committee upon recommendation of the Superintendent.
5. Tenure of committee members will be one year only unless the member is reappointed.
6. Each committee will be clearly instructed as to:
 - a. The length of time each member is being asked to serve.
 - b. The assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities.
 - c. The resources the School Committee will provide.
 - d. The approximate dates on which the School Committee wishes to receive major reports.
 - e. School Committee policies governing citizens, committees and the relationship of these committees to the School Committee as a whole, individual School Committee members, the Superintendent, and other members of the professional staff.
 - f. Responsibilities for the release of information to the press.
7. Recommendations of committees will be based upon research and fact.
8. The School Committee possesses certain legal powers and prerogatives that cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the School Committee.
9. Advisory committees created under this policy are subject to the provisions of the Open Meeting Law.

The School Committee will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any committee.

LEGAL REF.: M.G.L. 30A:18-25

CROSS REF.: JIB, Student Involvement in Decision-making

SCHOOL COUNCILS

All schools are required to have School Councils which meet regularly to assist the principal in:

- Adoption of educational goals for the school that are consistent with state and local policies and standards.
- Identification of the educational needs of the students attending the school.
- Review of the school building budget.
- Formulation of a school improvement plan that may be implemented only after review and approval by the Superintendent.

The School Committee believes that schools are key units for educational improvement and change and the successful school improvement is best accomplished through a school community based decision making process. This ensures commitment and support of those most affected by any implemented changes.

Under this policy, the principal shall have primary responsibility for the management of the school. Decisions which are made at the school level must be aligned with the budget, policies, curriculum and district strategic plan. In addition, decisions must comply with state and federal laws and regulations, and with any negotiated agreements of the school district.

The principal, except as specifically defined in the law, shall have the responsibility for defining the composition of and forming the School Council pursuant to a representative process approved by the Superintendent and School Committee.

Conduct of School Council Business:

- The principal serves as co-chair. The second co-chair is elected at the first meeting of the school year following the election of new members.
- There must be parity between faculty and parents/**guardians of current students.**
- All meetings are public meetings and subject to Open Meeting Laws, and each member reads the Open Meeting Law rules and sign off to their understanding of the law.
- Agendas must be posted at least 48 hours prior to the meeting and minutes must be taken and posted. Agendas and minutes are to be sent to the Executive Assistant to the Superintendent for this purpose.
- School Councils have the responsibility for creating the School Improvement Plan which should reflect District goals and practices. ~~School Improvement Plans are two-year plans and will be presented to the School Committee in October for either approval or update~~
- Other areas the School Council may wish to focus on include:
 - Improving school/student performance
 - Budget development
 - Program development
 - School-community relations

LEGAL REFS.: M.G.L. 71:38Q (Professional Development Plans), 71:59C (School Councils, members, meetings, duties)

NEW SECTION

SCHOOL IMPROVEMENT PLAN

The Principal, in conjunction with the school council, shall be responsible for preparing a written school improvement plan biannually.

This plan shall be written and submitted for approval or review to the Superintendent no later than October 1 of the year in which the plan is to be implemented and reviewed by the School Committee. The plan should be drafted with the following in mind:

1. The educational goals for the school, consistent with District mission and goals, and the goals and standards, including student performance standards, as adopted by the Massachusetts Board of Elementary and Secondary Education.
2. An assessment of the needs of the school in light of the proposed educational goals.
3. The means to address student performance, with focus on improvement of student learning.
 - a. Specify expected student outcomes and measurable/observable results.
 - b. Clearly identify actions to be taken to implement the goals.
 - c. Indicate anticipated costs and available funding sources.
 - d. Delineate the method of evaluating and reporting progress and results.
4. Professional development for the school's professional staff.
5. The enhancement of parent/guardian involvement in the life of the school, safety, and discipline.
 - a. Include a plan on how to solicit community support for the changes being developed.
6. The development of means for meeting the diverse learning needs of every child.
7. The establishment of a culture of inclusion and respectful of diversity.
8. Any further subjects as the Principal, in consultation with the school council, shall consider appropriate, except that:
 - a. The council shall have no authority over matters that are subject to Chapter 150E, the collective bargaining law, and
 - b. The council may not expand the scope of its authority beyond that established in law or expressly granted by School Committee policy.

If the school improvement plan is not approved by the Superintendent, it shall be returned to the Principal with specific comments as to the reason(s). The Principal shall revise the plan in cooperation with the school council, and resubmit it for approval.

SCHOOL ATTORNEY

It will be the duty of the School Committee to hire legal counsel to represent the School Committee in various manners. The School Committee delegates its authority to the Superintendent of Schools to determine when legal counsel should be sought.

It will be the duty of the counsel for the Committee to advise the School Committee and the Superintendent on the specific legal problems submitted to him/her. ~~He/she~~ **They** will attend meetings upon request and will be sufficiently familiar with Committee policies, practices, and actions under these policies, and with requirements of the school law to enable him/her to offer the necessary legal advice.

A decision to seek legal advice or assistance on behalf of the school system will be made by the Committee. The Superintendent may also take such action at the direction of the Committee.

Many types of legal assistance are routine and do not require specific Committee approval or prior notice. However, when the Superintendent concludes that unusual types or amounts of professional legal service may be required, ~~he/she~~ **they** will advise the Committee and seek either initial or continuing authorization for such service.

