



TOWN OF SOMERSET MEETING NOTICE

Received & Posted _____ Time: _____

Town Clerk

(PLEASE PRINT OR TYPE LEGIBLY)

Name of Board or Committee: Somerset Berkley Regional School Committee – Policy Subcommittee

Date & Time of Meeting: Thursday, August 19, 2021 at 7:00 pm

Location of Meeting: via Zoom: by phone 1.929.205.6099 Meeting ID: 890 0892 9690 Passcode: 572803

OR: <https://us02web.zoom.us/j/89008929690?pwd=dHJiT3NKb2cwRitONWxKVEMyVWFwUT09>

Robin Vaccaro, Recording Secretary, August 13, 2021

Clerk/Board Member posting notice & date

Call the meeting to order at _____ due notice having been posted.

Pursuant to the Open Meeting Law, any person may make an audio or video recording of this public meeting or may transmit the meeting through any medium. Attendees are therefore advised that such recordings or transmissions may be made whether perceived or unperceived by those present and are deemed acknowledged and permissible.

Members Present:

Mr. Richard Fenstermaker, Chair
Ms. Jenifer Andrews, Vice Chair
Ms. Julie Ramos Gagliardi
Mr. Robert Gaw
Mr. Victor Machado, Jr.
Mr. Richard Peirce
Ms. Jennifer Vincent

Administration Present:

Superintendent of Schools, Mr. Jeffrey Schoonover
Director of Business & Finance, Mr. Ronald Tarro
Director of Curriculum, Ms. Elizabeth Haskell
Director of Special Education, Ms. Megan Ashton
Director of Technology, Mr. Stephen Levesque
Director of Buildings & Grounds, Mr. Carlos Campos

AGENDA / LIST OF TOPICS

- I. Ongoing Review of MASC Recommended Policy Updates per June 2017 Newsletter (see attached)
- II. Review of MASC Recommended Policy Updates per February and July 2018 Newsletter (see attached)
- III. Discussion on Removal of AIDS Policies (JLCCA and JLCCA-E)
- IV. Consider Approval of July 23, 2021 Minutes
- V. Other Business

MASC: Massachusetts Association of School Committees

MASC Policy Newsletter

Michael J Gilbert, Field Director – Policy Development

June 2017

This policy newsletter will cover a number of topics. Most individual policy changes are posted as Word documents on the "Updated/New Policies" page on the MASC website and in the MASC Policy Reference Manual which is also available on the MASC website.

Updated MASC Policy Reference Manual

Just as School Committees should do, the MASC Field Staff spent considerable time over the last year reviewing and updating the MASC Policy Reference Manual. The changes are detailed below and **copies of these updated policies are available in the Online Policy Reference Manual on the MASC website**. Many of these changes, especially those that say "updated language", are cleaning up grammar, adding or changing legal references and cross references or other minor edits. You can cut and paste individual policies from the Online Reference Manual and to share individual policies for review with subcommittee members, administrators, or others you can hyperlink to individual policies by clicking on the globe at the top of each policy page.

Policies we have removed from the Reference Manual

MASC staff have found the following policies to be redundant or unnecessary and we have removed them from our reference manual:

DJG –Vendor Relations

H- Negotiations

IHAE – Physical Education (requirements are included in ADF – Wellness)

IJJ – Textbook Selection (included in IJ - Instructional Materials)

IJK – Supplementary Materials (see IJJ)

IJM – Special Interest Materials (see IJJ)

JBA – Student-to-Student Harassment (included in JICFB – Bullying Prevention)

JICG – Tobacco (included in JICH – Alcohol, Tobacco, and Drug Use Prohibited)

JRA-R – Regulations on student records (these are available on the DESE website)

KEB – Complaints about School Personnel (incorporated into other policies)

KEB-R Complaints about School Personnel (incorporated into other policies)

KEC – Complaints about Materials (included in KE – Public Complaints)

KJA – Relations with Boosters (included in KBE - Relations With Parent Organizations)

Policies you should review

MASC has made changes to the following policies. Some of these changes are a result of legal changes, changes in practice, or simply an updating of language to reflect more modern needs. Many of these changes are very minor and will not require a change at the local level.

The policies are in order alphabetically by section:

12 each

ACE – Nondiscrimination on the Basis of Disability – We changed the word “handicap” to “disability” throughout the policy.

ADC – Tobacco – We have updated the definitions to reflect changes in both state and federal laws and regulations and incorporate new technologies (E-cigarettes and vaping).

