

THE OFFICIAL POLICY MANUAL  
OF THE  
CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT

Towns of  
BECKET  
CUMMINGTON  
DALTON  
HINSDALE  
PERU  
WASHINGTON  
WINDSOR

COMMONWEALTH OF MASSACHUSETTS

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## LETTER OF TRANSMITTAL TO THE SCHOOL COMMITTEE

February 2004

### CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT LETTER OF TRANSMITTAL TO THE SCHOOL COMMITTEE

In addition to the general laws of Massachusetts, school districts, in order to operate efficiently and effectively, must establish written policies which not only reference state statutes, but also provide a description of operating procedures.

Written policies help to provide a basis for consistent action and at the same time establish guidelines for the committee, superintendent, staff, students and others in carrying out effective and efficient administration.

Each new situation may be weighed against the established policy, and if the policy is inadequate or obsolete, then revision or an additional policy can be developed. All efforts will be made to update policies by inserting new or revised ones and by removing those which are obsolete.

In the event that school committee policy is in conflict with other school documents such as the school handbooks, the school committee policies as set forth in this manual shall be followed.

The primary purpose, then, of the policy manual is to provide a ready-reference for individuals working for or having business with the school district. Such policies will then be a guide for school committee decisions which hopefully will result in consistent actions and predictable procedures.

Thomas Potter  
Superintendent of Schools

Revised: February 2004

## **Introduction To Official Policy Manual**

*The legal basis for public education in Massachusetts is vested in the will of the people as expressed in the constitution of Massachusetts and state statutes pertaining to education contained in Massachusetts General Laws and the Code of Massachusetts Regulations. The Central Berkshire Regional School District was formed in accordance with these statutes and in accordance with the Regional Agreement between towns that are members of the District.*

*This Policy Manual publishes policies of the Central Berkshire Regional School District. Policy development is dynamic. New issues, needs, and legislation continually require a school system to develop new policies or revise existing ones. Policies are the means by which educators are accountable to the public, and include those in this manual but also policy implicit in budget decisions and various plans.*

*While the role of a school committee is to set policy, the role of the administration is to execute it. The Massachusetts Association of School Committees defines policy, regulations and bylaws as follows:*

***Policy*** – *rules, guidelines, statements of goals adopted by the school committee as a legal entity, traditionally considered as guides to discretionary action; statements adopted by a school committee outlining principles to be followed with respect to specific matters; usually requires rules or regulations to be formulated for its implementation, and is broad enough to provide for administrative decisions regarding the manner in which it will be implemented.*

***Regulations*** – *procedures, administrative rules, the means of policy implementation. Directives prepared by the school administration that set forth the mechanics for implementing committee policy. Tells how, by whom, where and when things are to be done.*

***Bylaws*** – *usually identical to rules of procedure that govern the internal affairs of the school committee such as order of committee business, voting, setting agenda, calling of meetings, etc. A code or collection of rules adopted for the regulations of its own organization and proceedings; must not conflict with the statute or agreement by which the committee is created, but may go further into detail to carry out the intent of the legal guidelines.*

*A school committee also signs contracts which incorporate rules and regulations. There is no distinction in negotiations between policy and rules, yet all the details of negotiated contracts become, in effect, mandated school committee policy. Additionally, the public may demand that the school committee itself, not the administration, establish the specific rules and procedures in certain sensitive areas.*

The Official Policy Manual is designed specifically:

1. To assist the school committee in the formulation of policy.
2. To provide a foundation for the continuing improvement of the schools.
3. To equip the school system to react effectively and positively to the increasing complexity of the educational program and of the social forces active within the schools.
4. To encourage consistency, impartiality, and predictability in decision making without undermining responsible and creative efforts to change and improve the schools.
5. To maintain the highest levels of cooperation, communication, and good morale within the system.
6. To inform school committee members, staff members, faculty, students, parents, and the public of existing policies and organization of the school system.

This policy manual can be viewed as an "operational guide" for school committee members. It contains:

- policies.
- selected sections of state law as well as guidelines provided by the Department of Education (although users should refer to state documents for the current versions of laws and regulations).
- important provisions of legal agreements and negotiated contracts which are binding on the school committee (although users should refer to appropriate documents for the current and comprehensive versions).
- a numbering system and a table of contents to provide continuing flexibility (and future "capacity") over a period of years.
- a glossary of key educational terms used in Massachusetts.
- an index to assist users in finding policies which pertain to a given topic or position.

In summary, the Official Policy Manual provides users with important information needed to function effectively in a format and structure which permits continuing flexibility.

Revised:        September 12, 2013

## Directions For Use Of The Policy Manual

The Official Policy Manual has a number of levels of organization.

- First, the manual is divided into eight series of policies, each designated by a number in the thousands place of a four-place number.

<u>Number</u>	<u>Policy Series</u>
Under 1000	INTRODUCTORY INFORMATION
<u>1</u> 000	SCHOOL COMMITTEE
<u>2</u> 000	ADMINISTRATION
<u>3</u> 000	PROFESSIONAL PERSONNEL
<u>4</u> 000	NON-INSTRUCTIONAL PERSONNEL
<u>5</u> 000	INSTRUCTION
<u>6</u> 000	STUDENTS
<u>7</u> 000	BUSINESS
<u>8</u> 000	EMPLOYEE RELATIONS

- Then, each series is divided into sections, each of which is designated by a number in the hundreds place of a four-place number. For example, the general topics of the sections in the 7000 series are as follows:

<u>Number</u>	<u>General Topics</u>
<u>7</u> 000	GENERAL FISCAL RESPONSIBILITIES OF THE SCHOOL COMMITTEE
<u>7</u> 100	SOURCES OF REVENUE
<u>7</u> 200	CONTROL OF EXPENDITURES AND INVENTORY
<u>7</u> 300	SALARIES OF PERSONNEL
<u>7</u> 400	INTERNAL FUNDS
<u>7</u> 500	SCHOOL FACILITIES
<u>7</u> 600	FOOD SERVICE PROGRAM
<u>7</u> 700	TRANSPORTATION SERVICES
<u>7</u> 800	INSURANCE PROGRAMS

- Individual policies within each section are numbered at intervals of 5 or 10 within each section. Occasionally, a policy may be numbered to end with 2, 3, 4, 5, 6, 7, 8, or 9, if a given section becomes "crowded". Here is a sample of the 7000 section.

<u>Number</u>	<u>Policies</u>
<u>7</u> 000	FISCAL RESPONSIBILITY
<u>7</u> 010	CHANGE TO FISCAL YEAR
<u>7</u> 020	PREPARATION AND ADOPTION OF BUDGET
<u>7</u> 030	
<u>7</u> 040	
<u>7</u> 050	DEPOSITORIES AND BONDING
<u>7</u> 060	ANNUAL AUDIT

## **0110: Commitment Of School Committee**

- 0110.1 The school committee endorses and supports the policy decision of the Massachusetts Department of Education designed to assist students in accomplishing the goals and objectives of the Massachusetts Comprehensive Assessment System and other tenants of the Education Reform Act of 1993.
- 0110.2 The administrators of the district bear a major responsibility for understanding as well as sharing the philosophy and methodology which underlies this policy commitment.

Adopted: November 20, 1974  
Revised: March 11, 2004 (Minor changes to bring in line with Education Reform.)

## **1000: Official Names And Classification**

- 1000.1 The name of the district shall be the Central Berkshire Regional School District and the name of the committee shall be the Central Berkshire Regional School Committee. <sup>(1)</sup>
- 1000.2 The regional school district shall comprise all grades from kindergarten through grade twelve. The committee is hereby authorized to establish and maintain state-aided vocational education, acting as trustee therefore, in accordance with the provisions of Chapter 74 of the General Laws, and the acts amendatory thereto or dependent thereon; if the committee deems it desirable. <sup>(2)</sup>
- 1000.3 The official names of the schools in the district are:
- 1000.301 BECKET WASHINGTON SCHOOL – BECKET <sup>(5)</sup>
  - 1000.302 CRANEVILLE SCHOOL – DALTON
  - 1000.303 KITTREDGE SCHOOL – HINSDALE
  - 1000.304 NESSACUS REGIONAL MIDDLE SCHOOL – DALTON <sup>(4)</sup>
  - 1000.305 WAHCONAH REGIONAL HIGH SCHOOL – DALTON <sup>(3)</sup>

- (1) By-law, Art. I, Sec. 1, January 26, 1972
- (2) Agreement between the Towns, Amendment 1, Sec. 2, 1969
- (3) Adopted: November 20, 1974
- (4) Adopted: May 14, 1998
- (5) Adopted: April 27, 2000

Revised: March 31, 1982  
Revised: January 8, 1987  
Revised: April 27, 2000  
Revised: September 10, 2015

## 1010: Official Seal Of The School District

As required by law, the official seal is used on important legal papers, contracts, and certificates. The engraved or printed facsimile of the official seal on a bond or note shall have the same validity and effect as though such seal were impressed thereon<sup>1</sup>. The following is the official seal of the Central Berkshire Regional School District.



<sup>1</sup> General Laws, Chapter 71, Section 16 (a)

New seal adopted: June 26, 1975

## **1170: Negotiation Agreements And School Committee Policies**

- 1170.1 Under the laws of Massachusetts, the Central Berkshire Regional School Committee has final responsibility for establishing the educational policies of the public schools for the management of said schools and for directing their operation – a responsibility which includes:
- 1170.11 to confer upon the Superintendent the duty to maintain public elementary and secondary schools and such other educational activities as it finds will best serve the interests of the community;
  - 1170.12 to decide the need for school facilities, or lands, or other property used for school purposes;
  - 1170.13 to prepare and submit budgets to the town meetings and, in its sole discretion, expend monies appropriated for the maintenance of the schools;
  - 1170.14 and to exercise such authority, rights and powers conferred upon the committee by the laws of Massachusetts and the rules and regulations of any pertinent agency of the Commonwealth.
- 1170.2 As to every other matter expressly not covered by any agreement with an employee group, and except as expressly or directly modified by clear language in a specific provision of any agreement, the school committee retains exclusively to itself all rights and powers that it has or may hereafter be granted by law and shall exercise the same without such exercise being made the subject of the grievance and arbitration provisions of any agreement.
- 1170.3 The School Committee has the sole and exclusive right and responsibility to promulgate reasonable rules and regulations pertaining to the employees covered by any negotiated agreement, except that such rights will not be exercised so as to conflict with any provision of any negotiated agreement.

Adopted: November 20, 1974  
Revised: February, 1982  
Revised: October 9, 2003 (updated in accordance with current laws)

## **1205: Powers And Duties**

The district is a body politic and corporate with all the powers and duties conferred upon school committees by law and by the Agreement and any amendments thereto. In carrying out their responsibilities, the School Committee shall be concerned primarily with matters of finance, policy, and the hiring of the Superintendent. It shall act as a committee of the whole. Individual members shall make no commitment for the School Committee except when commissioned to do so by the School Committee. (*District By-laws, Article II*)

**The Committee takes a broad view of its functions, which it has identified as follows:**

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 system 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.

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

M.G.L. [71:16](#) through [71:16I](#)

Adopted: February 1982  
Revised: October 9, 2003 (updated in accordance with revised by-laws)  
Revised: October 11, 2007 (added section following first paragraph)

## **1220: Functioning As A Policy-Making Body**

A school committee is given extensive powers under the laws of the Commonwealth of Massachusetts with regard to the governance and control of education within the school district. The school committee exercises these powers when it functions as a policy-making body, establishing basic guidelines for discretionary action on the part of the superintendent of schools and his/her staff.

- 1220.1 The school committee will among other things function as a policy making body with regard to the educational affairs of the school district.
- 1220.2 Policies (or changes in policies) presented to the school committee for consideration will be numbered and typed according to the established format of the Official Policy Manual.
- 1220.3 Once adopted, the policy will be inserted in each copy of the Official Policy Manual.
- 1220.4 A policy can be abrogated by the school committee. Once amended or repealed the policy will be removed from all copies of the Official Policy Manual except for the copy officially designated as the "legal-historical copy."
- 1220.5 The superintendent has the authority to issue procedures and regulations in order to carry out his responsibilities. The procedures and regulations of the superintendent will not be included in the Official Policy Manual, but will be made available to the school committee as necessary and whenever requested.

Adopted: November 20, 1974  
Revised: March 30, 1982

## **1240: Code Of Ethics: School Committee Members**

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.

Inasmuch as school committee members are elected at large by all of the towns comprising the district, a school committee member in his/her relations with his/her district should:

- Realize that his/her primary responsibility is to all children in the district.
- Recognize that his/her basic function is to the policy-making and not administrative.
- Remember that s/he is one member of a team and must abide by, and carry out, all committee decisions once they are made.
- Be well informed concerning the duties of a committee member on both a local and state level.
- Remember that s/he represents the district at all times.
- 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 committee activities.

A school committee member in his/her relations with the school administration should:

- Endeavor to establish sound, clearly-defined policies which will direct and support the administration.
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Act only on the recommendations of the chief administrator in all matters of employment or dismissal of school personnel.
- Give the chief administrator full responsibility for discharging his/her professional duties and hold he or she responsible for acceptable results.
- Refer all complaints to the administrative staff for solution and only discuss them at committee meetings if such solutions fail.

A school committee member in his/her relations to his fellow committee members should:

- Recognize that action at official meetings is binding and that s/he alone cannot bind the committee outside of such meetings.
- Realize that s/he should not make statements or promises of how s/he will vote on matters that will come before the committee.
- Uphold the intent of executive sessions and respect the privileged information that exists in executive sessions.
- Not withhold pertinent information on school matters or personnel problems, either from members of his/her own committee or from members of other committees who may be seeking help and information on school problems.
- Make decisions only after all facts on a question have been presented and discussed. <sup>1</sup>

A school committee member in his/her actions at school committee meetings should:

- Endeavor to ensure that committee meetings are effective and efficient, giving each member an equal opportunity to express their views and convey their input in a concise and topic-focused manner.
- Attempt to attend all meetings and be prepared to discuss agenda items and to respectfully participate in relevant and efficient decision making.
- Respect staff and fellow committee members and exhibit professional conduct and behavior at all times.
- Work to build trust between and among school committee members, the superintendent, and the administration by treating everyone with dignity and respect, even in times of disagreement.

- Recognize the importance of proactive communication and support the “no surprises” philosophy.
- Agree to make our best effort to convey questions and/or comments to the chair and superintendent prior to the meeting.
- Recognize the chair as the official voice of the school committee.

## REFERENCE

<sup>1</sup> Adopted at the annual meeting of the Massachusetts Association of School Committees, May 22, 1964

Adopted: November 20, 1974

Revised: January 11, 2007

Revised: March 12, 2020

### **1340: Oath Of Office Of School Committee Members**

After election and prior to assuming office, a new school committee member is sworn to the faithful performance of his/her duties by the clerk or moderator of the town or city in which he/she resides. <sup>(1)</sup> The following oath of office for public officials of the Commonwealth of Massachusetts should be used;

I \_\_\_\_\_ (name), do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as school committee member according to the best of my abilities and understanding, agreeable, to the rules and regulations of the constitution and the laws of this Commonwealth --- So help me, God." <sup>(2)</sup>

It shall be the policy of the Central Berkshire Regional School District to require that every member of the school committee, before entering upon his/her official duties, be sworn to the faithful performance thereof by either the District Secretary or the town clerk in which town the member resides. If the new member is sworn in by the town clerk, the member must present to the Committee secretary, an official certification of having sworn the oath. From the Town Clerk, newly qualified members by law receive, and sign a receipt for, a copy of the Massachusetts law governing the conduct of committee meetings in general and executive session in particular.

A member shall enter upon the performance of his/her duties on the day after his/her election or as soon thereafter as he/she is qualified and holds office during the term of which he/she is elected and until another person is qualified in his/her stead.

<sup>(1)</sup> General Laws, Chapter 41, Section 167

<sup>(2)</sup> Constitution of Massachusetts, Chapter VI, Article 1

Updated: December 14, 2006

## **1410: Duties Of Chair And Vice-Chair**

The chair shall preside at all meetings of the school committee, and shall perform such other duties as may be delegated to him/her. The vice-chair shall perform the duties of the chair in the event that the chair is absent or unable to perform his/her duties. <sup>(1)</sup>

The following, in general, are the duties of the chair of the school committee:

- 1410.1 Prepares the agenda in cooperation with the school superintendent.
- 1410.2 Reviews the agenda and approves its contents prior to the school committee meeting.
- 1410.3 Calls the meeting to order at the appropriate time.
- 1410.4 Presides at all meetings. "Presiding" includes:
  - 1410.41 Announcing the order of business.
  - 1410.42 Stating and putting to a vote all questions regularly moved.
  - 1410.43 Allowing for adequate discussion and debate on all matters which properly come before the committee.
  - 1410.44 Enforcing the observance of order and decorum.
  - 1410.45 Announcing the result of any vote taken.
  - 1410.46 Subject to school committee direction, deciding all questions of order and procedure.
- 1410.5 Authenticates, by his/her signature, when necessary all the acts, orders, and proceedings of the school committee.
- 1410.6 Represents the school committee, consistent with school committee policy, votes and applicable law.

<sup>(1)</sup> By-laws, Article III, Sections 3 and 4

Adopted: November 20, 1974  
Revised: June 23, 1983  
Revised: August 25, 1983  
Revised: January 8, 1987  
Revised: March 11, 2004 (Removed descriptions of specific subcommittees.)  
Revised: October 10, 2013 (Removed wording chair as ex-officio member and Article 1410.7)

## **1420: Duties Of Secretary**

The school committee shall appoint a secretary who shall keep a permanent record book, in which all its votes, orders and proceedings shall be recorded. <sup>(1)</sup>

The Secretary shall send out notices of all regular and special meetings of the Committee. He/she shall keep the minutes of all meetings and shall be the custodian of the Regional Seal, all records, and Treasurer's bond. He/she shall also prepare such reports as may be required by the Massachusetts Department of Education

If the office of Secretary is vacant or if the Secretary is absent or unable to perform his/her duties, the School Committee shall appoint a temporary secretary to hold such office and exercise the powers to perform the duties thereof until a Secretary is duly appointed or the Secretary who was absent resumes his/her duties.

1420.1 General Laws, Chapter 71, Section 36  
By-laws, Article III, Section 5  
General Laws, Chapter 71, Section 16A

Adopted: November 20, 1974  
Revised: August 25, 1983  
Revised: October 9, 2003 (updated in accordance with revised by-laws)

## **1430: Duties Of Treasurer**

1430.1 The Treasurer shall:

Receive all monies paid to the Regional School Committee in accordance with Massachusetts General Laws.

Keep financial records and accounts in accordance with state regulations.

Act as paymaster, as directed by the School Committee.

Prepare and submit bills to member towns.

Post a bond with the Secretary of the Committee.

Be responsible to the Committee.

The premium of the Treasurer's bond shall be paid as an expense from the funds of the district.

1430.2 The Treasurer shall pay no money from the treasury, other than court judgments, payrolls, bonds or notes which may become due and interest thereon except upon an order or a warrant signed in accordance with Chapter 71, Section 16A of the General Laws of the Commonwealth or by at least three members of the warrant subcommittee of the Regional School Committee.

1430.1 By-laws, Article III, Section 6

1430.2 By-laws, Article V, Section 2

Adopted: November 20, 1974

Revised: August 25, 1983

Revised: October 9, 2003 (updated in accordance with revised by-laws)

## **1460: Special Committees Of The School Committee**

In establishing a special committee the chair will:

- Indicate general purposes as well as specific objectives to be accomplished.
- In conjunction with the superintendent of schools, designate specific staff members and/or consultants with whom the special committee may work
- Indicate the amount of money as well as other resources available to the special committee.
- Indicate the time when and in which the special committee shall report back to the district school committee.

Adopted: November 20, 1974

Revised: October 9, 2003 (updated in accordance with current laws)

Revised: October 9, 2013 ( Deleted first two paragraphs and bullet regarding assigning chair)

### **1470: Representation on External Committees**

The school committee may appoint its members to represent it on committees and for functions and activities of other organizations and groups.

Members may be appointed to external committees or functions at the meeting for organization or at any time during the year it becomes desirable to do so.

An appointee should express the interests of the school committee and be an information source for the school committee.

On the basis of his/her experience as a representative to an external group, the member may propose recommendations to the school committee, but s/he may not take any action which binds the school committee.

Adopted: November 20, 1974

### **1530: Agenda For Regular Meetings**

Regular meetings are held to consider items on an agenda prepared by the superintendent after consultation with the chairman of the school committee.

School committee members having items to be included on the agenda should submit these items to the superintendent's office by noon, Thursday prior to the meeting.

Any person or group wishing to address the school committee shall file a written request with the superintendent at least nine days prior to the meeting at which they wish to appear. The request should contain: the name and address of the person or group; the nature of the matter; copies of background material (if there are any); and the specific questions to be asked or the specific action required of the committee.

Reports on visits to schools should be submitted to the administration for the next meeting.

The agenda is presented to members of the school committee and the public at least 48 hours before the scheduled meeting. Relevant information pertaining to agenda items is made available in an organized fashion before and during school committee meetings.

Discussion of items not on the agenda is entertained at the discretion of the chairman or under the "new business" heading in the Order of Business. The committee may not act on an item not included in its prepared agenda unless a majority of members of the whole committee agree to add the item to the agenda.

Adopted: November 20, 1974

Revised: March 19, 1982

## **1540: Conduct Of Meetings**

Roberts' Rules of Order Newly Revised<sup>1</sup> shall govern the proceedings of the school committee except when those rules are in conflict with the school committee's approved policies and regulations.<sup>2</sup>

School committee meetings, except for executive sessions, are open to the public.<sup>3</sup> Citizens of the district are invited to attend the meetings of the school committee. A citizen or employee desiring a formal place on the agenda should submit such request to the superintendent at least nine days prior to the meeting.

Immediately after the chairman calls the meeting to order and before the first order of business the rules may be suspended for up to 30 minutes. During this time open discussion will be permitted. Those people wishing to speak informally to the school committee shall be welcomed. Any discussion of personalities will not be permitted.

Cases of discipline, school management, instruction or administration of any sort shall come before the school committee only when reported by the superintendent of schools or on appeal of a pupil, parent, teacher, or other person from a decision of the superintendent, which shall be addressed to the chairman of the committee.

No person shall address a meeting of the school committee without leave of the chairman of the school committee. All persons shall, at the request of the chairman, be silent. If, after warning from the chairman a person persists in disorderly behavior, the chairman may order him/her to withdraw from the meeting. If s/he does not withdraw, the chairman may order a law enforcement officer or any other person to remove him/her and confine him/her in some convenient place until the meeting is adjourned.<sup>4</sup>

<sup>1</sup> Henry M. Roberts' Rules of Order Newly Revised, Scott, Foresman and Company, Glenview, Illinois, 1970, 594 pages.

<sup>2</sup> By-laws, Art. III, Sec. 12

<sup>3</sup> General Laws, Ch. 39, Sec. 23A

<sup>4</sup> General Laws, Ch. 39, Sec. 23B

Adopted: November 20, 1974

Revised: April 26, 1982

## **1570: Quorum And Voting**

A quorum for the transaction of business shall consist of a majority -of the school committee but a lesser number may adjourn. <sup>1</sup>

All voting at school committee meetings must be by voice or roll call vote.<sup>2</sup> Written votes by absent members are not valid.

The chair shall normally call for a voice vote for the transaction of business. If s/he or any other member questions the voice vote, the chair shall call for a show of hands. Votes by show of hands shall be counted as affirmative, negative, or abstaining and shall be so recorded. It shall be the privilege of any member to have his/her vote on any motion recorded by name.

No action shall carry unless it shall receive the vote of a majority of the members present.

The school committee may, under certain circumstances and for certain kinds of action, require more than a majority vote to carry. <sup>3</sup>

The chair of the school committee always has the right to vote, but s/he may (to preserve the neutrality of the chair) choose to vote only when his/her vote will affect the result. <sup>4</sup> Examples:

- On a 7-7 tie vote, the chair may choose to vote affirmatively so that a motion will pass. S/he need not vote at all if s/he is negatively inclined in that a tie vote does not carry.
- On a 7-6 vote, the chair may choose to cast a negative vote in order to create a 7-7 tie and thus defeat the motion.

The official by-laws of the school committee are included as Appendix B, Paragraph 1020.2.

The following procedure will be followed with reference to action on policies or the official by-laws of the district:

- A policy/by-law must be presented for "first reading" at a regular meeting of the school committee. In rare instances under strict time constraints, a vote of two thirds of the school committee may waive the "second reading".
- At the next regular meeting the policy/by-law is presented for a "second reading". The policy/by-law may be acted upon at this meeting or any subsequent regular or special meeting.
- A majority vote of a quorum of the school committee is sufficient to adopt a policy/by-law.

<sup>1</sup> Agreement between the Towns, Sec. I (F) and By-Laws, Art. III, Sec. II

<sup>2</sup> General Laws, Ch. 39, Sec. 23A

<sup>3</sup> Robert's Rules of Order Newly Revised

<sup>4</sup> Robert's Rules of Order Newly Revised

Adopted: November 20, 1974

Revised: April 26, 1982

Revised: November 13, 2003 (Cleaned up gender references and included by-laws when referencing policies.)

Revised: October 11, 2007 (Added waiving of second readings in rare instances.)

Revised: March 8, 2012

## **1580: Minutes Of The Meeting<sup>1</sup>**

The school committee shall maintain accurate and concise records setting forth the action taken at each meeting.

A summary of all matters voted at regular and special meetings (excluding executive sessions) shall be made available with reasonable promptness after each meeting to all members of the committee and shall become a public record and be available to the public upon being approved.

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 Committee will review executive session minutes for possible declassification in accordance with the law.

<sup>1</sup> General Laws, Ch. 39, Sec. 23A

Adopted: November 20, 1974  
Revised: April 1979  
Revised: February 1982  
Revised: January 11, 2007  
Revised: July 28, 2022

### **1590: Adjournment Of Regular Meetings**

Regular meetings of the school committee will normally adjourn no later than 10:00 p.m.

The meeting will seek to adjourn when the agenda item under discussion at 10:00 p.m. is completed unless:

1590.21 The committee, by a 2/3 vote of the members present, agrees to consider the remaining agenda items, or

1590.22 A request for an executive session has been made previously. A motion to go into executive session may be made when the item under discussion at 10:00 p.m. is completed.

Business which is "unfinished" at that time may be placed on the agenda of the next regular or special meeting of the school committee.

Adopted: November 20, 1974

Revised: April 26, 2007

## **1610: Legal Counsel And Counsel For Collective Bargaining**

- 1610.1 By law, the school committee of a regional school district has the power to engage legal counsel. <sup>1</sup>  
The following are general duties of legal counsel with reference to educational matters:
- 1610.11 To advise and furnish the school committee legal opinions, verbally and in writing, as directed, on all matters and questions of law, including interpretations of old and new statutes.
  - 1610.12 To attend meetings at the request of the school committee.
  - 1610.13 To prepare legal instruments and contracts, including resolutions, advertising of bids, and other legal papers as directed by the school committee.
  - 1610.14 When needed, to commence and prosecute all legal action brought by the school committee and to defend the school committee in action brought against it.
  - 1610.15 To represent and defend school committee members and school district employees in any legal action against them which has arisen from the carrying out of regular responsibilities and the performance of regular duties.
- 1610.2 The regional school committee, having all the powers and duties conferred by law on school committees,) may, under provisions of the law, employ counsel in connection with collective bargaining with employee organizations for school employees. <sup>2</sup>

<sup>1</sup> General Laws, Ch. 71, Sec. 16

<sup>2</sup> General Laws, Ch. 71, Sec. 37E

Adopted: November 20, 1974

## **1700: Advisory Committees**

- 1700.1 On occasion, the school committee may appoint citizens to committees to study specific school problems.
- 1700.11 The school committee may support the work of a citizens advisory committee by authorizing the use of school system personnel, permitting the use of outside paid consultants, and underwriting other expenses.
- 1700.12 A citizens advisory committee should be given its charge in writing. The charge should include the date on which the committee makes its final report to the school committee.
- 1700.13 A citizens advisory committee has only two responsibilities: to study the problem and to make recommendations to the school committee. In that the recommendations of a citizens advisory committee are "advisory" in nature, they are not binding on the school committee.
- 1700.2 At its regular meetings the school committee will place on its agenda an item entitled "Student Affairs". A student advisory committee or its delegate(s) elected by students of the high school will be seated at the School Committee table and may be asked for its advice and comments during the course of the meeting and will most definitely be asked for same when the agenda item "Student Affairs" is heard.<sup>1</sup>
- 1700.3 Provisions have been made in the Education Reform Act of 1993 for each public elementary, secondary, and vocational school to establish a local School Council for the purpose of helping the Principal identify school needs, establish educational goals, and offer assistance in the development of the budget. The composition of the Council, the frequency of meetings, and the full responsibilities are all outlined in MGL Chapter 71, Section 59C.

<sup>1</sup> General Laws, Ch. 71, Sec. 38M

Adopted: November 20, 1974

Revised: April 1979

Revised: April 8, 2004

## **1840: Petitions**

- 1840.1 Individuals or groups wishing to present the School Committee with a petition may do so by mail to the Committee Chairman at the Superintendent's office, by personal delivery to the Superintendent, or directly to the Committee during the RESPONSES FROM THE AUDIENCE period at a Committee meeting. In all cases, the petition should be in writing and should state the recommended action the Committee should take.
- 1840.2 If a petition is not received during a meeting, the Chairman will inform the Committee of the receipt of a petition, its contents, and his/her disposition at the next regularly scheduled Committee meeting.
- 1840.3 The Chairman will take one of the following actions:
- 1840.31 If a similar issue has received attention during the current fiscal year, the Chairman will inform the petitioners of the Committee's prior action.
- 1840.32 If a similar issue is receiving attention by the administration, the Committee, or a Subcommittee, the Chairman will inform the petitioners of the Committee's schedule for action.
- 1840.33 The Chairman will refer the petition to the appropriate Subcommittee or direct the Superintendent to forward the petition to the appropriate administrator for consideration and resolution. The Subcommittee or Superintendent shall report back to the School Committee as soon as possible.
- 1840.34 The Chairman will put action in response to the petition on the agenda of the next regularly scheduled Committee meeting or, if it is not on the published agenda, will consider the petition, during the NEW BUSINESS period of the agenda (in accordance with Policy 1530, AGENDA FOR REGULAR MEETINGS).
- 1840.4 If the petitioners are not obviously aware of the actions of the Committee, the Chairman will respond in writing to the spokesperson for the petitioners within a month of presentation of the original petition.
- 1840.5 The Superintendent or the Chairman of the School Committee will appoint a spokesperson or a group presenting a petition if no one is designated by the group.

Adopted: January 8, 1987

## **1850: Complaints About School Personnel**

- 1850.1 Constructive criticism of the schools is welcome through whatever medium when it is motivated by a sincere desire to improve the quality of the educational program and to equip the schools of this district to do their task more effectively.
- 1850.2 The Central Berkshire Regional School District places its trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful or negative criticism and complaints.
- 1850.3 It is recommended that a complaint be directed to the person, school or department most immediately involved with the problem.
- 1850.4 Only in those cases where satisfactory adjustments cannot be made by the superintendent and his/her assistants shall complaints be referred to the school committee.
- 1850.5 Whenever a complaint is made directly to the school committee as a whole or to a committee member as an individual, it shall be referred to the school administration for study and possible solutions. The individual employee involved shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment and presentation of the facts as s/he sees them.
- 1850.6 The presentation of such a complaint to the committee shall be subject to the following procedures:
- 1850.61 Any such complaint shall be made in writing.
- 1850.62 The written statement of the complaint should be submitted to the secretary of the school committee who shall present it to the school committee or to an appropriate subcommittee as determined by the school committee.
- 1850.63 If it appears necessary, the administration, the person who made the complaint or the employee involved may request an executive session of the committee for the purpose of further study and a decision by this body. Generally all parties involved, including the school administration, shall be asked to attend such a meeting for the purpose of presenting additional facts, making further explanations and clarifying issues.
- 1850.64 The school committee, or its appropriate subcommittee, will review, and if necessary, investigate the complaint and will respond in writing to the person who has submitted the complaint if it was submitted in writing.

Adopted: May 24, 1972  
Revised: January 8, 1987

## **1900: Developmental Activities Of School Committee Members**

- 1900.1 School committee members are encouraged to engage in activities which will broaden their vision and knowledge of education and increase their competence as they function on a meeting-by-meeting basis on the committee.
- 1900.2 "In-service education" for school committee members takes many forms; membership in local, state, and national school committee and school board associations; attendance and participation at clinics, workshops, conferences and conventions; reading of newsletters, periodicals and books about education and school committee operation; and visiting schools with exemplary programs.
- 1900.3 Inasmuch as school committee members serve without pay, it is in the public interest for them to be reimbursed for the costs of their office as well as for the costs of activities which enable them to perform their official duties more effectively.
- 1900.4 The school committee should establish its own guidelines and procedures for reimbursement of members for items such as: books, subscriptions, transportation, meals, lodging, membership fees, and conference costs.

Adopted: November 20, 1974

## **1910: Orientation Of New Members**

The complexities and challenges of a school committee membership call for access to many areas of information. To accommodate the need for new members to be thoroughly trained and acclimated to their roles and responsibilities, provisions have been made in the Education Reform Act of 1993 for a formal orientation program. New members, within one year of their initial election or appointment, shall complete at least eight hours of orientation. Full details of this important mandate can be found in MGL Chapter 71, Section 36A.

Adopted: November 20, 1974  
Revised: April 1979  
Revised: April 8, 2004

## **1920: 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](#); [39:23A](#), [23B](#); [66:10](#)

1<sup>st</sup> Reading : December, 2006

Adopted: January 11, 2007

Revised: March 22, 2012 (Renumbered from 5540 to 1920)

## **2010: Functions Of Administration**

In accordance with Massachusetts General Laws and district policies, the administration of the school district is charged with the following general responsibilities:

- 2010.1 To define and set forth the purposes of education in the school district.
- 2010.2 To create a structure or framework for accomplishing these purposes.
- 2010.3 To recruit and make recommendations for the hiring of all necessary categories of personnel.
- 2010.4 To place and orient personnel into the organization in such a way that there is a clear delegation and allocation of authority and responsibility.
- 2010.5 To secure and allocate local, state, and federal (and, where appropriate, private) resources for the support of education.
- 2010.6 To direct the everyday operation of the school district.
- 2010.7 To make provisions for the committees, conferences, and activities necessary for the coordination of effort and the accomplishment of educational purposes.
- 2010.8 To develop good morale and encourage the continuing professional growth of all personnel.
- 2010.9 To establish and support evaluation efforts which appraise the performance of students, teachers, administrators and other personnel in the school district.
- 2010.10 To develop programs to promote the community's understanding of the needs, problems, and successes of the schools with the view of obtaining continuing moral and financial support from the community.
- 2010.11 To use the results of evaluation, seeking to accurately assess present and future conditions, in order to improve the educational services provided by the school district.

(Adapted from Tead, O., *The Art of Administration*, New York: McGraw-Hill, 1951, p. 105)

Adopted: November 20, 1974  
Revised: April 1980  
Revised: November 13, 2003 (Replaced "Under the direction of the School Committee" with "In accordance with Massachusetts General Laws".)

## **2070: Professional Association And Service Club Expenses**

- 2070.1 A number of professional associations for administrators provide services, information, and publications which are of direct benefit to the operation of the school district. Occasionally, "institutional membership" is available for the school district, with a specific administrator named as the official representative of the district in the affairs of the association.
- 2070.11 The school committee will consider and act on budget requests for the payment of dues for membership in professional associations and the payment of subscription fees for professional journals and publications.
- 2070.12 Budget requests for payment of dues and subscription fees are eligible for consideration only if the services and publications of the association benefit the school district directly. In addition, the services and information from these publications must be shared, as appropriate, with other educators in the school district and with school committee members.
- 2070.2 Participation by the superintendent and other administrators in community service club activities helps promote the understanding and support of schools. Upon the request of an administrator, the school committee will give consideration to paying the annual membership fee, but not the cost of weekly meals, for one community service club.

Adopted November 20, 1974

## **2100: Background Checks**

It shall be the policy of the Central Berkshire 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. 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.

### **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 Central Berkshire Regional School 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 - Background Checks](#)  
SOURCE: MASC May 2014

**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.**

Adopted: May 1, 2003  
Revised: January 12, 2006  
Revised: August 28, 2014

## **2105: 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 his/her 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 May 2014

Adopted: August 28, 2014

## **2110: Public Records**

The Massachusetts Public Records Law is based on An Act to Improve Public Records signed into law by Governor Baker on January 1, 2017. The following policy outlines the steps to obtain access to public records from the Central Berkshire Regional School District.

### Public Records Access Officers

In accordance with the law the Central Berkshire Regional School District will designate a Records Access Officer and make the contact information readily available on the district website at [www.cbrsd.org](http://www.cbrsd.org). The website will include contact information for the Records Access Officer and the process to follow in obtaining public records. Public records requests must be made in writing.

