

SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"... Every city 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 Haverhill 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 Haverhill Public Schools is coterminous with the City of Haverhill.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II
M.G.L. 71:1

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required city's to provide for a program of public education.

SOURCE: MASC

NOTE: A statement under this code is usually statutory and informational. This statement presents statutory information relating to Massachusetts school systems. Historical notes on the school system's organization and information on its areas or boundaries might also be included.

The cross reference is to a related policy in this reference manual and is offered as a suggestion for cross-referencing your own statement in this category.

The content of a policy at this code for a regional school district would be different from the sample policy above. Regional school districts often refer to the regional agreement with the legal references; many have included a copy of the regional agreement as an exhibit document coded AA-E.

THE PEOPLE AND THEIR SCHOOL DISTRICT

The 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. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is 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. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

SOURCE: MASC

NOTE: Since this is a reference manual, no adoption dates are given. The date of adoption, and revision dates, if any, should be noted on each policy in a local School Committee's policy manual.

NONDISCRIMINATION STATEMENT

Haverhill Public Schools does not discriminate on the basis of race, color, religion, national origin, age, gender, sexual orientation, or disability in admission to, access to, employment in, or treatment in its programs and activities.

In accordance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1973, and Chapter 622 of the Acts of 1971 the school system has designated a school official(s) as coordinators) to publicize anti-discrimination requirements and handle all complaints.

The coordinator/grievance officer for Title VI and Title IX is:

Mr. Jared Fulgoni
Assistant Superintendent of Schools
Haverhill Public Schools
4 Summer Street
Haverhill Massachusetts 01830
978-374-5740

The coordinator/grievance officer for Section 504 is:

Mr. Jared Fulgoni,
Assistant Superintendent of Schools
Haverhill Public Schools
4 Summer Street
Haverhill Massachusetts 01830
978-374-3405

SOURCE: Haverhill

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 by the following statements that the School Committee intends to:

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

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

SOURCE: MASC

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. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 2011
M.G.L. 76:16
BESE regulations 603CMR 26.00 Amended 2012
BESE regulations 603CMR 28.00

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination
 GBA, Equal Employment Opportunity
 JB, Equal Educational Opportunities

UPDATED: June 2012

NOTE: This category is for a general policy covering all types of nondiscrimination and relating to students, staff, and others. Federal and state laws apply.

If a policy relates to staff only, to students only, or a particular form of non-discrimination, it is better filed elsewhere. Appropriate codes for such statements are indicated by the cross-references.

Regulations pertaining to all forms of nondiscrimination -- or a procedure all persons can resort to for redress of grievances related to nondiscrimination -- would follow under code AC-R.

Law in most instances requires official School Committee approval of regulations in this area.

DISCRIMINATION / HARASSMENT GRIEVANCE PROCEDURE - EMPLOYEES

I. WHERE TO FILE A COMPLAINT

Any employee who believes that the Haverhill Public Schools has discriminated against or harassed her/him because of her/his race, color, religion, national origin, sexual orientation, disability, or age in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Assistant Superintendent for Personnel and Administrative Services. If this is the person who is alleged to have caused the discrimination or harassment, the complaint may be filed with the Superintendent. These individuals are listed below and are hereinafter referred to as "Grievance Administrators".

Mr. Jared Fulgoni Assistant Superintendent of Schools Haverhill Public Schools, 4 Summer Street, Haverhill, MA 01830 (978) 374-5740.

James F. Scully, Superintendent Haverhill Public Schools, 4 Summer Street, Haverhill, MA, 01830 (978) 374-3405.

II. CONTENTS OF COMPLAINTS AND TIME LINES FOR FILING

Complaints under this grievance procedure must be filed within twenty (20) schools day of the alleged discrimination. The complaint must be in writing. The Grievance Administrator or any person of the grievant's choosing may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name, school, and position (or address and telephone number if not a student or employee) of the grievant.
2. The name (and address and telephone number if not a student or employee) of the grievant's representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment (Respondent).
4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s), time, and location of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witness), as can be reasonably determined.
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

III. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

Respondents will be informed of the charges as soon as the Grievance Administrators deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Grievance Administrator will interview witnesses who she/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Such interviews and gathering of information will be completed within fifteen (15) schools days of the receiving of the complaint.