BBA – School Committee Powers and Duties – The language has been updated to include appropriate Personnel roles.

BBBA/BBBB – School Committee Qualifications – Updated to include statutory requirements for Open Meeting Law and Conflict of Interest Law.

BDD – School Committee – Superintendent Relationship – Updated language.

BDE - Subcommittees – Updated to reflect new Open Meeting Law requirements

BDF - Advisory Committees - Updated to reflect new Open Meeting Law requirements

BEDA – Notice – Updated to reflect new Open Meeting Law requirements

BEDB – Agenda Format - Updated to reflect new Open Meeting Law requirements

BEDH – Public Comment at Meetings – Updated title to replace participation with comment.

BHE – Electronic Messaging – Updated to include newer messaging technologies

BIA – New School Committee Member Orientation – Updated language

BIBA – School Committee Conferences – Updated language

CB – School Superintendent – Updated language

CBD – Superintendent’s Contract – Updated language

CBI – Superintendent Evaluation – Updated to align with new evaluation process

CE – Administrative Councils – Updated language

CH – Policy Implementation - Updated language

CHA – Development of Procedures - Updated language

CHC – Procedure Dissemination - Updated language

Massachusetts Association of School Committees

DB – Annual Budget – Updated language

DBC – Budget Deadlines – Updated and streamlined language

DBD – Budget Planning – Updated language

DBJ – Budget Transfer Authority – Updated to reflect best practices

DD – Funding Proposals and Applications – Updated language

DGA – Authorized Signatures – Updated to reflect best practices

DJE – Procurement Requirements – This policy has been updated to reflect changes in law in both 2016 and early 2017 specifically changing the dollar threshold for requiring bids. Before changing your local policy, you should ensure your local Charter doesn't have differing requirements.

DK – Payment Procedures – Updated Language

DKC – Expense Reimbursement – Updated to reflect best practices

EB – Safety Program – Updated Language

EBB – First Aid – Updated to reflect best practices

EC – Buildings and Grounds Management – Updated language

ECA – Buildings and Grounds Security – Updated language

EDC – Authorized use of School Owned Materials – Updated language

EEAA – Walkers and Riders – Updated language

EEAEA – Bus Driver Examination and training – Updated language

EFC – Free and Reduced Price Food Services – Updated language

FA – Facilities Development Goals – Updates to align with MSBA regulations

* **FF – Naming Facilities** – Updated to reflect best practices

FFA – Memorials – added new policy to reflect best practices

GBA – Equal Employment Opportunity – Updated to reflect best employment practices

GBEA – Staff Ethics – Updated to reflect changes in Conflict Laws

GBEB – Staff Conduct – Updated language

GBED – Staff Tobacco – Updated definitions for new technologies

GBGB – Staff Personal Security – Updated language and changed code from GCCD

GBGE – Domestic Violence Leave – Updated language and changed code from GCCC

GBGF – Family and Medical Leave – Updated language

GBI – Staff Participation in Political Activities – Updated language

GBK – Staff Complaints and Grievances – Updated language

GCBA – Professional Staff Salary Schedules – Updated language

GCBB – Employment of Principals – Updated language

GCBC – Professional Staff Supplementary Pay Plans – Updated language

GCE – Professional Staff Recruiting – Updated language

GCF – Professional Staff Hiring – Updated language

GCJ – Professional Teacher Status – Updated language

GCQF – Suspension and Dismissal of Professional Staff – Updated language

GDO – Evaluation of Support Staff – Updated for best practices

GDQD – Suspension and Dismissal of Support Staff – Updated language

IB – Academic Freedom – Updated language

IC/ICA – School Year/School Calendar – Updated language

ID – School Day – Updated language

IE – Organization of Instruction – Updated language

IGB – Support Services Programs – Updated to align with best practices Supt.

IHA – Basic Instructional Program – Updated language

IHA1 – Occupational Education – Updated language

IHAM – Health Education – Update language Supt.

IHAMA – Parental Notification Sex Education – codification repair NL

IHB – Special Education – Updated language

IHBEA – English Language Learners – Updated language – Supt.

IHBH – Alternative School Programs – Updated language

IJ – Instructional Materials – Updated and consolidated with other similar policies (see deletion list)

IJLA – Library Resources – Updated language

IJNDD – Social Media – Updated language to include new technologies

IJOA – Field Trips – Updated for best practices

IJOB – Community Resources – Updated language

IK – Student Progress Reports – Updated language

IKF – Graduation Requirements – Updated to reflect MASS Core – Supt.