The Records Access Officer will:

- Coordinate the CBRSDs response to requests for access to public records;
- Assist individuals seeking public records in identifying the records requested;
- Assist the custodian of records in preserving public records; and
- Follow and oversee implementation of the guidelines that enable requesters to make informed requests.
- Make electronic copies of commonly requested records, including; final opinions, annual reports, minutes of open meetings and agency budgets.

### Electronic Records

Records Access Officers must provide public records to requesters in an electronic format unless the record is not available in electronic format or the requestor does not have the ability to receive or access the records in a useable electronic format.

### Response Time

1. A Records Access Officer must respond to a request for records in writing within 10 calendar days.
2. A Records Access Officers must permit inspection or furnish a copy of a requested public record within 10 business days following receipt of the request. A ROA may petition the Supervisor of Records for an extension if they are unable to grant access to the requested public records in this time period.

### Fees

1. A Records Access Officer may charge 5 cents for black and white paper copies or computer printouts of public records for both single and double sided sheets.
2. If a response to a public request requires more than four hours of employee time, a Records Access Officer may assess a fee of the hourly rate of the lowest paid employee with the skills necessary to search for, compile, segregate, redact or reproduce a requested record.
  - a. The fee shall not exceed \$25 an hour, unless approved by the Supervisor of Records.

Adopted: September 22, 2016

## **2120: Recruitment And Selection Of Administrators**

- 2120.1 The statement of function, including any desired qualifications, of any administrative vacancy will be posted and will be made available according to the provisions of the negotiated agreement with teachers.<sup>1</sup>
- 2120.2 Procedures for application, including the final date applications will be received and the date on which a decision will be announced, will be included with notices of administrative vacancies.
- 2120.3 State guidelines with reference to certification requirements for specifically titled administrative and supervisory positions will be followed.
- 2120.4 Present teachers who are applicants for an administrative position will be given consideration in accordance with the negotiated agreement with the teachers' association.<sup>2</sup>
- 2120.5 Because of the compact structure of a school district, every administrator works very closely with the superintendent. Indeed, much of the success (or failure of a superintendent) is due to the professional quality of those on his "administrative team."<sup>3</sup>

<sup>1</sup> Agreement, Article XII, Section B

<sup>2</sup> Agreement, Article XII, Section c

<sup>3</sup> General Laws, Ch. 71, Sec. 33

Adopted: November 20, 1974

Revised: April 1980

## **2130: Non-Unit Compensation Review**

### **Superintendent**

The Committee shall employ a Superintendent of Schools and fix his/her 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 Committee may determine. He/she shall also prepare such reports as may be required by the State Department of Elementary and Secondary Education and the School Committee.

### **Administrators, Principals and Other Staff**

Salaries will be reviewed annually prior to July 1. The School Committee, with the advice of the Superintendent, will establish a compensation pool for all positions. Individual compensation is based on the circumstances, dynamics, and requirements of each position. In establishing salaries and salary schedules for support staff personnel, the School Committee will take into account the responsibilities of the position, the qualifications needed, past experience of the individual, and years of service in the school district.

Consideration may be given to individuals for exceptional performance as a basis for establishing merit increases. Upon request of the School Committee, the Superintendent is responsible to present evidence to support recommendations for merit increases. The School Committee may request that the Superintendent survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

Compensation plans will be reviewed annually for all categories of employees.

As part of the annual budget process, the School Committee will establish a compensation pool to be used to set compensation for personnel not covered by collective bargaining agreements. When a non-unit vacancy occurs, the superintendent and Personnel subcommittee will recommend a compensation range for that position to be approved by the School Committee. This range will include a maximum dollar amount which is not to be exceeded without School Committee approval.

Adopted: June 26, 2008  
Revised: October 22, 2009  
Revised: May 8, 2014

## **2150: Sex Offender Registry Information**

The Superintendent or his/her designee shall notify the member town police departments annually that the District wishes to be notified regarding registered sex offenders.

If an applicant for employment is selected to be hired, administration is directed to seek Sex Offender Registry Information (SORI) regarding said applicant from the local police department or by filing the appropriate information with (ESORI), at the Sex Offender Registry Board (SORB). Should the applicant's residence be a state other than Massachusetts, a SORI request shall be made to their last state of residence by using the National Sex Offender Registry. The hiring shall be contingent upon an acceptable SORI report.

The administration will also seek Sex Offender Registry Information (SORI) regarding volunteers or workers, who might have unmonitored access to students, by submitting their names through ESORI and to the National Sex Offender Registry if they reside in a state other than Massachusetts as a part of the screening process.

The Superintendent or his/her designee shall submit the names of all employees and volunteers to the Sex Offender Registry Information (SORI) via ESORI annually.

The Superintendent will develop appropriate procedures to evaluate any information received, and determine the appropriate course of action, if necessary.

Adopted: July 22, 2010  
Revised: April 14, 2011

## **2175: Service Animals in School Buildings**

Certified service animals may be brought to school. No other animals shall be brought to school without prior permission of the building Principal. A “service animal” is defined as any animal that has been individually trained to do work or perform tasks for the benefit of an individual with a disability.

Adopted: August 25, 2011

## **2230: Powers And Authority Of Superintendent**

- 2230.1 The power of the school committee is established by laws: "The school committee ... shall employ a superintendent and fix his/her compensation."<sup>(1)</sup> A regional school district committee has among its "additional powers and duties" the power and the duty "to employ a superintendent of schools who may also be a superintendent of one or more of the towns comprising said district, and said superintendent shall have all the powers and duties imposed upon school superintendents by law."<sup>(2)</sup> His/her role and major responsibilities are also specified by law, "The superintendent shall be the executive officer of the school committee and under its directions
- 2230.11 Shall have the care and supervision of the public schools.
- 2230.12 Shall assist the school committee in keeping its records and accounts.
- 2230.13 Shall assist the school committee in making such reports as required by law."
- 2230.2 As the chief executive officer of the school committee, he/she functions on the basis of discretionary powers given him/her by policies established by the school committee.
- 2230.21 The superintendent shall provide the school committee with information and reports as well as his/her recommendations to assist the school committee in reaching sound judgments on policy matters.
- 2230.22 When it is necessary to depart from established policy, the superintendent shall inform the school committee and seek its advice and direction.
- 2230.3 On the basis of the policies of the school committee, the superintendent specifies the required actions in designing detailed arrangements under which the schools will be operated.
- 2230.31 The superintendent is the contact person between the school committee and the staff insofar as school operations are concerned.
- 2230.32 The superintendent at his/her discretion may delegate to other personnel the exercise of any powers and the discharge of any duties given to him/her by the school committee. The superintendent is not relieved of any responsibility by virtue of such delegation.
- 2230.33 In the development of rules and regulations, the superintendent shall include at the planning stage, whenever feasible, persons to be affected by those rules and regulations. S/he shall establish communication channels within the school district in order to draw on the ideas and assess the feelings of various groups of employees.
- 2230.34 The superintendent shall have the privilege of seeking guidance from the school committee on matters of school operation.
- 2230.4 From time to time, emergency situations arise which call for immediate and decisive action by the superintendent, which under more normal circumstances would clearly be beyond the scope of his/her duty and authority. It shall be the policy of the school committee that the superintendent shall act in emergency situations so as to preserve and protect the lives and property of pupils and staff personnel.
- 2230.41 In those situations which arise within the schools where the school committee has provided no guidelines for administrative action, the superintendent shall have power to act, but his/her decisions shall be subject to review by action of the committee at its next regular meeting. It shall be the duty of the superintendent to inform the committee promptly of such action and of the need for policy.
- 2230.42 When circumstances of weather make it impossible or unsafe to open or keep open any or all of the schools in the district, the superintendent shall have the power to close any school so affected.

2230.43 When circumstances of power failure, lack of water, heat, work stoppage, epidemic, or other civil or natural emergencies make it impossible or unsafe to open or keep open any or all of the schools in the district, the superintendent shall have the power to close any school so affected. When the superintendent does close one or more schools under the above granted authority, he/she should notify the chair of the school committee of his/her action together with the reasons for the action.

<sup>1</sup> General Laws. Ch. 71, Sec. 59

<sup>2</sup> General Laws. Ch. 71, Sec. 16 (1)

Adopted: November 20, 1974

Revised: January 8, 1987

Revised: March 11, 2004

## **2240: Statement Of Function: Superintendent Of Schools**

### 2240.1 Primary purpose of the position:

The superintendent of schools shall serve as the executive officer for the Central Berkshire Regional School District. S/he shall administer all the schools under the direction of the school committee in accordance with the policies of the committee and the laws of the Commonwealth of Massachusetts. S/he shall develop administrative principles and practices to supplement the committee's policies and regulations.

### 2240.2 Major responsibilities:

With the advice and cooperation of the administrative staff, s/he shall:

Make recommendations and/or nominations to the school committee concerning the following: (a) employment, transfer, assignment, or dismissal of all personnel. Should the school committee, after due consideration reject a nomination, the superintendent shall submit additional nominations. (b) Courses of study and curriculum, (c) educational policies and procedures, (d) salaries schedules, and benefits.

Submit to the school committee, in accordance with Section IX of the Regional Agreement the budget for the ensuing year.

Foster a program of continuous curriculum improvement for all grade levels; direct the in-service training of the administrative and instructional staff, and promote school improvement in a manner consistent with the philosophy and policies of the school committee.

Assist the committee in preparing reports.

Correlate the work of the administrative staff.

Prepare agenda and provide information and recommendations for school committee meetings.

Assist in the orientation of new school committee members.

Act as secretary of the school committee if elected.

Act as agent of the school committee in matters involving State and/or Federal assistance programs.

Assist the school committee in collective bargaining.

Coordinate programs undertaken jointly with other school systems, governmental, or private agencies.

Advise the school committee as to proposed legislation.

Supervise all school personnel and their school activities.

Ensure compliance with laws relative to attendance and other school matters.

Maintain communications relative to policies and school programs with school committee, school personnel, individuals, community groups, and governmental agencies.

Coordinate research relative to educational problems of the schools and community and uses the results of research in planning the educational program.

Secure the help of the staff in formulating recommendations and policies.

Secure the cooperation of the staff in carrying out recommendations and policies.

Perform such other duties as may be assigned by the committee.

Conduct evaluations and make recommendations to the school committee concerning employment, advancement and salary of all administration personnel, both full and part time.

### 2240.3: Organizational relationships: (he or she)

Is, by law and by contract, responsible directly to the school committee.

Works cooperatively with citizens and groups within the community as well as with persons in other educational and social agencies.

With assistance of administrators and key supervisory personnel, supervises the work of the employees of the school district.

### 2240.4: Qualifications: (preparation, experience, competencies, and personal attributes):

To become superintendent of schools, a person must have or must be able to secure certification for the position from the Commonwealth of Massachusetts.

The school committee is at liberty to add qualifications above and beyond those required by the state for

certification. These added qualifications might include items such as: level of degree-master's degree, master's plus thirty, or doctorate; certain emphasis in undergraduate or, graduate education; specific qualifications with reference to past experience; membership or eligibility for membership in professional groups such as the American Association of School Administrators. The most practical time to discuss and make decisions about "above and beyond" qualifications is on the occasion of seeking applicants for the position of superintendent of schools (or assistant superintendent of schools).

Adopted:        June 14, 1970

## **2290: Evaluation Of Superintendent**

In accordance with provisions of the contract between the school committee and the superintendent, the school committee and the superintendent will cooperatively develop a plan whereby the school committee annually evaluates the work of the superintendent.

An evaluation plan should be undertaken with the view that it is both a means for ensuring good professional service for the school district and a way whereby the superintendent can grow in his/her position.

Inasmuch as the superintendent occupies an "exposed position," there is a hazard that his/her total effort will be evaluated on the basis of a limited number of incidents - be they "good" or "bad." The establishment of or the agreement on a definite set of criteria for evaluation - apart from any specific immediate situations or problems - will help ensure that the committee evaluates the total effort and effectiveness of the superintendent.

The plan for evaluation may include provision for the participation of or securing data from others in the school district.

The annual evaluation plan for the superintendent is not meant to prevent the school committee from communicating their suggestions, criticisms, and recommendations about his/her work during the year.

Adopted: November 20, 1974  
Revised: March 19, 1982

## **2300: Recruitment And Selection Of Superintendent**

In event of a vacancy in the office of the superintendent of schools, the following procedures will be followed:

- 2300.1 The school committee will review its policies with reference to desired qualifications and position description as well as level of salary and benefits. (See 2240.1, 2240.2, 2240.3, and 2240.4)
- 2300.2 The school committee will take special care to assess the needs of the school system with reference to change and stability. Change, movement, and progress may be in order for the immediate future. On the other hand, the school system may have need for a period of stability with a slower pace of change. In large measure, a superintendent sets the tone and pace of educational improvement for the school system.
- 2300.3 The school committee may proceed in one of three ways: appoint a sub-committee to act as a search committee; use the whole committee as a search committee; or secure expert assistance to conduct the search process and submit the names of a limited number of applicants for interview.
- 2300.4 Those responsible for carrying out the search for a new superintendent are reminded of the steps involved in the process: preparing a presentable and attractive notice of vacancy; publishing the notice of vacancy within and outside the school system; securing applications and credentials of applicants; screening applicants down to a manageable number for interviews and visitations; negotiation of terms; and selection.

Adopted: November 20, 1974

**2380: Provision for Acting Superintendent**

In the event the position of superintendent becomes vacant, the school committee may appoint an acting superintendent whose duties and responsibilities will terminate with the appointment of a new superintendent.

Adopted: November 20, 1974

### **3100: Staff Conduct**

All staff members have a responsibility to familiarize themselves with and abide by the laws of the State as these affect their work, the policies of the School Committee, and the regulations designed to implement them.

In the area of personal conduct, the Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

1. Respectful interactions with students, colleagues and other constituents.
2. Faithfulness and promptness in attendance at work.
3. Support and enforcement of policies of the Committee and their implementing regulations and school rules in regard to students.
4. Diligence in submitting required reports promptly at the times specified.
5. Care and protection of school property.
6. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students.

Adopted: November 20, 1974  
Revised: March 19, 1982  
Revised: September 12, 1996  
Revised: April 10, 2008 (Completely rewritten)

### **3110: Employment Of Principals**

Principals are employed by the Central Berkshire Regional School District under individual contracts which provide working conditions and benefits approved by the School Committee. Direct supervision is provided by the Superintendent.

Adopted: April 14, 1994  
Revised: September 12, 1996

Note: Original policy addressed the working conditions of principals which will be addressed through their individual contracts.

### **3130: Responsibility For Supervision Of Students**

- 3130.1 All staff including provisional and professional teachers have the continuing responsibility for supervision of students.
- 3130.2 The teacher is responsible for the health, safety, and security of students assigned to the teacher during the regularly scheduled instruction and homeroom periods.
- 3130.3 All staff, including teachers, paraprofessionals, custodians, (etc.), have the responsibility for ensuring students are acting in safe and appropriate ways in all common areas of the school, including hallways, the cafeteria, the gymnasium, the auditorium, the playground, the parking lot, and any other public area of the school and its grounds.
- 3130.4 Should it be necessary for the teacher to be absent from a class, the teacher should make specific arrangements with another certified person (teacher, supervisor, or administrator) to take responsibility for the class.
- 3130.5 It is recognized that, after proper preparation, a student teacher or intern needs the experience of teaching a class without the supervising teacher being present. However, the supervising teacher retains responsibility for the class during such circumstances and shall remain in close proximity in event the student teacher or intern needs assistance.
- 3130.51 Student teachers will be permitted to cover classes for part of the school day only after a period of observation and the satisfaction of the supervising teacher that the student teacher is prepared to assume the responsibilities of the classroom teacher. Supervising teachers shall not shorten this observation period to less than five school days without permission of a supervisor.
- 3150.52 Student teachers are not to be used as substitute teachers for the entire school day without the consent of the superintendent.

Adopted: November 20, 1974

Revised: June 24, 1980

Revised: September 12, 1996

Revised: May 13, 2004

Note: The revision is to the first paragraph (3130.1), bringing the policy in line with current law.

### **3140: Responsibility For Work Of Substitutes**

A teacher who is unable to be present to meet teaching responsibilities shall notify the principal, or designee, as soon as possible in order to obtain a substitute. The teacher is responsible for making it possible for the substitute to function effectively by providing class rosters, comprehensive lesson plans, classroom procedures, and any other pertinent information. If possible, the teacher should directly contact the substitute to provide any information that might be helpful. No substitute may be employed without the approval of the superintendent, pending a successful Background and SORI checks in accordance with CBRSD Policies 2100 and 2150 respectively.

Adopted: November 20, 1974  
Revised: June 24, 1980  
Revised: January 8, 1987  
Revised: September 12, 1996  
Revised: May 13, 2004 (added the reference to CORI check)  
Revised: August 28, 2014

### **3150: Care Of School Property**

- 3150.1 Teachers are responsible for the appearance and appropriate care of their rooms and the furniture and fixtures in those rooms.
- 3150.2 The need for maintenance, repair, or replacement of furniture, fixtures, or equipment should be reported promptly to the principal.
- 3150.3 Teachers have responsibility for ensuring that students properly use textbooks and other learning materials, instructional equipment and aids, furniture, and the classroom itself.
- 3150.4 Any abuse by students in the care and use of school property shall be handled as per policy # 6770.

Adopted: November 20, 1974

### **3160: Tutoring Of Pupils**

- 3160.1 Teachers may not tutor (for a fee) pupils presently in their classes.
- 3160.2 Teachers employed by the Central Berkshire Regional School District may not tutor for a fee any students on school property.
- 3160.3 Nothing shall prohibit the Central Berkshire Regional School District from employing teachers to tutor students in formal after-school or summer programs.

Adopted: November 20, 1974  
Revised: May 13, 2004 (Revised wording in 3160.2, added 3160.3)

### **3180: Establishment Of Positions**

- 3180.1 All regular full-time and part-time positions are established (or abolished) by school committee action.
- 3180.2 The superintendent may recommend the establishment (or abolition) of regular full-time and part-time positions in the school district.
- 3080.3 The superintendent within budgetary provisions may hire and dismiss irregularly employed part-time personnel.

Adopted: November 20, 1974

### **3190: Statement Of Function/Job Description**

For each regular full-time and part-time position established, the superintendent will be responsible for maintaining a comprehensive, current set of statements of function.

Adopted: November 20, 1974  
Revised: June 24, 1980  
Revised: August 20, 1980  
Revised: January 8, 1987  
Revised: November 13, 2003 (Removed references to School Committee and specifics regarding the job description outline.)

## **POLICY 3400: Professional Staff Hiring**

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to age, sex, gender identity, creed, race, color, national origin, disability, sexual orientation or place of residence.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision. For those positions where the hiring authority rests with the School Committee a representative screening committee may be established by the School Committee or the School Committee may direct the Superintendent to establish a screening committee to assist the Superintendent in making his recommendation to the School Committee.

SOURCE: MASC

UPDATED: June 2012

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45

Massachusetts Board of Education Requirements for Certification of Teachers, Principals, Supervisors, Directors, Superintendents and Assistant Superintendents in the Public Schools of the Commonwealth of Massachusetts, revised 1994

BESE Regulations 603 CMR 7.00, 26.00, and 44.00

(1) General Laws, Ch. 71, Sec. 39

Adopted: November 20, 1994

Revised: May 13, 2004 (Added paragraphs 3400.4 and 3400.5)

Revised: February 17, 2022

### **3410: Professional Staff Recruiting/Posting of Vacancies**

It is the responsibility of the Superintendent, with the assistance of the administrative staff, to determine the personnel needs of the school district and it is the responsibility of the Principal, in consultation with the Superintendent, to determine the personnel needs of the individual schools. In addition, school councils may review personnel requirements as a means of evaluating the needs of a school. Any recommendations for the creation or elimination of a position must be approved by the School Committee.

The search for good teachers and other professional employees will extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics of the town and the need for a heterogeneous staff from various cultural backgrounds.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school district. Any current employee may apply for any position for which he or she has certification and meets other stated requirements.

Openings in the schools will be posted in sufficient time, before the position is filled, to permit current employees to submit applications.

Adopted: November 20, 1974  
Revised: March 24, 1982  
Revised: February 17, 2022

### **3420: Application For Position**

- 3420.1 A person indicates interest in a teaching position by submitting an application blank, placement credentials, and official transcripts to the Superintendent of Schools. On the basis of materials submitted, the Principal or Superintendent will decide which applicants will be granted interviews.
- 3420.2 During the application process, an applicant should not contact School Committee members or employees of the school district unless by arrangements set up by the Superintendent.
- 3420.3 If application is made for a position in which service will begin prior to the expiration of an existing contract in another district, this fact should be fully and freely made known to both districts concerned.
- 3420.4 No effort should be made to obtain a position by means of influences other than those represented by personal and professional qualifications.

Adopted: November 20, 1974

Revised: September 12, 1996

Note: Revision is the addition of the words “Principal or” in 3420.1.

## **3425: Family Relationships And Employment**

- 3425.1 Favoritism based on family relationship will at no time be a factor in the employment, assignment, evaluation or promotion of personnel. For the purpose of this policy, a "relative" is defined as a parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law, grandparent or grandchild, or stepchild.
- 3425.11 The hiring of relatives of school committee members and present employees is discouraged.
- 3425.12 School Committee members may not vote on a motion to employ relatives for any position.
- 3425.13 In no instance will an employee be assigned to a position in which he or she would be supervised or evaluated by a relative.
- 3425.14 No employee will be promoted to a position in which he or she would directly supervise or evaluate a relative.
- 3425.2 School Committee members action relative to a family member:
- 3425.21 A member should not participate in any matter which has particular or unique application to the family member.
- 3425.22 Clearly, a member should not participate in any decision relating to the hiring of a family member by the regional district or to contracts made with a family member which do not relate equally to other employees.

Adopted: November 20, 1974  
Amended: September 11, 1975  
Revised: March 24, 1982  
Revised: May 13, 2004 (Added grandparent or grandchild to first paragraph)

### **3440: Employee Family and Medical Leave**

The Central Berkshire Regional School District shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993."  
P.L. 110-181, "National Defense Authorization Act"

Adopted: January 14, 2010

## FAMILY AND MEDICAL LEAVE

### A. Leave without Pay

1. Employees may take leave without pay when they have exhausted their leave benefits and need additional leave to cover personal illness; the illness of a spouse, child, or parent; the birth or adoption of a child; for any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty as a member of the National Guard or Reserves, in support of a contingency operation; or to care for a covered service member with a serious injury or illness if the employee is the service member’s spouse, son, daughter, parent, or next of kin.
2. An employee is not entitled to leave without pay unless:
  - a. that employee has been employed for at least twelve (12) months by the School Committee\* **and**
  - b. that employee has worked at least 1250 hours in the previous 12 month period or has a salaried position of at least .5 F.T.E.s

\* While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more need not be counted unless the break is occasioned by the employee’s fulfillment of his/her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the employer’s intention to rehire the employee after the break in service.
3. Extent of leave:
  - a. An eligible employee may take up to twelve weeks (or twenty-six (26) weeks if leave to care for a covered service member with a serious injury or illness is also used) of leave total during a twelve (12) month period, including any paid leave used. The employee must exhaust all sick leave as per contract, available paid vacation leave and personal leave before being entitled to take leave without pay.
4. Definitions:
  - a. "Child" means a son or daughter, whether biological adopted, foster child, a stepchild, legal ward or child to whom the employee stands in loco parentis, if the child is either under the age of eighteen (18) years or is incapable of self-care because of a mental or physical disability.
  - b. "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state where the doctor practices, or any person determined by the Secretary of Labor to be capable of providing health care services.
  - c. "Intermittent Leave" means leave taken in whole day periods but less than a whole work week.
  - d. "Parent" means a biological parent of an employee or an individual who stood in loco

parentis to an employee when the employee was a child.

e. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per work week, or hours per workday, of an employee.

f. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which involves either

(1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care;

**or**

(2) continuing treatment by a health care provider, which includes:

(a) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:

a. treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); **or**

b. one (1) treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); **or**

(b) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(c) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for absence; **or**

(d) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(e) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

g. "Spouse" means a husband or wife, as defined by state law.

h. "Twelve Month Period" the preceding twelve-month period from when the leave commences.

## B. Types of Leave without Pay

1. Personal Medical Leave without Pay: The Superintendent may grant a medical leave of absence without pay to an employee who, because of a serious health condition is unable to perform the functions of his or her job.

a. An employee must exhaust all available sick leave before taking leave without pay.

- b. Medical Certification:
- (1) The Superintendent may require a medical certification from the employee's health care provider, stating—
    - i. the date on which the health condition began,
    - ii. the probable duration of the condition,
    - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition,
    - iv. a statement that the employee is unable to perform the functions of his/her job.
  - (2) If the Superintendent has reason to doubt the validity of the medical certification provided by the employee's health care provider, he or she may require, at the School Committee's expense, a second opinion. The employee must obtain the opinion of the School Committee's designated health care provider concerning the information in b., above.

The health care provider giving the second opinion may not be a person regularly employed by the School Committee.
  - (3) If the second opinion conflicts with the first, the School Committee may require, at the School Committee's expense, a third opinion. The third health care provider's opinion shall be final and binding on the School Committee and the employee.
  - (4) The Superintendent may require an employee on medical leave without pay to provide medical certifications at reasonable intervals.
- c. If the necessity for leave is foreseeable based on planned medical treatment, the employee—
- (1) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the school, subject to the approval of the employee's health care provider.
  - (2) shall give the employee's supervisor at least thirty (30) days' notice, before the date the leave is to begin, of the employee's intention to take personal medical leave without pay, except that if the date of treatment requires the leave to begin in less than thirty (30) days, the employee shall provide such notice as practicable.
- d. If the necessity for leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.
- e. If the necessity for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

- f. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
  - g. Before the employee may resume work, the employee must present his or her supervisor with written medical certification from the employee's health care provider that the employee is able to resume work. If reasonable safety concerns exist, the School Committee may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.
2. Family Medical Leave without Pay: The Superintendent may grant a medical leave of absence without pay to an employee who needs the time off to care for the employee's spouse, child or parent, if the spouse, child or parent has a serious health condition.
- a. Medical Certification
    - (1) The School Committee may require a medical certification from the health care provider for the spouse, child, or parent, as the case may be, stating -
      - i. the date on which the health condition began,
      - ii. the probable duration of the condition,
      - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition,
      - iv. that the employee is needed to care for the spouse, child, or parents, as the case may be, and an estimate of the amount of time that such employee is needed to care for the spouse, child, or parent.
    - (2) If the School Committee has reason to doubt the validity of the medical certification provided by the employee's health care provider, he or she may require, at the School Committee's expense a second opinion. The employee must obtain the opinion of the School Committee's designated health care provider concerning the information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee.
    - (3) If the second opinion conflicts with the first, the School Committee may require, at the School Committee's expense, a third opinion. The third provider's opinion shall be final and binding on the School Committee and the employee.
    - (4) The Superintendent may require an employee on medical leave without pay to provide medical certification at reasonable intervals.
  - b. If the necessity for leave is foreseeable based on planned medical treatment, the employee—
    - (1) Shall make a reasonable effort to schedule the treatments so as not to disrupt unduly the operations of the school, subject to the approval of the health care provider for the spouse, child, or parent of the employee, as the case may be, and
    - (2) Shall give the employee's supervisor at least thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take family medical leave without pay, except that if the date of the treatment requires the leave to begin in less than

thirty days, the employee shall provide such notice as practicable.

- c. If the necessity for leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.
  - d. If the necessity for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer’s usual and customary notice and procedural requirements for requesting leave.
  - e. the employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
3. Parental Leave without Pay: An employee may take parental leave without pay within one year of the birth of the child in order to care for that child. An employee may take parental leave without pay within one year of the placement of a child with the employee for adoption or foster care.
- a. When the need for parental leave without pay is foreseeable based on expected birth or placement, the employee shall give his or her supervisor at least thirty (30) days' notice before the date the leave is to begin. If the date of the birth or placement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable. Absent unusual circumstances, employees must comply with the employer’s usual and customary notice and procedural requirements for requesting leave.
  - b. An employee taking parental leave without pay may not take intermittent leave or work on a reduced leave schedule without the express consent of the Superintendent in writing.
4. Qualifying Exigencies Leave Without Pay: An employee may take leave without pay for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation. Qualifying exigency leave is not available to family members of military members in the Regular Armed Forces. A qualifying exigency is defined as: (1) Short-notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
- a. Certification
    - (1) Leave for a qualifying exigency must be supported by a copy of the covered military member’s active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. A second and third opinion and recertification are not permitted for certification of a qualifying exigency. The employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature or the meeting.

- b. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer’s usual and customary notice requirements.
- c. Leave may be taken intermittently for a qualifying exigency.

5. Care for Service Member Leave Without Pay: An employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may take leave without pay for up to a total of twenty-six (26) workweeks during a single twelve (12) month period to care for the service member.

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).

a. Medical Certification

(1) Leave to care for a covered service member with a serious injury or illness must be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member’s family. Second and third opinions and recertification are not permitted. The employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee’s direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA.

- b. Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable, but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer’s usual and customary notice requirements.
- c. Leave may be taken intermittently whenever **medically necessary** to care for a covered service member with a serious injury or illness. When leave is needed for planned

medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

### C. Special Rules

#### 1. Rules Applicable to teachers in Periods near the Conclusion of the Academic Term:

The following rules apply to any employee who takes leave without pay under this policy and who is employed principally in an instructional capacity.

- a. If leave without pay begins more than five weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that academic term, if--

(1) the leave is of at least three weeks duration, and

(2) the return to work would occur during the three-week period before the end of the academic term.

- b. If leave because of the birth of a son or daughter; leave because of the placement of a son or daughter for adoption or foster care; leave taken to care for a spouse, parent, or child with a serious health condition; or leave taken to care for a covered service member without pay begins within five weeks before the end of an academic term, the principal, may require the employee to continue taking leave until the end of that term, if--

(1) the leave is of at least two weeks duration, and

(2) the return to work would occur during the two-week period before the end of the academic term.

- c. If leave because of the birth of a son or daughter; leave because of the placement of a son or daughter for adoption or foster care; leave taken to care for a spouse, parent, or child with a serious health condition; or leave taken to care for a covered service member without pay begins within three weeks before the end of an academic term the principal may require the employees to continue taking leave until the end of that term, if the leave is for more than five working days.

- d. The extended leave is counted against the teacher's FMLA allotment. If the teacher's FMLA allotment expires during the extension, the additional time is nevertheless deemed FMLA leave.

#### 2. Intermittent Leave and Reduced Leave Schedules:

- a. If the intermittent leave or reduced leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the employee to transfer temporarily to an available alternate position—

(1) which is offered by the Superintendent,

(2) for which the employee is qualified,

(3) which has equivalent pay and benefits, and

- (4) which better accommodates recurring periods of leave than the regular employment position of the employee.
  - b. If a teacher does not give the School Committee the required thirty (30) days notice for intermittent leave or a reduced leave schedule which is foreseeable, he or she must delay the taking of leave until the notice provision is met.
  - c. If a teacher takes intermittent leave or a reduced leave schedule which is for more than 20% of the normal working days over the period of the leave, that teacher must instead take the entire period as FMLA leave.
3. Benefits during Leave:
- a. While the employee is on leave, the Central Berkshire Regional School District shall maintain coverage of that employee under its group health plan at the level and under the conditions which would have been provided if the employee had continued in employment instead of being on leave.
  - b. If the employee normally had a monthly payment to that plan, the employee must make that monthly payment. If the employee fails to make such payments, the Central Berkshire Regional School District shall, if possible, continue the benefits at the reduced rate. If such a reduced rate is not possible, then the employee shall be excluded from the group health plan.
4. Employment and Benefits upon Return to Work:
- a. Any employee who takes leave under this Policy for the intended purpose of the leave shall be entitled, on return from leave--
    - (1) to be restored to his or her former job, or
    - (2) to be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
  - b. The taking of leave under this policy shall not result in the loss of any employment benefit accrued before the date on which the leave began, nor be counted against the employee under a “no fault” attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.
  - c. No employee shall accrue seniority or employment benefits during any period of leave, nor shall the employee be entitled to any right, benefit, or position of employment other than those to which the employee would have been entitled if the employee had not taken the leave. This policy does not change the legal status of probationary teachers or the Superintendent's authority under M.G.L. Chapter 71, sec. 41 and 42.
5. Failure to Return from Leave: The Central Berkshire Regional School District may recover the premium which it paid for maintaining coverage of the employee under its group health plan during the employee's unpaid leave under this policy if--

- a. the employee fails to return from unpaid leave under this policy after the period of leave to which the employee is entitled has expired; and
  - b. the employee fails to return to work for a reason other than--
    - (1) the continuance, recurrence, or onset of a serious health condition which would entitle the employee to personal or family medical leave without pay, or
    - (2) other circumstances beyond the control of the employee.
6. Prohibited Acts:
- a. No employee of the Central Berkshire Regional School District shall interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title.
  - b. No employee of the Central Berkshire Regional School District shall discriminate against any individual for opposing any practice contrary to this policy.
  - c. No employee of the Central Berkshire Regional School District shall discriminate against any individual for:
    - (1) filing any charge, instituting or causing to be instituted any proceeding, under or related to this policy,
    - (2) giving, or being about to give, any information in connection with any inquiry or proceeding relating to any right provided under this policy, or
    - (3) testifying, or being about to testify, in any inquiry or proceeding relating to any right provided under this policy.

LEGAL REFS.: P.L. 103-3 "Family and Medical Leave Act of 1993"  
 29 U.S.C. S 2601 et seq.  
 Department of Labor Regulations, 29 C.P.R. Part 825  
 Va Code S 22.1-303.  
 P.L. 110-181, "National Defense Authorization Act"

Adopted: January 14, 2010

## **3445: Maternity Leave**

### **I. POLICY**

It is the policy of the Central Berkshire Regional School Committee to implement and administer the provisions of the Massachusetts Maternity Leave Act.

### **II. PROCEDURE**

A female employee who has completed the initial probationary period set by the terms of her employment or, if there is no such probationary period, has been employed by the Central Berkshire Regional School District for at least three consecutive months as a full-time employee, who is absent from such employment for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of eighteen or for adopting a child under the age of twenty-three if the child is mentally or physically disabled, said period to be hereinafter called maternity leave, and who shall give at least two weeks' notice to the Central Berkshire Regional School District of her anticipated date of departure and intention to return, shall be restored to her previous, or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.

The Central Berkshire Regional School District shall not be required to restore an employee on maternity leave to her previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such maternity leave; provided, however, that such employee on maternity leave shall retain any preferential consideration for another position to which she may be entitled as of the date of her leave.

Such maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other advantages or rights of her employment incident to her employment position; provided, however, that such maternity leave shall not be included, when applicable, in the computation of such benefits, rights, and advantages; and provided, further that the Central Berkshire Regional School District need not provide for the cost of any benefits, plans, or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence. Nothing in this policy shall be construed to affect any collective bargaining agreement which provides for greater or additional benefits than those required under this policy.

A notice of this policy shall be posted in every establishment in which females are employed.

Adopted:            January 14, 2010

### **3450 Small Necessities Leave Act**

It is the policy of the Central Berkshire Regional School Committee to follow the Massachusetts Small Necessities Leave Act, and to provide a process and procedure by which employees may access this right and provide for an accounting of time used by employees for this purpose.

The forms associated with the Massachusetts Small Necessities Leave Act appear on the following three pages of this School Committee policy.

Adopted: January 14, 2010

REQUEST FOR TIME UNDER THE  
SMALL NECESSITIES LEAVE ACT

(To be completed and submitted to your Principal with a copy to the Superintendent of Schools.)

I am requesting the following time off for reasons covered under the Small Necessities Leave Act. If this need was foreseeable, I have provided at least seven (7) days notice, if it was not foreseeable, I have provided as much notice as possible. I understand that if eligible, this time will be counted towards the twenty-four (24) hour time bank allowed per calendar year under the Small Necessities Leave Act and the following Central Berkshire Regional School District Policy.

Requested time off: (date and time) \_\_\_\_\_

This time is for one of the reasons specified below:

- To participate in school activities directly related to educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school (school is a public or private elementary or secondary school, a Head Start program and/or a children's day care facility);
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; or
- To accompany an elderly relative of the employee to routine medical or dental appointments and for "other professional services related to the elder's care", such as interviewing at nursing or group homes. (An elderly relative is defined as one who is sixty (60) years of age or older and related by blood or marriage.)

I understand that if eligible, I will be using any paid time which I have available to cover this Small Necessities Leave Act time. If I do not have any paid time left, I understand that the time taken will be unpaid.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approval and Designation of SNLA Time

Date: \_\_\_\_\_

Request received from: \_\_\_\_\_

Department: \_\_\_\_\_ Date of hire: \_\_\_\_\_

No. of hours worked in previous twelve (12) months: \_\_\_\_\_

Time requested: (date and time): \_\_\_\_\_

SNLA time taken this calendar year: \_\_\_\_\_

As of this date: SNLA time remaining: \_\_\_\_\_

Paid time remaining: \_\_\_\_\_

Approved:

\_\_\_\_\_ As requested

\_\_\_\_\_ With the following modifications:

Not Approved:

\_\_\_\_\_ Employee is ineligible due to length of employment, i.e. less than one year.