The School Committee may ALSO use the services provided by the City Counsel. The Committee and the Superintendent may seek his/her services to counsel and represent the school system at various times.

LEGAL REFS.: M.G.L. 71:37E , 71:37F

SCHOOL COMMITTEE MEETINGS

The School Committee will transact all business at official meetings of the Committee. These may be either regular or special meetings, defined as follows:

1. **Regular meeting:** the usual official legal action meeting, held regularly
2. **Special meeting:** an official legal action meeting called between scheduled regular meetings to consider specific topics

Every meeting of the School Committee, regular or special, will be open to the public unless an executive session is held in accordance with state law.

Meetings

- a) The School Committee will meet on the first Monday of each month from August through June. The Committee will meet on the third Monday of the month, except in the month of July. The Committee shall set a standard start time and location for these meetings during the first meeting of each new year. The Committee may, by a majority vote, and for good reason, change the date, place or time of the regular meeting.
- b) Special meetings will be scheduled when called by the Chairperson and/or their designee, requested by two or more members, or collectively agreed upon by a majority of the committee as the result of a discussion during a regular meeting or an executive session. The need for timeliness for such a meeting will be recognized when it's scheduled. The notice of the special meeting shall state the reason for the meeting and shall be transmitted to each member and to the City Clerk at least two (2) business days, excluding weekends and holidays, prior to the time of the meeting.
- c) The Committee may, by a majority vote of those present, there being a quorum, adjourn any meeting to another date and time, and such meeting shall be deemed a continuation of the present meeting.
- d) The Committee may, by a majority vote, conduct a public hearing to ascertain public opinion on a subject that is before the Committee and shall, in any case, conduct a public hearing on the school budget in accordance with the law. The Committee shall set the date, time, and place of such public hearing and shall establish rules for the conduct of such hearing.
- e) The Committee may meet from time to time for the purpose of receiving information and discussing matters pertaining to the educational program of the schools. Any such session shall be posted in the office of the City Clerk at least two (2) business days, excluding weekends and holidays, prior to the time of the meeting.
- f) Any duly-called meeting of the Committee may, for good and sufficient reason, be canceled or postponed by the Chairperson or the Vice-Chairperson. When the Chairperson or the Vice-Chairperson cancels or postpones a meeting, ~~he/she~~ **they** shall inform the Superintendent, whose responsibility it shall be to notify the members.

LEGAL REFS.: M.G.L. 30A:18-25
CROSS REFS.: BEC, Executive Sessions;
BEDA, Notification of School Committee Meetings
Newburyport School Committee Policy Manual

SCHOOL COMMITTEE EXECUTIVE SESSIONS

All meetings of the School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law:

1. The Committee will first convene in an open session for which due notice has been given.
2. The Chairperson (or, in his/her absence, the presiding member) will state the purpose for the executive session by stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The Chairperson or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which executive sessions may be convened. The Committee may enter executive sessions only to deliberate:

1. The reputation, character, physical condition or mental health, rather than the professional competence, of a single individual, or the discipline or dismissal, including the hearing of charges against, a member of the committee, a school department employee or student, or other individual. The individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual so request.
2. Strategy with respect to non-union negotiations or to conduct collective bargaining sessions with non-union personnel.
3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted.
4. The deployment of security personnel or devices.
5. Allegations of criminal misconduct or to discuss the filing of criminal complaints.
6. Transactions of real estate, if an open meeting might be detrimental to the negotiating position of the committee or another party.
7. To comply with the provisions of any general or specific law of federal grant-in-aid requirements.
8. And to consider and interview applicants for employment by a preliminary screening committee (The only position that the school committee would be involved in that might qualify would be for the position of Superintendent.) This exemption only applies if it can be determined that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to applicants who have passed a prior preliminary screening.
9. To meet or confer with a mediator with respect to any litigation or public business.
10. To discuss trade secrets or confidential competitively-sensitive or other proprietary information conducted by a governmental body as an energy supplier.

Accurate records of the proceedings conducted in executive session will be kept and may remain secret only so long as their publication would defeat the purpose of the session.

The School Committee Chair and the Superintendent will review executive session minutes for possible declassification on, at least, a quarterly basis and, if necessary, will consult with legal counsel. The School Committee Chair will bring minutes recommended for declassification to the School Committee for a vote either as part of a consent agenda or for individual action. In either case, there shall be an announcement of the declassification of minutes.

When a specific set of executive session minutes, not yet declassified, is requested by a member of the public, the School Committee shall render a decision on declassification at its next meeting or within 30 days after the request, whichever occurs first.

All votes taken in executive session will be recorded roll call votes, and will become part of the minutes of executive sessions.

LEGAL REFS.: M.G.L. 30A:21; 30A:22

CROSS REFS.: BDE, Subcommittees of the School Committee;
BE, School Committee Meetings;
KEB Public complaints about School Personnel

NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

As required by law, a minimum of 48 hours' advance notice (excluding Saturdays, Sundays and legal holidays) will be given for any meeting of the School Committee, including all subcommittee meetings. The only exception permitted is in case of emergency, which the law defines as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action."