IMG – Animals in Schools – Updated language – Supt.

Massachusetts Association of School Committees

- JCA – Assignment of Students to School – Updated for best practices
- JEB – Entrance Age – Updated for best practices
- JFBB – School Choice – Updated language
- JHD – Exclusions and Exemptions from School – Updated to reflect change in law
- JICH – Alcohol Drugs and Tobacco – Updated to consolidate JICG and update definitions
- JII – Student Complaints and Grievances – Updated language
- JJE – Fundraising – Updated for best practices
- JJH-R – Travel Regulations – Updated to reflect change in background checks
- JLCB – Inoculation of Students – Updated to reflect changing DPH requirements
- JLCC – Communicable Diseases – Updated language
- ✓ JLCD – Administration of Medication – Updated to reflect best practices and legal changes - Sept.
- JQ – Student Fees, Fines, and Charges – Updated to reflect DESE legal guidance
- ✓ KBBA – Non-Custodial Parents' rights – Updated language - Sept.
- KBE – Relations with parent/booster organizations – Updated language to include KJA
- KCD – Public Gifts to Schools – Updated language
- KDB – Public's right to know – Updated to reflect new public records requirements
- KDD – News Media / News Releases – Updated language
- KE – Public Complaints – Updated for language and to incorporate KEB, KEB-R, KEC
- KHB – Advertising in Schools – Updated for language and best practices
- ✓ KI – Visitors to School – Updated language - Sept.
- ✓ LDA – Student Teaching and Internships – Updated language - Sept.

MASC Policy Newsletter

Michael J Gilbert, Field Director – Policy Development

February 2018

This policy newsletter will cover two new legal requirements for the 2017-18 school year and address two other legal issues that have generated questions from School Committees and Administrators. The first requirement is a new policy dealing with meal charging and the second is policy language related to last year's opioid legislation and the requirement for verbal screening use. The other issues are a policy to address compliance with the federal Protection of Pupil Rights Amendment and a policy related to the use of online crowdfunding sources by public employees.

Most individual policy changes are posted as Word documents on the "Updated/New Policies" page on the MASC website and in the MASC Policy Reference Manual which is also available on both the "Updated/New Policies" page as well as on the "Online Manuals" page on the MASC website.

Meal Charging Policy – EFD

In May 2017, the USDA (United States Department of Agriculture), having jurisdiction over federal school programs, released new guidelines which require all school districts to develop a "meal charging" policy. In addition, the document also provides updated guidance on the use of alternative meals. The changes in the guidance are designed to help districts generally avoid student involvement in the financial aspects of school meal programs.

The new policy requires the district to provide the same meal choices to all students but allows for restrictions on a la carte items, snacks, etc. for families who are delinquent. The policy also requires district personnel to avoid using students to notify families of delinquent accounts, requires the initial notifications to come from food service management but moves collections activity to the business office and requires the Superintendent to ensure proper internal controls are maintained. The policy assumes that electronic systems are in place such that policy language may need to be adjusted where only manual systems are employed.

Districts that operate food services district-wide under a non-pricing special assistance provision such as the Community Eligibility Provision are not required to adopt a meal charging policy. However, if any school in the district operates a count and claim process then the district must adopt a policy.

Alcohol, Tobacco, and Drug Use By Students Prohibited – JICH

In 2016, the Massachusetts Legislature passed an act relative to substance abuse that include policy changes that were to be effective immediately as well as a requirement for verbal screening that would go into effect beginning with the 2017-18 school year. MASC did not address the verbal screening element of the law in policy when it was passed due to the delayed implementation, the requirement for guidance in certain areas from DESE, and the law's caveat that it was subject to appropriation. It is our understanding that some districts have chosen to move forward prior to this

year. DESE has recently issued direct guidance including guidance on grade levels and the Legislature has allocated some funds for the implementation within DPH. As a result, MASC is adding language to policy JICH that meets the requirements of the law. MASC Legal Counsel Steve Finnegan has also issued Legal Alerts on this issue including a recent Alert that included sample parent notification letters.