\_\_\_\_\_ Employee has worked less than 1250 hours in the previous 12 months.

\_\_\_\_\_ The reason for the requested time off does not fall under the guidelines of the Act.

\_\_\_\_\_ SNLA entitlement has been exhausted for the current period.

\_\_\_\_\_ Other: \_\_\_\_\_

Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Copies distributed: Employee \_\_\_\_\_

Superintendent: \_\_\_\_\_ Payroll: \_\_\_\_\_

Name: \_\_\_\_\_

Anticipated dates of leave of absence: \_\_\_\_\_

Types of leave: \_\_\_\_\_

Date of hire: \_\_\_\_\_

Benefit time as of: \_\_\_\_\_

\_\_\_\_\_ Personal time

\_\_\_\_\_ Holiday time

\_\_\_\_\_ Vacation time

\_\_\_\_\_ Total

As of \_\_\_\_\_ worked \_\_\_\_\_ hours in the previous fifty-two (52) weeks.

Eligible for SNLA? \_\_\_\_\_ Yes \_\_\_\_\_ No

Previous SNLA and dates: \_\_\_\_\_

\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

### **3485: Temporary Substitute Teachers**

The Central Berkshire Regional School Committee recognizes the need for recruiting and retaining competent and reliable substitutes to work when the district's regular teachers and nurses are absent. To facilitate attainment of that objective the Committee establishes the following policy.

3485.1 As used in this policy, the following terms shall have the meanings indicated here:

“Per diem temporary substitute teacher/nurse” shall mean a person hired on an incidental basis, i.e., from one day or part of one day to ten school days, to serve as a teacher/nurse in the position of a regular teacher/nurse who is absent from work;

“Long term temporary substitute teacher/nurse” shall mean a person hired for 11 or more consecutive school days, but not at the time of hire for an entire school year, to serve as a teacher/nurse in the position of a regular teacher/nurse who is absent from work; and

“Year-long substitute teacher/nurse” shall mean a person hired for one entire school year of 180 consecutive school days to serve as a teacher in the position of a regular teacher who is absent from work.

3485.2 The rate of compensation for a person employed as a per diem temporary substitute teacher shall be set by the Committee yearly. The Committee shall set two rates, one for substitutes with an Associate's degree (or equivalent credits) and secondly a rate for people with a current teaching license or who has retired as an educator, and who was duly licensed as a teacher in the jurisdiction from which she/he retired at the time of that retirement.

The hourly rate of compensation for a person employed as a per diem temporary nurse substitute shall be set by the Committee yearly. The Committee shall set two hourly rates, one for substitutes with an RN license and secondly an hourly rate for a person who has retired as a school nurse, and who was a duly licensed school nurse in the jurisdiction from which she/he retired at the time of that retirement or a person who has a current license. A full day shall be set at 6.5 hours per day.

3485.3 Beginning on the eleventh day of substituting in one position, the daily rate for a person employed as a long-term temporary substitute teacher/nurse shall be the salary corresponding to Step A-1 of the teachers' contractual salary schedule or Step NA-01 of the nurses' schedule. Waivers of this eleven-day period may be granted at the discretion of the Superintendent.

3485.4 A year-long substitute teacher/nurse shall be appointed to her/his position pursuant to MGL c. 71 § 41, with a termination date for that appointment effective June 30 of the school year in which the year-long substitute teacher/nurse is to serve. Said termination date shall be stated in the year-long substitute's letter of appointment. Year-long substitute teachers/nurses shall be subject to employment under the provisions of the Massachusetts teacher licensure statute (MGL c. 71 § 38G) and the licensure regulations of the Board of Elementary and Secondary Education (603 CMR 7.00). It shall be the responsibility of the year-long temporary substitute teacher/nurse to provide the Superintendent with written evidence of her/his certification.

3485.5 The School Committee shall from time to time consider the appropriateness of the rates of compensation paid by the district to per diem substitute teachers/nurses, and shall make such changes in those rates as the Committee considers necessary.

- 3485.6 Anyone employed as a substitute by the Central Berkshire Regional School District shall work under the direction of the principal of the school or schools to which that person is assigned, or under the direction of the principal's designee.
- 3485.7 The Superintendent shall ensure that there has been due diligence in the district's seeking to employ persons as substitute teachers and nurses who are appropriately certified for their assignments pursuant to MGL c. 71 § 38G and 603 CMR 7.00.

References

MGL c. 71 §§ 38G, 42  
603 CMR 7.00 et seq.

- Adopted: October 22, 1969  
Revised: August 15, 1980  
Revised: March 24, 1982  
Revised: November 13, 2003 (Added "current" to certification requirements.)  
Revised: April 13, 2006 (Added "Waivers of this eleven-day period may be granted at the discretion of the Superintendent.")  
Revised: May 14, 2009  
Revised: December 8, 2011  
Revised: July 25, 2019 (To include substitute nurse rates)  
Revised: December 9, 2021 (Change rate of per diem teacher and nurse)

### **3490: Student Teachers And Interns**

The school committee is open to consideration of proposals from teacher preparation institutions for the placement of and supervision of student teachers and interns. These programs will be evaluated regularly by teachers and principals. The superintendent will recommend beginning, continuing, or terminating the relationship with a particular college or university on the basis of the following criteria:

- 3490.1 The qualifications of the student teachers and interns as determined by application, interview, and/or prior visitations.
- 3490.2 The extent and nature of the preparation given the student teachers or interns as this relates to the subjects and age levels to which they are assigned.
- 3490.3 The quality and extent of the supervisory and other services provided to the school district by the college or university.
- 3490.4 The availability of experienced teachers who are willing to accept the responsibilities of being supervisory teachers.
- 3490.5 Information about student teachers related to their placement in the district will be provided to the school committee on request.

Adopted: November 20, 1974  
Revised: June 24, 1980

### **3800: Professional Growth For Teachers**

The maintenance and improvement of the instructional program in large measure is dependent upon the strength of the professional growth program of teachers. Specific purposes of the professional growth program of the school district are:

- 3800.11 Help teachers secure the new knowledge, skills, and competencies needed because of the discovery of new knowledge and insights in the areas of learning.
  - 3800.12 Help teachers extend their competencies in locating and using aids, resources, and technology which can make students' learning more effective.
  - 3800.13 Help teachers gain insight into the many options available in using time, space, grouping of students, talents of teachers, and supporting personnel, and community resources to enliven and enrich the instructional program.
  - 3800.14 Assist teachers in adding specific competencies which will result in a better balance of competencies within a school or team of teachers.
  - 3800.15 Help teachers grow in their leadership and human relations skills.
  - 3800.16 Enable each teacher to achieve an increased measure of personal satisfaction in the performance of his/her professional assignment.
- 3800.2 Activities which enable a teacher to achieve these purposes are varied in scope and intensity. An individual teacher's professional growth program during an entire career might include participation in many of the following activities: college and in-service courses; conferences and workshops; regional and national conventions; professional reading; visitations to schools as well as agencies and businesses which support or serve education; curriculum building activities; negotiations experience; educational travel; teaching teachers; and writing for publication.
- 3800.3 Within the resources available, the school committee will support a strong well-conceived program of professional growth for teachers.

Adopted: November 20, 1974

## **4000: Implementation of Site-Based Decision-Making**

### **I. CONTEXT AND PURPOSE**

- A. Site based decision-making is a process in which members of the educational community assist the principal and/or administration through a collaborative effort in planning, goal setting, and budgeting for school improvement within the structure provided by state statute and district policies.
- B. A school council is a representative school building based committee composed of the principal, parents, teachers, community members and students at the secondary level, who work together for the betterment of the school, including improved student performance, increased commitment of the school community, and responsiveness to the needs of a particular school population.
- C. The role of School Councils is to provide the best advice after considering all alternatives in the development of a strategic plan for the school. The strategic plan will include goal setting for the improvement of instruction, the allocation and use of funds allocated by the School Committee, the professional development of teachers and staff, the management of facilities, and the relationships of the school to the region which it serves.

### **II. FORMATION AND COMPOSITION OF SCHOOL COUNCILS**

- A. The Law requires that there be a school council at each public elementary and secondary school in the Commonwealth. Principals shall convene the first meeting of the council no later than 40 days after the first day of school. The principal is responsible for defining the formation of councils, the terms of office, and is responsible for convening the first meeting. The process for selection of school council members is left up to the principal. However, the process must be approved by the Superintendent and the School Committee. **1**
- B. Following are requirements and/or guidelines for the size and composition of school councils by grade level.

#### *K-8 School Councils*

1. School Members (parents, administrators, teachers). The number of parent representatives shall be equal to the total number of teachers and administrators (including the principal) selected from said building.
2. Non-school Members - Not more that 50% of the council can consist of non-school members. These members may be drawn from such groups as non-certified employees, municipal government, business and labor organizations, institutes of higher education, human service agencies, or other interested groups. (Non-school members may not be parents, administrators, teachers or students.)
3. The membership of the council shall be broadly representative of the racial and ethnic diversity of the school building and community. Each community served by a K-5 elementary school shall be represented on that school council.

#### *9-12 School Councils*

1. School Members (parents, administrators, teachers, students). The number of parent representatives shall be equal to the total number of teachers and administrators (including the principal) selected from said building. There shall be at least one student on the council.
2. Non-School Members - Not more than 50% of the council can consist of non-school members. These members may be drawn from such groups as non-certified employees, municipal government, business and labor organizations, institutes of higher education, human service agencies, or other interested groups. (Non-school members may not be parents, administrators, or teachers.)
3. The membership of the council shall be broadly representative of the racial and ethnic diversity of the school building and community.

- C. All constituencies are expected to select members to serve on councils who are representative of grade levels, programs, and departments. Each school's parent organization will conduct an election of

parent representatives from among all parents at the school. Teacher representatives will be chosen through an elective process. At the high school, the student representatives will be chosen in an election open to all students. Student representatives will be nominated by the faculty and elected by the students.

### III. SCHOOL COUNCIL OPERATING PROCEDURES

- A. School Councils are expected to comply with School Committee policy, administrative procedures, federal and state laws and regulations, and collective bargaining agreements. The document, *Massachusetts Education Reform Act, Questions and Answers on School Councils*, shall be a reference guide.
- B. The principal retains statutory authority for daily operation of the school. The principal will consider the impact of each decision upon the strategic plan before finalizing the decision.
- C. Following are stipulations concerning operating procedures for school councils:
  - the principal (or designee) is the co-chairperson of the School Council. A second co-chairperson is to be elected at the first meeting of the council.
  - school councils are expected to meet formally on a regular basis as needed during the school year after the council has been formed.
  - a quorum will consist of a majority of the members of the School Council being present. However, this majority shall represent members of the school and community.
- D. School Councils are responsible for developing their own operating procedures. When such procedures are developed, they will be shared with the Superintendent and School Committee.
- E. In addition, school councils must produce an agenda, keep minutes, and operate in accordance with the open meeting law.

### IV. SCHOOL PLANNING

- A. School Councils are responsible for the development and formulation of a school improvement plan which will address the following components:
  - Needs assessments, recommendations, and planning for educational needs, class sizes, and other areas of importance as determined by the principal
  - Professional development for all staff and the allocation of any professional development funds in the school budget
  - Enhancement of parental involvement and volunteer activities in the life of the school
  - School safety and discipline
  - A school environment characterized by tolerance, understanding, and respect for all groups
  - Extra-curricular activities
- B. School plans are subject to the approval of the Superintendent and School Committee. Plans must be submitted by May 1 of each year and reviewed within the next 30 days by the Superintendent and School Committee who will monitor the progress towards the goals established by the School Council. If the progress has not been satisfactory, the Superintendent may require the submission of a more detailed plan and/or revised goals. Specific goals and objectives will be negotiated with the Superintendent's office. If no comment concerning the review of the plan is received by the Principal and the School Council within the 30 days, the plan is deemed to have been approved.
- C. School plans will be considered binding and the principal and school council will present the plans and an annual progress report to the entire school community after submitting the document to the Superintendent and School Committee. In general, School Improvement Plans must be stated in outcomes based terminology, include strategies to achieve the goals and objectives, establish monitoring of performance, and provide for evaluation of achievement on measurable criteria.
- D. Schools that show adequate progress in meeting the student performance and school effectiveness

goals delineated in their plans will be recognized appropriately for their success.

#### V. TRAINING FOR SCHOOL COUNCILS

- A. The District also recognizes the need to make situational and/or ongoing facilitation available to school councils on an as-needed basis. This training will also be made available to members of the School Committee.

#### VI. ROLE OF THE SUPERINTENDENT AND SCHOOL COMMITTEE

- A. The School Committee must approve all provisions of the District's policy regarding Site Based Decision-Making and any changes therein. The Committee will receive reports on the process of implementing the policy and will participate in policy review.
- B. It is understood that in establishing this policy, nothing therein is intended to alter, amend, supersede or abrogate any aspect of the School Committee's legal authority or any provision of the collective bargaining agreements it has negotiated with any of the Associations which represent District employees. Therefore, the Committee cannot approve requests from schools for waivers from its policies and/or collective bargaining agreements apart from those policies and/or agreements.
- C. The Superintendent is responsible for promulgating administrative guidelines for the implementation of this policy.
- D. All School Improvement Plans and requests for waivers must be approved by the Superintendent before being brought before the School Committee for final approval.
- E. The Superintendent's office will be responsible for providing staff support for participating schools, system-wide coordination, monitoring school council implementation, managing the linkage between schools and the central office, disseminating information, coordinating external fund raising, contracting for training and other services to support the implementation of this policy and site-based decision-making.

1 MGL Chapter 71 Section 59c (Reference added with May 13, 2004 revision)

Adopted: February 3, 1994  
Revised: February 16, 1995 (Definition of quorum, page 3.)  
Revised: May 13, 2004 (Revisions made to Section V., removing provision to in-service central office administrators and program supervisors.)

#### **4040: Equal Employment Opportunity**

The Central Berkshire Regional School District embraces diversity and therefore subscribes to the principle of the dignity of all people and of their labors. The District will ensure that applicants are employed, assigned, and promoted without regard to race, religion, color, age, gender, national origin, disability, homelessness, sexual orientation, gender identity or veteran status. Every reasonable opportunity will be taken to assure that each position is filled based on the qualifications, merit and ability of the applicants.

Legal Reference: MGL Chapter 151B, Section 4

Adopted: June 26, 2008  
Revised: May 9, 2013

#### **4050: Hiring Of Non-Instructional Personnel**

- 4050.1 Should a regular part-time or full-time vacancy occur or should it be necessary to create an additional non-instructional position, a notice of the position will be publicized in an appropriate manner in the schools and in the community.
- 4050.2 Policy 3425 which references family relationships and employment will be followed.
- 4050.3 It is the sole responsibility of the superintendent to appoint persons to regular part-time and full-time non-instructional positions.

Adopted: November 20, 1974  
Revised: March 24, 1982  
Revised: August 22, 1985  
Revised: February 6, 2003 (Removed sections in violation of Ed Reform and the provisions for Superintendent to grant unpaid leaves of absence.)

## **4060: Physical Examinations**

- 4060.1 Every employee shall upon request of the committee or its designee submit to a physical examination with a physician of the committee's choosing at the expense of the committee:
- a. In the event of the employee's absence because of illness or injury for more than 10 days in any fiscal year; or
  - b. In the event the school physician is of the opinion the protection of the health of students may require such examination.<sup>1</sup>

<sup>1</sup> General Laws, Chapter 71, S. 54

Adopted: November 20, 1974  
Revised: November 18, 1976  
Revised: November 17, 1983  
Revised: May 13, 2004 (Original requirement/law for employees to prove TB free repealed by Municipal Relief Bill [St. 2003, Ch. 46])

#### **4070: Placement, Assignment, And Transfer**

Employees will be placed on the appropriate salary schedule on the basis of the criteria set forth in negotiated agreements.

- 4070.1 The superintendent is responsible for the assignment of the employee to his/her specific position.
- 4070.2 With the advice of supervising personnel, the superintendent or his/her designee will establish work schedules for all non-instructional employees.
- 4070.3 Where there is special language on transfer in a negotiated contract, the decision to transfer an employee from one position to another will be based on this special language. It is the responsibility of the superintendent to make all final decisions related to the transfer of employees.

Adopted: November 20, 1974

## **4080: Termination Of Employment**

Except where modified by negotiated agreement, employment may be terminated as follows:

- 4080.1 Employment may be terminated by either the school system or the employee on two weeks written notice.
- 4080.2 A shorter or longer period of notice prior to the termination of employment may be set by mutual agreement between the superintendent and the employee.

Adopted: November 20, 1974

## **5090: Study Of Controversial Issues**

The presentation and discussion of controversial issues in the classroom should be on an informative basis. Teachers should guard against giving their personal opinions on issues of a sectarian, political, or other controversial nature until students have had the opportunity to find, collect, and assemble factual material on the subject; to interpret the data without prejudice; to reconsider assumptions and claims; and to reach their own conclusions. By refraining from expressing their own personal views before and during the period of research and study, the teacher is encouraging students to search after truth and think for themselves. Educationally, students have four basic rights with reference to the study of controversial issues in the classroom:

- 5090.1 The right to study controversial issues which have political, economic, or social significance on which, at this level, s/he should begin to form judgments.
- 5090.2 The right to study under competent instruction in an atmosphere free from bias and prejudice.
- 5090.3 The right of access to all relevant information freely available in the school and public libraries.
- 5090.4 The right to share and express his ideas and opinions on controversial issues, and, within a forum or fair and open discussion, grow in his understanding of the difficult and complex problems s/he faces as a citizen in today's world.

Adopted: November 20, 1974

## **5100: Organization Of Instruction**

- 5100.1 The School Committee under the laws of the Commonwealth of Massachusetts and guidelines from the Department of Education is responsible to direct the operation of the District and to adopt, modify and implement such educational policies and programs as the School Committee deems appropriate. In order to assist the School Committee to perform its responsibilities the School Committee will solicit the advice and recommendations of its professional staff as provided in Policy 5210.
- 5100.2 The professional staff, working within the guidelines and parameters of the Curriculum Development Model will have a significant responsibility for developing instructional proposals.
- 5100.3 Instructional and curriculum changes as well as new educational opportunities will follow guidelines provided in the Model for Curriculum Development & Review (5210).

Adopted: November 20, 1974  
Revised: February 13, 1992

**5150: School Year And School Day**

- 5150.1 For each school year, the School Committee establishes an official calendar including no less than the number of days of instruction required by the Massachusetts Department of Education.
- 5150.2 The School Committee establishes opening and closing times for the school day for various levels of students.
  - 5150.21 The length of school day (or total hours of instruction) shall not be less than what is required by the Massachusetts Department of Education.
  - 5150.22 Changes in the daily schedule to meet special needs of students of special circumstances at specific schools may be made by the Superintendent of Schools, who will in turn report to the School Committee.
- 5150.3 Religious holidays may occur when school is in session. Students may be excused for such holidays with proper notification by their parents or legal guardians. Teachers are encouraged to provide assistance and ample time to these students to make up assignments and/or to provide advance assignments and equivalent make-up examinations when necessary. Absences for religious holidays will not be counted against students when calculating attendance data.

Adopted: November 20, 1974  
Revised: September 5, 1980  
Revised: December 8, 1994  
Revised: June 24, 2004

**5160: Designation of Nessacus Regional Middle School as an Elementary School**

5160 The school committee designates Nessacus Regional Middle School as an elementary school, in accordance with section 27.01 (3) of the New School Day/School Year Regulations.

Adopted: August 14, 1980  
Revised: June 24, 2004

## **5170: Placement Of Students**

The classification and placement of students for instructional purposes is the prerogative and responsibility of the administration. The goal of careful classification and placement procedures is optimal learning.

- 5170.1 It is the responsibility of the district to provide classrooms at every grade level which accommodate students with considerable diversity of interests and abilities.
- 5170.2 Each student should be encouraged to progress academically as he/she grows and develops socially and emotionally.
- 5170.3 Most students will require the normal allotted years of time to progress through elementary and secondary school.
- 5170.4 In general, children will be placed at the grade level to which they are best adjusted academically, socially and emotionally. Children will usually progress annually from grade to grade, spending one year in each grade. However, some children may profit by staying another year in the same grade. In such cases, the parent will be contacted in advance, although the final decision will rest with the school authorities.
- 5170.5 Following sound principles of child guidance, it will be our policy not to advocate the skipping of grades.
- 5170.6 It is recognized, however, that it is sometimes necessary to make changes of placement with respect to "grade level".
- 5170.61 Among the factors to be considered when contemplating retention or acceleration are; achievement in relation to age, achievement in relation to individual potential, social relationship to present group, and possible social relationship to new group.
- 5170.62 The decision to retain a student should be made early in the primary grades and prior to movement from one level to another. Because of the irregularity of some pupils' patterns of growth and development, the progress of students who have been retained should be reviewed at the end of each school year.
- 5170.63 A decision to accelerate or retain should be arrived at on the basis of a common decision on the part of teachers, appropriate specialists, principals, and hopefully, the parents and students involved.
- 5170.7 The placement of students in ability groups is the prerogative and responsibility of the district. However, as a student matures, he or she should become more and more involved in decisions related to his or her placement in educational programs.
- 5170.71 Competency will determine the instructional reading level at which each child should be performing rather than the child's grade or age. Such reading competency should be ascertained by the testing within the adopted basal reading series as it corresponds to the district's reading skills continuum. Other pertinent information gleaned from the district's standardized testing and teachers' judgment may and should be used in arriving at the child's competency level. No one factor alone should ever be used to determine a child's level of competency.
- 5170.8 At the Middle School, specifically, the following guidelines will be followed with regard to non-promotion;
1. Failure in two major subjects or any three subjects\*, whether major or minor or a combination thereof.
  2. Legitimate requests of parents.
  3. Agreement between administration and parents.
- \*Students may obtain passing grades in failed subjects by passing these subjects in summer school sessions offered by the Central Berkshire Regional School District, or other district approved, accredited or recognized school systems or programs. In some cases, private tutors will also

be allowed, but the final decision will be made by the administration. Information regarding summer school may be obtained from the Guidance Office.

Students with one failure for the year will be promoted to the next grade level, but must make up this failure either in the summer school or during the following academic year.

Adopted: November 20, 1974  
Revised: (Middle School section submitted 1/25/82)  
Revised: April 27, 1982  
Revised: September 27, 1984  
Revised: January 8, 1997  
Revised: June 24, 2004

## **5171: Selection Of Schools For Vocational-Technical Students**

The Central Berkshire Regional School Committee (“the Committee”) recognizes the right of a student residing in any of the seven towns that together constitute the Central Berkshire Regional School District (CBRSD) to attend a training school in the Commonwealth of Massachusetts in accordance with M.G.L. c. 74, § 7. The Committee also acknowledges the stated interest expressed by representatives of certain of those seven towns for the Committee to designate a “preferred” high school for students residing in that town who seek to take advantage of the right conferred by the aforesaid statute, viz., to attend said high school for the purpose of pursuing a course of study in a Chapter 74-approved program. And the Committee further acknowledges both the oversight by the Massachusetts Department of Elementary and Secondary Education (DESE) of Chapter 74- approved programs throughout the Commonwealth, and the standards DESE demands of any program in order for it to receive and retain its chapter 74-approved status.

To accommodate the rights and interests of all the parties mentioned above, including the interest expressed by certain of CBRSD’s seven towns, and to provide high quality Chapter 74 programming to the students residing in CBRSD who seek such programming, the Committee adopts the following as its policy in this regard.

5171.1. **General Requirements.** A student residing in any of the seven towns that constitute the Central Berkshire Regional School District (CBRSD) who seeks to be admitted to a high school for a chapter 74-approved vocational-technical education program may apply to any high school that offers a Chapter 74-approved vocational-technical education program in which that student is interested. A student’s request for non-resident tuition and transportation under the “Chapter 74 Vocational-Technical Education Tuition and Transportation Option” shall be submitted to the Superintendent of Schools by not later than April 1 for the Superintendent’s consideration based on pertinent criteria, including the availability of the same or substantially similar program at a high school closer to the student’s residence than the one to which admission is being sought. A student’s parent or guardian or a school that has been disapproved for non-resident tuition by the Superintendent may request that the Commissioner of Elementary and Secondary Education review the denial of tuition in accordance with the guidelines cited at Section 5171.5, below.

5171.2. **Special Requirements for Residents of Certain Towns.** Section 5171.1 notwithstanding, a student residing in a town listed in Section 5171.3, below, who seeks to be admitted to a high school for a specific Chapter 74-approved vocational-technical education program shall, in addition to applying to any other high school of the student’s choosing that offers the program, apply to the preferred high school for that town as listed in Section 5171.3, below, if that Chapter 74 program is offered at the town’s preferred high school. If the student is accepted into said program at the preferred school for the town in which the student resides, then the student shall attend the preferred high school for that Chapter 74-approved program.

5171.3. **Preferred Schools for Certain Towns’ Residents.** The preferred vocational-technical schools for specific towns of the CBRSD are:

<u>TOWN</u>	<u>PREFERRED SCHOOL</u>
Becket	Smith Vocational School, Northampton, MA or Taconic H.S., Pittsfield, MA
Cummington	Smith Vocational School, Northampton, MA
Dalton	Pittsfield H.S., Taconic H.S., Pittsfield, MA, McCann Technical, North Adams, MA or Smith Vocational School, Northampton, MA
Peru	Smith Vocational School, Northampton, MA
Washington	Pittsfield H.S. or Taconic H.S., Pittsfield, MA
Windsor	McCann Technical, North Adams, MA

- 5171.4. Procedure for Residents of Towns Not Listed in 5171.3. A town that is a constituent part of the CBRSD that is not listed in Section 5171.3, above, shall be deemed for the purposes of this policy to have no preferred vocational-technical school. A student who resides in such a town shall proceed under section 5171.6 of this policy.
- 5171.5. Student’s Non-Acceptance at a Preferred School. If a student residing in a town listed in Section 5171.3, above, who has applied to be admitted to a high school for a specific Chapter 74-approved vocational-technical education program, is not accepted at the preferred high school for her/his town, or who is wait-listed for admission to that program at the town’s preferred high school, but is accepted to another high school for that program, then the non-resident tuition and transportation for the student’s attendance at the high school to which she/he has been accepted will be provided in accordance with the policy and process described in the “Guidelines for the Vocational Technical Education Program Non-resident Student Tuition Process Pursuant to M.G.L. c. 74 that is found at the Massachusetts Department of Elementary and Secondary Education’s website,
- [http://www.doe.mass.edu/cte/admissions/nonres\\_guidelines.html](http://www.doe.mass.edu/cte/admissions/nonres_guidelines.html)
- 5171.6. Program Not Offered by Preferred School. If the Chapter 74-approved vocational-technical education program sought by a student residing in a town listed in Section 5171.3, above, is not offered by the preferred school for that student’s town, then said student may apply for admission to the high school that offers the Chapter 74-approved program said student is seeking.
- 5171.7 Transfer from a Preferred School to Another School. A student who attends a high school for a Chapter 74-approved vocational-technical education program pursuant to Sections 2 and 3, above, shall not transfer to another high school for a specific Chapter 74-approved vocational-technical education program without the prior written approval of the Superintendent of Schools of the CBRSD, who may require that the student or her/his parent or guardian, as applicable, provide sufficient documentation, including documentation of sound educational and other pertinent reasons for seeking the transfer, as will enable the Superintendent to make an informed decision.
- 5171.8 Effective Date of This Policy. This policy shall be effective for the 2013-2014 school year, and shall apply to any student residing at that time in a town listed in Section 5171.3, above, who seeks to be admitted to a high school for a specific Chapter 74-approved vocational-technical education program, and who first attends said high school in the 2013-14 school year. This policy shall continue in effect in each subsequent school year, unless and until amended or rescinded by the Central Berkshire regional School Committee.

REFERENCES

MGL C. 74  
603 CMR 4.00 *passim*.

Adopted: March 22, 2012  
 Revised: May 23, 2013  
 Revised: September 8, 2016  
 Revised: September 3, 2024  
 Revised: May 22, 2025

### **5180: Home Or Hospital Educational Services**

A student with a documented medical condition who has been, or is expected to be, confined to a home or hospital for a minimum of fourteen days is eligible to receive home or hospital educational services as described in 603 CMR 28.03 (3) (c). The student's physician must assert in a written statement that the student has a medical condition which, at a minimum, requires this period of absence.

The medical statement should include the date the student was admitted to a hospital or confined at home, the medical reason and expected duration of the confinement, and what medical needs should be considered in planning the student's educational services.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Director of Special Services in coordination with the School Principal

Adopted:        October 23, 2008

## **5230: Alternative Programs**

It is the philosophy of the District to provide programs for all its students. Where additional programs and/or environments could facilitate meeting the needs of students and the philosophy and objectives of the District, alternative programs may be established.

### **Definition**

Alternative programs are defined as provisions within the public education system which offer major choices among diverse educational environments based on student needs, talents and interests; occupy a significant proportion of an individual student's time; and meet the District's philosophy and objectives.

### **Development**

Any project shall have been discussed with the Administration and must receive its endorsement prior to development.

Alternative programs shall observe all policies and regulations that govern all of the schools and programs of the District unless specifically waived by the School Committee.

Proposals for alternative programs must include a design for evaluating the effectiveness in achieving the purposes of the program and determining the extent to which it is successful in achieving the philosophy and objectives of the District. Alternative programs will be reviewed and evaluated annually for the first three years with a recommendation to the School Committee as to continuation of the programs.

### **Approval**

Prior to implementation, the Committee shall approve alternative programs.

Adopted:        January 24, 2008

## **5235: Remote Learning**

In the event of a district-specific emergency requiring the use of remote learning, the superintendent of schools may declare such emergency and shall, as soon as possible, obtain the approval of the school committee. The remote learning plan below will be applicable in cases of disease, weather emergencies, destruction or damage to schools rendering them inaccessible, or other extraordinary circumstances, including emergencies declared by government officials, the school committee, or the superintendent.

When it becomes necessary for the school district to provide support to students who are unable to attend classes or access appropriate services due to an extended closure, the superintendent shall establish a plan and procedures to ensure that such services are provided. The provision of educational services may include the use of technology and devices, and strategies designed to support student learning away from school.

The remote learning plan will, to the extent possible:

- Ensure the safety of all students and faculty in coordination with appropriate local and state departments and agencies;
- Provide support for student social and emotional wellbeing and address the implications of trauma experienced by students or faculty as a result of the emergency;
- Identify goals and strategies for maintaining standards of student achievement and school improvement plans;
- Ensure instruction and services are delivered by district educators and personnel as much as practicable;
- Utilize the most effective tools and resources available for students and faculty, including the skills and talents of district personnel, in the delivery of instruction and services and share resources as needed;
- Provide resources and services equitably to meet the needs and circumstances of all students;
- Identify remedial strategies necessary after the emergency to advance student achievement (i.e. after-school, extended day, summer school, and contingency scheduling to cancel vacations.);
- Gather information both during and after the period of emergency regarding the most effective means of remote learning to implement as appropriate.

In developing a remote learning plan, the superintendent will:

- Identify and prepare effective means for communicating with faculty, students, parents and community stakeholders.
- Collaborate with municipal agencies that support the schools and community.
- Consult with the school committee to identify any extraordinary actions necessary or authority required to administer emergency and remote learning plans. This includes any changes to district policies on the school calendar, grading, promotions and retentions, local graduation requirements, testing, and standards and accountability.
- Consult with administrators and principals to ensure the continuing education of students at all levels, including:
  - use of the most appropriate resources, tools and strategies to deliver the curricula given local circumstances and conditions;
  - equitable access to appropriate content for all students;
  - specific accommodations for students at high risk, including clients of special education, students with disabilities, English learners, students at economic disadvantage, homeless students, students in foster care and students of military families.
- Utilize available technological resources suitable for serving students at all levels. This inventory will be prepared in advance in anticipation of an emergency.

- Ensure the privacy rights of students, faculty and families are protected, including assessing the security of district technology.
- Consult with bargaining units to determine if modifications to collective bargaining agreements need to be established for the period of the emergency.
- Identify the financial implications of the emergency plan and recommend transfer of funds as may be necessary.

Legal References:

20 U.S.C. §1232g Family Education Rights and Privacy Act (FERPA)

15 U.S.C. §§ 6501–6506 Children’s Online Privacy Protection Act (COPPA)

Adopted: August 27, 2020

## **5240: English Language Learners**

The District shall provide suitable research-based language instructional programs for all identified English language learners in grades Kindergarten through 12 in accordance with the requirements of state and federal statutes and Massachusetts Department of Education regulations and guidance.

The District shall identify students whose dominant language may not be English through home language surveys that identify a primary home language is other than English (PHLOTE), observations, intake assessments, and recommendations of parents, teachers and other persons. Identified students shall be assessed annually to determine their level of proficiency in the English language.

The District shall certify to the Massachusetts Department of Education each year those students whose dominant language is not English, including specification of the number of non-English languages identified as dominant languages and the number and percent of students who speak each non-English language as their dominant language.

The District shall provide additional information as required by the Massachusetts Department of Education to comply with the No Child Left Behind Act.

### LEGAL REFS.:

20 U.S.C. 3001 et seq. (language instruction for limited English proficient and immigrant students contained in No Child Left Behind Act of 2001)

42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)

603 CMR 14.00

File: IGBH

Adopted: January 24, 2008

## **5295: Physiology And Hygiene Education Programs**

The law provides that the school shall give instruction and training in "physiology and hygiene." <sup>1</sup> However the responsibility for proper physiology and hygiene education of children and youth does not rest on the school alone. This responsibility, most appropriately, is shared with the family and other groups and organizations which have a concern for the welfare of children and youth. Accordingly, the following procedures will be followed when there is a desire on the part of the professional staff, parents, or students to initiate, to review, or to change efforts in this area:

- 5295.1 The school committee will either appoint or give approval to an advisory committee composed of representatives of interested organizations and groups from the communities and appropriate members of the professional staff, including one administrator.
- 5295.2 This advisory committee will be charged with the responsibility of reviewing present efforts of investigating proposed changes -- examining books, audio-visual materials and other instructional aids which are under consideration.
- 5295.3 The committee may conduct hearings and discussions on the present program or the proposed changes in the program.
- 5295.4 After completing its study, the advisory committee will make its recommendations to the school committee.
- 5295.5 Nothing in this policy should be interpreted as preventing the professional staff from having meetings with parents to explain present efforts in physiology and hygiene education programs.

<sup>1</sup> General Laws, Ch. 71 Sec. 1

Adopted: November 20, 1974

Revised: June 25, 1980

Revised: June 24, 2004

## **5310: Home Education Proposals**

The Central Berkshire Regional School Committee recognizes the right of parents or guardians to educate their child(ren) at home. The school committee appreciates the personal and cultural uniqueness of each family and desires to ensure that the process by which school officials approve and review home education programs is both lawful and equitable. Therefore, the school committee establishes this home education policy.

Parent(s) or guardian(s) planning to undertake a home education program for their school-age child(ren) shall inform the superintendent by completing the Notice of Intent to Pursue a Home Education Program form, as approved by the school committee, prior to commencing a home education program.

Home education programs shall be considered in an equitable, objective, and timely manner. Factors that may be considered by the superintendent or school committee in deciding whether or not to approve a home education proposal are:

1. The educational background, life experiences and/or other qualities of those who will be responsible for instructing the child(ren), as they relate to the educational program. Home educators need not be certified teachers nor have any diplomas or degrees.
2. An overview of the educational program, including subjects, instructional materials, and the goals of the educational program.
3. A statement concerning instructional hours that will be followed. This statement should conform to Massachusetts law requiring 900-990 hours depending on grade level.
4. A mutually agreeable method of assessment of the student's progress which corresponds to the type of educational program being followed, including one or more of the following:
  - A. Daily logs, journals, progress reports, portfolios or dated work samples submitted on a regular, agreed-upon basis,
  - B. An independent report made by someone acceptable to both superintendent and parent(s) or guardian(s),
  - C. Standardized test results,
  - D. Consultation with the superintendent or appropriate school principal or his/her designee,
  - E. Any other method agreed upon by both superintendent or school committee and home educators.
5. The school committee and/or the superintendent shall be informed, before the beginning of an ensuing school year, of the parent's or guardian's intent to continue with an approved home education program.

A student being educated in a home-based program within the district shall have access to public school activities of either a curricular or extra-curricular nature. Arrangements for such participation are to be in accordance with the generally accepted scheduling procedures of the district. Such arrangements will allow for staffing concerns and/or constraints. While on school grounds, home-educated students shall be subject to school policies.

Whenever possible, if requested by the parent(s) or guardian(s), school personnel shall share curriculum information and/or materials for the home-schooling family. Administrators are encouraged to give all due assistance to home education families in their efforts to provide appropriate information concerning their home education program.

Legal Ref.: M.G.L. 69:1D:76:1. Care and protection of Charles.