Notification of the dates, times, and places of regular meetings will be accomplished by periodic publication of the schedule for the ensuing months. **A minimum of 48 hours prior to each meeting the Committee shall cause to be posted a listing of each subject the Chair reasonably anticipates will be discussed at the meeting (the agenda).** Notification of a change in a regular meeting time or place and notification of a special meeting will be filed with the town **city** clerk at least 48 hours in advance, as required by law.

School Committee Meetings

Except in the case of an emergency, the school committee shall not meet on the same day as a regular city council meeting.

Oath of Office of Mayor, City Council, and School Committee

A mayor-elect (as applicable), the city council-elect, and the school committee members-elect (as applicable) shall, on the first Monday in the January of each even-numbered year, except when said first Monday falls on a legal holiday, in which event on the following day, meet and be sworn to the faithful discharge of their duties by the city clerk. The absence of the city clerk, oaths may be administered by the assistant city clerk, or by a judge of a court of record, or by a justice of the peace. Upon receiving the oath, each said official shall document the same by entering his name in a journal maintained by the city clerk.

Annual Budget Meeting

The mayor shall call a joint meeting of the city council and school committee, to include the superintendent of schools, before the commencement of the annual budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget.

LEGAL REFS.: M.G.L. 30A:18-25;

CROSS REFS.: BE, School Committee Meetings;
Newburyport School Committee Policy Manual

RULES OF ORDER FOR SCHOOL COMMITTEE MEETINGS

Robert's Rules of Order, Newly Revised will govern the proceedings of the Committee, except when those rules are in conflict with the Committee's approved policies and regulations.

In accordance with Robert's Rules, the Committee may suspend parliamentary rules of order by a two-thirds vote.

Typical Procedure for Handling a Motion:

NOTE:

Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Committee:

- The member makes the motion: "*I move that (or "to")...*" and resumes his seat.
- Another member seconds the motion: "*I second the motion*" or "*I second it*" or "*second*"
- The chair states the motion: "*It is moved and seconded that... Are you ready for the question?*"

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if ~~he/she~~ **they** claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the committee (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: "*Are you ready for the question?*" If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: "*The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.*" (Pause for response.) "*Those opposed, say 'Nay'.*" (Pause for response.) "*Those abstained please say 'Aye'.*"

The chair announces the result of the vote.

1. *“The ayes have it, the motion carries, and...”* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

Sources:

Robert's Rules of Order, Newly Revised

VOTING METHOD

HOLD 1/23/23

Wait for updates to remote guidelines for meetings from legislature

MINUTES

The minutes of a School Committee meeting constitute the written record of Committee actions; they are legal evidence of what the action was. Therefore, the secretary of the School Committee will be responsible for reporting in the minutes all actions taken by the Committee.

Minutes will include:

1. A statement on the nature of the meeting (regular or special), **the date**, the time, the place, and the approval of the last regular and each subsequent special meeting.
2. Names of the members present or absent, annotated as to arrival and departure times, if during the meeting.
3. A complete record of official actions taken by the Committee relative to the Superintendent's recommendations, to communications, and to all business transacted. Resolutions and motions will be given in their exact wording, accompanied by the names of members moving and seconding and a record of the results of the vote. Reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
4. Notation of formal adjournment.

Copies of the minutes will be sent to all Committee members at least 72 hours in advance of the meeting at which the minutes are to be approved. Minutes of all meetings shall be created and approved in a timely manner which is defined in regulation as within the next 3 meetings of the body or within 30 days, whichever is later.

The approved minutes will become permanent records of the Committee. Minutes of public meetings and minutes of executive sessions that have been declassified will be in the custody of the Superintendent who will make them available to interested citizens upon request. **Documents used during a School Committee meeting become part of the official record and must be maintained, based upon their content, in accordance with the Commonwealth's Municipal Public Records Retention Schedule.**

LEGAL REFS.: M.G.L. 30A:22; 66:10

CROSS REF.: KDB, Public's Right to Know

~~PUBLIC PARTICIPATION AT SCHOOL COMMITTEE MEETINGS~~

~~All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.~~

~~The School Committee encourages public attendance at and participation in its meetings and will designate time in each agenda for public comment.~~

~~In order that all citizens who wish to be heard before the Committee have a chance and to ensure the ability of the Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:~~

- ~~1. At each regularly scheduled School Committee meeting, individuals or group representatives will be invited to address the Committee. The Chairperson shall determine the length of the public participation segment and read the following statement:~~

~~**The School Committee invites members of the public to offer Public Comment, a welcome and important part of our work. Speakers are allowed up to two minutes for comments. Comments longer than two minutes may be submitted to the district office in writing for inclusion into the minutes of the meeting.**~~

~~**We expect and encourage civility; any remarks that are defamatory or abusive are always considered out of order and the Chairperson may terminate an individual's privilege of address on that basis. We ask all speakers to respect the following guidelines:**~~

~~— Speakers may offer objective criticism of and/or ideas for school operations and programs on the agenda.~~

~~— Please refrain from complaints about specific school personnel or members of the school community.~~

~~— Finally, we request that no student names or any identifying information be offered as that would violate the student's right to privacy.~~