Within twenty (20) schools days of receiving the complaint, the Grievance Administrator will meet with the grievant and/or his/her representative to review information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school days of the meeting with the grievant and/or representative, the Grievance Administrator will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by the Haverhill Public Schools involves disciplinary action against an individual, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (i.e., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment.)

Any disciplinary action imposed upon an individual is subject to applicable procedural requirements.

All the time lines indicated above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation, in which case, the matter will be completed as quickly as practicable. If the time lines specified above are not met, the reason(s) for not meeting them must be clearly documented. In addition, it should be noted that in the event the respondent is subject to a collective bargaining agreement which sets forth a specific time line for notice of a complaint, such time lines will be followed.

Confidentiality of grievants/respondents and witnesses will be maintained, to the extent consistent with the Haverhill Public Schools' obligations relating to investigation of complaints and the due process rights of individuals affected.

Retaliation against someone because he/she has filed a complaint under the grievance procedure is strictly prohibited. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

IV. APPEALS

If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal the disposition to the Superintendent within fifteen (15) school days of receipt of the Disposition by the Grievance administrator as listed below:

James F. Scully
Superintendent of Schools
Haverhill Public Schools
4 Summer Street
Haverhill, MA 01830
(978) 374-3405

The Superintendent will issue a written response on the appeal to the grievant within ten (10) school days of receiving the appeal.

Revised 5.99
Revised 8.00
Revised 7.03
Revised 11.16

SOURCE: Haverhill

HARASSMENT POLICY

The Haverhill Public School system is committed to maintaining a school environment free of harassment based on race, color, religion, national origin, age, gender, sexual orientation, or disability. Harassment by administrators certified and support personnel, students, vendors and other individuals at school or at school-sponsored events are unlawful and is strictly prohibited. The Haverhill Public School system 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.

Definition of Harassment

In General: Harassment includes insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which offends or shows disrespect to others based upon race, color, religion, national origin, age, gender, sexual orientation, or disability.

What one person may consider acceptable behavior may be reasonably viewed as harassment by another person. Therefore, individuals should consider how their words or actions might reasonably be viewed by other individuals. It is also important for individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile or offensive.

Sexual Harassment: While all types of harassment are prohibited, sexual harassment requires particular attention. Under Massachusetts General Law Chapter 151C, the term "sexual harassment" includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment, provision of benefits, privileges or placement services, or the basis for evaluation of academic achievement.
2. The individual's response to such conduct is used as a basis for educational, disciplinary, or other decisions affecting that person...
3. Such conduct interferes with an individual's job duties, education, or participation in extra-curricular activities.
4. Conduct creates an intimidating, hostile or sexually offensive work or educational environment.

Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Haverhill Public Schools.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

Investigation

If any individual or his/her representative complains that he/she has been harassed (or who has witnessed or learned and reported an incident of harassment) in the educational environment, appropriate school officials will investigate the facts and circumstances as reported. In assessing such reports school officials will be careful to consider the viewpoint of the complainant, or reporter, especially in cases involving small children. The complainant will be informed of the grievance procedure.

School officials will promptly look into each complaint of harassment. Such inquiries will be handled at the lowest possible level, most ordinarily at the building level. Central Office staff routinely will serve only in an appellate capacity. If a determination is made that harassment has occurred, school officials will take any appropriate aforementioned action to end the harassment and to ensure that it is not repeated. Confidentiality will be maintained consistent with the school system's obligations under law and under applicable collective bargaining agreements.

In certain cases, the harassment of a student may constitute child abuse by a "caretaker" (e.g. by a school staff member) and under Massachusetts General Law Chapter 119, section 51A, school administrators, teachers, and other school staff must report the suspected child abuse to the Department of Social Services.

The state agency responsible for enforcing laws prohibiting sexual harassment is the Massachusetts Commission Against Discrimination ("MCAD"), which is located at One Ashburton Place, Room 601, Boston, Massachusetts, 617-727-6000. The agency responsible for enforcing federal laws prohibiting sexual harassment in the employment context is the Equal Employment Opportunity Commission ("EEOC") located at One Congress Street, 10th Floor, Boston, Massachusetts, 617-565-3200. If you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of these government agencies. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim: EEOC: 300 days; MCAD: Six months for events occurring on or prior to November 5, 2002; 300 days for events occur after November 5, 2002.

SOURCE: Haverhill

NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex 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, to all of its students and employees.