Failure in a home educator to abide in good faith by the procedures outlined above may result in the School Committee taking action under Massachusetts General Law Chapter 72, sections 2 and/or 4, upon the recommendation of the Superintendent. CHINS proceedings pursuant to Massachusetts General Law Chapter 119, section 21, will not be invoked for any child pursuing a home education program. (REF: M.G.L. Chapter 76, Sections 1, 2 and 4, Charles decision)

Approved: February 10, 1983  
Revised: March 24, 1994  
Revised: May 23, 1996

CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT  
Notice of Intent to pursue a program of Home Education  
Academic Year \_\_\_\_\_

Instructions: Please complete this form, attach any additional information and forward it to the Superintendent of Schools, 254 Hinsdale Road, P.O. Box 299, Dalton, MA 01227-0299 prior to the starting date of the home education program. Expect a response to this form from the Superintendent or designee within ten days. If this process is initiated during the school year the student must remain in school until the school district and the parents agree jointly to the home education plan.

A. Parent name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (daytime) \_\_\_\_\_ (evening) \_\_\_\_\_

Student(s)	_____	Birthdate	_____
	_____		_____
	_____		_____
	_____		_____

B. On a separate sheet, describe the instructional program to be taught, including subjects, instructional aids to be used and the educational goals of the home education program.

C. Academic background, life experience and/or qualifications of those who will be instructing the child(ren), as they relate to the instructional program described in section B.

- D. Check the methods of assessment to be used followed by a brief description.
- Daily logs, journals, progress reports, portfolios, or dated work samples.
  - An independent report made by someone acceptable to superintendent and parent(s) or guardian(s)
  - Standardized test results
  - Consultation with the superintendent or appropriate school principal
  - Any other method agreed to be both superintendent and home educator(s)

The following signature confirms the intent to provide a minimum of 900-990 hours of instruction, depending on grade level.

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Date submitted

The signature of the school official indicates final approval of this plan. A parent/administrative conference may be scheduled.

\_\_\_\_\_  
Signature of Superintendent or Designee

\_\_\_\_\_  
Date of response

Attached to this application is a packet that includes the following materials:  
 Central Berkshire Regional School District Home Education Policy  
 General Program of Studies  
 School addresses/telephone numbers to contact for information about ongoing opportunities for participation within the school.

**Failure in a home educator to abide in good faith by the procedures outlined above may result in the School Committee taking action under Massachusetts General Law Chapter 72, sections 2 and/or 4, upon the recommendation of the Superintendent. CHINS proceedings pursuant to Massachusetts General Law Chapter 119, section 21, will not be invoked for any child pursuing a home education program. (REF: M.G.L. Chapter 76, Sections 1, 2 and 4, Charles decision)**

## **5515: Textbook Selection and Adoption**

Responsibility for the review and selection of textbooks to be purchased rests with the Principal in conjunction with the Assistant Superintendent, relevant coordinators and teachers. The Principal is encouraged to establish a review committee to assist in the process to determine the textbooks that best meet the curriculum guidelines of the district. The review committee should include teachers who will use the texts and other staff members as found desirable. Students and parents may be encouraged to serve.

Principles that apply generally to the selection of instructional materials and library materials shall apply to textbooks. Additionally, basic textbooks and textbook support materials shall be chosen:

- To advance the educational objectives of the school system and particular objectives of the course program.
- To contribute toward continuity, integration, and articulation of the curriculum.
- To establish a general framework for the particular course or program.

Because the instructional purposes of textbooks, as stated above, are of such importance, particular care shall be taken in their selection as to content.

Although many points must be examined, the School Committee directs the staff to be mindful of the following considerations:

- The needs of all learners must be addressed.
- Attention should be given to diversity of roles and cultures depicted in the materials.
- The textbook and textbook support materials should lead the student and teacher beyond the textbook into a wide variety of other materials and educational experiences.
- If the textbook deals with problems and issues of our times, it should present and encourage examination of varied points of view.
- Because textbooks are selected for several years' use, special attention also shall be given to their physical characteristics, durability, format and price. In addition, consideration shall be given to minimizing the weight of the textbook whenever possible.
- The district goal will be to replace textbooks at least every 7 years on a rotating cycle

LEGAL REFS.: [71:48](#); [30B:7](#); [71:50](#); [603 CMR](#) 26:05

*Note: Policy 5515, Adoption of Textbooks, was deleted by vote of the Committee on January 8, 2004. This policy uses the same number, but is entirely rewritten.*

Adopted: January 12, 2006

## **5520: Complaints About Instructional Materials**

5520.1 Books and instructional materials shall be selected in accordance with the following criteria:

- 5520.11 Materials should enrich and support the curriculum, taking into consideration the varied interest, abilities and maturity levels of students served.
- 5520.12 Materials should stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- 5520.13 Materials should provide a background of information which will enable students to make intelligent judgments in daily life.
- 5520.14 Materials should present opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical thinking and reading.
- 5520.15 Instructional materials should be representative of the many religious, ethnic and cultural groups, emphasizing their valuable contributions to American heritage.
- 5520.16 Books and other reading matter shall be chosen for values of interest and enlightenment of all the students of the community. A book shall not be excluded because of the race, nationality, or the political or religious view of the writer.
- 5520.17 Since materials are selected to provide for the interest and needs of the school community and the school program, they will be selected cooperatively by teachers, administrators, and librarians, sometimes with the assistance of students and parents.
- 5520.18 Standard evaluation aids will be used in the selection of materials.
- 5520.19 In the selection of books and other instructional materials, consideration should be given to factual accuracy, authoritativeness, balance and integrity. Aesthetic values must also be considered in selection of materials.

5520.2 Occasionally, parents or other citizens of the community will want to register a complaint about the school using a particular book, visual aid, or other instructional material. The person desiring to register a complaint should use the following procedures:

- 5520.21 Criticisms of books and instructional materials should be submitted in writing to the superintendent on the Referenced form, CITIZEN'S REQUEST FOR RECONSIDERATION OF A BOOK OR INSTRUCTIONAL MATERIAL.
- 5520.22 The school committee should be informed that a complaint has been made.
- 5520.23 The complaint thus submitted will be considered by a committee among the faculty which will be appointed by the superintendent.
- 5520.24 This committee should be familiar with the subject matter of the book or material challenged. The challenged book or material will be judged by the committee as to its conformity to the aforementioned criteria.
- 5520.35 The book or material being questioned will be retained in use pending a decision in writing by the above committee appointed by the superintendent.
- 5520.36 Appeals from this decision may be made through the superintendent to the school committee for final decision.

Adopted: November 20, 1974

Revised: February 12, 2004

**FORM: Citizen's Request For Reconsideration Of A Book Or Instructional Material**

Title of book or material: \_\_\_\_\_

Author: \_\_\_\_\_ Publisher: \_\_\_\_\_ Publication date: \_\_\_\_\_

Type of instructional material: \_\_\_\_\_ Hardcover book: \_\_\_\_\_ Paperback: \_\_\_\_\_

Pamphlet: \_\_\_\_\_ Record : \_\_\_\_\_ Film: \_\_\_\_\_

Name of person making request for reconsideration : \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Organization or group represented: \_\_\_\_\_

1. To what do you specifically object? : \_\_\_\_\_

2. Did you read the entire book or view entire material? \_\_\_\_\_ If not, what parts? : \_\_\_\_\_

\_\_\_\_\_

3. What do you feel might be the result of a student reading this book or viewing this material?

\_\_\_\_\_

4. Is there another age group for which this material would be better suited?

\_\_\_\_\_

5. Are you aware of the judgments of this book or material by literary critics?

\_\_\_\_\_

6. What would you like your school to do about this book or material?

[\_\_\_\_\_] do not assign it to my child

[\_\_\_\_\_] withdraw it from all students as well as from my child

[\_\_\_\_\_] send it back to the appropriate department or library for reevaluation

Other recommendation:

Date submitted to Superintendent: \_\_\_\_\_ Signature: \_\_\_\_\_

.....  
Disposition of request:

## **5521: Parental Notification Relative To Sex Education**

In accordance with General Laws Chapter 71, Section 32A, the Central Berkshire Regional School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual education or human sexuality issues for the school in which their child/ward is in attendance.

Each such notice to parents/guardians will include a brief description of the curriculum covered by this policy, if any are necessary, and will inform parents/guardians that they may:

- 5521.21 Inspect and review program instructional materials for these curricula.
- 5521.22 Arrange with the principal to review the materials at the school, or may arrange to review them with the Superintendent of Schools.
- 5521.23 Exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy will be given an alternative assignment.

Decisions as to the applicability of curricula under this policy shall be decided in conformance with Policy 5520 of the Central Berkshire Regional School Committee.

Any parent/guardian who is still dissatisfied after the process described in Policy 5520 may send a written request to the Commissioner of Education for review of the issue.

The Superintendent of Schools will distribute a copy of this policy to each principal by September 1st of each year.

### **PROCEDURES TO BE USED:**

1. Each year the Superintendent of Schools will send a copy of the policy and these procedures to each building principal, or program director in the case of such program. Said principals or directors shall be responsible for implementation of said policy.
2. Each principal or director shall have a brief but specific description prepared for parents/guardians of each curricula in his building applicable to this policy. In the event that a specific course is problematical to this policy, the principal or director shall discuss the appropriateness of the curricula to the policy with the Superintendent of Schools for the applicability of the curricula to this policy.
3. If there is a curriculum change during the school year, to the extent practicable, the parents/guardians will be notified of this fact in a timely manner before implementation.
4. Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. This responsibility shall be either the school principal or his designee.
5. A parent/guardian who is dissatisfied with a decision of the principal concerning notice, access to instructional materials, or exemption for the student under this policy may request of the Superintendent a review of the issue. The Superintendent shall follow the procedures set out in Policy 5520 for determination of the matter.

Adopted: August 21, 1997  
Revised: February 12, 2004

## 5525: Feature Films in the Schools

### USE OF FEATURE FILMS IN THE SCHOOL

The district recognizes that while certain feature films have educational value when used in the proper context, not all films are appropriate for use in classrooms. In order to attain the appropriate balance in allowing teachers flexibility to use appropriate educational materials and protecting students from inappropriate materials, the following policy sets guidelines for the use of such materials. Films are to be used only in the context of legitimate educational purposes, in accordance with the district curriculum for the class in which it is shown.

"G" Rated Films	These may be used in grades PreK-12. For grades PreK-3 teacher must receive parental permission.
"PG" Rated Films	These may be used in grades 4-12. For grades 4-8, teachers must receive written parental permission
"PG-13" Rated Films	These may be used in grades 7-12. For grades 7-8, teachers must receive written parental permission.
"R" Rated/"Non-Rated" Films	These may only be used in grades 9-12. Teachers must receive written parental permission.
"NC-17" or "X" Rated Films	May not be used in part or in their entirety.
Film Clips-	May be used at any level with consultation and approval of the Principal. Written parental permission should be sought as appropriate.
Showing Films During Non-School Hours	Follow the guidelines as outlined above

Regardless of the ratings, teachers must use their professional and prudent judgment in showing films in their entirety or in part. Teachers should properly inform students of the content of the film regardless of its rating, giving students the option of an alternative assignment if they choose not to view the film. If a parental permission slip is required to show the film, the parents and students should receive the permission slip at least five school days prior to the viewing. The parental permission slip must contain a brief summary of the film, reasoning as to the given rating, and why the film is being shown.

The building administrator will monitor the policy implementation and will have the final authority to make decisions as to the appropriateness of any film/video.

Adopted: September 27, 2005  
Revised: January 12, 2006

### **5530: Computer Resources Acceptable Use**

The Superintendent of Schools shall adopt procedures for an Acceptable Use Policy for computer technology in the district, specifically, but not limited to, Internet Access.

The Superintendent shall notify the School Committee annually that such procedures are in effect.

The most current Acceptable Use Procedures are available as Appendix C of this policy manual.

Adopted: February 26, 1998  
Revised: June 24, 2004

## **5580: Field Trips and Student Travel**

### Field Trips

- 5580.1 A field trip is a school-sponsored activity wherein one or more students leave the school building(s) where they are regularly assigned. All field trips are subject to school district policies and rules.
- 5580.2 Field trips must provide to the participating students an educational experience unavailable in the school. Field trips shall be limited to activities which improve the education of students in the subjects normally taught in the district, reward students for participation in academic contests, or are advisable for participation in customary academic or athletic contests. Student security is a paramount concern of the Central Berkshire Regional School District and must be considered in the approval process. Travel Warnings and Travel Alerts issued by the US Department of State, Bureau of Consular Affairs must be taken into account. This information is available at <http://travel.state.gov/>
- 5580.3 During field trips all students must be under the supervision of a teacher, staff member, or responsible parent guardian or other or chaperone designated by the principal.
- 5580.4 All field trips shall be scheduled and planned to minimize interference with class activities, regular instruction, and professional meetings. Field trips requiring more than three (3) days away from school should be scheduled when schools are not in session. Special consideration may be given by the committee for extenuating circumstances.
- 5580.5 Written parent permission shall be received by the building principal prior to the trip. Such form shall include appropriate authorization for emergency medical care and administration of medication. Provisions will be made to ensure that adequate educational arrangements are made for those students not taking part in the trip.
- 5580.6 The making of final arrangements for field trips of fifty or fewer students requires approval of the building principal and notice to the superintendent.
- 5580.7 The making of final arrangements for field trips of more than fifty students requires approval by both building principal and superintendent.

**The Central Berkshire Regional School District discourages the use of private vehicles for transporting students before, during or after school hours for any type trip. However, in certain instances, staff members or other adults (coaches, teachers, parents) may be allowed to drive up to eight students to athletic or extra-curricular activities. All volunteer drivers must receive prior approval from the school principal/designee to use private vehicles for transporting students. Such approval must be obtained by completing the form: "Approval for Use of Private Vehicles for Student Transportation". By signing said form, the driver warrants that he/she has a valid driver's license, a current inspection sticker and automobile liability insurance in force on his/her personal car for at least the minimum amounts as required by law. The principal/designee must verify that the driver meets the Background Check and SORI requirements of the Central Berkshire Regional School District Policies 2100 and 2150 respectively. The school principal/designee is without authority to approve a volunteer driver for an athletic or extracurricular activity who has not signed the above mentioned form.**

- 5580.8 All student trips which include late night or overnight travel must be approved by the School Committee. The School Committee will consider the educational value of the trip in relation to the

cost prior to granting approval. Overnight trips should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level.

- 5580.9 Approval will not be granted until all preparations for the trip have been completed including, but not limited to, all logistical details involving transportation, and accommodation arrangements. Approval is required no less than 30 days prior to the scheduled trip dates. A check of Department of State, Bureau of Consular Affairs issued Travel Warnings and Alerts will be performed at this time. The School Committee reserves the right to withdraw its final approval if Travel Warnings indicate a significant threat to student safety exists in the country being visited. The principal or designee will check warnings and alerts 24 hours prior to departure.
- 5580.10 Teachers and other school staff are prohibited from soliciting for non-school sponsored trips through the school system and in the schools.
- 5580.11 The Superintendent or his/her designee will ensure that proper procedures are identified and followed.
- 5580.12 The use of private vans or automobiles for trips planned to include late night or overnight student travel is prohibited. Late night or overnight trips will use commercial motor coaches appropriately sized for the travel group. Trips planned to include late night or overnight student travel will include a pre-trip check of companies, drivers, and vehicles. Background checks will be conducted in accordance with CBRSD Policy 2100 and applicable Massachusetts law. Background Checks and SORI checks are recommended but not required by law for bus drivers who do not regularly work for the school district and who will not have direct and unmonitored contact with students. If such checks cannot be done, a chaperone must always be present whenever students are on the bus.
- 5580.13 For trips within the United States, the Superintendent or designee will ensure that the selected carrier is licensed for passenger transportation by the Federal Motor Carrier Safety Administration (FMCSA). The district will not contract with any carrier that has a safety rating of "conditional" or "unsatisfactory". FMCSA ratings are available at <http://www.saferys.org/>.
- 5580.14 The contract with the carrier will prohibit the use of subcontractors unless sufficient notice is given to the district that allows verification of the subcontractor's qualifications.
- 5580.15 Overnight accommodations should be made in advance with student safety and security in mind. Whenever possible, trip schedulers should avoid planning student travel between the hours of midnight and 6:00 a.m., due to the increased risk of vehicular accidents during this time period.
- 5580.16 Whenever possible, overnight trips should be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered "optional school programs" and do not count toward meeting structured learning time requirements. (Refer to the Massachusetts Department of Education publication Student Learning Time Regulations Guide.)
- 5580.17 Trip itineraries must leave enough time for drivers to rest in conformity with federal hour-of-service requirements and common sense.
- 5580.18 Trip scheduling should take into account the likelihood of delays due to weather, traffic, stragglers, and other unanticipated factors.
- 5580.19 If substantially all members of a class are participating in a trip, the school should provide appropriate substitute activities for any students not participating.

5580.20 Field trip approval is required before engaging students in fundraising activities. The amount of time to be devoted to fundraising should be reasonable and commensurate with students' obligations for homework, after-school activities, and jobs. Group fundraising activities are preferred. Students should not be assigned individual fundraising targets. If students are charged individual fees for participation, every effort should be made to provide scholarships where needed.

5580.21 Students shall be accompanied by a sufficient number of chaperones, taking into account the trip scheduling and logistics. All chaperones, including parents and volunteers, must have a Background checks in accordance with CBRSD Policy 2100 and applicable Massachusetts law and meet SORI requirements of CBRSD Policy 2150.

Adopted: November 21, 1972  
Revised: June 13, 1985, September 8, 1994, July 16, 1998 (added second sentence in 5508.4)  
Revised: January 27, 2005 (Policy completely rewritten)  
Revised: April 28, 2005 (Pieces removed on 1/27/05 returned to policy)  
Revised: April 26, 2007 (added 5580.8)  
Revised: September 8, 2011 (Reformatted Student Travel Regulations into outline form consistent with remainder of policy, Added SORI requirements to 5580.8, 5580.13, 5580.23 and to the Approval for Use of Private Vehicle form, added student security requirements to 5580.2 and 5580.11, added missing elements from Model Policy adopted by the Massachusetts Board of Education December 16, 2003 to 5580.3, 5580.5, 5580.13, and 5580.23)  
Revised: April 26, 2012  
Revised: August 28, 2014

CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT

APPROVAL FOR USE OF PRIVATE VEHICLES FOR STUDENT TRANSPORTATION

DRIVER'S INFORMATION SLIP

Driver's Name: \_\_\_\_\_

Driver's Address: \_\_\_\_\_

Driver's Telephone Number: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ Driver's License State: \_\_\_\_\_

License Plate Number: \_\_\_\_\_ License Plate State: \_\_\_\_\_

Name of Insurance Company \_\_\_\_\_

I certify that the above information is correct and that I have a valid driver's license, a current inspection sticker and that my insurance coverage meets the minimum limits required by law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

School: \_\_\_\_\_ Group Making the Trip \_\_\_\_\_

Destination \_\_\_\_\_

Date and Time(s) of the Trip: \_\_\_\_\_

Principal/Designee's Signature: \_\_\_\_\_

Driver is (check one)

- Parent of a student making the trip.  
(CORI and SORI needed)
- Adult other than a parent of a student making the trip.  
(CORI and SORI needed)
- Staff Member  
(CORI and SORI in place as a condition of employment)

Check here if CORI is complete: \_\_\_\_\_

Check here if SORI is complete: \_\_\_\_\_

Effective: April 26, 2007  
Revised: July 28, 2011 (added SORI requirements)  
Revised: September 8, 2011

**5585: Travel Study Program (Travel Study, Class and Student Organization Trips)**

- 5585.1 All approved travel study programs, class and student organization trips planned cooperatively as part of a regular course activity by students and faculty in the Central Berkshire Regional School District shall be viewed as school-sponsored activities. Student participation in these activities shall be voluntary, and students who do not participate shall not be adversely affected in terms of their course requirements, grades, or eligibility to participate in other activities of the class or group. Proposals to undertake such activities shall be reviewed and approved as directed in Policy 5580.
- 5585.2 Travel agencies or other organizations shall not be permitted to come into the school for the purpose of advertising, promoting, or enrolling students for non-school sponsored travel study programs and trips, and school district personnel, by virtue of their affiliation with the Central Berkshire Regional School District, shall not advertise or enroll students for such non-school sponsored travel study programs or trips. And accordingly, neither shall school district personnel receive compensation from travel agencies or similar organizations involved in school sponsored tours. However, a reduced fare or a similar inducement will be considered. State Ethics Commission disclosure procedures must be followed.

Adopted: November 20, 1974  
Revised: September 2, 1980  
Revised: September 8, 2011 (Added State Ethics Commission disclosure requirements to 5585.2)  
Revised: April 26, 2012

## **5600: Progress Reports To Parents**

- 5600.1 Reports on the progress of pupils will be provided to parents periodically during the school year. In addition, mid-term progress reports will be issued at the middle and high school levels.
- 5600.2 Progress reports should communicate the following kinds of information to parents:
- Progress in relation to ability.
  - Progress in relation to standards.
  - Need for improvement.
  - Effort and attitude.
  - Conduct and citizenship.
  - Need for a conference between the teacher and the parent.
- 5600.3 Each level will use progress report forms designed for that particular age group and curriculum level.

Adopted: November 20, 1974  
Revised: June 24, 2004

**5670: Promotion Of Students (1)**

- 5670.1 In general, children will be placed at the grade level to which they are best adjusted academically, socially and emotionally. Children will usually progress annually from grade to grade, spending one year in each grade. However, some children may profit by staying another year in the same grade. In such cases, the parent will be contacted in advance, although the final decision will rest with the school authorities.
- 5670.2 Following sound principles of child guidance, it will be our policy not to advocate the skipping of grades.

(1) See Policy 5170

Adopted: March 25, 1970

Reviewed by Policy Review Subcommittee: November 17, 2003 (no changes)

## **5680: Required Courses And Credits For Graduation**

- 5680.1 \*The credits necessary to graduate from Wahconah Regional High School are as follows:  
30.00 credits of Electives (Reading and/or computer literacy may be required for some students.)  
20.00 credits of Language Arts  
20.00 credits of Social Studies – Must include World History I, World History II, US History, Government, and Economics  
20.00 credits of Mathematics  
15.00 credits of Science – Must include Science 10 (Life Science/Biology)  
10.00 credits of Physical Education and Health  
115.0 Total Credits

*\*To be implemented for the Class of 2016, beginning in September 2015.*

5680.2 Minimum credits necessary for graduation 115.00.

5680.3 Credits and all academic obligations must be completed by the day after the last senior exam. If this requirement is not fulfilled, the student will not be allowed to participate in the Cap and Gown activities, which are Senior Assembly, Class Night and Graduation.

Any senior who has not met Graduation Requirements, but who will complete requirements during the summer immediately following graduation, will be allowed to attend all senior social functions, which include Class Trip and Class Banquet, providing that senior has paid all class dues.

5680.4 PROMOTION POLICY – The following are minimum credits to enter the next grade:

10th Grade (Sophomore)	25.00 credits
11th Grade (Junior)	55.00 credits
12th Grade (Senior)	85.00 credits

5680.5 A commitment will be signed by both the student and his/her parent(s), stating he/she will participate in Senior Assembly, Class Night and Graduation if Section 5680.3 is fulfilled. Participation is not mandatory, but if the commitment is not signed, no place will be assigned to the student for the ceremonies.

5680.6 Allowing that there could be extenuating circumstances, the Faculty Council, which consists of the Content Coordinators and School Administrators, will sit as a review board to consider the cases of .3, .4, and .5 above and render a decision. Any student wishing his/her case to be reviewed will be allowed to ask a teacher of his/her choice to sit with the Faculty Council during the discussion of his/her case.

Note: This policy as revised on May 28, 2015, will become effective with the class of 2016 for that class and all classes which follow.

Adopted: November 20, 1974  
Revised: January 10, 1980  
Revised: August 14, 1980  
Revised: March 29, 1980  
Revised: January 8, 1987  
Revised: October 8, 1992  
Revised: March 13, 2003  
Revised: May 28, 2015  
Revised: November 12, 2015

## **5681: Early Graduation**

Readiness for advancement, choice through alternatives, and consideration for individual needs are important concepts to be fostered at Wahconah Regional High School. To this end, early graduation may be appropriate for individual students in fulfilling these concepts.

Although most students need four years of high school, there are some special students who, for specific individual reasons, should be allowed to graduate early. It should be understood however that early graduation is not something only the academically able student can achieve.

A student may become a candidate for early graduation through following the procedure outlined below:

- 5681.1 Early graduation may be initiated by the student, an individual teacher or a guidance counselor. It would be advantageous if the potential early graduate is recognized by the end of the sophomore year or the beginning of the junior year.
- 5681.2 Upon recognition, the principal should obtain from the student and parents a written statement of intent and reasons for desiring early graduation. Early graduation forms are provided through the Guidance Office.
- 5681.3 The principal will then establish a committee composed of the counselor, an administrator, the student's parents or guardian, and concerned teachers, whereupon the committee members will have an opportunity to read the student's statement of intent.
- 5681.4 To clarify the intent, the student will meet with the committee. After this interview, the committee should determine whether the student will enter a program leading to early graduation. If the request is approved, the committee will then formulate the program consistent with the graduation requirements as outlined in Policy 5680.
- 5681.5 At least one professional member of this committee, along with the guidance counselor, should assume the responsibility of monitoring the student's progress through the program.
- 5681.6 Upon completion of the program, the committee will make a recommendation to the principal in support of, or in opposition to, the student's early graduation.
- 5681.7 There will also be evidence that school responsibilities as measured by conduct, school citizenship and attendance have been satisfactorily met. Thereupon, the principal will recommend to the superintendent that the student be allowed early graduation.

Any students who complete this program should be eligible for scholarships. Provided that they accept the monetary obligations involved, they should participate in graduation activities.

Adopted:        March 24, 1977

## **5682: Auditing Of Courses**

The practice of attending courses for no credit (auditing) is not a sanctioned practice at Wahconah Regional High School.

Adopted: July 22, 1976  
Revised: Jan. 8, 2004

**5683: Grade Placement and Eligibility for High School Graduation of Students Leaving a Commonwealth Charter School and Seeking to Enroll in a District School**

5683 A student may withdraw from a Commonwealth charter school at any time and enroll in the school district in which said student resides. To maintain enrollment stability, encourage promotion based on academic standards, and discourage social promotion, the school district will consult with the student's charter school regarding placement and eligibility for graduation and enroll the student at the grade level the school district determines appropriate. The time of the school year when enrollment is sought shall be a factor in determining the student's grade level placement. The school district may determine that a student seeking enrollment after the mid-point of the academic year may not be eligible for promotion or graduation in that academic year.

Adopted: February 10, 2011

## **5685: Approval Of Scholarships**

Individuals, businesses, or organizations desiring to help district students with scholarships are encouraged to do so using one of the following four options:

1. Establishing self-managed scholarships in any amount provided they meet fund deadlines as determined by Wahconah Regional High School Guidance.
2. Establishing named, on-going scholarships, in the amount of \$10,000 or more.
3. Establishing named scholarships of between \$5,000 and \$10,000 with a specified award per year and principal and interest to be exhausted over a maximum of 5 years.
4. Making contributions of less than \$5,000 to the Central Berkshire Regional School District General Scholarship Fund.

5685.1 Self-managed scholarships in any amount must meet fund deadlines as determined by Wahconah Regional High School Guidance.

5685.2 All named, scholarships of \$5,000 or more must secure school committee approval. A statement containing the names of the donor, the purpose and amount of scholarship, the manner in which it is to be paid, the application procedure, the criteria and process for selection should be submitted to the school committee. The school committee will base its decision on the following criteria:

5685.21 The scholarship must be offered by a donor acceptable to the school committee.

5685.22 The scholarship must be given as an appropriate memorial or for worthwhile purposes.

5685.23 The application and selection procedures must be clearly stated and fair to all members of the eligible group of students.

5685.24 The application and selection procedures must not result in unreasonable demands being made on the school staff.

5685.25 The awarding of the scholarship must not result in any unreasonable costs to the school district.

5685.26 The awarding of the scholarship must not be in conflict with the law or school committee policy nor should it imply an endorsement of any business recipient.

5685.27 The school may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship

5685.3 Contributions for amounts under \$5,000 will be placed into the Central Berkshire Regional School District General Scholarship Fund. If the contribution is made in memory of an individual, this will be recognized the first year at Class Night ceremonies and in the form of a plaque displayed at Wahconah Regional High School. Class Night awards will be printed in a special bulletin indicating donors to the General Scholarship Fund. The General Scholarship Fund will be managed under the following terms and conditions.

5685.31 The Treasurer shall be authorized to consolidate small left over sums and undesignated scholarship contributions.

5685.32 Awards shall be made annually, the amount of the awards established by the Treasurer of the Central Berkshire Regional School District.

5685.33 The Wahconah Principal, guidance chairperson, and the local Wahconah Scholarship Committee shall accept applications, determine the number of awards, and make the selections to be announced at Class Night. Scholarships administered or sponsored by the district shall be free of restrictions based on, race, color, sex, religion, national origin, sexual orientation, disability, homelessness or unaccompanied status.

- 5685.34 Applicants must be accepted as matriculating students at post secondary educational institutions to be eligible for awards.
  - 5685.35 The Treasurer is authorized to use the General Scholarship Fund to supplement other scholarships for the purpose of awarding an “even” amount of money. The amount taken from the General Scholarship Fund to supplement others shall not exceed \$15.00 per scholarship in any given year.
  - 5685.36 A scholarship fund with a balance too small to award will become part of the General Scholarship Fund.
  - 5685.37 Small sums of interest monies or other small amounts accrued from various scholarship accounts may be closed out and placed into the General Scholarship Fund.
- 5685.4 Scholarship funds in existence at the date of this policy will be managed by the terms and conditions herewith.

Adopted: November 20, 1974  
Revised: March 29, 1982  
Revised: September 8, 1994  
Revised: October 11, 2001  
Revised: October 23, 2008

## **5700: Athletic and Other School Organization Programs**

- 5700.1 The committee may supervise and control all athletic and other organizations composed of public school pupils and bearing the school name or organized in connection therewith. It may directly or through an authorized representative determine under what conditions the same may compete with similar organizations in other schools.
- 5700.11 Expenditures by the committee for the organization and conduct of physical education, athletics, sports, games and play, for providing proper apparatus, equipment, supplies, athletic wearing apparel, including appropriate souvenir garments and trophies, and facilities for the same in the buildings, yards, and playgrounds under the control of the committee, or upon any other land which it may have the right or privilege to use for this purpose and for the employment of experienced athletic directors to supervise said physical education, athletics, sports, games and play, shall be deemed to be for a school purpose.
- 5700.12 Expenditures by the committee for making special awards to pupils who have performed meritoriously in the fields of art, debating, distributive education, music, science, social studies or languages shall also be deemed to be for a school purpose.
- 5700.13 The School Committee may appropriate for the employment of coaches to supervise in public schools physical education, athletics, sports, games and play, and for the transportation and the expenses of public school athletic teams, coaches, cheerleaders, bands and any other groups composed of public school pupils which bear the school name and are under the control of the school committee, within and without the Commonwealth to places where athletic contests or physical education, sports, games, play, musical festivals, competition or other events are held, and for the purchase of band and cheerleaders' uniforms and musical instruments for the members of bands composed of public school pupils and bearing the school name and under the control of the school committee.
- 5700.14 All receipts by the committee in connection with the conduct of activities provided for under this section shall be deposited with the treasurer of the District, and held as a separate account and expended by the school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four.
- 5700.15 No monies may be expended from an appropriation or from the separate fund authorized by this section except upon the approval of the school committee. <sup>(1)</sup>
- 5700.16 All coaches and all other school leaders should avoid practice sessions on Sunday. However, there are extenuating circumstances which necessitate deviation from this policy. If such is the case, permission for Sunday practice should be requested from the principal, subject to approval by the central administration office. In any event, no practice sessions on Sunday shall be held before 1:30 p.m.
- 5700.17 Students taking part in the interscholastic athletic program offerings at Wahconah Regional High School will be under the jurisdiction of the school as outlined in the "Athletic Training Code Handbook".
- 5740.18 Students taking part in the interscholastic athletic program offerings at Wahconah Regional High School will be required to attend an athlete/parent informational meeting prior to the start of each sports season.
- 5700.2 A physician employed by a school committee or an E.M.T. shall be assigned to every interscholastic football game played by any teams representing a school in the district. <sup>(2)</sup>

<sup>(1)</sup> General Laws, Chapter 71, Sec. 47

<sup>(2)</sup> General Laws, Chapter 71, Sec 54a

Amended: May 29, 1975

Revised: February 6, 1986

Revised: January 8, 1987

**5705: Eligibility For Co-Curricular Activities**

No child shall be excluded or prohibited from participating in co-curricular activities because of race, color, sex, religion, national origin, sexual orientation, disability, or homeless/unaccompanied youth status.

Participation in co-curricular activities may be denied any student, if the student is not receiving passing grades.

Adopted: June 7, 1972  
Revised: March 29, 1982  
Revised: September 11, 2008 (added first paragraph)

**5720: Fraternities And Sororities**

Fraternities and sororities shall not be given recognition in any manner. Students are to refrain from manifesting membership or activity in such organizations while on school property or while attending school sponsored functions.

Adopted: June 7, 1972  
Revised: June 24, 2004

## **5750: Fundraising**

There are many educational values to be gained by students participating in school sponsored clubs and activities on a voluntary basis. In addition, there are adults assisting students to achieve these educational values by their involvement in clubs, activities, and organized committees. These students and adults may seek to raise funds to provide equipment and supplies for the school in which they operate. Such fundraisers shall follow the same policy established for gifts and contributions (Policy 7160).

The broad procedures for fundraising will be established by the Central Administration of Central Berkshire Regional School District and implemented by the principal of each school. When more than one school is involved in a fundraiser, the Superintendent must formally approve the activities and guide the implementation of the procedures.

Replaces Policy 5750, Fundraising by Student Groups, and Policy 5751, Fundraising by District Staff, Parent Groups, and Friends of Education.

Adopted: July 16, 1998

## **5755: Appeals Of Student Government Organizations**

- 5755.1 The student government organization in each secondary building can present written recommendations to the building principal regarding matters of student concern or interest under building procedures established. The principal shall then arrange for a hearing and render a written decision within five school days after presentation, for the first two recommendations, and within ten additional school days for any remaining recommendations; in order of priority to be in the numerical order assigned by the student government organization.
- 5755.2 Following review and decision by the principal, the student government organization reserves the right, within ten school days, to appeal in writing, the decision of the principal to the Superintendent of Schools. This appeal may be made if the original request was denied or if the principal feels that the original request had district implications and must be resolved beyond the building level.
- 5755.3 The Superintendent will hold a hearing with representatives designated by the student government organization and render a written decision within ten school days of receipt of a written appeal.
- 5755.4 The student government organization reserves the right within ten school days, to appeal, in writing, the decision of the Superintendent to the School Committee. This appeal may be made if the superintendent indicates that the matter involves district policy which can only be approved by the school committee.
- 5755.5 Appeals to the school committee will be submitted in writing to the superintendent's office for distribution to the School Committee, and notification will be sent by the Superintendent to all interested parties indicating that said appeal might result in a change of policy. Written decision will then be made by the school committee within thirty school days, during which time all groups notified will have an opportunity to react.

Adopted: November 20, 1974

## **5760: Complaint Procedure For Alleged Discriminatory Or Harassing Condition**

The Central Berkshire Regional School District is committed to equal employment and educational opportunity for all employees and applicants, students, and members of the school community without regard to race, color, sex, religion, national origin, age, sexual orientation, disability or homeless/unaccompanied status in all aspects of employment and education. The members of the school community include the School Committee, administration, staff, students, and volunteers working in the schools, while they work and study subject to school authorities.

The Central Berkshire Regional School District is committed to maintaining a school and work environment free from harassment based on race, color, sex, religion, national origin, age, sexual orientation, disability or homeless/unaccompanied status. The Central Berkshire Regional School District expects all employees, students and other members of the school community to conduct themselves in an appropriate and professional manner.

Harassment on the basis of race, color, sex, religion, national origin, age, sexual orientation, disability or homeless/unaccompanied status in any form will not be tolerated. Such harassment includes unwelcome remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender or to racial, ethnic, religious, age, sexual orientation or handicap individuals or groups.

### **Complaint Procedure:**

1. Any member of the school community who believes that he/she has been subjected to 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 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, district 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.

Adopted: April 29, 1976  
Revised: September 22, 1977  
Revised: December 14, 1978  
Revised: April 5, 1979  
Revised: March 29, 1982  
Revised: April 9, 1987  
Revised: April 10, 2008 (Completely rewritten)

## **5765: Sexual Harassment**

Harassment of students by other students, employees, vendors and other 3rd parties will not be tolerated in the Central Berkshire Regional School District. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

**Employee-to-Student Harassment** means conduct of a written, verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

**Student- to-Student Harassment** means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse
1. Repeated remarks of a demeaning nature;
  2. Implied or explicit threats concerning one's grades, achievements, or other school matter.
  3. Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The

Superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

**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 Central Berkshire Regional 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:  
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

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

**Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.**

SOURCE: MASC July 2020

Revised: October 22, 2020

## **5770: BULLYING**

### **BULLYING PREVENTION**

The Central Berkshire Regional School District is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, or cyber-bullying.