~~**Thank you.**~~

- ~~2. Speakers will be allowed two (2) minutes to present their material. The presiding Chairperson may permit extension of this time limit.~~

- ~~3. Improper conduct and remarks will not be allowed. Defamatory or abusive remarks are always out of order. If a speaker persists in improper conduct or remarks, the Chairperson may terminate that individual's privilege of address.~~

- ~~4. All remarks will be addressed through the Chairperson of the meeting.~~
- ~~5. Speakers may offer such objective criticisms of the school operations and programs as concern them, but in public sessions the Committee will not hear personal complaints of school personnel nor against any member of the school community. Under most circumstances, administrative channels are the proper means for disposition of legitimate complaints involving staff members.~~
- ~~6. Written comments longer than two (2) minutes may be presented to the Committee before or after the meeting for the Committee members' review and consideration at an appropriate time.~~

NEW SECTION

PUBLIC COMMENT AT SCHOOL COMMITTEE MEETINGS

All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.

The School Committee desires individuals to attend its meetings so that they may become better acquainted with the operations and the programs of our local public schools. In addition, the Committee would like the opportunity to hear public comment.

Public comment is not a discussion, debate, or dialogue between individuals and the School Committee. It is an individual's opportunity to express an opinion on issues within the School Committee's authority.

To ensure the ability of the School Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled School Committee meeting, individuals will sign in for an opportunity to speak during public comment. The public comment segment shall not exceed 15 minutes. All speakers are encouraged to present their remarks in a respectful manner
2. Speakers will be allowed up to two (2) minutes to present their material and must begin their comments by stating their name and city/town. The presiding Chair may permit extension of this time limit, in extenuating circumstances.
3. Topics for discussion should be limited to those items within the School Committee's scope of authority. The authority of the School Committee primarily concerns the review and approval of the budget of the district's public schools, the performance of the Superintendent, and the educational goals and policies of the district's public schools. Comments and complaints regarding school personnel (apart from the Superintendent) or students are generally prohibited unless those comments and complaints concern matters within the scope of School Committee authority.
4. The Chair of the meeting, after a warning, reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats that are likely to provoke a violent reaction and cause a breach of the peace, or incitement to imminent lawless conduct, or contains obscenities.
5. Written comments longer than three (3) minutes may be presented to the presiding Chair before or after the meeting. All remarks will be addressed through the Chair of the meeting. Comments made during the public comment portion of the meeting do not necessarily reflect the views or positions of the Newburyport School Committee.

LEGAL REFS.: M.G.L. 30A: 18-25

CROSS REFS: BE, SCHOOL COMMITTEE MEETINGS
BEC, EXECUTIVE SESSIONS
BEDA, NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

SPECIAL PROCEDURES FOR CONDUCTING HEARINGS

In conducting all public hearings required by law, and others, as it deems advisable, the School Committee will:

- Give due and public notice in line with statutory requirements and seek to publicize the meeting in all local media.
- Make available information on the topic of the hearing.
- Give all persons an equal opportunity to be heard in accordance with the Committee's policy.

The Chair of the Committee will preside at the hearing.

The public will be informed at the beginning of the hearing the particular procedure that will be followed in regard to questions, remarks, rebuttals, and any time limitations or other rules that must be followed to give everyone an opportunity to be heard.

In conformance with customary hearing procedures, statements and supporting information will be presented first by the Committee, or by others for the Committee; to comment, citizens must be recognized by the Chair, and all remarks must be addressed to the Chair and be germane to the topic. To assure that all who wish get a chance to speak, the Chair will recognize persons who have not commented previously during the hearing before recognizing persons who wish to remark a second time.

SCHOOL COMMITTEE POLICY DEVELOPMENT

The School Committee will develop policies and put them in writing so that they may serve as guides for the discretionary action of those to whom it delegates authority.

The formulation and adoption of these written policies will constitute the basic method by which the School Committee will exercise its leadership in providing for the successful and efficient functioning of the school system. Through the study and evaluation of reports concerning the execution of its policies, the School Committee will exercise its control over school operation.

~~The School Committee accepts the definition of policy set forth by the National School Boards Association:~~

Policies are principles adopted by a School Committee to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting day-to-day problems, yet be specific enough to give clear guidance.

The policies of the School Committee are framed, and are meant to be interpreted in terms of state law, regulations of the Massachusetts Board of Education, and other regulatory agencies of the various levels of government.

School Committee Policies will be formulated by the Policy Sub Committee with direction and input from the full School Committee, at the request of the superintendent, or as required by state law or regulations.

Adoption of new policies, or the modification of existing policies shall be the sole responsibility of the full School Committee. Policies will be adopted by affirmative vote of a majority of the School Committee when such action has been scheduled on the agenda of a regular or special meeting. Except under emergency conditions, proposed policies will be presented in two meetings, the first, which is for information, discussion and redrafting purposes. The second, for discussion adoption or rejection.

The Superintendent may use any reasonable interpretation of these policies to perform duties.

POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the School Committee. Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the School Committee when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as an agenda item to the Committee in the following sequence:

First Reading:

All policies will have a first reading with the following guidelines:

- Discussion item - reading of the proposed policy or policies;
- Response from Superintendent;
- Report from any advisory Committee assigned responsibility in the area;
- Committee discussion and directions for any redrafting.