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

SOURCE: MASC

UPDATED: June 2012

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

CROSS REF.: AC, Nondiscrimination

DISCRIMINATION / HARASSMENT - STUDENTS

I. WHERE TO FILE A COMPLAINT

Any student who believes that the Haverhill Public School has discriminated against or harassed her/him because of her/his race, color, religion, national origin, sexual orientation, disability, or age in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Building Principal and/or the Assistant Superintendent for Personnel & Administrative Services. These individuals are hereinafter referred to as "Grievance Administrators".

Mr. Jared Fulgoni
Assistant Superintendent of Schools
4 Summer Street
Haverhill, MA 01830
(978) 374-5740

COMPLAINTS OF DISCRIMINATION BASED UPON DISABILITY: A person who alleges discrimination on the basis of disability relative to the identification, evaluation, or educational placement of a person, who because of a handicap needs or is believed to need special instruction or related services, pursuant to Section 504 of the Rehabilitation Act of 1973, Chapter 766, and/or the Individuals with Disabilities Education Act, must use the procedure outlined in the Massachusetts Department of Education's Parents' Rights Brochure rather than this grievance procedure.

A copy of the brochure is available from the following individual:

Mr. Kyle Riley
Director of Special Education
Haverhill Public Schools
4 Summer Street
Haverhill, MA 01830
(978) 374-3435

A person with a complaint involving discrimination on the basis of a disability other than that described above may either use the grievance procedure or file the complaint with the U.S. Department of Education at the address provided at the end of this grievance procedure.

II. CONTENTS OF COMPLAINTS AND TIME LINES FOR FILING

Complaints under this grievance procedure must be filed within twenty (20) school days of the alleged discrimination. The complaint must be in writing. The Grievance Administrator or any person of the grievant's choosing may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name, school, and grade level (or address and telephone number if not a student or employee) of the grievant.
2. The name (and address and telephone number if not a student or employee) of the grievant's representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment (respondent).
4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s), time, and location of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witness), as can be reasonably determined.
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

III. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

Respondents will be informed of the charges as soon as the Grievance Administrators deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Grievance Administrator will interview witnesses whom she/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Such interviews and gathering of information will be completed within fifteen (15) school days of the receiving of the complaint.

Within twenty (20) school days of receiving the complaint, the Grievance Administrator will meet with the grievant and/or her/his representative to review information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school days of the meeting with the grievant and/or representative, the Grievance Administrator will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by the Haverhill Public Schools involves disciplinary action against an individual, the complainant will not be informed of such disciplinary action. Unless it is directly involves the complainant (i.e., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment.)

Any disciplinary action imposed upon an individual is subject to applicable procedural requirements.

All the time lines indicated above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation, in which case the matter will be completed as quickly as practicable. If the time lines specified above are not met, the reason(s)

for not meeting them must be clearly documented, in addition, it should be noted that in the event the respondent is subject to a collective bargaining agreement which sets forth a specific time line for notice and/or investigation of a complaint, such times lines will be followed.

Confidentiality of grievants/respondents and witness will be maintained, to the extend consistent with the Haverhill Public Schools' obligations relating to investigation of complaints and the due process rights of individuals affected.

Retaliation against someone because he/she has filed a complaint under the grievance procedure is strictly prohibited. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

IV. APPEALS

If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal the disposition to the Superintendent with fifteen (15) school days of receipt of the disposition by the Grievance Administrator, as listed below:

James F. Scully, Superintendent
Haverhill Public Schools
4 Summer Street, Haverhill, MA 01830
(978) 374-3405

The Superintendent will issue a written response on the appeal to the grievant within ten (10) school days of receiving the appeal.

Revised 5.99
Revised 8.00
Revised 8.02
Revised 11.16

SEXUAL HARASSMENT

All persons associated with the Haverhill Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting, as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

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

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

Definition of Sexual Harassment: Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

The Grievance Officer: **[Name, Office, Address, Phone Number]**

The committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

Complaint Procedure:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
 - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.