“Bullying” is the repeated use by one or more students, or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional, of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

“Cyber-bullying” means bullying by one or more students, or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional, through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- wire
- radio
- electromagnetic
- photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying is prohibited:

- On school grounds;

- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Central Berkshire Public Schools;

Bullying and cyber-bullying are prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Central Berkshire Regional School District if the act or acts in question:

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or
- materially and substantially disrupt the education process or the orderly operation of a school.

### Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially. Each school shall have its own plan. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, and paraprofessionals.

The Principal and/or his/her designee is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

### Reporting

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A member of a school staff shall immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee.

### Investigation Procedures

The Principal or their designee, upon receipt of a credible report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being

taken to prevent further acts of bullying shall be discussed.

The school principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the Superintendent of Schools to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians of the reported victim shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or his/her designee shall contact said parents or guardians as to the status of the investigation on a weekly basis.

Disciplinary actions for students or for a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional, who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

The school committee expects administrators and supervisors to make clear to students and staff that bullying in the school building, on school grounds, on the bus or school sanctioned transportation, or at school-sponsored functions will not be tolerated and will be grounds for disciplinary action.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee. A monthly report shall be provided to the Superintendent.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

### Retaliation

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

### Target Assistance

The Central Berkshire Regional School District shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

### Training and Assessment

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all K to 12 students.

### Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Central Berkshire Regional School District website.

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended  
Federal Regulation 74676 issued by EEO Commission  
Title IX of the Education Amendments of 1972  
603 CMR 26.00  
MGL 71:37O, as amended  
MGL 265:43, 43A  
MGL 268:13B  
MGL 269:14A

Adopted: April 13, 2006  
Revised: January 27, 2011  
Revised: December 12, 2013

## **5800: Cell Phones**

The purpose of this policy is to ensure that student and staff use of cell phones and other electronic devices does not interfere with the education program or school activities within the CBRSD. Cell phones are defined in general as current and emerging technologies that are wireless units that send and/or receive electronic communications (data) in an analog or digital form. Other types of electronic devices include any mechanical or electrical device that can play, record, store, or transmit sounds, images, or data and that are not provided as part of the educational process by the district.

Central Berkshire is not responsible for any lost, stolen or damaged cell phones or electronic devices. Students or staff who bring these items to school do so at their own risk.

### **Student Policy**

CBRSD recognizes the value of instructional time and establishes that the use and possession of cell phones and electronic devices at school or on school property is a privilege, not a right.

Therefore, students who choose to bring cell phones and electronic devices to school or onto school property, including buses, agree to the following policy:

1. The use of cell phones by students is prohibited during school hours.
2. To accomplish a “cell-free” learning environment, CBRSD will utilize a pouch system in our middle and high schools.
3. Each student will be issued a pouch that they must bring to school each day and keep in good condition. All students are required to place their phone, wireless headphones and e-watches in their pouch upon entering the building. School staff will supervise the entry of students into the building and the placement of phones into the pouch. If a student forgets their pouch, the phone will be turned over to main office staff and secured until the end of the school day. At the end of the school day, students will retrieve their phone by showing their school ID.
4. The pouch will make the cell phone inaccessible to the student but allows them to maintain possession of their phone.
5. Any student who destroys, breaks open, alters, or otherwise tampers with their pouch will be responsible for replacing the pouch at the student’s cost. Students may carry their pouches on them throughout the day but are encouraged to keep them in their academic lockers for safekeeping.
6. If a student violates this cell phone policy consequences will follow the Code of Conduct.
7. Earbuds and headphones may only be used with prior permission from a teacher or administrator and can also be stored in the pouch.

Any allowable use of cell phones and electronic devices must not violate existing school policies including but not limited to policies regarding: bullying, intimidating, and harassing behaviors via texting and social networking sites; academic integrity (e.g., sharing of assessment or assignment information); safety protocols (e.g., fire drill procedures, hallway passing, etc.); acts that may interfere with the learning opportunities of other students or the orderly operation of the school; and use of a cell phone or electronic device with camera, video or voice recording function in a way or under circumstances which infringe the

privacy rights of others (e.g., recording the voice or image of any individual without his/her consent is strictly prohibited).

### **Staff Policy**

CBRSD recognizes the value of instructional time and therefore staff has a responsibility to model a appropriate use of technology by refraining from the use of cell phones and other personal electronic devices during instructional time and in our instructional spaces.

Legal references: MGL Chapter 72 Section 99 is the recording/wiretapping MGL

Adopted: June 22, 2023

Revised: September 28, 2023

## **5910: Evaluation Of Instructional Programs**

- 5910.1 The Central Berkshire Regional School Committee believes that accountability for pupil performance and progress is a shared responsibility of teachers, administrators, parents, students, and the Committee. Appraising the effectiveness of instructional programs shall be a continuous goal of the District.
- 5910.2 The purposes of evaluation of instructional programs shall be:
- to determine educational needs and provide information for planning;
  - to indicate the strengths and weaknesses of instructional programs;
  - to show the relationship between student achievement and the system's stated goals;
  - to provide data for decision-making regarding additions to, modifications of, or deletions from the existing instructional programs;
  - to report to the public the relationship between the stated educational goals of the District and the achievements of the District.
- 5910.3 The professional staff and others shall evaluate instructional programs for the School Committee. Acceptable data sources shall include, but not be limited to: standardized testing, criterion testing, teacher observation, attitude surveys, teacher judgment, and student self-evaluation. Outside agencies, such as the New England Association of Schools and Colleges, may also be utilized to evaluate the District's instructional programs.

Adopted: May 12, 1988

## **6110: Equal Educational Opportunities**

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to all Federally protected groups, including but not limited to, race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs. The law reads as follows:

No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.

This will include all Federally protected groups not specifically named.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Education in compliance with this law will be followed.

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

Title IX, Education Amendments of 1972

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, amended 10/24/78

Board of Education, Chapter 766 Regulations 10/74 - amended through 3/28/78

603 CMR 26:00

Adopted: January 24, 2008

Revised: May 9, 2013

## **6115: Kindergarten Entrance**

### Kindergarten Age

The Department of Education has fixed the minimum age for school attendance as follows: Each child shall attend school beginning in September of the calendar year in which he/she attains the age of 6. The Central Berkshire Regional School Committee sets the entrance age for beginning kindergarten as follows: Each child attending kindergarten shall have reached the age of 5 by September 1st.

- 6115.1 School officials, after reviewing data gained from initial screening, will be allowed to recommend that youngsters be kept at home for a year's additional maturity with the concurrence of the parents.
- 6115.2 A child entering this school district from another area of the country not requiring kindergarten shall be allowed to enter first grade if he/she attains the age of 6 years on or before September 1st of that school year.
- 6115.3 A child who has not attained the age of six by September 1st of the year in which admission is sought and who has not attended kindergarten for three quarters of a full school year shall not be admitted to the first grade but shall be admitted to kindergarten if he/she has attained the age of five by September 1st of the year in which admission is sought.

Adopted: February 28, 1973  
Revised: March 29, 1982  
Revised: September 11, 1986  
Revised: September 28, 2000 (added 6115.3)  
Revised: December 9, 2004 (eliminated optional placement in first grade)  
Revised: April 13, 2006 (6115.3, changed "substantially" to three quarters of)

## **6120: Post-Secondary School Enrollment**

Post graduate students may be enrolled part or full-time, on a tuition-free basis, provided they are legal residents of a town of the Central Berkshire Regional School District, subject to the following conditions:

- 6120.1 The principal may refuse to enroll post-graduate students when, in the principal's opinion, the courses requested are filled.
- 6120.2 Post-graduate students may be excluded at any time by the principal if s/he determines their presence to be detrimental to the best interests of the Central Berkshire Regional School system or its students.

Adopted: January 11, 1979  
Revised: March 29, 1982

## **6125: Non-Resident Students**

- 6125.1 The committee may accept for enrollment in the regional district school pupils from towns other than the member towns on such terms as it may determine.
- 6125.2 Non-resident students are those whose homes are outside the school district.
- 6125.3 Should the district have school choice, non-resident students will be accepted in accordance with the district's parameters developed in compliance with the regulations and guidelines of the Department of Education.
- 6125.4 The following shall apply in the absence of school choice:
- 6125.41 Non-resident students shall be accepted if they have the ability, educational preparation, and appropriate behavioral background as determined by the principal, and provided that no section to which such students will be assigned will contain more than the desired number of students.
  - 6125.42 Parents or legal guardians of students who expect to reside in the district during the school year will petition the Superintendent in writing requesting the right to enroll. If the student is a resident of the district on or before October 1, then the appropriate town will be charged under the operating costs within the budget. If the student is not a resident by October 1, there will be no assessment charge the first year.
  - 6125.43 Parents or legal guardians of students who are non-residents will have until October 1 to prove a commitment towards residency (lease, rental agreement, closing date, etc.) Those who wish to enroll students after October 1 and will establish residency after October 1 may petition the Superintendent in writing provided that a commitment towards residency has been established. The Superintendent may grant enrollment subject to the conditions as outlined in Policy 6125 being met including the parents/guardians being responsible for transportation.
  - 6125.44 Students who no longer reside in the district after October 1 will be allowed to continue their education (if the parents/legal guardians so request in writing to the Superintendent) provided that it is understood that the parents/legal guardians are responsible for transportation to and from school.
  - 6125.45 Elementary students who move to another town within the Central Berkshire Regional School District prior to October 1 will be expected to transfer to the local school. If a student moves to another town located within the C.B.R.S.D. after October 1, he/she can complete the school year at their original school if the parents/guardians request this in writing to the Superintendent and are willing to provide transportation.
- 6125.5 The following shall apply to the acceptance of the provisions of School Choice:

It is the policy of the Central Berkshire Regional School District to admit non-resident students under the terms and conditions of the Intra-District School Choice Law (M.G.L. 76:12), in order to enrich the educational experience of Central Berkshire Students by providing a more diverse student population and additional funding for the educational program of the District.

- 6125.51 The Superintendent will recommend to the School Committee of school choice openings based on projected enrollment for the following school year by January 31<sup>st</sup>. Anytime there is a change recommended in this information, it will be brought to School Committee for approval.
- a. The capacity shall be determined by the administration on a year to year basis. The expected enrollment for a specific grade in a school is the number of students presently enrolled (both resident and non-resident) who will enter that grade in September, plus the largest number of summer registrations that grade has experienced in the past ten years.

- b. Existing staffing levels will continue.
- 6125.52 Before June 1 of each year, if consideration is being given to withdrawing from the provisions of the School Choice Law, a public hearing will be held.
- 6125.53 Notification of School Choice openings will be made public immediately following the January 31<sup>st</sup> notification to School Committee. The Central Berkshire Regional School District affirms its position that it shall not discriminate in admission of any child on the basis of race, color, religious creed, national origin, sex, age, sexual orientation, ancestry, athletic performance, physical handicap, special need, academic performance or proficiency in the English language. However, a school record indicating consistent serious discipline problems may be grounds to rescind an admission decision.
- 6125.54 School Choice applications will be reviewed for the first time on March 1<sup>st</sup>. Decisions will be made by March 15<sup>th</sup>. If more applications are received at that time than spots available, they will be reviewed in the order that they were submitted with preference given to siblings. Applications received after March 15<sup>th</sup> will be reviewed on a rolling basis. School choice decisions are made by the Superintendent's Office.
- 6125.55 Any student who is accepted for admission under the provisions of this policy is entitled to remain in the District until graduation from high school, except if there is a lack of funding of the program. A non-resident student who moves into the District will transfer to the appropriate school for his or her new residence.
- 6125.56 A non-resident student admitted under this policy is eligible for transportation from and to a **regular** bus stop on a **space available basis**. **The parent or guardian is responsible for transportation to and from the regular bus stop.**

Adopted: November 20, 1974  
 Revised: March 29, 1982  
 Revised: August 22, 1985  
 Revised: February 6, 1986  
 Revised: April 9, 1987  
 Revised: March 24, 1994  
 Revised: February 27, 1997 (Added 6125.5)  
 Revised: December 9, 2004 (Minor changes, including the change from "eligibility" to "waiting" list)  
 Revised: April 13, 2017

## **6130: Intra-District Transfer Of Students**

- 6130.1 It is the position of the School Committee and the Administration that each of the three elementary schools in the Central Berkshire Regional District:
- offers a high quality, well rounded, and educationally sound program, and;
  - are appropriately staffed with high quality teachers and support personnel.
- 6130.2 It is intended that all residents of the member towns of Becket, Cummington, Dalton, Hinsdale, Peru, Washington, and Windsor in grades kindergarten to five, inclusive, will receive their education in facilities located within the district and, initially, in the following schools: Becket and Washington residents at the Becket Washington School; Hinsdale and Peru residents at the Kittredge Elementary School; Cummington, Windsor, and Dalton residents at the Craneville Elementary School.
- 6130.3 A student may be permitted to transfer from the school to which the student is to attend under Section 6130.2 to an elementary school within the district upon request by his/her custodial parent(s) and/or guardian(s) and written approval by the Superintendent of Schools (or his/her designee) provided that:
- 6130.31 the Superintendent (after consultation with the Principal) determines that such a reassignment is prudent and can be accomplished;
- 6130.32 there is sufficient capacity in the receiving classroom to accommodate the incoming student (such capacity to be determined AFTER the Non-Resident Student provisions of Policy 6125 have been applied);
- 6130.33 the Principal after meeting with the requested custodial parent(s) and/or guardian(s) determines the requested intra-district transfer is in the best interest of the student.
- 6130.34 the School Committee reserves the right to review class sizes across the district's four elementary schools and use Intra-district transfer of students to adjust, if necessary, class sizes from school to school.
- 6130.4 The following statement, present in Non-Resident Student Policy 6125.5, applies to the school district's acceptance of the provisions of School Choice:
- It is the policy of the Central Berkshire Regional School District to admit non-resident students under the terms and conditions of the Intra-district School Choice Law (M.G.L. 76:12), in order to enrich the educational experience of Central Berkshire Students by providing a more diverse student population and additional funding for the educational program of the District.*
- To that end, in order to plan for fall enrollment figures, preference will be given to non-resident students over resident students requesting an intra-district transfer in determining the number of available seats that a classroom might have for intra-district transfers.
- 6130.5 Notwithstanding all of the provisions above, further consideration will be given on a case-by-case basis to custodial parent(s) and/or guardian(s) who can demonstrate a legitimate hardship that would prevent an appropriately positive educational experience to be received by such student in the school to which the student is to attend under Section 6130.2. Issues of child care, teacher/class placement, recommendations for grade retention, social issues, or other like concerns are not likely to be given serious consideration as a legitimate hardship.

- 6130.6 If an intra-district transfer request is granted, it will be incumbent upon the parent(s) and/or guardian(s) of the student to transport the student to school. However, transportation to school will be provided to the extent it is available and without additional cost to the district.
- 6130.7 Custodial parent(s) and/or guardian(s) may request an intra-district transfer and must do so in writing to the Superintendent. To receive priority status for the following school year requests must be received no later than May 15th. All requests will be considered by the end of the business day on August 15. If on August 15 there are more applicants for transfers than there are slots to accommodate them, the building principal and central office administration will determine, using locally developed procedures, which students will be allowed to transfer. All custodial parent(s) and/or guardian(s) will be notified no later than August 16th of the status of their applications.

Adopted: August 28, 2003  
Revised: December 9, 2004 (6130.2, changed facilities locations from “communities” to “schools”.)  
Revised: September 10, 2015

## **6140: Homeless Students: Enrollment Rights And Services**

To the extent practical and as required by law, the district will work with homeless- children and youth and unaccompanied youth (collectively, “homeless students”) and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in the previous examples;

The superintendent shall designate an appropriate staff person to be the district’s liaison for homeless students and their families.

It is presumed to be in the best interest of homeless students to remain in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the District.

If a district disagrees with a parent or guardian’s decision to keep a student enrolled in the school of origin and considers enrollment in the district where the student is sheltered or temporarily residing to be in the student’s best interest, the district will explain to the parent, in writing and in a language the parent can understand, the rationale for its determination and provide the parent with written notice of their rights to appeal the district’s determination to the MA Department of Elementary and Secondary Education. During the pendency of any such appeal, the student should remain enrolled in the school selected by the parent or guardian, receiving transportation to school and access to other available services and programs.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student’s previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state’s address confidentiality program when necessary. Information regarding a

homeless student's living arrangement shall be considered a student education record, and not directory information. Such records may not be disclosed without the consent of the parent or satisfaction of another student-privacy related exemption.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally. Formerly homeless students who find permanent housing mid-school year will continue to receive transportation services until the end of the school year.

The superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students. The liaison shall also ensure district staff receive professional development and other support on issues involving homeless students.

LEGAL REFS.: Title I, Part C  
No Child Left Behind Act, 2002

Adopted: January 24, 2008  
Revised: July 25, 2019  
Revised: March 12, 2020

## **6141: Educational Opportunities for Children in Foster Care**

The purpose of this policy is to ensure the educational stability of students in foster care and their equal access to the same free and appropriate public education through high school graduation as provided to other students as required by law. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the School Committee is committed to supporting district and community efforts to ensure that students in foster care have access to high-quality, stable educational experiences.

The law requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different). The law also requires that when it is not in the student's best interest to remain in the school of origin, the student is immediately enrolled and attending in a new school district, even if records normally required for enrollment cannot be quickly produced. Additionally, the law requires the school district to designate points of contact. The superintendent shall designate a point of contact for students in foster care. The district and the point of contact will collaborate with DCF to ensure that students can access transportation and the other services to which they may be entitled.

### **Best Interest Determination**

Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (and if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when appropriate) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and take into account a variety of factors. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF will finalize the best interest determination.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. Under the law, to promote educational stability, students should continue to attend their schools of origin while best interest determinations are being made.

### **Transportation**

The district of origin must collaborate with DCF on how transportation will be provided and arranged to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care.

Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, seeking help from foster parent(s), etc. Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

### **Immediate Enrollment**

If it is in the best interest of a student in foster care to leave the school of origin, the student must be enrolled in school in the district in which he or she resides in foster care immediately. To minimize disruption of the student's education, the law requires the district to enroll the student in a new school right away, without waiting to receive the typical student enrollment documentation. However, emergency contact information is required at the time of enrollment and must comply with the state's address confidentiality program when necessary. The enrolling school must immediately contact the child's school and district of origin to obtain the relevant records and documentation, and the school and district of origin should immediately transfer those

records. Subsequent to enrollment, students and families are encouraged to obtain immunization records as soon as possible, with the assistance of the district liaison.

To facilitate enrollment, DCF representatives will present the district with a form that indicates that the student is in foster care, along with their state-agency identification badge, when enrolling students.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to students in foster care on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

LEGAL REFS.: Every Student Succeeds Act (ESSA);  
Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act)

Adopted: July 25, 2019  
Revised: March 12, 2020

## **6142: Educational Opportunities for Military Families**

In an effort to facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of the District because of their parents/guardians being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The School Committee believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents'/guardians' frequent moves and deployment.

### Definitions

**Children of military families** means school aged children, enrolled in kindergarten through 12th grade, in the household of an active duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.

**Deployment** means the period one month before the service members' departure from their home station on military orders through six months after return to their home station.

**Education(al) records** means official records, files, and data directly related to a student and maintained by the school including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements, applicable to eligible students, which must be fulfilled, are listed below. Eligible students are children of military families as well as the children of veterans who have been severely injured and medically discharged, and children of active duty personnel who died on active duty. Children are eligible to receive services for one year following discharge due to severe injury, retirement or death of an active military parent. Students are not eligible for the provisions of the Compact if they are children of inactive Guard or Reserves, retired personnel, veterans not included above or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- Receiving schools must initially honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school and space is available. The receiving schools must also initially honor placement of like programs to those of the student in the sending state, including, but not limited to, Gifted and Talented programs, and English as a Second Language programs. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.

- Students of active duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent/guardian without any tuition fee imposed.
- The District high school will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed in order to facilitate the on-time graduation of the student in accordance with Compact provisions.

LEGAL REFS.: M.G. L. 15E;  
Interstate Compact on Educational Opportunity for Military Children

Adopted: July 25, 2019  
Revised: March 12, 2020

### **6150 Observations of Special Education Programs**

1. Parents' request to observe their child(ren), current program, or a potential placement must be made at least five days in advance with the Special Education Director or designee and/or Principal.
2. The Special Education Director or designee shall contact the parent(s) for initial scheduling conversation within five (5) days of receipt of the parents' request.
3. When a parent requests an observation of a special needs student or program, the Special Education Director or designee will seek approval from the Director of Special Education and the building principal before it is processed. Such approval may only be withheld for those reasons outlined within law and DESE regulation.
4. The Special Education Director or designee and/or Principal will work with the classroom teacher and the observer to set up the specifics of the observation (including, but not limited to, scheduling and placement of the observer in the classroom).
5. The number, frequency, and duration of observation periods will be determined on an individual student basis in accordance with law and regulation. The start and end time of observation periods and a schedule of observation periods will be stated in advance. In order to minimize classroom or student disruption, the length of individual observation periods may be limited.
6. If the observer is not the parent, the parent must sign a release for the individual to observe.
7. The number of observers at any one time may be limited.
8. The observer will be informed that he/she is not to interfere with the educational environment of the classroom. If his/her presence presents a problem, he/she will be asked to leave. This notice is particularly important, since the presence of parents can influence both the performance of their child(ren) and those of others.
9. The observer will be asked to submit his/her report of the observation in advance of any follow-up TEAM meeting.
10. The observer will be informed that he/she is there to evaluate the appropriateness of a specific educational program to meet the needs of an individual child. He/she is not there to evaluate a teacher's ability to perform his or her contractual job duties.
11. The observer will be instructed regarding the disclosure of confidential or personally identifiable information relating to other children. Staff must be mindful of removing materials which may be part of students' records from plain view. In the event that removal is not possible the observer may be asked to sign a non-disclosure agreement.
12. A school administrator, or designee, also will observe at the same time and take notes as to what is observed, paying particular attention to note anything that is non-typical concerning the period. This observation summary will be placed in the student's file and provided to the parent(s) prior to any follow-up TEAM meeting.

LEGAL REF.: MGL 71B:3

Massachusetts Department of Elementary and Secondary Education Technical Assistance Advisory SPED 2009-2 dated January 8, 2009

Adopted: January 14, 2010

## **6200: Emergency Drills**

6200.1 All schools shall conform to the following fire drill regulations:

- 6200.11 The Principal in charge of the school shall formulate a plan for the protection and evacuation of all persons in the event of fire, and shall include alternate means of egress for all persons involved; such plan to be presented to and approved by the head of the fire department.
- 6200.12 The Principal in charge of each school shall see that each class instructor, supervisor, and other support staff shall receive proper instructions on the fire drill procedure specified for the room or area in which that person carries out his/her duties before s/he assumes such duties.
- 6200.13 Every student in all schools shall be advised of the fire drill procedure or shall take part in a fire drill within three days after entering such school.
- 6200.14 The head of the fire department, or person designated by him, shall visit each school at least four times each year for the purpose of conducting fire drills and questioning the teachers and supervisors. These drills shall be conducted without advance warning to the school personnel other than the Principal of the school at the time or his/her designee.

6200.2 Civil Defense Drills. - Each building principal shall devise and hold such civil defense drills as may be deemed necessary by the Superintendent of Schools.

Adopted: February 1, 1963  
Revised: August 13, 1980  
Revised: December 9, 2004

## **6210: Closing Of Schools Because Of Emergency Conditions**

- 6210.1 The purpose of this policy is to provide teaching and transportation facilities to the maximum number of students in the Central Berkshire Regional School District. However, the basic responsibility for the welfare and safety of the student rests with the parent or guardian.
- 6210.2 Schools in the Central Berkshire Regional School District will remain open, except under special circumstances at the discretion of the superintendent.
- 6210.3 Schools in the district will be kept open or closed based on the evaluation of the Superintendent and/or the Assistant Superintendent guided by the advice of the Highway Superintendent or other town officials who are in a position to **best** evaluate existing circumstances.

Adopted: November 14, 1973  
Revised: January 8, 1987

## **6220: Bomb Threats**

- 6220.1 The purpose of this policy shall be threefold:
- 6220.11 To protect pupils and all school personnel from harm.
  - 6220.12 To reduce the frequency of false threats.
  - 6220.13 To provide maximum cooperation with other governmental agencies.
- 6220.2 The Superintendent of Schools, in cooperation with the fire and police departments, shall develop a plan of operation consistent with these policies and in accordance with the recommendations of the Massachusetts Department of Education dated December 16, 1963. The policy shall be the following:
- 6220.21 Attempting to identify the caller.
  - 6220.22 Immediate evacuation of the building.
  - 6220.23 Notification of fire and police departments.
  - 6220.24 Search of building.
  - 6220.25 Make-up of lost time.
- 6220.3 The procedure to follow in event of a telephoned bomb threat shall be:
- 6220.31 Talk as long as possible for identifying characteristics such as adult or juvenile, male, or female, accent, inflections, word usage. In the meantime, activate lock-in device if installed. If another line is available, call operator.
  - 6220.32 Immediate evacuation of the building. (In the event of cold or inclement weather, pupils will get their outdoor apparel.) Teachers will ascertain that all pupils leave the room and building and, while exiting, make a cursory examination of room and exit route to observe any unusual object.
  - 6220.33 Notify appropriate police and fire departments.
  - 6220.34 Notify Superintendent's office.
  - 6220.35 Police officers, firefighters, and custodians search the building under the direction of the senior officer present from either protective department.
  - 6220.36 After a thorough search has revealed nothing suspicious, the senior investigating officer shall notify the principal that re-entry will be permitted.
  - 6220.37 The principal shall resume the regular school day's routine.
  - 6220.38 The principal shall require that the time lost shall be made up subject to review by the Superintendent.
  - 6220.39 The principal shall make a full written report of all events to the Superintendent of Schools within one week.
  - 6220.40 Investigation of the incident shall be made by the appropriate police department and/or fire department assisted by the state fire marshal's office if such assistance is requested.
  - 6220.41 Pupils should be directed and conducted by their teachers to the safest and nearest edifice or location within a reasonable distance of the school.

Becket – Becket Arts Center and/or church  
Cummington – Community house or church  
Dalton: Craneville – Ashuelot Park  
High School – Nessacus Regional Middle School  
Nessacus – Wahconah Regional High School  
St. Agnes – Agnes Church School  
Hinsdale – Community center - church

Adopted: November 24, 1970  
Revised: April 9, 1987  
Revised: December 9, 2004

## **6310: Examinations And Services By School Physician**

- 6310.1 Regulations issued jointly by the department of education, public health, and mental health require that the following examination be conducted by the school physician.
- 6310.11 All eleventh grade pupils, once annually (about 200).
  - 6310.12 Children referred because of frequent absences due to unexplained illness.
  - 6310.13 Children referred because of known physical defects that require repeated appraisals.
  - 6310.14 Children referred from teacher-nurse conferences because the child is not making expected progress in school or because of signs of illness noted by the teacher or nurse.
  - 6310.15 Children under 16 and over 14 years of age requesting employment certificates.
  - 6310.16 Children planning to participate in competitive athletics annually, previous to such participation.
  - 6310.17 Special class children, every two years.
- 6310.2 The purpose of these regulations is to discover disabilities of school children as soon as possible so as to enable all children to obtain the fullest benefit of their educational opportunities and to ensure that diseases dangerous to the public health and other contagious or communicable diseases are recognized whenever they occur.
- 6310.3 The school health program should encourage the performance of the health appraisal by the family's own physician whenever possible.
- 6310.4 A child transferred from another school system shall be examined as an entering child unless school health records are transferred with the child showing that s/he has had an adequate health appraisal in the school year of transfer.
- 6310.5 The health appraisal shall be done with such care and detail as to command medical respect and be a desirable educational experience for the child. Rectal and vaginal examinations shall not be done by the school physician.
- 6310.51 All appraisals shall be done in the presence of a third person and in a reasonable degree of privacy. The child shall be undressed sufficiently to permit an adequate appraisal.
  - 6310.52 Sufficient time shall be allotted for an adequate appraisal of each child.
  - 6310.53 The appraisal shall include time for a conference with the parent or child concerning the child's growth and development and the findings of the health appraisals.
  - 6310.54 The school authorities shall invite the parent or parents of the entering child and of the child in the fourth grade to be present during the appraisal by the physician.
  - 6310.55 The appraisal should include a careful examination of the child's feet. This examination shall be carried out as a part of the overall appraisal of the child's health and shall be made at the time of the physical examination by the school or family physician. When the examination of the feet is made by the chiropodist (podiatrist), it shall be done at the time the school physician is making his examination; and abnormal conditions found by the chiropodist (podiatrist) shall be drawn to the attention of the physician and recorded on the school health record form. These abnormalities shall be followed up through the same avenues as other health defects found among school children in the particular community. The examination of the feet of school children in the schools shall be done without the use of x-rays.
- 6310.6 The school physician is also asked to administer influenza vaccine to teachers once annually.

Adopted: November 20, 1974

## **6320: Administration of Prescription Medications**

Medication administration shall be in accordance with Massachusetts Department of Public Health guidelines 105 CMR 210.00.

All medications to be taken during the school day must be administered by the school nurse or a trained staff member designated by the school nurse, unless they are approved for self-administration. Written orders signed by the student's health care provider, and authorization to administer signed by the student's parent(s)/guardian(s), are required for all medications. All medication must be brought in a pharmacy labeled container to the school by a parent/guardian or designated adult. The school physician, in consultation with the school nurses, will provide yearly medication protocols for certain medications to be administered based on nursing assessment.

Students, who have been determined by the school nurse to be capable of self-administration of asthma inhalers, allergy Epipen, cystic fibrosis digestive enzymes, and diabetes mellitus glucose monitoring and insulin administration systems, are allowed to carry and self-administer the above medications. Health care provider, parent(s)/guardian(s), and student signatures are necessary for self-administration of the above medications, after consultation with the school nurse

Delegation of emergency Epipen administration, and field trip medication administration to unlicensed school personnel will occur following Massachusetts Department of Public Health regulations and proper application to the DPH for delegation authority.

LEGAL REF.: [71:54B](#)

REF: Massachusetts Department of Public Health Regulations; 105 CMR 210.00  
Massachusetts Department of Public Health, Comprehensive School Health Manual, 1995

Adopted: September 8, 1994  
Revised: March 25, 1999  
Revised: December 9, 2004  
Revised: March 22, 2007

## **6321: Athletic Concussion Policy**

- 6321.1. **Purpose.** In adopting this policy the School Committee of the Central Berkshire Regional School District (CBRSD) intends to provide information and to standardize CBRSD procedures for persons involved in the prevention, training, management, and return to activity decisions regarding students who incur head injuries while involved in extracurricular athletic activities, including, but not limited to, interscholastic sports. The objective in providing information and standardizing district procedures is to protect the health and safety of students engaged in such extracurricular activities, as required by Massachusetts law and regulations.
- 6321.2 **“Extracurricular Athletic Activity” Defined.** As used in this policy “extracurricular athletic activity” shall mean an organized school-sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director, or marching band leader, such activities to be understood to include, but not be limited to: Alpine and Nordic skiing and snowboarding, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletic activities are deemed to be extracurricular athletic activities.
- 6321.3 **Applicability of Policy to Middle and High School.** The CBRSD School Committee recognizes that the requirements of the law being implemented through this policy apply to all public middle and high schools, however configured, serving grades six through high school graduation.
- 6321.4 **Training Required.** Annual training in the prevention and recognition of sports-related head injury and associated health risks, including second impact syndrome, to those persons identified in 6321.5, below. Said training shall utilize training materials or programs approved by the Massachusetts Department of Public Health (DPH).
- 6321.5 **Specific Training Requirements for Coaches, Certified Athletic Trainers, Trainers, and Volunteers.** Training for coaches, certified athletic trainers, trainers, and volunteers pursuant to 6321.4, above, shall include instructions to: (a) to teach form, techniques, and skills and promote protective equipment use to minimize sports-related head injury; and (b) prohibit athletes from engaging in any unreasonably dangerous athletic technique that endangers the health or safety of an athlete, such as using a helmet or any other sports equipment as a weapon.
- 6321.6 **Persons to be Trained.** In conformity with law and regulations, the following persons shall be trained in the manner described at 6321.4, above: (a) coaches; (b) certified athletic trainers; (c) trainers; (d) volunteers involved in extracurricular athletic activities; (e) school and team physicians; (f) school nurses; (g) the CBRSD Athletic Director; (h) directors responsible for a school marching band, whether employed by CBRSD or serving in such capacity as a volunteer; (h) parents of a student who participates in an extracurricular athletic activity; and (i) any student who participates in an extracurricular athletic activity. As used in this paragraph and elsewhere in this policy, the term “parent” shall mean the parent or guardian or foster parent of a student.
- 6321.7 **Parental Non-Compliance with Requirement that She/he Be Trained.** In the event that a student verifies completion of her/his training (*see* [i] in 6321.6) but her/his parent does not (*see* [h] in 6321.6), the Athletic Director or her/his designee shall directly contact the student’s parent in writing, sent by certified mail, return receipt requested, explaining the importance of the parent’s participation in this process as required by DPH, and seeking a completed form from the student’s parent. Where after 10 calendar days from sending the letter to the student’s parent this effort proves unsuccessful, the Athletic Director or her/his designee shall so note this in the records to be

retained (see 6321.12, below), in which case the student shall be permitted to participate in the extracurricular athletic activity.

6321.8 Exclusion from Play.

6321.81 A student who, during a practice or competition, sustains a head injury or a suspected concussion, or who exhibits signs and symptoms of a concussion, or loses consciousness, even briefly, shall be removed immediately from the practice or competition, and may not return to the practice or competition that day. Said student's return to practice or competition subsequently shall not return to practice or competition unless and until that student provides medical clearance and authorization as specified by pertinent regulations of the DPH.

6321.82 A student removed from practice or competition pursuant to this provision shall receive immediate medical treatment appropriate to the known or suspected injury.

6321.9 Pre-Participation Procedures. Prior to each sports season the person designated pursuant to 6321.16, below, shall ensure that no student participates in an extracurricular athletic activity, as defined in 6321.2, above, unless and until CBRSD obtains and has reviewed current information regarding the student athlete's history of head injuries and concussions using either the DPH Pre-participation Head Injury/Concussion Reporting Form for Extracurricular Activities (Pre-participation Form) or a CBRSD equivalent. Said forms shall be reviewed by the school nurse or another medically competent person prior to the student athlete's participating in an extracurricular athletic activity.

6321.10 Head Injury Reporting and Review Procedures. In the event of a head injury or suspected concussion that takes place during the extracurricular activity season the person designated pursuant to 6321.16, below, shall ensure that CBRSD obtains a completed DPH Report of a Head Injury During Sports Season Form (Report of Head Injury Form), or a CBRSD equivalent; and said person shall further ensure timely medical or nursing review of said Form. Such medical or nursing review shall be a precondition of the development of the graduated reentry procedure described at 6321.11, below, and also of the student's resumption of extracurricular athletic activities.

6321.11 Graduated Reentry Plan Procedures. Prior to the resumption of extracurricular athletic activities by a student on whom a report of Head Injury Form has been completed pursuant to 6321.10, above, a written post-concussion graduated reentry plan shall be developed in conformity with the requirements of 105 CMR 201.010(E). Said graduated reentry plan shall be implemented as required by said DPH regulations.

6321.12 Records to be Retained. CBRSD shall maintain the following records for three years or, at a minimum, until the student graduates, unless Massachusetts or federal law mandates a longer retention period:

6321.121 Each person's completion of the training described in 6321.4, above, shall be documented and maintained as a record by the district. The records may take any legal form set out in pertinent DPH regulations (105 CMR 201.007[C]);

6321.122 DPH pre-participation forms, and documentation of receipt and appropriate review of said material;

6321.123 DPH report of head injury forms, or school-based equivalents;

- 6321.124 DPH medical clearance and authorization forms, or school-based equivalents, including documentation of student's having had a physical examination prior to that student's participation in extracurricular athletic activities on an annual basis, consistent with DPH regulations (105 CMR 21.006[A][3]); and
- 6321.125 graduated reentry plans for students' return to full academic and extracurricular activities.
- 6348.13 Sharing Student Medical Information. Information contained in student records in the possession of CBRSD that is of a medical nature, and that, to further the purposes of this policy and M.G.L. c. 111 § 222, shall be made available to third parties in conformity with the requirements of the federal Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Board of Elementary and Secondary Education regulations regarding student records.
- 6321.14 Applicability to Volunteers. This policy shall apply to volunteers who assist with extracurricular athletic activities (*see* 6321.5, above). To the extent permitted by law such volunteers shall not be liable for civil damages arising out of any act or omission relating to the requirements of law, unless such volunteer is willfully or intentionally negligent in her/his act or omission.
- 6321.15. Reporting to DPH. Effective with the 2011-2012 school year CBRSD shall maintain and report, as directed by DPH or other relevant authority, annual statistics on a DPH form or electronic format that at a minimum report: (a) the total number of DPH report of Head Injury forms, or school-based equivalents, received by CBRSD; and (b) the total number of students who incur head injuries and suspected concussions when engaged in any extracurricular athletic activities.
- 6321.16. Designation of Person Responsible for Compliance. The Superintendent of Schools shall designate in writing the person(s), either the athletic director or the other school personnel with administrative authority, charged with the responsibility for implementing this policy and the protocols herein required and required by pertinent law and regulations.
- 6321.17 Notice to Parents and Placement of Accurate Synopsis of This Policy in Handbooks. Promptly upon adoption of this policy, and each year thereafter, CBRSD, acting through the person identified in 6321.16, above, shall provide written information and pertinent forms to all parents and athletes. Said written information shall conform to the requirements of 105 CMR 201.006(A)(11), and shall include material pertinent to the topics cited therein. Written materials sent to a parent with limited English proficiency shall be provided to that parent in her/his native language, or shall be communicated by another means that ensures the parent receives and can understand what is to be communicated pursuant to the aforesaid DPH regulation. In addition, the school handbook for each student in grades 6 -12 shall include an accurate synopsis of this policy. The information and pertinent forms provided to parents, and the accurate synopsis of this policy provides to all students in grades 6-12, shall include information about where the student or her/his parent should go to receive further information about the issues addressed in this policy.
- 6321.18 C.B.R.S.D. Contact with Parents with Limited English Proficiency Parents. In any matter pertaining to compliance with this policy CBRSD shall contact any parent who has limited proficient in English in the language that the parent indicates she/he is best able to understand.
- 6321.19 Consequences of Failure to Comply with This Policy. In order to emphasize the importance placed by the public policy of the Commonwealth of Massachusetts and by the School Committee on the safety of students, and in conformity with the requirements of 105 CMR 201.006(A)(17), the School Committee directs the Superintendent to take action, pursuant to her/his authority under MGL c. 71 §§ 42 and 42D, to: (a) determine, whenever a breach of any provision of this policy is

deemed to be substantive, (i) whether disciplinary action is appropriate wherever the breach is the responsibility of school employee, (ii) whether the penalty of forfeiture of a game or other athletic contest is an appropriate penalty, and (iii) whether any other action, including termination of a contract of employment or non-renewal of said contract, is an appropriate penalty to impose; and (b) to take such action as the Superintendent deems necessary or appropriate.