Second Reading:

- Follow-up discussion,
- Adoption or rejection.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Committee so directs.

The School Committee may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the School Committee. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

POLICY REVISION AND REVIEW

In an effort to keep its written policies up to date so that they can be used consistently as a basis for School Committee action and administrative decision, the Committee will review its policies on a regular basis.

The Committee will evaluate how the policies have been executed by the school staff and will weigh the results. It will rely on the school staff, students, and the community for providing evidence of the effect of the policies it has adopted.

The Superintendent is given the continuing commission of calling to the Committee's attention all policies that are out of date or for other reason appear to need revision.

The School Committee directs the Superintendent to periodically recall all policy and regulations manuals for administrative updating and Committee review.

SCHOOL COMMITTEE REVIEW OF PROCEDURES

It is expected that the Superintendent and administrative staff will need to issue procedures implementing policies of the School Committee. It is the responsibility of the Superintendent to manage the School System in accordance with written policies adopted by the School Committee. The School Committee will endorse any and all School System guidelines and procedures developed by the Superintendent that are in accordance with the advance the implementation of School Committee policies.

Many of these will be routine from year to year; others will arise in special circumstances; some will be drawn up under specific directions from the Committee.

The Committee may review the procedures developed by the Superintendent for the school system whenever they appear inconsistent with policy, goals, or objectives of the District, but it will revise or veto such procedures only when, in the Committee's judgment, they are inconsistent with policies adopted by the Committee.

The Committee will not officially approve procedures except as required by state law or in cases when strong community attitudes, or possible student or staff reaction, make it necessary or advisable for a regulation to have the Committee's advance approval.

Rules Pertaining to Staff and Student Conduct

Under Massachusetts law, the Superintendent is required to publish "rules and regulations pertaining to the conduct of teachers and students which have been adopted." Codes of discipline, as well as procedures used to develop such codes, shall be filed with the Dept. of Elementary and Secondary Education for information purposes only. Standards of conduct will be included in staff and student handbooks. These handbooks will be reviewed and approved annually by the School Committee.

LEGAL REF.: MGL 71:37H

POLICY DISSEMINATION

The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Committee and the regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Committee, and, insofar as conveniently possible, to all persons in the community. A policy concerning a particular group or groups in the schools will be distributed to those groups prior to the policy's effective date.

All policy manuals distributed to anyone will remain the property of the Committee and will be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary for purposes of updating.

All policies will be posted on the website within 30 days of approval ~~and will be disseminated to all administrative staff.~~

The School Committee's official policy manual will be considered a public record and will be available for inspection at the Superintendent's office.

NEW SECTION

SUSPENSION OF POLICIES

The operation of any section or sections of School Committee policies not established by law or contract may be temporarily suspended by a two-thirds vote of Committee members present at any regular or special meeting. Any action to suspend policy must be reviewed at the next scheduled meeting and will be so noted on the agenda for that meeting.

~~SCHOOL COMMITTEE – STAFF COMMUNICATIONS~~

~~The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.~~

~~School Committee Communications to Staff~~

~~All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.~~

~~Visits to Schools~~

~~Individual School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.~~

NEW SECTION

SCHOOL COMMITTEE-STAFF COMMUNICATIONS

The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

Staff Communications to the School Committee

All communications or reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Staff members are also reminded that Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the Committee's deliberations on problems of staff concern.

School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

Visits to Schools

Individual School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.

~~USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS~~

~~As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including, but not limited to, electronic mail (e-mail), Internet web forums, and Internet chat rooms.~~

~~Under the Open Meeting Law, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including, but not limited to, the sharing of an opinion regarding business over which the Committee has supervision, control, or jurisdiction. A quorum may be arrived at sequentially using electronic messaging without knowledge and intent by the author.~~

~~School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates. Electronic messaging should not be used to discuss Committee matters that require public discussion under the Open Meeting Law.~~

~~Under the Public Records Law, electronic messages between public officials may be considered public records.~~

~~LEGAL REFS.: — M.G.L.4:7; 30A:18-25; 66:10~~

NEW SECTION

USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS

As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including, but not limited to, electronic mail (e-mail), text messages, social media postings, internet web forums, and internet chat rooms.

Under the Open Meeting Law, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including, but not limited to, the sharing of an opinion regarding business over which the Committee has supervision, control, or jurisdiction. A quorum may be arrived at sequentially using electronic messaging without knowledge and intent by the author.

School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates. Electronic messaging should not be used to discuss Committee matters that require public discussion under the Open Meeting Law.

Under the Public Records Law, electronic messages between public officials may be considered public records. Therefore, in order to ensure compliance, the School Committee Chair, in consultation with the Superintendent of Schools, shall annually designate a member of the central office staff who shall be copied on all electronic mail correspondence between and among members of the School Committee, or the district shall provide district e-mail addresses, which are archived. School Committee members who do not have a computer or access to these messages shall be provided copies on a timely basis.

LEGAL REFS.: M.G.L.[4:7](#); [30A:18-25](#); [66:10](#)

NEW SCHOOL COMMITTEE MEMBER ORIENTATION

In accordance with the requirements of law, each new School Committee member elected to the School Committee is required to complete, within one year of their election or appointment, at least eight hours of orientation training. This orientation shall include, but is not limited to, a review of School Finance, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Special Education Law, Collective Bargaining, School Leadership Standards and Evaluations, and the Roles and Responsibilities of School Committee Members.