- b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
- c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
- d. On the basis of the grievance officer's perception of the situation he/she may:
 - Attempt to resolve the matter informally through reconciliation.
 - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee **[Name, Office, Address, Phone Number]** may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.
4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

SOURCE: MASC

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45
Federal Regulation 74676 issued by EEO Commission
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)
Board of Education 603 CMR 26:00

NONDISCRIMINATION ON THE BASIS OF HANDICAP

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 of 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 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 an 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 or 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, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille 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 and (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 School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American 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 school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

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

SOURCE: MASC

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended
Education for All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Title II, Americans with Disabilities Act of 1992, as amended
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through
3/28/78

CROSS REFS.: IGB, Support Services Programs

NOTE: Due to federal and state laws, many school committees are adopting policies and extensive regulations pertaining to Nondiscrimination on the Basis of Handicap. At times, policy, regulations, and specific plans for action are combined in one long statement presented as policy. Other school systems present policy and regulatory statements separately.

MISSION STATEMENT

In today's society our children are continuously excited by new and challenging stimuli; adaptability to change therefore becomes a paramount objective of learning.

The mastery of basic skills is essential to our children as they prepare to function as responsible individuals. Children must also know how to direct their own learning by mastering the skills of independent inquiry, because circumstances do not enable us to predict with certainty just what today's children will need to know when they become tomorrow's adults. The optimum environment should be sought so that all children can develop physically and emotionally and acquire the information, academic skills, critical judgment, and creativity needed to lead to a better understanding of themselves, each other, and the world around them.

The school system must continually strive to create, implement, and improve programs that are compatible with appropriate curricula and provide opportunities for innovation in teaching and learning. If this is accomplished, children will then come to realize more fully their own potential as individuals and be better prepared to appreciate and act responsibly in the society in which they live.

SOURCE: MASC

CROSS REFS.: IA, Instructional Goals

NOTE: The cross references are to related sample policies in this manual. They are also examples of cross-references that may be useful in an individual School Committee's policy manual.

SCHOOL DISTRICT GOALS AND OBJECTIVES

Objectives:

The Haverhill School Committee reserves the right to set goals and objectives and to establish short and long term directions for the Haverhill Public Schools.

Revised 10.98

Revised 11.16

SOURCE: Haverhill

SMOKING ON SCHOOL PREMISES

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses 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.

SOURCE: MASC

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

HAVERHILL PUBLIC SCHOOLS CRIMINAL RECORD INFORMATION POLICY

The purpose of this Policy is to establish a policy for the Haverhill Public Schools ("HPS") regarding the review of criminal records of candidates under consideration for employment or volunteer service and current employees and volunteers. Under M.G.L. c. 71, §38R, the HPS must request criminal offender record information (CORI) from the Massachusetts Criminal History Systems Board (CHSB) for both present and future employees or volunteers in any HPS program who have direct and unmonitored contact with children. HPS also must obtain CORI on all bus or taxi cab drivers transporting children in the district. CHSB has authorized the HPS to receive CORI regarding such individuals.

POLICY

In order to insure that employees or volunteers or taxicab drivers having contact with children in the HPS are suitable for serving in their positions, a CORI check will be performed and reviewed regarding such individuals whose service entails the potential for direct and unmonitored contact with HPS students. CORI checks will be completed and reviewed prior to commencement of employment or volunteer service, and at least every three years thereafter, including but not limited to at least once prior to the granting of professional teacher status. It is the Policy of the HPS that convictions of certain crimes pose an unacceptable risk to the student population of the HPS. HPS will refuse to employ or continue to employ, or to accept or continue to accept the volunteer services of any individual whose CORI check, in the judgment of the Superintendent or his designee, reveals a criminal conviction which disqualifies the individual from having direct and unmonitored contact with children, as set forth below.

A. SCOPE OF POLICY

This Policy applies to candidates for and current occupants of positions which have the potential for direct and unmonitored contact with HPS students, including but not limited to teachers, teacher aides, school nurses, counselors, coaches or other extracurricular staff or supervisors, food service employees, custodians, and certain other professional, administrative, and support staff. This Policy also includes volunteers, interns, student teachers, or other persons regularly offering support to any school program or facility in either a paid or unpaid capacity.

1. Applicants for employment

An applicant for employment is defined as any person under consideration for hire as an employee to provide services to students where the position has the potential for direct and unmonitored contact with students. A person who has access to areas where students may be unsupervised, such as classrooms, restrooms, elevators, corridors, locker rooms, libraries, offices, cafeterias, playgrounds, gymnasiums, school buses, or any other area within a school facility or vehicle will be considered to have the potential for unsupervised contact. Persons who may during the course of employment be authorized to escort students off school premises, such as for a school sponsored field trip, will also be considered to have the potential for unsupervised contact.