6321.20 Bi-Annual Review of This Policy. Not more than every two years, commencing with the 2013-2014 school year, the School Committee shall review and, as needed, revise this policy.

6321.21 Effective Date of This Policy. This policy shall be effective immediately upon its final adoption by the School Committee.

#### REFERENCES

20 USC § 1232g (FERPA)

MGL c. 71 §§ 42, 42D

MGL c. 111 § 222(a)

MGL c. 258 §§ (1), (9)

63 CMR 23.07 (“Access to Student Records”)

105 CMR 201.00 (“Head Injuries and Concussions in Extracurricular Athletic Activities”)

CBRS D Policy 1570, “Quorum and Voting”

Adopted: February 9, 2012

### **6325: Various Other Medical Issues**

Specific policies and procedures regarding various and sundry medical issues such as the following are covered in Massachusetts General Laws, Chapter 71, Sec. 54 and 55:

- 1) Administration of psychotropic drugs;
- 2) Illness and Contagious Diseases; and
- 3) Exemption from liability for providing first aid.

These laws should be examined periodically by school personnel to ensure compliance of local procedures with general laws.

Adopted: December 9, 2004

### **6330: Wellness**

In recognition of the declining nutritional intake and increasing obesity in children, Congress passed the Child Nutrition and WIC reauthorization Act of 2004. The act aims to improve children's health by expanding the availability of nutritious meals and snacks to more children in schools while also promoting increased activity. The law places the responsibility of developing a wellness policy at the local level so the individual needs of each school district can be addressed. School districts must set goals for nutrition education, physical activity and other school-based activities designed to promote student wellness. School districts must also establish nutrition standards for all foods that are available on each school campus during the instructional school day, with the objective of promoting student health and reducing childhood obesity. School districts are required to measure the implementation of the wellness policy and to include a broad group of individuals in its development.

The act clearly demonstrates Congress' commitment to seeing school districts make efforts to prevent and reduce childhood obesity.

The initial policy took effect beginning with the 2006-2007 school year in accordance with the President's Child Nutrition and Reauthorization Act signed into law on June 30, 2004. It was updated August 23, 2012, to incorporate MA 105 CMR 225.000: Nutrition Standards For Competitive Foods and Beverages in Public Schools ([www.mass.gov/eohs/docs/dph/regs/105cmr225-nutrition-standards.pdf](http://www.mass.gov/eohs/docs/dph/regs/105cmr225-nutrition-standards.pdf))

#### **6330.1 Wellness Policy Advisory Council**

The School Committee designates the Superintendent of Schools as the wellness policy coordinator who will be responsible for establishing a Wellness Council. This group will meet regularly and serve as the school district's Wellness Council. The Wellness Council's role is advisory to the Superintendent of Schools and shall permit and encourage representatives from a wide range of school and health-related disciplines, including school health professionals, school administrators, school nutrition, health and physical education educators, community agencies serving youth, parents/guardians/caregivers, students, school committee, local board of health, local health care providers, other Seven Town Community members departments and members of the general public and, to the extent possible, reflect the cultural, linguistic and ethnic composition of the community. The Wellness Council may also serve as a resource to schools in connection with the implementation of this Wellness Policy.

#### **Development of Guidelines**

The Superintendent of Schools in consultation with the Wellness Council will develop implementation procedures consistent with this Wellness Policy. Principals will review the Wellness Policy and related implementation procedures and share Wellness Policy expectations with staff on an annual basis to ensure implementation and adherence.

The district will have a Wellness Policy Council with the purposes of:

1. Developing guidance to explicate this policy
2. Monitoring the implementation of this policy
3. Evaluating policy progress
4. Serving as a resource to school sites (e.g., providing lists of healthy incentives, snacks, birthdays, fundraising, etc.) and
5. Submitting policy revisions to the School Committee as necessary.

The council will meet a minimum of two times annually with council membership including, but not limited to:

- CBRSD Food Service Director, Co-Chair
- CBRSD Administrative Representative, Co-Chair
- Physical Education and Health Education staff, Co-Chair
- School Nurse Supervisor, Co-Chair
- Parent representatives
- Student representatives
- Staff members
- School Committee Member
- Local Community Partners

## **6330.2 Foods and Beverages Served/Sold During the Instructional School Day**

\*The instructional school day is defined as 30 minutes before the start of the school day and 30 minutes after school dismissal.

6330.21 Food Policy To help ensure the health and welfare of each student attending the Central Berkshire Regional School District and to provide guidance to school personnel in the areas of nutrition, health, physical activity and food service the Central Berkshire Regional School District subscribes to the following:

1. The Central Berkshire Regional School District will ensure that no student in the District goes hungry while in school.
2. The Central Berkshire Regional School District will ensure that an economically sustainable meal program that provides a healthy nutritious lunch is available to every student at every school so that students are prepared to learn to their fullest potential. The district will also ensure that every student will have access to a healthy and nutritious breakfast.
3. The full meal school breakfast and lunch programs will follow the USDA Requirements for Federal School Meals Programs. The School Food Service Program Director will follow the Massachusetts Nutrition Standards for competitive foods and beverages in public schools when determining the items in a la carte and “competitive foods” sales. [www.johnstalkerinstitute.org/alist](http://www.johnstalkerinstitute.org/alist). “Competitive foods” are defined as foods and beverages provided in:
  - a. School Cafeterias offered as a la carte items
  - b. School buildings, including classrooms
  - c. School stores
  - d. School snack bars
  - e. Vending machines
  - f. Booster sales
  - g. Fundraising activities
  - h. School-sponsored or school-related events
  - i. Any other location on school property.
  - j. The sale of foods competing with school lunch and breakfast programs will be prohibited during the school day.
4. All foods available on school grounds during the school day will meet or exceed the Massachusetts Nutrition Standards for competitive foods and beverages in public schools. Emphasis should be placed on foods that are nutrient dense per calorie. To ensure high quality nutritious meals, foods should be served with consideration toward variety, appeal, taste, safety, and packaging.
5. Meals served to students shall be attractively presented in a pleasant environment with sufficient time for eating.
6. Approved Beverages:
  - a. Milk and Milk Substitutes: Schools must offer students a variety (at least two options) of

fluid milk. Schools may offer flavored or unflavored fat-free milk and flavored or unflavored low-fat (1%) milk as part of the reimbursable meal for children in grades K – 12. If schools offer flavored milk, unflavored milk must also be available at each meal service. Preschool students must be offered only unflavored milk unless served with K – 12 students.

b. Juices: All juices offered must be 100% full-strength juice (undiluted); diluted or concentrated juice is not creditable. Preschoolers may be offered fruit and/or vegetable juice at one meal/snack per day. Juices will not be used as a fruit or vegetable replacement.

c. Water: Water offered will not contain added sugar, sweeteners, or artificial sweeteners, but may contain natural flavorings and/or carbonation.

### **6330.22 Nutrition Standards**

1. Nutrition. Academic performance and quality of life issues are affected by the choice and availability of good foods in our schools. Healthy foods support student physical growth, brain development, resistance to disease, mental and emotional well-being, and ability to learn, be alert and perform better in school.

a. Nutrition guidelines that require the use of products that are high in fiber and protein, low in added fats, sugar and sodium, and served in appropriate portion sizes consistent with USDA standards shall be established for all foods offered by the Central Berkshire Regional School District's Food Services Department.

b. A production system will be developed and implemented to reduce the use of processed foods and increase the use of basic fresh foods that emphasize fruits, vegetables, whole grains and dairy foods which are low in fat, added sugars and sodium.

c. To the extent permitted under the National School Lunch and School Breakfast Programs, students in all grades shall be allowed to decline a certain number of meal items they do not intend to consume.

d. Nutrition services policies and guidelines for reimbursable meals shall not be more restrictive than federal and state regulations require.

e. A la Carte offerings to students will meet or exceed the Massachusetts nutrition standards for competitive foods and beverages in public schools. A la carte items:

i. Shall not exceed 200 calories per item, with the exception of a la carte entrees, which must not exceed calories of main lunch entrée

ii. Limit fat to 35% or less of calories; saturated fat limited to 10% of calories, except 1-ounce nuts, nut butters, seed or low-fat cheese.

iii. No trans-fat

iv. Sugar limited to 35% or less of calories. Exception: non-fat or low-fat yogurt containing up to 30 Gm of sugar per 8 ounce serving, and fruit.

v. Sodium limited to 200 mg per food item, except a la carte entrees, which may contain up to 480 mg sodium per food item

vi. No caffeine except trace amounts

f. Nutritional information consisting of but not limited to calories and carbs will be provided for meals, individual food items, and beverages in all school cafeterias. This information will be accessible in close proximity to the foods and beverages.

g. During school hours home-prepared products will not be allowed to be sold, distributed or shared. CBRSD will strongly discourage students from sharing food or beverages from one another, given concerns about allergies and other restrictions on some children's diets.

h. All school sites will provide an environment where healthful eating behaviors are the norm and are modeled and reinforced.

i. The Central Berkshire Regional School District shall ensure that eating experiences and nutrition education are integrated into the core academic curriculum at all grade levels where appropriate. All cooking-based instruction will follow nutritional guidelines.

j. Qualifications of School Food Service Staff: Qualified nutrition professionals will administer the school meal programs. CBRSD will offer continuing professional development for all nutrition

professionals in the schools. Staff: development programs will include appropriate certification and/or training for school nutrition managers and cafeteria workers according to their levels of responsibility. School nutrition staff development programs are available through the USDA, School Nutrition Association, John Stalker Institute at Framingham State College and National Food Service Management Institute

k. CBRSD will continue to work toward providing students with at least 10 minutes to eat after sitting down for breakfast, and 20 minutes after sitting down for lunch, as recommended by the National Association of State Boards of Education.

l. The superintendent or designee will ensure practices are in place to foster mutual respect between service providers, school personnel and students

2. Fundraising. Students at the K-8 level will be encouraged to sell items other than candy, soda, cookies and sweets at school sponsored events or for fundraising activities. The sale of non-food items for fundraising is encouraged in the Central Berkshire Regional School District. District policies concerning student safety will apply at all times. (Ref. Policy 5750) Food item fundraising will not occur during the school day.

3. Teacher-to-Student Incentive. The use of food items as part of a student incentive program is prohibited.

4. Celebrations. The Central Berkshire Regional School District recognizes that class parties are a tradition in public education, but will limit celebrations that involve food during the school day to no more than one party per class per marking period. Each party should include no more than one food OR beverage that does not meet nutrition standards for foods and beverages. For the health and safety of all staff and students, all food and beverages brought from home for parties MUST be in sealed, store packaging with a clear list of ingredients and allergens. Homemade and unlabeled food is not allowed for classroom distribution.

### **6330.3 Physical Activity and Recess**

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

2. All CBRSD physical education includes the instruction of individual activities as well as competitive and non-competitive team sports to encourage life-long physical activity.

3. CBRSD provides an inclusive physical and social environment that encourages safe and enjoyable activity for students.

4. All CBRSD schools are encouraged to provide community access to and encourage students and community members to use the schools' physical activity facilities outside of the instructional school day. (Ref. Policy 7520)

5. CBRSD will continue to offer elementary athletics and intramural sports at the middle and high school levels, subject to budgetary appropriation.

6. Access to water will be provided during school sponsored activities.

7. Recess is a necessary break in the day of unstructured free-play for optimizing a child's social, emotional, physical, and cognitive development. All CBRSD elementary students will have at least 20-30 minutes a day of supervised recess, preferably outdoors, weather permitting, during which moderate to vigorous physical activity is encouraged. If the school or district must conduct indoor recess, teachers and staff will promote physical activity for students, to the extent practicable. Recess may be withdrawn only as a consequence of an individual student's behavior when that behavior jeopardizes the health and safety of the student or others, and only after all other means of addressing the behavioral issue have been exhausted. a. Recess may be waived on early dismissal or late arrival days.

### **6330.4 Other School Based Activities**

1. After-school programs will encourage physical, social/emotional well-being, and healthy habit formation.

2. Individual schools will periodically provide families information relating to nutrition and physical activities via the school's communications.

### **6330.5 Nutrition Education**

1. CBRSD will provide educational information and encourage healthy eating for families, both within the home and outside the home.

### **6330.6 Healthy and Safe Environment**

1. CBRSD school buildings and grounds, structures, buses and equipment shall meet all current health and safety standards, including environmental air quality, and be kept inviting, clean and safe. Schools and administrative buildings and grounds shall maintain an environment that is free of tobacco, alcohol and other drugs.

2. Safety procedures and appropriate training for students and staff shall support the well-being of all to include personal, physical, and emotional safety and a violence and harassment free environment

### **6330.7 Social and Emotional Well Being**

1. Students shall be provided with tiered social and emotional learning supports to assist them in building agency toward managing and advocating for personal safety and wellness.

### **6330.8 Health Services**

1. CBRSD will have a licensed School Nurse assigned to each individual school.

2. In addition to providing acute care, emergency care, medication management, nursing assessment, screenings, referrals to health insurance providers and preventative health education, the nurses provide individualized nutrition education

### **6330.9 Family, School and Community Partnerships**

1. The District will maintain relationships with community health and wellness groups to insure implementation of best practices.

### **6330.10 Staff Wellness**

1. The District shall provide information about wellness resources and services to support the health, wellness, and safety of all staff.

Adopted: July 27, 2006

Revised: October 12, 2006

Revised: August 23, 2012

Revised: May 8, 2014

Revised: November 12, 2023

Revised: September 28, 2023

### **6331: Face Coverings**

The Central Berkshire Regional School District is committed to providing a safe environment as schools reopen during the COVID-19 pandemic. According to public health experts, one of the best ways to stop the spread of coronavirus and to keep members of our school community safe is the use of face masks or face coverings. Therefore, in accordance with guidance from local boards of health, the following requirements are in place until further notice.

A face covering that covers the nose and mouth must be worn by all individuals in school buildings, on school grounds and on school transportation, even when social distancing is observed. Students should bring a spare mask to school each day.

To properly protect the wearer and others, a mask must:

Have two layers of fabric

- Cover both nose and mouth
- Fit snugly against the skin
- Be washed daily
- Be put on and removed using the ear loops, without touching the front of the mask
- Not have a one-way valve that allows unfiltered exhaled air

Individuals may be excused from the requirement for the following list of reasons, per CDC guidance:

The individual:

- Has trouble breathing
- Is unconscious
- Is incapacitated
- Cannot remove the mask or face covering without assistance.

In addition, masks or face coverings will not be required for anyone who has a medical, behavioral or other challenge making it unsafe to wear a face mask or face covering. A written note from a physician is required for a requested exemption. Parents may not excuse their child from the face mask requirement by signing a waiver.

Additionally, face masks or face coverings will not be required when appropriate social distancing is enforced:

- During mask breaks
- While eating or drinking
- While outside

Exceptions to this policy under certain circumstances, such as for students with medical, behavioral or other challenges who are unable to wear masks, must be approved by the building principal in consultation with the school nurse or local Board of Health. Face shields or physical barriers may provide an alternative in some instances.

A student's mask or face covering is to be provided by the student's family. Staff members are responsible for providing their own face coverings. However, the district will supply disposable face covering for individuals who arrive at a building, or board school transportation, without one.

If students are in violation of this policy, the building principal will consult with the parent/guardians to determine whether an exception is appropriate.

Visitors in violation of this policy will be denied entry to the school/district facility.

This policy will be subject to ongoing review.

This policy will remain in place until rescinded by the School Committee.

SOURCE: MASC – August 2020  
Adopted: September 24, 2020  
Revised: May 20, 2021, August 11, 2021  
Adopted: August 26, 2021

## **6340: Life Threatening Student Allergies**

The District recognizes the increasing prevalence of student allergies and the life-threatening nature of the allergies for many students. The administration shall develop and implement procedures to minimize the risk of exposure to allergens that pose a threat to students, to educate all members of the school community, and to plan for the individual needs of students with life-threatening allergies. Further, these procedures will aim to assist students in assuming more individual responsibility for their health and safety as they grow older, and to ensure full participation in school activities.\

The procedures will be reviewed annually and modified as appropriate and will include the following:

A **Education and training:** The District will provide annual education and training to all appropriate personnel on management of student allergies. The training will address prevention efforts, information about common allergens, and recognition of signs of an allergic reaction, emergency response plan, and epi-pen administration where appropriate.

B **Individualized planning and accommodations:** An Individual Health Care Plan (IHCP) or Emergency Health Care Plan that addresses the management of anaphylaxis will be developed for each student with a medically diagnosed life-threatening allergy. These plans are maintained by the nursing staff.

C **Classroom management procedures:** Reasonable and appropriate accommodations will be made in the classroom to minimize allergen exposure. The use of food for celebrations and rewards will be minimized and bake sales will not be permitted at elementary and middle schools during the day

D **Kitchen and cafeteria procedures:** The food service staff must make reasonable efforts to ensure that all food items offered to a student with life-threatening allergies are free of foods suspected of causing the allergic reaction.

E **Transportation procedures:** School buses and vans must have a working means of two-way communication and a plan to check the communication system periodically. Bus and van drivers must have an emergency response plan. The eating and sharing of food will be prohibited on transportation routes unless medically indicated for a student.

F **Field trip procedures:** Planning for field trips will include plans to implement a student's IHCP, and identification of the communication system (cell phone, walkie-talkie etc). In the absence of a parent or school nurse, a trained staff member designated by the school nurse will attend field trips which include a student with a life-threatening allergy

G **Emergency response procedures:** All staff members supervising students with life-threatening allergies must have a means of communication to call for assistance. The school nurse or another school staff member trained to administer epinephrine in accordance with 105 CMR 210 must be available in each school facility during the school day.

H **Procedures for handling epinephrine:** Each school must maintain a current supply of epinephrine by auto-injector (epi-pens) and must comply with all Department of Public Health regulations for administration, storage, and record-keeping concerning epinephrine. The school nurse chairperson shall register with the Department of Public Health and shall train other school personnel to administer epinephrine in accordance with 105 CMR 210. All staff members will be informed of the location of the epi-pens.

References:

Massachusetts Department of Education, Managing Life-Threatening Food Allergies in Schools, Fall 2002; Section 504 Rehabilitation Act of 1973; IDEA; ADA – Title II; USDA Federal Regulations 7 CFR 210.10

Adopted: March 22, 2007

**6350: Safety-Of Walkers And Cyclists**

- 6350.1 Parents are responsible for the safety of their child on the way to and from school.
- 6350.2 The school district will cooperate with any established service or automobile club with a well conceived program for pedestrian and/or bicycle safety for students.
- 6350.3 Under provisions of the law, a school safety program may be organized to encourage pupils to cross highways at designated crossings when conditions are safe, to assist drivers of school buses to maintain safety rules, and to protect pupils who are boarding and leaving school buses.

Adopted: November 20, 1974  
Revised: December 9, 2004

## **6370: Assistance And Consultation Team (Act)**

Background: The need to develop a formalized plan for student support and crisis intervention in the schools is well established. An Assistance and Consultation Team (ACT) needs to be organized at each building, drawing upon the staff and resources of the district, in order to respond to crises, to provide student support in various circumstances and to plan procedures to meet various emergencies and problems. Careful thought and analysis needs to be given to the legal issues, training issues, and a process for appropriate intervention as well as procuring resources and support.

### 6370.1 Organization

Each school will provide an ACT under the leadership of the principal and consisting of the principal, nurse, guidance counselor and/or others as appropriate, such as the adjustment counselor, psychologist, teachers, and outside agencies. The nature of the crisis will determine team composition.

### 6370.2 Operations and/or Duties

ACT will respond to student crisis issues. In general the ACT will be a student support and resource team organized to:

1. Respond to crises.
2. Provide postvention following a suicide.
3. Address safe environment and violence issues including weather related emergencies, accidents, threats, bizarre and unusual occurrences and various emergencies.
4. Provide conflict resolution and training.
5. Respond to death.
6. Prepare and plan for emergencies and crises.

6370.3 ACT, under leadership of the principal, will be responsible for developing plans for the operations and duties.

6370.4 ACT, under the leadership of the principal, will be responsible for implementing school policies in all crises, emergencies and student support areas.

6370.5 ACT, under the leadership of the principal, will be responsible for planning and implementing appropriate training for the team and staff.

Adopted: September 16, 1993  
Revised: February 12, 2004

## **6420: Rights Of Parents**

- 6420.1 Parents have a right to the best educational process possible for their children under existing conditions of facilities and finance.
- 6420.2 Parents have the following rights concerning records kept on file by the school:
- 6421.21 Parents and students are guaranteed the right to inspect, as well as seek addition or deletion to, all records which are kept or required to be kept by the schools or the school department concerning individual students. These records include the student's transcript and any other recorded information which is identified by the student's name.
  - 6420.22 Except for certain limited and defined individuals, for example, certain court officers, health officials and authorized school personnel, no individual or agency, may have access to school records concerning a student without ". . . the specific, informed written consent" of the student and/or his parent. This means that if parents or students wish transcripts or records forwarded to schools, colleges or prospective employers, they must sign a written request and deliver it to the principal of the school or the appropriate custodian of the school records.
  - 6420.23 In the case of students who are under fourteen and who have not entered ninth grade, rights concerning records devolve to parents. In cases where the student has reached the age of fourteen or has entered ninth grade, the rights shall be the student's.
  - 6420.24 If a student is from fourteen through seventeen-years of age or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights. If a student is eighteen years of age or older, he/she alone shall exercise these rights.
  - 6420.25 The temporary record of any student enrolled on or after the effective date of these regulations shall be destroyed five years after the student transfers, graduates, or withdraws from the school system.
- 6420.3 Parents have a right to substantial influence over the educational program for their child keeping in mind the overall effect upon all students.
- 6420.4 Parents have a right to personal contact with any and all school personnel regarding the education of their child. Such contact shall be arranged by appointment at the earliest possible appropriate time.
- 6420.5 Parents have a right to provide opinions, suggestions and criticisms of existing and/or proposed curriculum program which may influence their child's education. The administration must provide appropriate channels for receipt and discussion of such comments.
- 6420.6 Parents have the right to expect their children to be treated by school staff in the same manner they would be by a concerned and temperate parent.
- 6420.7 Parents have the right to periodic notification of serious or continued problems of an academic or behavioral nature which may be affecting the school performance of their child.

Revised: August 13, 1980

Approved:

## **6421: Rights Of Non-Custodial Parents**

A non-custodial parent shall have the same rights as custodial parents in the following areas, except to the extent specifically limited by order of the court:

### Access to child's records

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Department of Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

- (a) A non-custodial parent is eligible to obtain access to the student record unless:
  - 1. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
  - 2. The parent has been denied visitation or has been ordered to supervised visitation, or
  - 3. The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
  - (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).
- (e) The school must delete the electronic and postal address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

Right to observe child in school, in accordance with the school's visiting policy;

Right to confer with child's teachers in accordance with the school's parent/teacher conference policy.

Custodial parents who wish to limit the above rights must provide the school with a copy of the relevant court order.

The school shall permit the following to the non-custodial parent:

- (a) the opportunity to meet privately with his/her child at school and
- (b) the opportunity to take his/her child from school

unless the school has received instructions to the contrary by way of a court order or written instructions from the custodial parent, provided always, that the school may act in accordance with telephone or other oral

instruction received from the custodial parent or other person listed on school records as a person to contact in the event of emergency.

Prior to written notice of an order awarding legal custody by the court, the schools will assume that both parents have the same rights with respect to all child, parent and school-related matters.

Proposed: January 25, 1982  
Adopted: October 9, 1986  
Revised: August 24, 2006

## **6422: Visitors And Volunteers**

Specific visitor and volunteer check in and screening procedures will be developed by the Superintendent or his/her designee. These procedures will be enforced by the school principals.

### **Visitors**

Guidelines on visitors requesting to see a student.

1. Permission shall be obtained from an administrator before visitation.
2. Any visitor except those on official school business shall not be allowed to see a student without the permission of the custodial parent except for a non-custodial parent or an emergency contact person as provided in Policy #6421.
3. All visitors shall be required to sign in and out and show identification at the Principal's Office. The time and reason shall be indicated.

### **Volunteers**

Volunteers shall be required to sign in and out each day at the school office. The time in and out will be indicated. A special badge will be given to a volunteer.

4. All volunteers will be screened in accordance with Policy 2100, Background Checks and Policy 2150 SORI Requirements. Only Background and SORI cleared volunteers may have direct and unmonitored contact with children.
5. Every person who wishes to volunteer must review and sign the "Volunteer Agreement" for the particular school in which he/she wishes to volunteer.
6. Volunteers shall recognize that their attendance is important and attempt to give at least 24 hours notice if they are unable to fulfill their commitment.
7. Volunteers shall recognize that the use of physical contact to reprimand a student is not allowed.
8. Volunteers must agree to keep absolutely confidential all matters concerning students and staff. Under no circumstances shall any identifying information or personal matters concerning children or staff be mentioned, speculated about or discussed with anyone except the appropriate staff member. Any concerns or questions are to be addressed to the principal.
9. Volunteers must have an understanding of the rules of the particular school or schools in which they volunteer. The "Volunteer Agreement" for each school must clearly state where copies of school rules are available for review.
10. Volunteers are to be aware of their responsibilities in the event of a fire drill or actual emergency and shall immediately report strangers to the principal.
11. Volunteer status is subject to approval and may be revoked by the Principal with or without cause in writing addressed to the volunteer.
12. Volunteers shall complete and submit an emergency card to be kept on file with the school nurse.

Adopted: February 13, 1992  
Revised: June 24, 1993  
Revised: February 17, 2005  
Revised: January 11, 2007  
Revised: August 28, 2014

## **6430: Public Notice - Directory And Yearbook Information**

6430.1 The following public notice shall be published in the legal section of the school paper, school handbook, local newspaper or displayed on each school's bulletin board by September 1 of each year:

6430.11 NOTICE IS HEREBY GIVEN:

That Central Berkshire Regional School District, pursuant to the Family Educational Rights and Privacy Act (FERPA) declares the following as "directory information" and that this information relating to students may be made public if said information is within any of the following categories:

- A. Student's name, address, telephone listing.
- B. Date and place of birth.
- C. Major field of study.
- D. Participation in officially recognized activities and sports.
- E. Weight and height of members of athletic teams.
- F. Dates of attendance.
- G. Degrees and awards received.

This information may be released to schools and organizations such as:

- A. Regional vocational schools
- B. County agricultural schools
- C. Post-secondary schools, colleges and universities
- D. Recruiters for the Armed Forces
- E. School alumni organizations

Any parent of any student in the district may notify the principal of the school in which said student attends that none of the above information may be released without the parent's consent, provided that such notification is given within thirty (30) days of this publication notice.

6430.2 Each year the high school must inform parents and eligible students that they have the right to request that directory information not be provided to recruiters of the armed forces. There will be a form available for students or parents to submit.

Adopted: November 18, 1976  
Revised: February 17, 2005

**6450: Soliciting From Students**

- 6450.1 Direct solicitation from students by national, state, or local charitable organizations is denied.
- 6450.2 Solicitation from students in the interests of their schoolmates or for other causes shall be limited to that approved by the principal.
- 6450.3 Student gifts to classroom teachers and other school personnel will be discouraged.

Adopted: November 10, 1971  
Revised: October 31, 1996  
Reviewed: November 30, 2004  
Revised: February 17, 2005

## **6460: Contests and Performances**

- 6460.1 The secondary schools may participate in a regional, state, or national contest or activity providing it is on the current approved list of either the Massachusetts Association of Secondary School Principals or the National Association of Secondary School Principals. If the contest or activity is sponsored locally, the decision to participate will be made by the principal with the superintendent being informed of the decision before the activity or contest occurs. The decision to participate in an approved regional, state, or national contest or activity or a selected local contest or activity should be based on the following:
- 6460.11 Participation will be supportive of the objectives of the school and will provide a positive experience for the students.
- 6460.12 The contest or activity should not overly interfere with the student's regular school program.
- 6460.13 The contest or activity should not place undue burdens on students or teachers.
- 6460.14 This policy is not meant to apply to athletic contest which is organized by a recognized school league.
- 6460.2 Public performances by students, individually or in groups under the auspices of the school, shall be under the control of the principal of the school and consistent with the rules approved by the superintendent. These performances shall include participation in parades and civic events, as well as student and school-initiated activities such as plays and concerts.

Adopted: November 20, 1974  
Revised: January 27, 2005 (minor changes)

## **6470: Gifts To Staff Members**

- 6470.1 Students and their parents shall be discouraged from the routine presentation of gifts to school employees on occasions such as Christmas. Where a group of students feels a spontaneous desire to present a gift to a staff member, the gift shall be presented as a class gift and not be elaborate or unduly expensive. The school committee shall consider as always welcome, and in most circumstances more appropriate, the writing of letters to staff members expressing gratitude or appreciation.
- 6470.2 The provisions herein shall not be interpreted as intended to discourage acts of generosity in unusual situations.

Adopted: October 27, 1971

Revised: January 27, 2005 (reference to individual student replaced with reference to group)

## **6500: Regulations For Conduct Of Students**

(As required by General Laws, Chapter 71, Section 37-H)

1. The school committee employs a superintendent to have "the care and supervision of the public schools". The superintendent, in the day-to-day operation of the school, delegates "the care and supervision" of the schools to the principals, teachers, and other staff. It is the responsibility of the principals, teachers, and other staff to publicize and enforce these regulations as well as to take the appropriate steps to formulate more detailed rules as necessary to support these regulations.
2. School committee regulations (and supporting rules) for the conduct of students as outlined in student handbooks are applicable when the students are under the jurisdiction of the school as defined in Policy 6510.
3. The following specific regulations are established by the school committee with reference to student conduct.
  - 3.1 attend school regularly in accordance with guidelines set out by the Massachusetts Board of Education and the school committee.
  - 3.2 account for absence (and tardiness) in the manner prescribed by each school.
  - 3.3 behave in a non-disruptive manner with due regard to the rights and privileges of others.
  - 3.4 be subject to applicable provisions of state law and local ordinances.
  - 3.5 know and follow the specific safety rules and procedures of the school.
  - 3.6 know and follow the specific rules and procedures related to fire and other emergency drills.
  - 3.7 refrain from smoking and possessing, using, buying, or selling alcohol or illegal drugs.
  - 3.8 A student may not be barred from participating in any school program, including athletic teams, musical groups or other clubs sponsored by the school because of hair or clothing style as long as the style does not endanger his/her health or safety or the health and safety of other students, or create a disruption of the educational process.
  - 3.9 All students shall refrain from hazing as defined in Chapter 536 of the Acts of 1985. Students violating Chapter 536 may be disciplined pursuant to School Committee Regulations (and supporting rules) for the Conduct of Students. A copy of Chapter 536 of the Acts of 1985 shall be reproduced in the Student Handbook. A copy shall be given to each secondary school student and employee involved with the supervision of such students. Written acknowledgement of the receipt of the student handbook shall be obtained from each person receiving the same.
4. The principal of each school will make copies of this policy available in the school's regular student, teacher, and parent notices handbooks. Copies of these regulations will be made available from the principal of each building to any person on request and without cost.
5. Written acknowledgement of the receipt of the student handbook shall be obtained from each person receiving the same.
6. These regulations, along with a certification indicating their availability as provided in paragraph 4, have been filed with the commissioner of education.

General Laws, Ch. 71, Sec. 59 General Laws, Ch. 71, Sec. 37H

Adopted: November 20, 1974  
Revised: January 22, 1976  
Revised: August 28, 1986 Corrected: April 9, 1987  
Revised: February 17, 2005

## **6505: Secure School Environment**

The first responsibility of a school system is to ensure students and their parents of an orderly safe environment in which effective teaching and learning can take place. Toward this end, the following procedures are effective immediately.

### 6505.1 Electronic Devices

Students may possess and use cell phones and electronic devices during non-academic times, provided they do not prevent the students from arriving on time to their classes and provided they are using the devices in a safe and respectful manner. They may also be used during class time when directed so by the instructor. In phone cameras are not to be used anywhere a normal camera would be considered inappropriate, such as in locker or restrooms. Devices are also not to be used during emergency situations or drills.

School Administration and teachers reserve the right to inform the students to refrain from using their devices. If the student continues to misuse the device, it will be confiscated and/or will lose the right to use such device. Administration also reserves the right to restrict the use of electronic devices, if they are found to disrupt the education environment.

### 6505.2 Organized Youth Groups

Principals shall deal firmly and decisively with incidents reflecting threats to students within the schools, or at school functions as well as en route between home and school that can be attributed to youth groups. If such incidents are attributable to concerted activities by youth groups however organized, they shall be considered most serious violations to our discipline policy subject to the maximum suspension permissible at the building level (9 days) and a recommendation for extension of suspension to the central administration. Law enforcement authorities are to be notified.

### 6505.3 Weapons in School

Possession of a weapon in school, en route to and from school, or at school functions is prohibited. A student found to be in possession of a weapon while under school jurisdiction is subject to disciplinary as well as legal action.

Use of any instrument as a weapon whether or not designed as such is also prohibited.

Weapons shall include but not be limited to guns, knives, switchblades, and explosive devices.

Any student in possession of a weapon will be reported to the principal who, in turn, will notify law enforcement officials. The weapon will be confiscated, parents notified, and appropriate disciplinary action taken.

A pupil using a weapon in a fight or altercation will be subject to extended suspension or expulsion proceedings as well as possible legal action.

A pupil whose use of a weapon has caused injury to another person, intended or unintended, will be subject to legal as well as disciplinary action.

A pupil duly found to be responsible in whole or in part for the presence of a loaded firearm at a Central Berkshire Regional School District school, on school property, or at a Central Berkshire

Regional School District function, shall be subject to long-term suspension or expulsion.

A principal may upon good cause shown, grant written permission to students for actions otherwise at variance with the "Weapons in School" portion of this policy.

Adopted: June 24, 1993  
Revised: February 17, 2005  
Revised: September 8, 2011  
Revised: November 12, 2015

## **6510: Jurisdiction Of The School**

- 6510.1 Students of Central Berkshire Regional School District are considered under the Jurisdiction of the school:
- 6510.11 while on school grounds or within the school.
  - 6510.12 while traveling to and from school for a reasonable amount of time as determined by the administration.
  - 6510.13 while at any school-sponsored activity.
  - 6510.14 while subject to the athletic training code to the extent provided therein.

Adopted: November 20, 1974  
Revised: January 22, 1976  
Revised: March 29, 1982  
Revised: July 31, 1986

## **6515: Student To Student Harassment**

Harassment of students by other students will not be tolerated in the Central Berkshire Regional School District. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school activities.

Harassment prohibited by the Central Berkshire Regional School District includes, but is not limited to, harassment on the basis of race, sex, color, religion, national origin, age, sexual orientation, disability or homelessness/unaccompanied status. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;

Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;

Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Verbal, physical or written harassment or abuse
- Repeated remarks of a demeaning nature
- Implied or explicit threats concerning one's grades, achievements, or other school matter
- Demeaning jokes, stories, or activities directed at the student

The District will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

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

Adopted: April 10, 2008

## **6520: Responsibilities Of Students**

- 6520.1 Students must treat teachers, staff and other students with respect, regardless of sex, race, color, creed, ethnic background, socioeconomic status, or minority group membership.
- 6520.2 Students must refrain from impairing the educational process or depriving students, teachers, or staff of their rights.
- 6520.3 Students must respect the personal property of other students, teachers and staff.
- 6520.4 Students must refrain from acts endangering students, teachers, and staff or impairing the condition or maintenance of school buildings or grounds.
- 6520.5 Students must recognize the authority of the teacher and staff member anywhere in the school buildings or grounds.
- 6520.6 Students must refrain from rude language or conduct.
- 6520.7 Students must adhere to school rules and attempt to institute change through legally acceptable channels.
- 6520.8 Students must apply their best efforts in studying and learning in each subject and class.
- 6520.9 Students must keep their parents and/or guardians informed of all important school matters and events.
- 6520.10 Students must respect the rights of all other students, teachers, administrators, counselors, nurses, aides, custodians, secretaries, cafeteria employees, bus drivers, and invited guests.
- 6520.11 Students must respect the individual right of each human being to differ and be different from themselves.