The School Committee and Superintendent shall assist each new member to understand the Committee's functions, policies and procedures of the Committee as soon after election as possible. Each new member shall be given or provided direct online access to the following materials:

- a) A copy of the School Committee policy manual
- b) A copy of the Open Meeting Law
- c) A copy of the Conflict of Interest Regulations
- d) A copy of the district's budget
- e) Collective bargaining agreements and contracts
- f) Student and staff handbooks

Each new member shall also receive any other materials the Chair and/or the Superintendent determine to be necessary.

The Chair and/or Superintendent shall also clarify policy:

- arranging visits to schools or administrative offices
- requesting information regarding school district operations
- responding to community requests/complaints concerning staff or programs
- handling confidential information

Whether appointed or elected, new members should be advised that they are also members of the Massachusetts Association of School Committees, Inc. and should be encouraged to utilize the services and resources MASC provides by attending meetings or workshops specifically designed for new Committee members. Their expenses at these meetings or workshops will be reimbursed in accordance with established School Committee policy.

LEGAL REF.: M.G.L.: 71:36A

CROSS REF.: BBBA/BBBB School Committee Member Qualifications/Oath of Office

NEW SECTION

SCHOOL COMMITTEE CONFERENCES, CONVENTIONS, AND WORKSHOPS

To provide continuing in-service training and development for its members, the School Committee encourages the participation of all members at appropriate School Committee conferences, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Committee establishes these principles and procedures for its guidance:

1. The School Committee will be made aware of School Committee conferences, conventions and workshops. The Committee will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school district.
2. Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Committee will designate which of its members would be the most appropriate to participate at a given meeting.
3. Reimbursement to Committee members for their travel expenses will be in accordance with the travel reimbursement policy.
4. When a conference, convention, or workshop is not attended by the full Committee, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

LEGAL REF.: M.G.L. [40:5](#)

CROSS REFS.: [BID](#), School Committee Member Compensation and Expenses
[DKC](#), Expense Reimbursements

Newburyport Public School District Policies

Section C: General School Administration

*for First Reading on May 1,
EDITED VERSION (with changes tracked)*

Insertions shown in BOLD (or as otherwise noted)

Deletions shown in ~~Strikethrough~~

ADMINISTRATION GOALS

It is the intent of the School Committee that the District employ qualified personnel to administer the school system efficiently and to require the Superintendent to organize the administration in a manner that will make clear the functions of each position and the relationships among them.

The Superintendent will establish clear lines of communication, both vertically and horizontally, and will form any staff councils or committees needed to provide for efficient conduct of school business. In order to engage in this process in an orderly and effective fashion, each individual and group will be given particular, clear-cut responsibilities. Channels will be established so that the recommendations and decisions of each group can be heard and reviewed by appropriate administrator concerned, and, where appropriate, by the Superintendent and School Committee.

The organization and administration of the schools will balance responsibility with commensurate authority, subject to the reserved legal powers of the School Committee. This means that a staff member, when assigned a responsibility or a position, will be given the authority to make the decisions necessary to perform the assigned tasks.

For the schools to operate effectively, each administrator will be responsible and accountable for making a plan of development for all staff assigned to his/her/their area of supervision. All staff will be responsible for developing professional practice goals and evidence of successful performance in the four standards required in the Massachusetts Educator Evaluations. The superintendent will also be responsible for developing district improvement goals and reporting annually on the progress of the strategic plan.

REFS.: ~~MASC~~, [DESE Educator Evaluation](#)

SCHOOL SUPERINTENDENT

The School Committee shall employ a Superintendent of Schools and fix his/her/their compensation. The Superintendent shall act in accordance with General Laws, Chapter 71, Section 59, and shall perform such other duties consistent with this section as the School Committee may determine. He/she/They shall also prepare such reports as may be required by the State Dept. of Elementary and Secondary Education and shall submit materials for the School Committee's annual budget report to the Mayor in sufficient time for printing and submission to the City Council.

Specifically, the Superintendent is charged with the administration of the school system, subject only to policy guidelines and directives adopted by the School Committee. The Superintendent may also recommend and upon approval of the School Committee, appoint Assistant or Associate Superintendents as provided by law.

The Superintendent is also charged with make all reasonable rules and regulations for management of the Newburyport School District and for conducting the business of the schools as may be deemed necessary or desirable.

LEGAL REFS.: M.G.L. 71:59, 72:3, Newburyport City Charter

CROSS REFS.: AA, School District Legal Status;
BBA, School Committee Powers and Duties

NEW SECTION

SUPERINTENDENT'S CONTRACT

The Committee, upon the appointment of a candidate to be Superintendent, will enter into a written contract with the Superintendent which will meet the requirements of law and protect the rights of both the Committee and the Superintendent. In accordance with said contract or, in the absence of specific contract language, by vote of the members, the Committee may choose to negotiate a successor contract with an incumbent Superintendent.