2. Current Employee

A current employee is a person who is currently employed by the HPS in any of the positions and performing the duties listed in paragraph 1, above.

3. Volunteer

A volunteer is defined as any person who works in an unpaid capacity for the HPS and who may have unsupervised student contact provided, however, individuals who provide unpaid services on an occasional basis where direct and unmonitored contact with HPS students is unlikely will not be considered volunteers for the purpose of this Policy. This definition includes parents or others who volunteer time on a regular basis and are likely to have the potential for unsupervised contact with HPS students.¹ Parents who wish to serve as classroom, cafeteria, school bus, fieldtrip or other volunteers during the school year, must be referred to the school principal for an assessment as to whether a CORI review is necessary.

Other adults who will be or volunteering in a school facility are also subject to this Policy. For example, various local corporations, colleges and community agencies have programs whereby adults from their organization will interact with the student population, i.e., by reading to students, serving as mentors, etc. School principals with questions or concerns regarding volunteers in their schools must contact the Superintendent for guidance prior to allowing the volunteering to begin.

4. Taxicab Drivers

Taxi drivers are individuals employed by vendors who provide special education transportation to HPS special education students.

B. DISQUALIFICATION

1. The existence of a criminal record creates a high level of scrutiny of an application. As determined by the Superintendent or designee, no applicant will be hired or current employee retained, or volunteer accepted or retained, or taxicab driver allowed to transport special education students, who has a criminal record containing information that the individual
 - a. has been convicted of committing a felony or misdemeanor, and the nature of the offense demonstrates a potential risk to students or otherwise compromises the ability of the applicant to perform the position applied for; or
 - b. has been convicted more than once, regardless of the date of disposition, of committing any crime or other infraction that will likely infringe on the applicant's ability to fulfill any of the job requirements, such as driving offenses for employees who may require the use of a vehicle and fraud convictions for employees who have

¹ The term "parent" as used throughout the remainder of this Policy is defined, for purposes of the Policy, to include

guardians, foster parents, step-parents, grandparents, and other adult relatives as well as mothers and fathers.

- c. has been convicted of certain categories of non-violent misdemeanors, including but not limited to such offenses as minor traffic violations, disturbing the peace, public drinking, affray, and non-support, regardless of the date of disposition of the offense.
2. The Superintendent or his designee may consider additional factors, including but not limited to:
 - age of the applicant at the time of the offense and conviction;
 - degree of satisfaction of any parole or probation conditions;
 - seriousness and specific circumstances of the offense;
 - relationship of the criminal act to the nature of work to be performed;
 - the number of offenses;
 - the date of the offenses and dispositions thereof; and
 - any relevant evidence of rehabilitation or lack thereof.
3. In reviewing the criminal record of an applicant to determine whether to use discretion to disqualify the applicant, the Superintendent may request that the applicant submit additional information, including a letter from the applicant's probation or parole office. The Superintendent may also contact police, courts, or prosecuting attorneys for additional information relevant to assessing the review standards described above.

PROCEDURE

This policy will be implemented according to administrative procedures established by the Superintendent.

SOURCE: Haverhill

C.O.R.I. REQUIREMENTS

It shall be the policy of the Haverhill Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I.) from the criminal history systems board 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 C.O.R.I. 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 criminal history systems board 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 C.O.R.I. Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.”

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 a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. 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. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

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

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related 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 (see attachment) 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 commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

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

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the 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.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REFS.: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

CROSS REFS: ADDA-R, C.O.R.I. Requirements
ADDA-E-1, Information Concerning the Process in Correcting a Criminal Record
ADDA-E-2, C.O.R.I. Requirements

SOURCE: MASC 2005

C.O.R.I. REQUIREMENTS

Applicants challenging the accuracy of the policy shall be provided a copy of the Criminal History Systems Board's (CHSB) ***Information Concerning the Process in Correcting a Criminal Record***. If the CORI record provided does not exactly match the identification information provided by the applicant, the Superintendent will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Superintendent may contact the CHSB and request a detailed search consistent with CHSB policy.

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in district policy, 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 crime 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;
- (i) Any other relevant information, including information submitted by the candidate or requested by the hiring authority

The Superintendent will notify the applicant of the decision and the basis of the decision in a timely manner.