Adopted: November 20, 1974  
Revised: January 22, 1976  
Revised: February 17, 2005

### **6530: Responsibilities Of Parents**

- 6530.1 Parents have the responsibility of communicating to the school at the earliest possible date any in-school or out of school incidents or conditions which may inhibit their child's education, health or physical well being as it pertains to school.
- 6530.2 Parents have the responsibility of cooperating with the school and state laws concerning the attendance of their children.
- 6530.3 Parents have the responsibility to encourage their child to pursue study at home and they should provide a time and place for such quiet study.
- 6530.4 Parents have the responsibility of encouraging their child to pursue proper courses of action in attempting to correct problems which arise in school. When in doubt as to correct action the parent or student should contact the high school principal.

Adopted: November 20, 1974  
Revised: February 17, 2005

## **6540: Student Organization**

- 6540.1 Any group of students may form a student organization and seek acceptance of the organization as a school sponsored organization.
- 6540.11 Any group of students seeking to form a school sponsored organization must submit to the principal a request for recognition of such organization.
  - 6540.12 The principal upon receipt of such request will make a decision on the efficacy of the club and shall assist the students in obtaining a faculty advisor for the organization.
  - 6540.13 Upon identification of a faculty advisor the principal shall grant temporary recognition of the organization for the sole purpose of drafting a constitution.
- 6540.2 The faculty advisor shall supervise the organization in the development of its constitution.
- 6540.21 Any constitution developed must include as minimal requirements: a statement of purpose, a statement of powers or functions of the organization, eligibility standards for membership and means of election of officers.
  - 6540.22 Any constitution drafted which contains standards of membership or election discriminatory on the basis of race, sex, age or national origin is to be rejected as unacceptable.
  - 6540.23 Any constitution drafted which would delegate to the organization any rights, powers or responsibilities legally reserved to the School Committee or its delegate agents is to be rejected as unacceptable.
- 6540.3 The principal shall, upon receipt of an acceptable constitution recognize in writing the organization as a certified school sponsored organization.
- 6540.31 The principal shall assist the organization in membership drives and constitutionally stipulated election procedures.
  - 6540.32 The principal shall maintain a list of student organizations.
- 6540.4 The principal shall retain the right to curtail the activities of any student organization for good causes which may include but not be limited to:
- 6540.41 Failure to abide by stipulated constitutional provisions of the organization.
  - 6540.42 Discriminatory practices.
  - 6540.43 Electoral or membership practices which are undemocratic or exclusory.
  - 6540.44 Financial mismanagement of organizational funds or fundraising activities.
  - 6540.45 Lack of suitable faculty advisor.
- 6540.5 The principal shall retain the right to control the activities of any student organization consistent with that organization's relation to other school activities.
- 6540.51 All meetings of school sponsored organizations shall be scheduled in advance with the principal.
  - 6540.52 All fundraising activities of school sponsored and certified organizations must be approved by the principal in advance of such activities.
- 6540.6 Student organizations may appeal decisions of the principal relative to this policy to the Superintendent of Schools following appropriate notification of such intent to the principal in accordance with Policy #5755, Appeals of Student Government Organizations.

Adopted: April 29, 1976

Revised: March 30, 1982  
Revised: February 17, 2005

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The Central Berkshire Regional School District does not discriminate on the basis of race, religion, color, age, gender, national origin, disability, homelessness, sexual orientation, gender identity or veteran status. Equal Opportunity Employer.

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## **6560: Conduct On School Bus**

### **Specific Rules Governing Student Bus Conduct**

- 6560.1 Students who display any of the following types of behavioral patterns may, at the discretion of the Administration, have their bus riding privileges suspended and/or be suspended from school.
1. Damaging the bus
  2. Damaging other students' property
  3. Fighting
  4. Abusive language to driver or other students
  5. Rude, discourteous, or annoying behavior to driver or other students
  6. Smoking
  7. Violation of safety procedures
  8. Excessive mischief
  9. Littering the bus
  10. Possession, consumption, or sale of drugs or alcohol
  11. Distracting the driver by any means
  12. Misbehavior at bus stop
  13. Throwing of any article either in the bus, or throwing any article out of the bus.
- 6560.2 The bus company should provide each driver with a notice regulating student conduct on the bus and reasons for removal or loss of bus privileges. This notice must be posted in each bus as stated in Policy 6560.5.
- 6560.3 Bus operators must notify the building principal or administrator in charge of discipline when an infraction of the rules occurs. This notification must be written on the official "Bus Conduct Report" as prepared by the Central Office.
- 6560.4 When misconduct on a school bus becomes serious enough to warrant loss of bus privileges as listed below, the school principal shall notify the parent (by letter) of the suspension of bus privileges, the number of days, not to exceed ten, the time the suspension is to start, and the reason/s for the action.
- 6560.5 Suspension shall go into effect at the beginning of the next school day so that the student shall not be subjected to the hazards of walking home.
- 6560.6 Permanent or long-time withdrawal of bus privileges may be made only by the school committee after the parent and student have had an opportunity for a hearing.

### **Violation of Rules - Progressive Penalties**

- 6560.7 Suspension of bus riding privileges does not relieve the responsibility of the student to attend school. It is the responsibility of the parent to arrange transportation for their child to and from school during periods of suspension from bus riding privileges.
- 6560.8 FIRST OFFENSE may result in a warning which will be sent via certified letter to parents. If, however, the first offense is serious enough, it may result in suspension of bus privileges, as deemed necessary by the administrator in charge. This suspension will normally be for three days. However, based on the Administrator's judgment of the severity of the offense, this suspension may be for up to ten days.
- 6560.9 SECOND OFFENSE may result in suspension of bus privileges as deemed necessary by the administrator in charge. This suspension will normally be for seven days. However, based on the Administrator's judgment of the severity of the offense, this suspension may be for up to ten days.
- 6560.10 THIRD AND SUBSEQUENT OFFENSES may result in suspension of bus privileges as deemed necessary by the administrator in charge. This suspension may not exceed ten days.
- 6560.11 FOURTH AND SUBSEQUENT OFFENSE may result in student's name being submitted to the school committee for the purpose of seeking long term or permanent suspension of bus riding

privileges as outlined in Policy 6560.4. However, based on the Administrator's judgment of the severity of the offense, the Administration may bring a student's name to the school committee for long term suspension on any given offense.

6560.12 Parents are responsible for restitution as defined by statute for damages to the school bus, or other properties as a result of their children's actions.

### **School Administrator Responsibilities**

6560.13 The school administrator should review the incident as written on the report with the student or students involved.

6560.14 All students will be informed of the specific policies or regulations that have been violated. Each student will be given the opportunity to present his or her side of the issue before disciplinary proceeding can take place.

6560.15 If the discrepancies are evident it will be the administrator's responsibility to complete his section on the "Bus Conduct Report" form.

6560.16 The administrator will then make three copies of the completed "Bus Conduct Report". One will be retained at the school, one will be sent home; the third will be mailed to the bus company involved.

Adopted: November 24, 1974

Revised: April 10, 1975

Revised: December 16, 1976

Revised: April 13, 1978

Revised: August 14, 1980

Revised: March 30, 1982

Revised: February 17, 2005

## **6630: Suspension And Exclusion**<sup>1</sup>

Suspension is defined as the act of the chief administrator of a school in removing a student from school for a period not to exceed ten (10) consecutive school days. Exclusion is defined as an act of the school committee in removing a student from school permanently or for any period of time exceeding ten (10) consecutive school days.

- 6630.1 A principal or the superintendent of schools may suspend a student for a period not to exceed ten (10) consecutive school days for disobedience, misbehavior, misconduct or violation of any law or school policy.
- 6630.11 Prior to suspension, a student shall be informed either orally or in writing of the charge (s) against him or her, and the basis for such charge (s) and be given an opportunity to present his or her version of the incident (s) giving rise to the charge (s) in an informal hearing before a principal or vice principal.
- 6630.12 A student may be suspended prior to notice and hearing if he or she poses a continuing danger to person (s) or property or is an ongoing threat to disrupt the academic process. In such cases, notice of the informal hearing is to be given within twenty-four (24) hours of the decision to suspend and the informal hearing must be held within seventy-two (72) hours of removal.
- 6630.13 In an informal hearing, the principal or vice principal is not required to give the student opportunity to secure counsel, to confront or cross examine witnesses, or to call his or her own witnesses.
- 6630.14 Suspension may be used as a preliminary step to exclusion from school.
- 6630.15 Whenever practicable, the student's parent or guardian will be orally informed of the suspension prior to the student's departure from school. Within twenty-four (24) hours after the suspension, the student's parent or guardian will be informed in writing of the reason for and the length of the suspension.
- 6630.16 Suspension of a special needs student must be in accordance with applicable Department of Education rules and regulations.
- 6630.2 The school committee may exclude a student from school permanently or for any period of time exceeding ten (10) consecutive school days for very serious disobedience, misbehavior, misconduct or violation of any law or school policy.
- 6630.21 Prior to a vote on exclusion, the student and his or her parent shall be informed in writing of the charge (s) against him or her and the basis for such charge (s) and be advised of a right to a hearing before the school committee.
- 6630.22 On the request of the student or a parent or guardian, the school committee will hold a hearing on the charges (s) prior to a vote on exclusion. Such hearing may, at the option of the committee, be held in executive session.<sup>(2)</sup>
- 6630.23 At the hearing, the student may be represented by counsel, cross-examine witnesses, call his or her own witnesses and present evidence and argument to the school committee.
- 6630.24 The vote to exclude a student from school must be by majority of the members present and must be taken with the presence of a quorum of committee members.
- 6630.23 Expulsion of a special needs student must be in accordance with applicable Department of Education rules and regulations.
- 6630.3 The Director of Special Education shall be notified of a suspend able offense committed by a special needs student.
- 6630.4 The Director of Special Education shall maintain records of the number of suspensions and exclusions of special needs students.

(1) Goss v. Lopez, 43, U.S.L.W. 418 (1975) (Decision by U.S. Supreme Court)

(2) General Laws, Ch. 39, Sec. 23A

Adopted: October 9, 1973

Revised: March 30, 1982  
Revised: October 9, 1986

## **6730: Drug/Alcohol Assistance, Prevention, & Disciplinary Procedures**

- 6730.1 The Central Berkshire Regional School District is committed to provide an environment for students to reach their maximum potential. To this end, it is necessary for each school and each student to remain alcohol and drug free.
- 6730.2 The use or possession of drugs, alcohol or look-alike-drugs by any student on school property, in schools, or at school functions is prohibited. Students shall be barred from any school sponsored event if they have been using alcohol, drugs, or look-alike-drugs prior to their attendance at or participation in said school sponsored activity.
- 6730.3 Along with the above strong prohibition, the school committee recognizes that use of alcohol and drugs is a concern affecting the mental, emotional, and physical health of students. Therefore, it is the committee's belief that educational programs should be planned, designed and evaluated in order to afford students opportunities in making positive choices regarding their health.
- 6730.4 The school committee also recognizes that alcohol and drug abuse are part of a broader scope of problems involving the individual and society. These problems include a breakdown in confidence and communication between young people and adults. The committee has a responsibility to strengthen, promote and protect trust between people.
- 6730.5 Along with the educational programming for students, staff will be informed of district policies, procedures and protocols for prevention, intervention and follow-up in preventing and responding to substance use and abuse. Specific training will be provided to staff members responsible for screenings for substance use.
- 6730.6 Parents and Guardians will be notified of the policy through provision of school handbooks and posting of the policy on the district website.
- 6730.7 Should there be breaches of conduct concerning alcohol and drugs, the school committee supports the administration, principals and superintendent, in effecting the following procedures for disciplinary action to insure a positive and productive learning environment in its schools.

### **Procedures for Screening for Risk for Substance Use Related Problems:**

- a. The district will use a verbal screening tool to screen students annually at two different grade levels for substance use related problems.
- b. Qualified staff will be identified and trained to do the screening.
- c. Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or where a disclosure is otherwise required by state law.
- d. The District will maintain a resource list for the network of services available through agencies in the area.
- e. Parents will be notified in advance of the screenings and of the right to opt out.
- f. Students in treatment or absent as part of their recovery will be supported in reintegrating to school.

### **Procedures for Disciplinary Action:**

#### **Definition of Terms:**

**Alcoholic Beverage.** Alcohol spirits, liquor, wine, beer, and every liquid or solid containing alcohol spirits, wine, or beer in which contains half of 1% or more of alcohol by volume which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**Controlled Substance.** A controlled substance includes any substance defined in this section or identified as such under the law.

**Drug.** As defined in Chapter 94, Section C of the Massachusetts General Laws, stimulants, amphetamines, depressants, tranquilizers, narcotics, relaxants, and hallucinogens or any other

controlled substance regulated by the FDA and not administered as a properly prescribed medication. Electronic Cigarettes. Handheld electronic device that creates an aerosol by heating a liquid. Use of E-Cigarettes is sometimes called vaping. Please refer to Policy 6760, which further defines smoking products not permitted on school grounds.

Look-Alike-Drug. A substance or combination of substances, liquid or solid, which simulate, appear like, or are intended to be drugs.

(Examples are dry spices in cigarette wrappers and over the counter prescription drugs passed off as controlled substances.)

Use. The ingestion, inhalation, or injection of an alcoholic beverage, drug, or look-alike-drug.

Possession. Having an alcoholic beverage, drug, or look-alike-drug or drug paraphernalia (a) on one's person, or (b) among one's personal possessions such as a locker, motor vehicle, book bag or purse, or (c) within the, reasonable immediate vicinity of one's person.

Parent. Father, mother, or guardian.

As principals and the superintendent choose courses of disciplinary action, they will distinguish between and among alcohol, look-alike-drugs, and drugs which are controlled substances.

As principals and the superintendent choose courses of disciplinary action, they will distinguish between and among alcohol, look-alike-drugs, and drugs which are controlled substances.

### **Controlled Substances**

- A. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance is subject to expulsion suspension or exclusion from the school.
- B. Any student who is charged with a violation of section 6730.6 above, shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.
- C. The principal may remove a student who has committed a disciplinary offense under M.G.L c. 71 Section 37H or 37H ½ for more than 90 days in a school year. The school district will maintain a School Wide Education Service plan that includes a list of services available to any student suspended or excluded from school for more than 10 days.
- D. Any student who has been issued a long-term suspension from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The student shall have ten days from the date of being issued the suspension in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The hearing will be conducted in accordance with M.G.L c.71 Section 37 H ¾. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.
- E. If a student is suspended from school, the student will be referred to a community-based substance abuse prevention or treatment agency or a school-based program.

### **Alcohol, Drugs and Look-Alike-Drugs**

- A. If a student is suspected of being under the influence of an alcoholic beverage or in possession of or under the influence of a look-alike-drug:
  - 1. The principal and superintendent shall be immediately notified.
  - 2. The student shall be immediately examined by a school nurse if available. In addition, if deemed appropriate by the administrator, any one or more of the following may be undertaken.
    - a. The student will be sent to a physician for examination.
    - b. The school will notify the student's parents.
    - c. The administration will assist the student in arranging for a community-based substance abuse educator or counseling service.
    - d. The administration will notify the local police.

- B. If a student is found to be using or in possession of an alcoholic beverage, drug or a look-alike-drug:
1. First Offense -- The student will be suspended from school, generally for a period of up to three days. In addition:
    - a. The parent will be notified of the offense.
    - b. The local police department will be notified of the offense. Any contraband will be turned over to the police.
    - c. The principal will refer the student to a community-based substance abuse educator or treatment agency and the school guidance department.
    - d. A follow up plan will be recommended for the individual student by the substance abuse educator and/or the school based mental health provider.
  2. Second Offense -- The student will be suspended from school, generally for a period of not less than three days. In addition:
    - a. The parent will be notified that the student has committed a second offense.
    - b. The local police department will be notified of the offense. Any contraband will be turned over to the police department.
    - c. The principal will refer the student to a community-based substance abuse educator or treatment and the school guidance department. A plan will be revisited for the student.
  3. Third and subsequent offenses -- The student will be suspended from school and expelled long-term suspension may be considered. In addition, the course of action outlined for a second offense may be invoked.
- C. A student who is found *distributing or selling* alcohol or a look-alike-drug or in *possession of a quantity* of alcohol or a look-alike-drug:
1. First and subsequent offenses -- The student shall be suspended from school for a period of up to ten days.  
In addition:
    - a. The parent will be notified.
    - b. The local police department will be notified of the offense. Any contraband will be turned over to the police department.
    - c. The principal will refer the student to a community-based substance abuse educator of treatment agency the school guidance department.

Adopted: June 27, 1985  
(Replaced previous policy #6730 -- "Drug Education and Drug Abuse.")

Revised: June 26, 1986

Revised: August 18, 1994  
(Written to conform with the Education Reform Act, Chapter 7, Section 37H of the Massachusetts General Laws. Also replaced policies numbered #6730 and #6710.)

Revised: July 27, 2017 (Written to conform with Chapter 52 of the Acts of 2016.)

**6740: Pregnant Students**

The right to education is not to be denied to a pregnant student.

6740.1 A pregnant student is expected to remain in school.

6740.2 Should a physician deem it inadvisable for a pregnant student to attend school for an extended period of time, all services granted to home bound students shall be made available.

6740.3 After the birth of the child, the student is expected to remain in school.

Adopted: November 20, 1974

Revised: September 28, 1978

Revised: August 13, 1980

Revised: April 23, 1987

Revised: April 14, 2005

Revised: April 10, 2008 (Completely rewritten)

## **6760: Smoking Policy**

Use of any tobacco, electronic cigarette product, or vaping device within the school buildings, the school facilities or on the school grounds or school buses by any individual, including school personnel, is prohibited. For further information relative to students, refer to the individual school's student handbook.

Adopted: December 20, 1972  
Revised: September 28, 1978  
Revised: July 31, 1986  
Revised: April 29, 1993  
Revised: April 14, 2005  
Revised: April 9, 2015  
Revised: March 22, 2018

## **6770: Vandalism**

Vandalism is defined as the willful or malicious destruction of property. In terms of the Central Berkshire Regional School District, property includes, but is not limited to, the school buildings, materials and equipment, the school yards and field, textbooks, etc. Any student who commits an act or acts of vandalism will be liable for restitution and, in addition, subject to any and all of the following disciplinary actions: suspension, exclusion, and referral to legal authorities for further action.

6770.1 Students who are 18 years of age or older will be liable for full restitution of damages.

### **Informal Action:**

- 6770.11 The student responsible for damages will be contacted by the school principal. The extent of the damage and the amount of restitution required will be explained.
- 6770.12 A billing will be prepared by the affected school with instructions indicating how payment should be made, and submitted to the appropriate parties.
- 6770.13 Restitution should be completed within thirty (30) calendar days.

### **Formal Action:**

- 6770.14 Failure or refusal to pay damages may result in suspension or exclusion from school.
- 6770.15 For the student disputing liability for restitution or where the insurance company requires turning over authority, appropriate information will be forwarded to legal authorities and/or the insurance company for action.

6770.2 In cases of minor students who are responsible for damages, the parents or guardians will be held liable for full restitution.

### **Informal Actions:**

- 6770.21 Parents or guardians of students responsible for damages will be contacted by the school principal. The extent of the damage and the amount of restitution required will be explained.
- 6770.22 For the parent or guardian consenting to restitution, a billing will be prepared by the affected school with instructions indicating how payment should be made and submitted to the appropriate parties.
- 6770.23 Restitution should be completed in thirty (30) calendar days.
- 6770.24 Failing recovery of, or refusal of parents to pay such damages, school principals should forward the following information to the School Business Administrator at the Central Office:
- a. Location, date and description of incident.
  - b. Estimate of repair costs.
  - c. Name of student(s) involved.
  - d. Name and address of student's parent and guardian.
  - e. Whether the parent or guardian had or had not consented to their liability for restitution.
- 6770.25 For the parent, or guardian disputing liability for restitution, or where the insurance company requires turning over authority, appropriate information will be forwarded directly to legal authorities and/or the insurance company for appropriate action.

Adopted: June 10, 1982  
Revised: March 8, 1990  
Revised: April 14, 2005

## **6860: Pupil Transportation Services**

(Cross reference to 6560)

Transportation, once daily to and from school, is a privilege for all pupils who qualify according to the policies as herein defined. These qualifications are set in accordance and consideration of the Laws of the Commonwealth of Massachusetts and local conditions and are intended as a guide to parents, students and school officials. The school district is eligible for reimbursement from the Commonwealth of Massachusetts only for those pupils who reside more than a mile and a half from the school which they attend.

- 6860.1 It shall be the annual responsibility of the administration, in cooperation with bus contractors and building principals to prepare and communicate bus routes and schedules in accordance with the guidelines and policies established by the school committee.
- 6860.2 The late bus routes are in place to provide equal opportunity to all students participating in after school and extracurricular activities. Late bus routes are not intended to duplicate the normal bus routes in levels of service or convenience to the students or parents of the District. The late bus routes are intended to be main line routes only and the normal walking distances for students as addressed in our policy shall not apply to the late bus routes. Late routes will provide safe drop off points for all students; however, the safe passage from that point to the student's home or final destination shall be the sole responsibility of the parents or guardians.
- 6860.3 The transportation of students with special needs shall be in accordance with the specifications of their educational plan, conform to applicable state requirements and be arranged accordingly through contract by the administration.
- 6860.4 Elementary students who reside 0.8 miles or more from their assigned school shall be eligible for transportation services. Bus stops for qualified elementary students shall not be greater than 0.8 miles from their residence. Distances shall be measured beginning at the property line of the student's residence and extending over regularly traveled ways to the designated bus stop or the place where riders are dropped off at school, whichever is applicable.
- 6860.5 Middle and secondary students who reside 1.5 miles or more from their assigned school shall be eligible for transportation services. Bus stops for qualified middle and secondary school students shall not be greater than 1.5 miles from their residence. Distances shall be measured beginning at the property line of the student's residence and extending over regularly traveled ways to the designated bus stop or the place where riders are dropped off at school, whichever is applicable.
- 6860.6 The right of a student to transportation to and from school is a qualified right dependent on the pupil's good behavior as defined in Policy #6560 - Conduct on School Bus.
- 6860.7 Transportation services shall be offered only on public roads.
- 6860.8 On roads formally designated by the committee as hazardous because of speed or volume of traffic, or other physical conditions, students in all grades shall walk no farther than 3/10th of a mile to or from the designated bus stop. The committee shall advise the appropriate town of said hazards and encourage the town to take steps necessary to remedy the condition if possible.
- 6860.9 While the parent is responsible for the safety of the student between the residence and the designated bus stop, every attempt should be made to designate locations for the bus stops which are as safe as possible under local conditions and as considerate as possible of the continuous and smooth flow of commuter traffic.

- 6860.10 Students are encouraged to use the same bus stop for both AM and PM stops. If, because of day care requirements, a different PM stop or different PM route is needed said service may be provided both on a space available and a regular basis only. A student needing a different route for one day may be provided said service in the event of a legitimate family emergency. A student attending the Regional High School may, for the purpose of providing day care or for transportation to a site of employment, ride any bus that provides that service. This right is restricted to the availability of space on the requested route. The transportation provider for the District will have the exclusive right of determining available space. Any request for deviation from this policy must be made through the office of the Assistant Superintendent of Schools 48 hours in advance of the requested change.
- 6860.11 No bus shall carry more students than its stated legal capacity; however, recognition shall be given to the need for “adult seating” on secondary and middle school runs.
- 6860.12 Routes shall be designed so that students spend the least amount of time necessary in traveling from the designated bus stop to their assigned schools.
- 6860.13 Transportation of the student between the designated bus stop and the assigned school shall be as continuous and orderly as possible.
- 6860.14 No student shall be charged for transportation services to and from school, or any field trip authorized to enhance the educational curriculum.
- 6860.15 Students attending approved private schools within the geographical boundaries of the school district will be accommodated on the most appropriate regular route as scheduled for students attending the public schools.
- 6860.16 To encourage conservation of energy, the Committee will allow District personnel to ride District school buses (Special Ed. excepted) to and from their school of employment, upon written approval of the Superintendent, provided:
1. Employee makes written request.
  2. No re-routing or addition of bus stops is required to accommodate employee.
  3. There is sufficient room on the bus.
  4. The request does not prevent employee from meeting contractual obligations.

Applicable General Laws:

- 1) General Laws, Ch. 71, Sec. 7A and 16C
- 2) General Laws, Ch. 71, Sec. 47
- 3) General Laws, Ch. 71, Sec. 71A
- 4) General Laws, Ch. 76, Sec. 1
- 5) General Laws, Ch. 71B, Sec. 8 and 11
- 6) General Laws, Ch. 71, Sec. 68
- 7) General Laws, Ch. 74, Sec. 8A

Adopted: July 13, 1978  
 Revised: December 14, 1978  
 Amended: January 10, 1980  
 Revised: August 14, 1980  
 Revised: November 21, 1996 (6860.2)  
 Revised: February 27, 1997 (6860.11)

Revised: February 7, 2002 (Added last sentence to 6860.11)  
Revised: November 13, 2003 (Removed identification of kindergarten as a separate category for designation of walking distances.)  
Revised: April 14, 2005  
Revised: September 27, 2007 (added “and communicate” to 6860.1; underlined answers to most frequently asked questions)  
Revised: July 23, 2009  
Revised: March 10, 2011

### **6880: Student Accident Insurance**

- 6880.1 The opportunity to purchase accident-type insurance shall be given to all pupils of the Central Berkshire Regional School System.
- 6880.2 The school nurse shall supervise the filing of accident reports but shall not assume any responsibility for filing such forms.
- 6880.3 The school system shall assume no responsibility for providing accident type insurance for its students, but it shall make such insurance available for purchase by the individual parent. The clerical duties involved shall be held to a minimum and the school system shall be furnished a list of all students insured under such a plan.

Adopted: June 7, 1972

## **6900: Interrogation And Arrest Of Students**

- 6900.1 Parents are responsible for the behavior of their child during out of school hours. The following procedures should be followed in event a police officer seeks to interrogate a student, search his locker or his person, or arrest him in regard to a suspected crime or misdemeanor which occurred off the school grounds during out-of-school hours:
- 6900.11 The police officer should be asked to identify himself. In addition, s/he should be requested to give reasons why it is necessary for investigative action to occur during school hours rather than after school at the student's home.
  - 6900.12 The student's parents should be contacted prior to any interrogation of the student.
  - 6900.13 The principal of the school must be present during any interrogation or search of a locker or desk of a student by a police officer.
  - 6900.14 The school must comply with a duly authorized warrant for the arrest of a student. In the event of arrest, the student's parents must be informed that the police are taking custody of the student.
- 6900.2 The police may be requested to investigate unsolved crimes which have occurred in school or on the school grounds. It should be remembered that the school is an educational institution and not an investigative agency. The following procedures should be followed when a request is made to investigate unsolved crimes:
- 6900.21 Prior to any interrogation or arrest, parents of suspected students must be notified.
  - 6900.22 The principal must be present during any interrogation or search of a locker or desk by a police officer.
  - 6900.23 Should an arrest result, parents must be informed that the police are taking the student into custody.
- 6900.3 The superintendent will be kept informed by the principal of any police investigation occurring in the schools.

Adopted: November 20, 1974  
Revised: August 14, 1980

## **7020: Preparation and Adoption of Budget**

7020.1 Budget Authority – Massachusetts General Laws; Chapter 71, Section 16(m), “*Status, Powers, and Duties*” gives School Committees the power “*to adopt an annual operating and maintenance budget.*”

7020.2 Budget Process – There are four basic steps in the budget process.

- The School Committee develops and approves budget guidelines and instructions.
- The Superintendent develops and presents an initial budget.
- The School Committee deliberates and by two-thirds vote adopts a final budget.
- The member towns deliberate and by approval of two-thirds of the member towns approve the budget.

7020.3 Budget Calendar – The Superintendent has overall responsibility for the construction of and adherence to a budget calendar. The budget calendar shall be calculated to ensure that deadlines imposed by law and the regional agreement are met and that adequate time for budget development and review is provided. The schedule shall include the dates for final budget adoption, tentative budget adoption, public hearing, and presentation of an initial budget to the School Committee. It shall also contain the date guidelines are required. The budget calendar will be presented to the School Committee for discussion and adoption as the first step in the annual budget process. Mandatory events and their sequencing in the budget calendar and the typical timing are as follows:

September:

- Superintendent develops the budget calendar and presents it to the School Committee for review and approval.
- The Finance Subcommittee develops budget guidelines and instructions and presents them to the School Committee for review and approval.

January:

- Budget Books, including the Superintendent’s Initial Budget, are compiled, printed, and distributed at the Superintendent’s Initial Budget presentation to the School Committee
- Superintendent’s Initial Budget is presented to the School Committee.

January & February:

- The Finance Subcommittee deliberates the Superintendent’s Initial Budget.
- The administration modifies and adjusts the budget to reflect these deliberations.

February

- The Superintendent submits the Tentative Operating and Capital Budgets to the Finance Subcommittee. The Finance Subcommittee deliberates and votes to recommend School Committee adoption.
- The School Committee deliberates and adopts the Tentative Operating and Capital Budgets. School Committee adoption must be no later than March 1 and no less than 75 days before the first Annual Town Meeting (CBRSB Agreement Section IX paragraph B). A majority vote of the School Committee is required for the Tentative Operating and Capital Budget adoption.

March

- The Finance Subcommittee deliberates concerns raised during Tentative Operating Budget adoption

- The Superintendent submits the Final Operating and Capital Budgets to the Finance Subcommittee. The Finance Subcommittee deliberates the submittal and votes to recommend School Committee adoption.
- School Committee conducts the Public Hearing
- The School Committee reviews and adopts the Final Operating and Capital Budgets. School Committee adoption must be no later than March 31 and no less than 45 days before the first Annual Town Meeting. (CBRSD Agreement Section IX, paragraph C)

May & June

- Member towns approve the budget

7020.4 Budget Book – A tabulated loose leaf binder, prepared by the administration for School Committee members that contains tabs for General Budget Information, Background Information, plus tabs for the initial budget, the tentative budget, the adopted (final) budget, and budget transfers. The budget book is available to members of the public on-line and at the district’s central office for review.

- The General Information tab, at a minimum, shall contain
- The District Strategic Plan,
- The District and School Improvement Plans,
- The District Technology Plan,
- Both the certified and predicted Excess and Deficiency amounts.
- Enrollment data: by school and grade and by school and town. The enrollment data should show the five past years as well as a five year projection. The historical school data should show choice in and the historical town data should show choice out.
- The Background Information Tab, at a minimum, shall contain
- The latest DESE data regarding both State and District Expenditures per student,
- Special Education expenditures,
- School Choice data.
- Budget Tabs; one each for the Initial Budget, the Tentative Budget, and the Adopted (Final) Budget. The Adopted Budget shall also have a tab for an Amended Budget.
- The budget data shall include comparisons to both the latest current year budget as well as the actual data for the year prior to the current year.
- The budget shall be classified into such line items as the School Committee determines.
- In addition to fiscal data, salary related line items shall show the number of staff positions.
- All line items with significant change shall be explained.
- All additions and reductions involving changes to either programs or staffing levels shall be explained in detail separately from the line item budget data.
- The Budget Transfer tab provides a place for filing of the quarterly budget transfer approvals.

7020.5 Budget Guidelines and Instructions - Guidelines and Instructions are statements of the consensus of the School Committee that provide guidance and direction to the Superintendent for the development of the Initial Budget. Their purpose is to focus budget development efforts on components of the budget important to the School Committee and minimize effort on components that might not be supported by the School Committee. The Guidelines and Instructions shall document budget expenditures that are desired by the committee, allowing the Superintendent time to develop alternatives and research ramifications of the School Committee’s preferences.

Guidelines may add specificity to themes, goals, or objectives described in the District Strategic Plan, District and School Improvement Plans, and other such documents without duplicating such

statements. Guidelines should contain assumptions important to the budget and should reflect recent changes to laws and standards impacting the District's finances.

Instructions are more explicit than Guidelines. Instructions direct certain actions be taken by the Superintendent during budget development. Statements regarding maximum class size, the explicit reduction in athletic fees as well as maximum Excess & Deficiency to be used as revenue are examples of Budget Instructions.

If the School Committee requires certain aspects of the budget be detailed in a certain fashion, this requirement shall be reflected in the Guidelines and Instructions.

Guidelines and Instructions shall be developed by the Finance Subcommittee in collaboration with the Superintendent; they are presented to the School Committee for discussion and adoption at the beginning of the Budget Process.

7020.6 Budget – A budget contains all proposed operating expenditures, capital expenditures, and debt service payment to be paid from general revenues of the district. A budget identifies each separate revenue source and the amount estimated for each. It also identifies the total amounts to be assessed to each of the member towns. The budget evolves through several versions.

- Superintendent's Initial Budget – This budget serves as a starting point for School Committee and Finance Subcommittee deliberations.
- Tentative Budget - This budget, required by CBRSD Agreement, provides member towns tentative assessments for planning purposes.
- Adopted Budget – This budget provides the final assessments for the local appropriating authorities of the member towns to approve. In normal practice the assessment to each member town should not increase from the assessments described in the Tentative Budget.

The vote by the School Committee to adopt the budget must be by a two-third vote of all its members, not just those members who are present and voting. (M.G.L. Chapter. 71, Section 16B) If a member has a conflict of interest he/she need only recuse himself from voting on the line item(s) that cause the conflict. Therefore the budget may be divided into groupings of line items allowing members to recuse themselves from voting on the grouping that contains the conflict. Approval of these groupings of line items shall only require a majority vote of members. Thus a member with a conflict shall be free to vote on the entire budget as a whole. (See legal opinion reference below).

In the event the final budget is not approved by at least two-thirds of the member towns as required, the School Committee shall, within thirty days of the date of disapproval, reconsider, amend and adopt a revised budget on the basis of the issues raised. (M.G.L. Chapter. 71, Section 16B)

- Amended Budget – The Amended Budget is a version of the Adopted Budget that is adopted by the School Committee when the adopted budget must be changed as a result of events such as changes in revenues or reimbursements, state-mandated local minimum contributions or action by member towns. In normal practice, this budget shall not increase any member town's assessment.

7020.7 Fund Expenditures – Expenditures from grant funds, revolving funds, and other funds that may be expended without further appropriation, are not included in the budget. A summary of projected receipts and expenditures in such funds shall be provided to the School Committee members and member towns for informational purposes only along with each budget. In the case of grant funds, five years of history shall be provided. For multiyear grant funds, the estimated revenue remaining

and plans for its expenditure shall be provided. For all fund categories, all changes regarding how the money is planned to be expended shall be explained.

- 7020.8 Public Hearing – The School Committee shall hold a public hearing (M.G.L. Chapter 71, Section 38N) at least seven days prior to final budget adoption. This public hearing shall be conducted by a quorum of the School Committee. A copy of the proposed annual budget shall be available to the public at the Central Office at least 48 hours prior to the public hearing. The purpose of this public hearing is to give all interested persons in the general public an opportunity to be heard for or against the whole or any part of the proposed budget. Except as required to ensure proper understanding of public comments, School Committee members should refrain from asking questions during this public hearing. This public hearing may be conducted during a regular School Committee meeting or a special School Committee meeting called specifically for the purpose of such public hearing. The Superintendent will have the overall responsibility of presenting the proposed budget to the public at this meeting. All persons attending the public hearing will be provided with sufficient information to allow them to follow the presentation and to make comments and express opinions. The School Committee will consider the public comments made at the hearing, incorporating such changes as it deems appropriate.
- 7020.9 Budget Meetings with Town Officials – During the development of the budget, the Superintendent may meet with the finance committee and/or the select board of any member town for budget discussions. Such meetings are optional and may be initiated by the Superintendent or requested by a member town. To the extent possible, members of the School Committee should attend such meetings. The results of such meetings shall be reported to the School Committee.
- 7020.10 Excess and Deficiency Funds – The School Committee shall provide, through approved Guidelines and Instructions, a maximum amount that can be proposed. This maximum will be expressed as a percentage of the total proposed Capital and Operating Budgets. M.G.L. limits the dollar value of this potential revenue line to the Mass. DOR certified E&D from the prior year.