LEGAL REFS.: M.G.L. [71:41](#); [71:42](#)

EVALUATION OF THE SUPERINTENDENT

~~Each year, through evaluation of the Superintendent, the School Committee will strive to provide feedback and set parameters for new goals and objectives.~~

- ~~• Each year, the School Committee will develop with the Superintendent a set of performance objectives based on the needs of the school system. The Superintendent's performance will be reviewed in accordance with these specified goals.~~
- ~~• The evaluation will follow the format and rubrics provided by the Massachusetts Department of Elementary and Secondary Education.~~
- ~~• So that appropriate goals can be set for following year, the evaluation will be completed by the School Committee no later than June 30 of each year.~~
- ~~• To aid in the evaluation, the Superintendent is encouraged to provide evidence of achievement or progress to the School Committee throughout the year.~~

REF.: ~~_____~~ [DESE Educator Evaluation](#)

NEW SECTION

EVALUATION OF THE SUPERINTENDENT

Evaluation can serve the purpose of helping educators and educational leaders continually improve their practice.

Through evaluation of the Superintendent, the School Committee will strive to accomplish the following:

1. Ensure the efforts of the Superintendent are focused on district goals and the standards of professional practice established by state regulation are met by the Superintendent.
2. Ensure all Committee members and the Superintendent are in agreement and clear on the role of the Superintendent and the immediate priorities among their responsibilities.
3. Provide excellence in administrative leadership of the school district.
4. Develop a respectful and productive working relationship between the School Committee and Superintendent.

The School Committee and Superintendent will periodically develop a set of goals based on the needs of the school district and in keeping with state regulations for evaluation of the Superintendent. The Superintendent's performance will be reviewed in accordance with specified goals and standards according to the evaluation cycle agreed upon with the Superintendent.

All School Committee discussion and deliberation related to the Superintendent's performance evaluation shall be conducted in open session in accordance with the Open Meeting Law.

LEGAL REF: M.G.L. 30A:18-25
 603CMR35:00

~~LINE AND STAFF RELATIONS~~

The School Committee expects the Superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. The administrator will refer such matters to the next higher administrative authority when necessary.

It is expected that the established lines of authority will serve most purposes. But all personnel will have the right to appeal any decision made by an administrative officer through established grievance procedures.

Additionally, lines of authority do not restrict in any way the cooperative, sensible working together of all staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility; when the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the school system.

ADMINISTRATIVE COUNCILS AND AD HOC COMMITTEES

The Superintendent may establish such permanent or temporary councils and *ad hoc* committees as ~~he/she~~ **they** deems necessary for assuring staff participation in decision making, for implementing policies and regulations and for the improvement of the educational program.

Functioning in an advisory capacity, all councils and committees created by the Superintendent may make recommendations for submission to the School Committee through the Superintendent. Such groups will exercise no inherent authority. Authority for establishing policy remains with the School Committee and authority for implementing policy remains with the Superintendent.

The membership, composition and responsibilities of administrative councils, and ad hoc committees will be defined by the Superintendent and may be changed at ~~his/her~~ **their** discretion. However, the School Committee requests to be kept informed of the establishment and dissolution of these groups as well as their membership and their purpose.

Expenses incurred by such groups for consultative services, materials, and any investigative travel will be paid by the school system, but only within budgetary allotments and when approved in advance by the Superintendent.

POLICY IMPLEMENTATION

The Superintendent has responsibility for carrying out, through regulations, the policies established by the School Committee.

The policies developed by the School Committee and the regulations developed to implement policy are designed to increase the effectiveness and efficiency of the school system. Consequently, it is expected that all School employees and students will carry them out.

Administrators and supervisors are responsible for informing staff members in their schools, departments, or divisions of existing policies and regulations and for seeing that they are implemented in the spirit intended.

When action must be taken within the school system where the School Committee has provided no guidelines for administrative action, the Superintendent will have the power to act. The Superintendent's decisions, however, will be subject to review by the School Committee.

DEVELOPMENT OF REGULATIONS

~~The Superintendent will be responsible for specifying required actions and designing the details under which the school system will be operated in accordance with School Committee policy. These detailed arrangements will be designed to implement policies, goals, and objectives of the School Committee and will be one of the means by which the school system will be governed.~~

~~In the development of regulations, the Superintendent may involve at the planning stage those who would be affected by the regulations, including staff members, students, parents/guardians, and the public. He/she must weigh with care the counsel given by representatives of staff, student and community organizations. He/she will inform the School Committee of such counsel in presenting pertinent reports of regulations and in presenting regulations for School Committee approval.~~

~~As long as the Superintendent operates within the guidelines of policy adopted by the School Committee, he/she may issue regulations without prior School Committee approval unless School Committee action is required by law, or the School Committee has specifically requested that certain types of regulations be given School Committee approval, or the Superintendent recommends School Committee approval in light of strong community attitudes or probable staff reactions.~~

DISSEMINATION OF REGULATIONS

~~It will be the responsibility of the Superintendent to see that the regulations developed to implement School Committee policies and administer the school system are appropriately coded and included as regulations in the School Committee's policy manual.~~

~~A regulation concerning a particular group or groups in the schools will be distributed to the group(s) prior to the effective date of the regulation.~~

NEW SECTION

DEVELOPMENT AND DISSEMINATION OF PROCEDURES

The Superintendent will be responsible for specifying required actions and designing the detailed arrangements under which the school district will be operated in accordance with School Committee policy. These detailed arrangements will be designed to implement policies, goals, and objectives of the Committee and will be one of the means by which the school district will be governed.