SOURCE: MASC 2005

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to www.mass.gov/chsb/cori/cori_forms.html#pers.

The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the CHSB waive the fee.

Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at (617) 660-4760 for assistance or the CORI Unit of the Office of the Commissioner of Probation at (617) 727-5300.

If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CORI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.

In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.

SOURCE: MASC 2005

C.O.R.I. REQUIREMENTS

Employers may ask the following series of questions:

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

SOURCE: MASC 2005

SCHOOL DISTRICT WELLNESS PROGRAM

The School Committee recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the school district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

Wellness Committee

The school district will establish a wellness committee that consists of at least one (1): parent, student, nurse, school food service representative, School Committee member, school administrator, member of the public, and other community members as appropriate. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee. The school committee designates the following individual(s) as wellness program coordinator(s): Mr. Thomas O'Brien, Director of Athletics and Wellness. Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy.

Nutrition Guidelines

It is the policy of the school district that all foods and beverages made available on campus during the school day are consistent with School Lunch Program nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will create procedures that address all foods available to students throughout the school day in the following areas:

- guidelines for maximizing nutritional value by decreasing fat and added sugars, increasing nutrition density and moderating portion size of each individual food or beverage sold within the school environment;
- separate guidelines for foods and beverages in the following categories:
 1. foods and beverages included in a la carte sales in the food service program on school campuses;
 2. foods and beverages sold in vending machines, snack bars, school stores, and concession stands;
 3. foods and beverages sold as part of school-sponsored fundraising activities; and
 4. refreshments served at parties, celebrations, and meetings during the school day; and
 5. specify that its guidelines will be based on nutrition goals, not profit motives.

Nutrition and Physical Education

The school district will provide nutrition education aligned with standards established by the USDA's National School Lunch Program and the School Breakfast Program in all grades. The school district will provide physical education training aligned with the standards established by the Dept. of Elementary and Secondary Education. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address nutrition and physical education.

Nutrition Education

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.
- Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the foodservice staff and other school personnel, including teachers.
- Students receive consistent nutrition messages from all aspects of the school program.
- Division health education curriculum standards and guidelines address both nutrition and physical education.
- Nutrition is integrated into the health education or core curricula (e.g., math, science, language arts).
- Schools link nutrition education activities with the coordinated school health program.
- Staff who provide nutrition education have appropriate training.
- The level of student participation in the school breakfast and school lunch programs is appropriate.

Physical Education Activities

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students, and the integration of physical activity into the academic curriculum where appropriate.
- Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Schools work with the community to create ways for students to walk, bike, rollerblade or skateboard safely to and from school.
- Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.
- Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

Other School-Based Activities

The wellness program coordinators, in consultation with the wellness committee, are charged with developing procedures addressing other school-based activities to promote wellness.

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.
- All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.
- Environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens, and non-disposable tableware have been considered and implemented where appropriate.
- Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

Evaluation

The wellness committee will assess all education curricula and materials pertaining to wellness for accuracy, completeness, balance and consistency with the state and district's educational goals and standards. Wellness program coordinators shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and are charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. Wellness program coordinators will report to the School Committee annually.

SOURCE: MASC

ADOPTED: April 20, 2006

LEGAL REFS.: The Child Nutrition and WIC Reauthorization Act of 2004, Section 204,
P.L. 108 -265

The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769h
The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 - 1789

CROSS REFS.: EFC, Free and Reduced-Cost Food Services
IHAMA, Teaching About Alcohol, Tobacco and Drugs
KI, Public Solicitations/Advertising in District Facilities

COMMITMENT TO ACCOMPLISHMENT

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the District, the School Committee will maintain a program of accountability consisting of the following elements:

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

SOURCE: MASC

RECOGNITION FOR ACCOMPLISHMENT

The School Committee recognizes the role which the efforts of individuals, students, staff members, or citizens play in inspiring excellence. The Committee will, from time to time, recognize outstanding service or accomplishments on behalf of the school district by students, staff members, Committee members, or other citizens. One form of recognition shall be letters of appreciation sent on behalf of the School Committee and/or the administration. The names of individuals or groups so honored will be given to the press in accordance with the Family Education and Privacy Rights Act (FERPA).

Revised 10.98

Revised 11.16

SOURCE: Haverhill