Online Fundraising and Solicitations – Crowdfunding Policy – GBEBD

The use of online crowdfunding resources such as GoFundMe and others can put both the School District and individual public employees at risk. There may be both tax implications and conflict of interest issues that need to be addressed. In writing this policy MASC consulted with the General Counsel to Massachusetts Ethics Commission and incorporated suggested language from the Ethics Commission. While this policy is not legally required to be adopted, we would advise that district administration seek the advice of legal counsel and discuss these issues with all staff.

Student Submission To Educational Surveys And Research – ILD

This policy is written to ensure district compliance with the Protection of Pupil Rights Amendment (PPRA) also referred to as the Hatch Amendment. This piece of legislation amended the Federal Education Rights to Privacy Act (FERPA) in 1978 and relates to the use of surveys and other instruments for gathering research data in education programs receiving federal funds. While this law, which limits student participation in surveys on particular topics without parental consent, has long been in place, recent issues and inquiries prompted MASC to write this policy for the use of School Committees who feel the need to address this issue.

MASC Policy Newsletter

Michael J Gilbert, Field Director – Policy Development

July 2018

This policy newsletter will cover new legal requirements for the Pregnant Workers Fairness Act, ESSA guidance on military children and children in foster care, and address tweaks to policies on minutes, student activity accounts, and meal charging based on the advice of legal counsel.

Most individual policy changes are posted as Word documents on the “Updated/New Policies” page on the MASC website and in the MASC Policy Reference Manual which is also available on both the “Updated/New Policies” page as well as on the “Online Manuals” page on the MASC website.

Pregnant Workers Fairness Act in effect as of April 1, 2018

The Pregnant Workers Fairness Act amends state law to prohibit employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

The employer must accommodate conditions related to pregnancy unless providing the accommodation would cause significant difficulty or expense. When an employee requests an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation in good faith. A reasonable accommodation is one that allows the employee to perform the essential functions of the job while experiencing a pregnancy-related condition, without undue hardship to the employer. The employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship on the employer.

The employer cannot refuse to hire an applicant with a pregnancy-related condition, because of the condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation. The employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy-related condition. The employer cannot require medical documentation about the need for an accommodation if the accommodation request is for:

- more frequent restroom, food or water breaks;
- seating;
- limits on lifting no more than 20 pounds;
- private, non- bathroom space for expressing breast milk.

The employer must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018. This notice must also be provided to new employees at or prior to the start of employment and to any employee within 10 days of notification of pregnancy by the employee.

MASC recommends that School Districts add the term “pregnancy or pregnancy related condition” to these policies:

AC – Nondiscrimination

GBA – Equal Employment Opportunity

GCF – Professional Staff Hiring

JB – Equal Education Opportunity

JFBB – School Choice

Updated version of these policies can be found in the MASC Online Policy Reference Manual and MCAD Guidelines will also be posted on the MASC website.

ESSA requirements for Military Children and Children in Foster Care

Under the “Every Student Succeeds Act”, federal law requires school districts to make accommodations for both children of active duty military families and for children placed in foster care. The federal Department of Education and the Massachusetts Department of Elementary and Secondary Education have issued guidance in these areas. While not requiring school district policy, the guidance provides the opportunity to educate staff and community on compliance with law through policy guidance.

MASC has outlined a policy for each area based upon the published guidance:

JFABE – Education Opportunities for Military Children

JFABF – Education Opportunities for Children in Foster Care

These policies can be found on the MASC website and in the MASC Online Policy Reference Manual.

Student Activity Accounts – policy modifications to JJF

At the request of both the Department of Elementary And Secondary Education and the Mass. Association of School Business Officials, MASC has added paragraphs to policy JJF to ensure that school districts are complying with requirements related to inactive student activity accounts other than graduating class funds and that districts are also dealing with any deficits that are not timing related. It should be noted that the DESE audit guidelines in these areas may require School Committee action.

An updated version of JJF may be found on the MASC Website and in the Online Policy Reference Manual.

Minutes – modification to the Note on BEDG

While we don’t believe any action is needed by School Committees on this policy, we wanted to point out that documents that are used at a School Committee meeting become public records and MUST be retained as such by the Committee’s record custodian in accordance with the Commonwealth’s Municipal Record Retention Schedule which is available on the Secretary of State’s website. Since this is a note change, no action by the School Committee is necessary.

Meal Charging Policy EFD – modification to Delinquent Accounts/Collections language

We have made a modification to the language here based upon the advice of legal counsel. We have removed references to actions directed at students and added language that will result in referral of difficult accounts to the Superintendent for review.