In the development of procedures, the Superintendent may involve at the planning stage those who would be affected by the procedures, including staff members, students, parents/guardians, and the public. They must weigh with care the counsel given by representatives of staff, student, and community organizations. They will inform the Committee of such counsel in presenting pertinent reports of procedures and in presenting procedures for Committee approval.

As long as the Superintendent operates within the guidelines of policy adopted by the Committee, they may issue procedures without prior Committee approval unless Committee action is required by law; or the Committee has specifically asked that certain types of procedures be given Committee approval; or the Superintendent recommends Committee approval in light of strong community attitudes or probable staff reactions.

It will be the responsibility of the Superintendent to see that the procedures developed to implement Committee policies and administer the school district are appropriately coded and included as procedures in the School Committee's policy manual.

A procedure concerning a particular group or groups in the schools will be distributed to the group(s) prior to the effective date of the procedure.

CROSS REF.: BDG, School Attorney

APPROVAL OF HANDBOOKS AND DIRECTIVES

~~The law directs that in each school building containing the grades nine to twelve, inclusive, the Principal, in consultation with the school council, shall prepare and distribute to each student a handbook setting forth the rules pertaining to conduct of students. The school council shall review the handbook each spring to consider modifications or changes including a review of the disciplinary policy to take effect each September.~~

~~It is essential that the contents of all handbooks conform to School Committee policies. It is also important that all handbooks bearing the name of the school system or one of its schools be of a quality that reflects credit on the school department. Therefore, the School Committee expects handbooks requiring approval to be approved prior to publication by the School Committee and/or the Superintendent. The School Committee must approve any changes to the NHS handbook no later than the second School Committee meeting in June.~~

~~School Committee approval will be necessary for any handbooks that pertain to required standards of conduct for employees or students so that their contents may be accorded the status of School Committee-approved policy or regulation. Other than the High School Handbook which requires School Committee approval by law, the Superintendent will use his/her judgment as to whether other specific handbooks need School Committee approval; however, all handbooks published will be made available to the School Committee for informational purposes.~~

~~In order for the School Committee to approve the Newburyport High School handbook, it must include:~~

- ~~● Academics and requirements for graduation~~
- ~~● Mission and traditions~~
- ~~● Communication Policies and Procedures~~
- ~~● Technology acceptable use policy~~
- ~~● Disciplinary proceedings, including procedures assuring due process and restorative justice options; standards and procedures for suspension and expulsion of students; disciplinary measures to be taken in cases involving the possession or use of illegal substances (including opioids) or weapons, the use of force, vandalism, or violation of a student's civil rights~~
- ~~● Procedures pertaining to discipline of students with special needs;~~
- ~~● Standards and procedures to assure school building security and safety of students and school personnel;~~
- ~~● Co-curricular Activities and Athletics~~
- ~~● An age-appropriate summary of the student-related sections of the bullying prevention and intervention plan~~

~~LEGAL REFS.: M.G.L. 71:37H,~~

NEW SECTION

APPROVAL OF HANDBOOKS AND DIRECTIVES

The Principal, in consultation with the school council, shall prepare and distribute to each student a handbook setting forth the rules pertaining to conduct of students. The school council shall review the handbook each spring to consider changes in the disciplinary policy to take effect at the beginning of the next school year.

It is essential that the contents of all handbooks conform to School Committee policies. It is also important that all handbooks bearing the name of the school district or one of its schools be of a quality that reflects credit on the school department. Therefore, the Committee expects handbooks requiring approval to be approved prior to publication by the Committee and/or the Superintendent.

Committee approval will be necessary for any handbooks that pertain to required standards of conduct for employees or students so that their contents may be accorded the status of Committee-approved policy or regulation. The Superintendent will use their judgment as to whether other specific handbooks need Committee approval; however, all handbooks published will be made available to the Committee for informational purposes.

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

CROSS REF.: BGD, School Committee Review of Procedures

DELETE

File: CL

ADMINISTRATIVE REPORTS

~~The School Committee will require reports from the Superintendent concerning conditions of efficiency and needs of the schools.~~

~~School building administrators will be required to keep such records and make reports as the Superintendent may direct or require.~~

~~Upon receipt of the Superintendent's reports, the School Committee will take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system.~~

~~Statistical information often has a time value, therefore, each administrator will give careful consideration to all procedures related to reports, accounting, and general business matters that are required for the administration of the school program and will make accurate and prompt return on scheduled dates of all required statistical and other information.~~

SCHOOL DISTRICT ANNUAL REPORT

An annual report covering the diversified activities of the school system and the administration's recommendations for their improvement will be prepared by the Superintendent and presented to the School Committee, ideally to provide context for our annual budget. Upon Committee approval, the report will be made available to the public and used as one means for informing the parents/guardians, citizens, and others of the programs and conditions of the City's public schools. This report on the Status of our schools is different from the reports we are required to submit to DESE/ Commissioner of Education

LEGAL REFS.: M.G.L. 72:4
City Charter