References:

M.G.L. Chapter 71, Section 16 *Status, Powers, and Duties*, Section 16B *Budgets; Apportionment of Expenses*, Section 16B½; *Excess and Deficiency Fund*, Section 38N *Public Hearing on Proposed Annual Budget*, Section 59 *Superintendent of Schools; Appointment; Duties*  
603 CMR 41.05: Regional School District Budgets  
CBRSB Agreement Section IX *BUDGET*  
Legal Opinion, dated February 1, 2011, from Russell J. Dupere, Esq. to Richard Lacatell, entitled *Central Berkshire – Budget Vote*

Adopted: September 12, 2013

## **7160: Gifts And Contributions**

The school committee may receive gifts and contributions which may be used or expended without resulting in reduction of income from regular sources. All gifts presented to the school district should be accompanied by a letter from the donor so that proper recognition can be made by the school committee. All gifts, grants, bequests, and contributions must be officially accepted by the school committee and become property of the school district. To be acceptable, a gift or contribution must satisfy the following criteria:

- 7160.1 Must be able to be used for a purpose consistent with the purposes of the school district, nor should it place any restrictions on school programs.
- 7160.2 Must be offered by a donor acceptable to the school committee.
- 7160.3 Must not result in unreasonable demands being made on the staff.
- 7160.4 Must not start a program which the school committee is unwilling to continue once the funds given are exhausted.
- 7160.5 Must not result in any costs to the school district,
- 7160.6 Must not be in conflict with the law or school committee policy nor should the acceptance of a gift imply an endorsement of any business product or service.
- 7160.7 Letters will be kept on file at the Central Office until such time as the gifts, property or funds are expended or the terms and conditions of the gift are met.

<sup>1</sup>General Laws, Ch. 71, Sec. 37A

Adopted: November 20, 1974  
Revised: March 31, 1982  
Revised: January 27, 2005 (added 7160.7 and the word “proper” before recognition in first paragraph)  
Revised: September 11, 2014

## **7170: Administration of OPEB<sup>1</sup> Trust**

- I. Trust is formed and maintained so as to comply with MGL Ch. 32B, sec. 20, as amended, which dictates use of Trust funds.
- II. The School Committee shall employ one or more reputable, independent parties to provide investment advice and be custodian of Trust funds. Costs of administering and maintaining the Trust shall be borne by the Trust.
- III. The Superintendent shall be the Plan Administrator and shall have signing authority on all documentation related to administration of the Trust.
- IV. School Committee shall
  - a. Annually review performance of investment advisor for Trust;
  - b. Annually compare the budgeted contribution to be paid to the Trust with the ARC<sup>2</sup> and compare the value of the Trust with the district's OPEB liability as estimated by an independent auditor and calculated in accordance with current federal government accounting standards;
  - c. Annually determine the contribution to the Trust in the District's operating budget;
  - d. Appoint administrator of Trust funds, custodian of Trust funds and investment advisor;
  - e. Characterize the acceptable level of risk to be assumed by the administrator of the Trust and choice of investment categories, as appropriate;
  - f. Determine when a distribution, or withdrawal, from the Trust will be made and the amount of such withdrawal, and by a two-thirds<sup>3</sup> vote appropriate funds to be withdrawn from the Trust; and
  - g. Make changes to the Trust documents as necessary.
- V. Every District operating budget shall have a line item for the annual contribution to be paid to the Trust.<sup>4</sup>
- VI. Funds paid to the District to reduce the District's OPEB liability by a town or other entity in a manner other than through the District's annual operating budget, shall be deposited in the Trust and in a manner allowed by MGL<sup>5</sup>.
- VII. In the event of reorganization of districts or the dissolution of CBRSD, the Trust shall be committed to the entity responsible for the health and dental insurance of CBRSD's retirees and the towns that have contributed to the Trust in as equitable a manner as possible.
- VIII. Funds may be withdrawn from the Trust no earlier than either fiscal year 2027 or when the value of the Trust exceeds one-half of the District's OPEB liability.
- IX. There is no minimum or target amount to be contributed to the Trust fund annually, however the Trust was established with the intent of minimizing the District's unfunded liability within a realistic timeframe.

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<sup>1</sup> Other Post-Employment Benefits

<sup>2</sup> The ARC is the employer's required contributions for the year, calculated in accordance with certain parameters, and includes (a) the normal cost for the year and (b) a component for amortization of the total unfunded actuarial accrued liabilities (or funding excess) of the plan over a period not to exceed thirty years. (GASB 45)

<sup>3</sup> Section 20 (h) of Municipal Modernization Bill requires two-thirds vote of the governing body.

<sup>4</sup> Section 20 (i) of Municipal Modernization Bill "appropriations of amounts to the OPEB Fund may be made only in the annual budget submitted to the member cities and towns for approval."

<sup>5</sup> Section 20 of Municipal Modernization Bill allows for deposit of gifts, grants and appropriations and other funds for the benefit of retired employees and their dependents.

Adopted: March 9, 2017

## **7180: News Media Relations/News Releases**

Every effort will be made to assist the press and other communications media to obtain complete and adequate coverage of the programs, problems, planning, and activities of the school system.

All representatives of the media will be given equal access to information about the schools. General releases of interest to the entire community will be made available to media simultaneously. There will be no exclusive releases except as media representatives request information on particular programs, plans or problems.

In order that school system publicity is given wide coverage and is coordinated into a common effort and purpose, the following procedures will be followed in giving official information to the news media:

1. The School Committee chair will be the official spokesperson for the Committee, except as this duty is delegated to either the Superintendent or chair appointed school committee designee.
2. News releases that are of a system-wide or a sensitive nature or pertain to established Committee policy are the responsibility of the Superintendent.
3. News releases that are of concern to only one school, or to an organization of one school, are the responsibility of the Principal of that particular school. All statements made to the press by other staff members of the particular school must be cleared with the Principal.

While it is impossible to know how news releases will be treated by the press, every possible effort should be made to obtain coverage of school activities that will create and maintain a dignified and professionally responsible image for the school system.

Adopted:        October 11, 2007

## **7200: Budget Operation And Control**

- 7200.1 Direct responsibility for the day-by-day implementation and control of the budget of the school district is placed with the business manager.
- 7200.2 Except for expenditures necessitated under emergency powers of the Superintendent (paragraph 2230.4)
- 7200.21 The superintendent of schools may, in the best financial interest of the district, approve expenditures which will cause sums so expended to exceed the individual accounts as originally approved in the gross operating budget. Similarly, the superintendent of schools may, in the best financial interest of the district, freeze in part or in total any individual account as originally approved in the gross operating budget. The business manager shall make a quarterly report to the regional school committee defining the status and extent of any such transactions as well as a report comparing actual expenditures against budgeted expenses and actual revenue against budgeted revenue.
- 7200.22 The total of expenditures for any individual fiscal year shall not exceed the approved gross operating budget unless the regional school committee adopts a supplemental operating budget, prior to the end of the current fiscal year.
- 7200.3 The budget shall be the plan of financial operation embodying an estimate of projected revenues and expenditures for a fiscal year. The final adopted budget shall be the budget that is approved by the school committee and subsequently approved in accordance with the Regional Agreement or in accordance with Massachusetts laws and regulations.
- 7200.31 The final adopted budget, as used in this policy, shall consist of separate budgets for regular transportation, operating expenses, and capital expenses.
- 7200.32 The final adopted budget shall include assessments to member towns.
- 7200.33 The final adopted budget, amended and recertified (if any) shall include an allocation, or segregation, of the budgeted expenses into program line items. When the budget is approved the amounts in each program line item are considered approved and final.
- 7200.4 The final adopted budget can be amended or recertified by the school committee in accordance with Massachusetts laws and regulation if it becomes necessary.
- 7200.5 Changes to the approved allocation of expenses into the various line items are called transfers. No transfer of funds over the amount of \$250.00 may be made from one or more program line items to another except by vote of the school committee.
- 7200.51 Except under unusual or emergency situations, transfers must be approved by the school committee prior to spending in excess of the approved amount in the budget line item. Expenditures in excess of the approved amounts in line items shall be reported and approved by the school committee at the earliest opportunity.
- 7200.52 Reallocations within any single program line item may be made at the discretion of the superintendent.
- 7200.53 The decision not to expend funds from a program line item may be made by the superintendent.

References: State Regulations: 603 CMR 41  
MGL Chapter 71

Adopted: November 20, 1974  
Amended: May 13, 1976  
Amended: July 23, 2009

## **7230: Competitive Bidding, Procurement and Purchase**

The procurement of supplies, services or real property and the disposing of supplies or real property shall be carried out in conformance with the provisions of Massachusetts General Laws Chapter 30B as enacted by Chapter 687 of the Acts of 1989. The Business Manager, acting as the Chief Procurement Officer, may make any additional administrative rules and regulations governing procurement activities as he may deem necessary for the efficient management of the District.

In accordance with Massachusetts General Law, Chapter 30B and the relevant other chapters, the Business Manager shall serve as the Chief Procurement Officer for the Central Berkshire Regional School District.

In this capacity as Chief Procurement Officer, the Business Manager shall enforce the bidding and purchasing requirements of MGL Chapter 30B and relevant other chapters. Unless exceptions are specifically authorized by the Business Manager, all purchases will be made on the purchase order forms provided for each school.

LEGAL REFS.: M.G.L. [7:22A](#); [7:22B](#), [30B](#); [71:49A](#)

Adopted: April 26, 2007 (Completely rewritten)

## **7240: Inventories**

Inventories shall be made and maintained whenever and wherever necessary to ensure control of supplies, materials and equipment, to provide loss data for insurance claims and to assist in determining requirements.

The District shall develop the procedures required to provide adequate and timely inventories to implement this policy.

Adopted: April 26, 2007 (Completely rewritten)

## **7245: Capitalization**

### **Purpose**

To comply with the reporting requirements of the Governmental Accounting Standards Board Statement No. 34 “Basic Financial Statements — and Management’s Discussion and Analysis — for State and Local Governments” the Central Berkshire Regional School District, hereafter known as the ‘District’ is adopting the following Capitalization Policy. Effective in the Fiscal Year beginning on July 1, 2002, all new and existing capital assets must be inventoried and included in the District’s accounting records.

### **Definition of Capital Assets**

Capital assets are major assets that benefit more than a single fiscal period whose historical cost equal or exceed the District’s capitalization threshold. Capital assets may include such items as: land, land improvements, easements, buildings, building improvements, vehicles, machinery, equipment, works of art, historical treasures, library books, textbooks and infrastructure. A capital asset is to be reported and, with certain exceptions, depreciated in government-wide statements. In the government wide statements, assets that are not capitalized are expended in the year of acquisition.

Infrastructure assets are long-lived capital assets that can be preserved for a significantly greater number of years than most capital assets and that are normally stationary in nature. Examples include roads, bridges, tunnels, drainage systems water systems and dams.

### **Valuation of Capital Assets**

Capital assets should be reported at their historical cost.

Historical cost is the amount of resources the District spends to purchase or construct a capital asset as well as the fair value of any donated components. Historical cost should include ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary cost includes the costs that are directly attributable to asset acquisition, such as: freight, transportation charges, site preparation costs and professional fees. For capital assets of proprietary funds (business-type activities) certain interest related to borrowed funds must also be capitalized.

The historical cost of a capital asset should include the cost of any subsequent additions or improvements but exclude the costs of repairs. An addition or improvement will either enhance a capital asset’s functionality (effectiveness or efficiency) or it will extent a capital asset’s useful life.

In the absence of historical cost information, the asset’s estimated historical cost should be used. Such estimates of historical costs could include independent appraisals or procedures such as the “deflated” current replacement cost method.

Donated capital assets should be valued at their fair market value at the time they were acquired plus all ancillary costs incurred to place the asset into service.

### **Capitalization Thresholds**

The District understands that it is not cost effective to track and inventory all of its assets. Accordingly assists will be segregated into two groups.

- Depreciable Assets — these are assets that meet the thresholds listed below and whose historical cost and depreciation must be reported for GAAP purposes.
- Non-Depreciable Assets — these are assets with a useful life of more than one year but whose historical cost is less than that set for depreciable assets. Assets included in this list are typically used for internal control and insurance purposes.

The following are threshold limits for capital assets.

Type of Capital Assets	Non Depreciable Assets	Depreciable Assets
	Tracking & Inventory	Capitalize & Depreciate
Land	\$1	Capitalize Only
Land Improvements	\$1	\$25,000
Buildings	\$1	\$50,000
Buildings Improvements	\$1	\$50,000
Construction In Progress	\$1	Capitalize Only
Machinery and equipment	\$1,000	\$5,000
Computers	\$1,000	\$5,000

**Establishing Useful Life**

Estimated useful life means the estimated number of months or years that an asset will be able to be used for the purpose for which it was purchased. See Appendix A for a list of estimated useful lives which the District has adopted for its capital assets.

**Depreciation Method**

To depreciate its capital assets the District has adopted the straight line method of depreciation. Under this method the District will depreciate the cost of a capital asset evenly over its useful life, except for the year of acquisition and in the last year of its useful life where only 1/2 year’s depreciation will be taken.

**Inventory of Capital Assets**

The District will keep an inventory of all of its capital assets, which is maintained and perpetually updated by the accounting department.

Each inventory record should include: a description of the asset, the year of acquisition, method of acquisition (e.g., purchase, donation, etc.), funding source, cost or estimated cost, salvage value, estimated useful life and function that uses the asset.

The District shall take an inventory of all capital assets prior to June 1 each year. The inventory will be reconciled with the perpetual inventory records maintained by the accounting department.

**Disposition of Capital Assets**

The disposal of a capital asset can result from the sale of the asset, a vendor return, trade-in, theft, transfer or scrapping.

When capital assets are disposed of the accounting department must be notified. The book value of the capital asset together with the accumulated depreciation must be removed from the accounting records and a gain or loss recognized on the disposal.

Adopted: June 24, 2004

## **7250: Uniform Requirements for Designer Selection**

1. These procedures govern the selection of designers for any municipality or local public agency building project subject to the state designer selection law, M.G.L. c. 7, §§38A½-O. Any other local law governing the procurement of services will be inapplicable to these procurements.
2. The Central Berkshire Regional District School Committee ("Approving Body") has the authority to conduct the designer selection process for the Awarding Authority. The Approving Body may delegate any duties described herein to the extent such delegation is permissible by law.
3. The Approving Body shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:

- a) has a direct or indirect financial interest in the award of the design contract to any applicant;
  - b) is currently employed by, or is a consultant to or under contract to, any applicant;
  - c) is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
  - d) has an ownership interest in, or is an officer or director of, any applicant.
4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Approving Body, at least two weeks before the deadline for filing applications.
  5. The advertisement shall contain the following information:
    - a) a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
    - b) if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
    - c) when and where a briefing session (if any) will be held;
    - d) the qualifications required of applicants;
    - e) the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
    - f) whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
    - g) when and where the RFQ can be obtained and the applications must be delivered.
  6. The RFQ shall include the current Massachusetts Designer Selection Board ["Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction."](#) The Application Form may be amended to include additional information on a project-specific basis.
  7. The Committee shall evaluate applicants based on the following criteria:
    - a) prior similar experience;
    - b) past performance on public and private projects;
    - c) financial stability;

- d) identity and qualifications of the consultants who will work with the applicants on the project;  
and
  - e) any other criteria that the Committee considers relevant to the project.
8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
  9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Approving Body.<sup>3</sup> No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list. The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.
  10. If the fee was set prior to the selection process, the Approving Body shall select a designer from the list of finalists. If the Approving Body selects a designer other than the one ranked first by the Committee, the Approving Body shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
  11. If the fee is to be negotiated, the Approving Body shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Approving Body shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Approving Body is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Approving Body prior to selection of finalists.
  12. If the Approving Body is unable to negotiate a satisfactory fee with any of the finalists, the Approving Body shall recommend that the Committee select additional finalists.
  13. The Approving Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Approving Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, *provided* the Approving Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. c. 7, §38K(a)(1).
  14. Every contract for design services shall include the following:
    - a) certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
    - b) certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
    - c) certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or

- construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d) certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R(d).

All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

15. The Awarding Authority shall not enter into a contract for design services unless the Awarding Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Awarding Authority may require, for the applicable period of limitations. A designer required by the Awarding Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Awarding Authority prior to the award of the contract.
16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Approving Body may elect to authorize expedited procedures to address the emergency. The Approving Body shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.

The Approving Body may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Body shall rank the finalists in order of qualification and select the designer for the emergency work.

18. The Awarding Authority shall publish the name of any designer awarded a contract in the *Central Register*.
19. The following records shall be kept by the Awarding Authority:
- a) all information supplied by or obtained about each applicant;
  - b) all actions taken relating to the project; and
  - c) any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

20. The Awarding Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c. 7, Section 38E(g).
21. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.
22. For any municipal design or construction project *that includes funding provided by the Commonwealth, in whole or in part* (such as reimbursements, grants and the like), cities and towns must incorporate minority-owned business enterprise and women-owned business enterprise participation goals. If applicable, the Awarding Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

### **ENDNOTES**

1. Design services include the preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates and programs; preparation of drawings, plans, and specifications, including schematic drawings and preliminary plans and specifications; supervision or administration of a construction contract; and construction management and scheduling. M.G.L. c. 7, §38A½.
  2. *LeClair v. Norwell*, 430 Mass. 328 (1999); *Cape Ann Citizens Assn. v. Gloucester*, 47 Mass. App. Ct. 17 (1999).
  3. Alternatively, local procedures could require that the Committee select the designer and negotiate the fee, if necessary, and transmit its recommendation to the Approving Body.
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Completely Revised: October 11, 2007

## **7400: Control Over Internal Funds**

Some receipts and expenditures within the school district are not included in the regular school budget. However, all funds collected from whatever source are public monies and their receipt and expenditure are under the control of the policies of the school committee. Examples of internal funds are: ticket sales to school events, money collected by student drives, membership fees in classes and clubs, money collected for school trips, and donations and grants for student activities. The following provisions will be followed with reference to the receipts and expenditures of internal funds..

- 7400.1 Adults supervising funds which exceed \$500 must be appropriately bonded.
- 7400.2 The principal is responsible for the control of internal funds within a school.
- 7400.3 Necessary bank accounts must be established in the bank which is designated as the official depository for this purpose by the school committee.
- 7400.4 Numbered receipts (or numbered tickets) will be given for all monies received. Cash will be deposited in the bank each day. No funds are to be left in the school nor taken to an individual's home overnight. When necessary, the night deposit service of the bank should be used.
- 7400.5 Disbursement out of internal funds will be by numbered check, with every check blank being accounted for.
- 7400.6 The superintendent will have all internal funds audited once a year. A report of this annual audit will be given to the school committee.

Adopted: November 20, 1974

## **7401: Student Fees, Fines, & Charges**

- 7401.1 **Introduction.** The Central Berkshire Regional School Committee acknowledges that under M.G.L. Ch. 71 § 48, no student will be charged for classroom instructional materials. Nevertheless, the Committee recognizes the need for collecting student fees or charges to fund certain school programs or activities, such as cafeteria meals, pre-school tuition, and inter-scholastic athletics. The Committee also recognizes that some students or their families may find it a considerable hardship to pay these fees. In recognition of these circumstances the Committee establishes the following requirements and procedures.
- 7401.2 **Student Inability to Pay.** No student will be denied access into any program because of her/his, or her/his family's, inability to pay these supplementary charges. Such inability to pay will be deemed established if the student has been approved for reduction or waiver of fees under the federal guidelines of the free and reduced lunch program.
- 7401.3 **School Committee Approval of Fees.** Except as set forth in the following section, a school may exact a fee or charge only upon School Committee approval.
- 7401.4 **Exceptions to 7401.3.** Notwithstanding the requirement set forth in section 7401.3, above, a school, may without Committee approval charge a student enrolled in certain courses for the actual cost of materials used in projects that upon completion will become the property of that student. A school may also act without Committee approval to impose and collect a charge for lost and damaged books, materials, supplies, equipment, or other property of the central Berkshire Regional School District. Students who are eligible for waiver of fees under the free and reduced lunch program guidelines are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment.
- 7401.5 **Consequences of Failure to Pay.** All student fees and charges, both optional and required, will be listed and described annually in each school's student handbook or in some other written form and distributed to each student. The notice will advise students that fees are to be paid and of the penalties for their failure to pay them. Permissible penalties may include, as appropriate, (a) for extra-curricular activities fees, denial of the right to participate in extra-curricular activities while the student is enrolled in this District; (b) for failure to pay cafeteria charges owed and due upon purchase of a meal, denial of further charges to student's account (in which the student will be provided with given an alternative selection); and (c) for failure to pay tuition owed and due for pre-school programming, denial of attendance at pre-school until payment has been received in full. The Superintendent of Schools or her/his designee shall have right to take further steps to recover the unpaid fees and any associated costs if there are no extenuating circumstances to the contrary.
- 7401.6 **Financial Record Keeping.** All student fees and charges will be reported to the Business Office, where a timely financial record will be kept. Invoices and statements will be mailed to parents/guardians on a regular basis. Any fee or charge due to any school in the District and not paid at the end of the school year will be carried forward to the next succeeding school year. Such debts are considered to be debts of the student to the District and not to a particular school.
- 7401.7 **Payment Plans.** Payment plans may be implemented in situations where such a plan has previously been arranged with and approved by the District's Business Administrator. In the case of athletic fees, payment in full must be received not later than seven (7) calendar days after the first scheduled game for that sport, except that an extension may be granted for all fall sports until the tenth school day of the month of October, so that a determination of student eligibility for free or

reduced lunch, with attendant reduction of or exemption from fees (see 7401.2 above), can be made for the school year.

7401.8 Administrative Rules and Procedure Authorized. The Superintendent shall see to the development of procedures and rules that will realize the intent of this policy and ensure its implementation.

References:

M.G.L. c. 71 § 48

Policy 5700, "Athletic and Other School organization Programs

Policy 5705, "Eligibility for Co-Curricular Activities

Adopted: August 23, 2012

## **7405: Students In Arrears On Payment For School Breakfast Or Lunch**

Each Central Berkshire Regional School District student who is provided with a breakfast or lunch during the school year shall pay for any such meal, either at the time the meal is provided or in advance, unless s/he has duly qualified for free meals under rules and regulations established by the United States Department of Agriculture, the Massachusetts Department of Elementary & Secondary education, and the Central Berkshire Regional District School Committee. In the event that a Central Berkshire Regional School District student who has not duly established her/his eligibility to receive free breakfast and lunch is in arrears on payment for her/his school breakfast or school lunch or both, the following rules shall be applied by school personnel and by the management of the district's food services program.

### **1. Meaning of "Student In Arrears."**

As used herein, the term "student in arrears" shall mean a student who has reported that s/he is unable to pay for a meal and who is nonetheless provided a meal.

### **2. Instructions.**

A student enrolled in the Central Berkshire Regional School District who has not established her/his eligibility to receive free breakfast and lunch, and who does not pay for her/his meal for whatever reason, shall receive a meal provided by the Central Berkshire Regional School District on that day and thereafter until either her/his debt is paid in full, or as otherwise provided for in this policy. A la carte menu items will not be provided to any student whose account is in arrears. Notification via email through the Point of Sale (POS) system will be sent to the parent /guardian noting payment is required.

#### **A. First Instance When Student Is In Arrears.**

A member of the Food Service Staff will generate an email from the POS system to the student's parent or guardian reporting that the student's account is in arrears and of the need to pay the debt not later than the next school day. If payment is made for the previous day's meal, and also for the current day's meal, then the matter shall be considered settled.

#### **B. Second and Third Instances When Student Is In Arrears.**

A member of the Food Service Staff will generate an email from the POS system to the student's parent or guardian reporting that the student's account is still in arrears and of the need to pay the debt not later than the next school day. In addition, a member of the Food Services staff shall make a telephone call to the student's parent or guardian reporting that the student owes money for two meals. Said parent shall also be informed of the Free and Reduced Lunch Application process. If payment is made for the previous day's meals as directed, and also for the current day's meal, then the matter shall be considered settled.

### **3. Formal Notice to Parent/Guardian of Student In Arrears.**

When a student's account is in arrears for a sum equal to or exceeding \$10.00 (4 meals), the Director of Food Services shall ensure that the child's parent or guardian is formally contacted by telephone, and email and also by first class mail. These contacts shall inform the student's parent or guardian: (i) of the amount that the child owes for school meals; (ii) how payment in full of the sum owed can be made; (iii) that payment in full is due immediately. A free and reduced eligibility form will also be included in the first class mailing as well as relayed during any phone conversation and emails.

### **4. Payment While Account Is In Arrears.**

A payment by a student in arrears, or by that student's parent or guardian, that is not payment in full of what the student owes for school meals, shall be credited to the student's account and shall therefore decrease the amount that s/he is in arrears. An account in arrears shall be eligible to receive a regular school meal. A la carte menu items will not be provided to any student whose account is in arrears.

## **5. Adult Rules**

Payment is required at time of purchase of lunch or breakfast. No charging is allowed.

## **6. Negative Balances at End of School Year**

If a Central Berkshire Regional School District student has a negative meals balance at the end of the school year, the parent or guardian will be notified by first class mail. These contacts shall inform the student's parent or guardian: (i) of the amount that the child owes for school meals; (ii) how payment in full of the sum owed can be made; (iii) due date for payment of balance. If said negative balance is not satisfactorily settled by the start of the next school year, then the negative balance will continue into the next school year. In that case all the steps in the processes described above in this policy shall proceed unabated. The parent or guardian of the child shall be so notified in writing by the Director of Food Services prior to the start of the next school year. Any graduating student with a negative balance must satisfactorily settle the said negative balance prior to graduation ceremonies.

### **Positive Balances at End of School Year**

If a Central Berkshire Regional School District student has a positive meals balance at the end of the school year, the credit will be carried forward into the next school year. If any graduating student's account ends with a positive balance of \$4.50 or more, those funds will be returned to the parent or guardian 30 calendar days after graduation unless the parent or guardian makes a written request to transfer the positive balance to another student's account. This request may be given via email or by first class mail to the attention of the Food Services Director, c/o Nessacus Middle School 35 Fox Road, Dalton MA 01226.

Adopted: May 8, 2014  
Revised: June 28, 2018

## **7410: Graduating Class Funds**

Funds held on behalf of the Freshman, Sophomore, Junior and Senior classes at Wahconah Regional High School are to be held within the Student Activity Fund of the High School. Such funds shall be designated by the class's year of graduation (Class of 2008, etc.).

Once a class has graduated from Wahconah Regional High School, their funds should be removed from the High School Student Activity Fund no later than two years from the date of graduation. It is the responsibility of the class officers to arrange for these funds to be removed from the Student Activity Fund. When requested, and once all outstanding financial obligations of the graduating class have been met, up to \$2,000 of the balance should be removed from the fund by check transfer payable to the Class of XXXX. Checks payable to individual members of the class are not permitted. The remaining balance would be transferred into the general sub-fund portion of the Student Activity Fund.

Should the class officers not request to have their funds removed from the Student Activity Fund within two years of the date of their graduation, the funds will be forfeited by the class and transferred into the general sub-fund portion of the Student Activity Fund. These funds may then be allocated to appropriate student activities by the Principal at his/her discretion.

Class officers shall be given a copy of this policy during the course of their senior year to ensure their knowledge of their obligations under this policy.

Source: MASC

Adopted: September 27, 2007

Revised: June 24, 2021

## **7500: Maintenance Of School Facilities**

- 7500.1 Every town shall provide and maintain a sufficient number of schoolhouses, properly furnished and conveniently situated for the accommodation of all children therein entitled to attend the public schools. <sup>1</sup> A regional school committee can "adopt an annual operating and maintenance budget." <sup>2</sup>
- 7500.2 The maintenance and repair program is viewed as a continuing long-term effort to maintain the appearance and functioning efficiency of the building and sites.
- 7500.3 The maintenance, repair and cleaning of school facilities (building and sites) is the direct responsibility of the business manager.
- 7500.4 A long-term (three-to-five year) program of maintenance will be the basis for developing work schedules to accommodate work projects which have to be done two or three times a year, seasonally or once a year, and once every two or more years. Money will be allocated each year in the regular budget for the support of the long-term program of repair and maintenance of school facilities. The long-term maintenance and repair program for school facilities will include work projects such as:
- 7500.41 Washing and repair of windows.
  - 7500.42 Major cleaning, stripping, and waxing of floors.
  - 7500.43 Care, repair, and replacement of locks, alarms, and other protective devices.
  - 7500.44 Testing (and recharging) of fire extinguishers, hoses, and sprinkling systems.
  - 7500.45 Maintenance, repair, and replacement of working components of heating, lighting, electrical, and communications systems.
  - 7500.46 Maintenance, repair, and placement of hand and power tools and equipment used by custodial and maintenance workers.
  - 7500.47 Continuing care and improvement of school sites.

<sup>1</sup> General Laws, Ch. 71, Sec. 68

<sup>2</sup> General Laws, Ch. 71, Sec. 16(m)

Adopted: November 20, 1974

## 7520: Community Use of School Facilities

The community's investment in physical facilities has for its first priority in usage the education of children in the district. However, citizens of the Central Berkshire Regional School District are encouraged to utilize the facilities to reasonable capacity for their other educational, recreational, business and social interests. The committee believes that the facilities of a public school should be available for the education of all people in this district who desire to use them.

### GUIDELINES FOR USE OF SCHOOL FACILITIES.

School facilities will be available for the following:

1. Public School Activities
2. Parent-Teacher Activities
3. Official town public hearings and political activities
4. Meeting and activities sponsored by the School Committee and school personnel
5. Community recreation organizations
6. The activities of other organizations when approved by the School Committee School facilities shall

not be used for:

1. Promulgating any theory or doctrine subversive to the laws of the United States or any political subdivision thereof, advocating governmental changes by violence.
2. Any activity that may be injurious to the buildings, grounds or equipment.

### GRANTING OF APPROVAL

Application for use of any school facility shall be made in writing to the principal of the school involved on a use of facilities form. The principal will review and authorize requests. Any date or dates agreed upon for the use of the building(s) or grounds may be subject to change if the building or grounds are needed for school or town purposes.

The school committee (after approval) reserves the right to cancel any or all uses of school buildings and grounds.

### SCHEDULING OF FACILITIES

Use of school facilities is discouraged at times when custodians are not scheduled to work.

### SUPERVISION AND RESPONSIBILITY

All groups using school facilities must have proper adult supervision. Applicants shall be subject to all the rules and regulations as set forth by the school administration and shall indemnify the School Department for any damages to the school's property arising out of the use thereof.

There is to be no modification or change to existing condition of equipment, wiring or facilities without written permission of the principal.

### FEES

Groups using the school facilities may be charged a fee for the use of facilities according to the Central Berkshire Regional School District Schedule of Fees and Wage Rates. In the event of excessive wear and damage, groups will be assessed and charged a fee to repair the wear or damage. This will be determined by the building principal in conjunction with the business manager.

### INSURANCE

Any legally incorporated organization must provide evidence of a public liability insurance policy protecting the school committee, its employees, and the member towns from any liability connected with the use of school facilities.

### REGULATIONS

Regulations consistent with State Law and District Policy shall be developed by the Superintendent or his/her designee.

Adopted: May 24, 1974  
Revised: August 14, 1980  
Revised: May 19, 1981  
Revised: September 14, 1981  
Revised: September 9, 1982  
Revised: January 26, 1983  
Revised: August 28, 1986  
Revised: January 12, 2006  
Revised: October 23, 2008

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### **CBRSD SCHEDULE OF FEES AND WAGE RATES**

**User Fees\* are as follows:**

<b>Per Single Use</b>		
<b>Space</b>	<b>Profit</b>	<b>Non profit</b>
Auditorium	\$300	\$100
Rehearsal	\$75	\$35
Cafeteria	\$100	\$50
Gym	\$100	\$20
Classroom	\$75	\$25

Fees for other areas will be determined by the building Principal in conjunction with the Business Manager.

\*There will be no User Fees assessed to supervised youth groups and civic organizations. A civic organization shall mean an association formed for purposes beneficial to the community as a whole or one in which the members cooperate to accomplish community goals.

#### **Labor Wage Rates for Staff When Staff Is Not Scheduled to Work: (in addition to fees)**

Rate per hour = 1.5 times the existing unit contract hourly wage rate for overtime, including Saturdays.  
2 times the existing unit contract hourly wage rate for overtime on Sunday or holiday.

Plus additional 22% of wage total to cover retirement, unemployment and payroll expenses.

#### **Conditions**

Fees are to be paid prior to use. Wages will be billed after use and are payable within 10 working days of billing date.

No other equipment shall be furnished except for tables and chairs for the stage and/or lobby.

Use of School facilities shall not interfere with School purposes. In the event that the school requires the use of the area that has been reserved by the renter, the school function will have first priority and the renter will not be allowed to use such facility. Every attempt will be made to accommodate the renter, but in the event the renter cannot be accommodated, all fees collected will be returned.

Effective 10/23/08

c. School Secretaries, Principals, Custodians

## **7521: Distribution In Or Through The Schools Of Printed Or Other Materials**

The School Committee of the Central Berkshire Regional School District (CBRSD) hereby establishes the following rules and procedures for the distribution of printed or other materials in or through the District's schools.

- 7521.1 Federal, State, & CBRSD Documents. Materials produced by the Central Berkshire Regional School District, by the Commonwealth of Massachusetts, or by the government of the United States that are intended for distribution to parents of District students may be distributed through the schools.
- 7521.2 P.T.O., Booster Clubs, and School Council Materials. Newsletters and other notices pertaining to school-related activities, programs, or fund-raising efforts, that are produced by a school's Parent Teacher Organization, or by athletic team or other extracurricular activity booster clubs, or similar materials produced by the School Council established pursuant to M.G.L. c. 71 § 59C, may, subject to review and approval by the building principal, be distributed through the school.
- 7521.3 Nature of Materials Allowable for Distribution. Except as set forth in 7521.1 and 7521.2, above, and in 7521.5, below, all notices, flyers, or other materials sent home through the District's schools shall pertain to activities or programs that are available, whether for a fee or otherwise, that are intended to provide educational, civic, or recreational opportunities for students attending those schools.
- 7521.4 Exclusion of Commercial Advertising. Except as set forth in 7521.5, below, advertisements by commercial vendors or enterprises for the sale or promotion of products or services may not be distributed through any District school.
- 7521.5 Exemptions from Exclusion of Commercial Advertising. School photographs, school yearbooks, and class rings are annual, traditional aspects of the public school experience for students and their parents or guardians. Accordingly, advertisements by vendors for school photographs, school yearbooks, and class rings, provided the vendors' companies have been duly selected by the District to provide services or products to students at a particular school, shall be considered as promoting "opportunities for students" consistent with 7521.3, above, and may therefore be distributed or posted in accordance with this policy.
- 7521.6 Procedures for Approval of Materials for Distribution. Except as set forth in 7521.2, above, all materials to be considered for distribution or posting by third parties shall be timely submitted to the Superintendent of Schools or her/his designee for review and approval prior to distribution. Timely submittal shall mean receipt by the Superintendent's office, or the office of her/his designee, of said materials not less than five (5) working days prior to the date of their requested distribution or posting. The Superintendent's decision on whether to permit distribution of materials as being in conformity with this policy shall be final.
- 7521.7 Advertisements and Notices Posted in Schools. Notices for programs and activities that are consistent with the criteria set forth in 7521.1, 7521.2, 7521.3, and 7521.5, above, where there has been compliance with the procedure described in 7521.6, above, may be posted in the school. The Superintendent of Schools or her/his designee shall determine the length of time that such advertisements may be displayed and the location of such posting in any CBRSD school or facility.
- 7521.8 Exclusion of Staff Faculty Rooms and Union Materials from This Policy. No provision of this policy shall be deemed to apply to postings that are placed by employees of the CBRSD in any faculty room or any other designated gathering area for staff that is intended for the exclusive use of

employees of the CBRSD. Nor shall any provision of this policy be deemed to apply to materials that are disseminated to employees of CBRSD by any employee organization representing CBRSD employee groups pursuant to MGL c. 150E

7521.8 Promulgation of Procedures. The Superintendent may establish such procedures at the District's schools as she/he may determine are necessary to implement this policy.

#### REFERENCES

MGL c. 30B § 1(b)(31)

MGL c. 150E

*Perry Education Assoc v. Perry Local Educators Assn.*, 460 US 37 (1983)

“Advisory: Distribution of Boy Scouts Literature in Public Schools,” Comm’r of Education David P. Driscoll, November 15, 2000

Adopted: February 9, 2012

### **7530: Affirmative Action For Contractors And Subcontractors**

The Central Berkshire Regional School District, to ensure compliance by contractors and subcontractors with equal employment opportunity obligations for an acceptable and effective Affirmative Action Program, shall follow the rules and regulations established by the Federal Government and the Commonwealth of Massachusetts which have been established for Equal Employment Opportunity and Affirmative Action for contractors and subcontractors.

Adopted: April 28, 1988

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The Central Berkshire Regional School District does not discriminate on the basis of race, religion, color, age, gender, national origin, disability, homelessness, sexual orientation, gender identity or veteran status. Equal Opportunity Employer.

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## **7540: Drug-Free Workplace**

The Central Berkshire Regional School District has recognized in the past the importance of maintaining a workplace which is drug and alcohol free to enhance the welfare of employees and students, The Drug-Free Workplace Act of 1988, requires the Central Berkshire Regional School District to certify that it maintains a drug-free workplace as a condition of receiving federal grants and contracts. The requirements of this law give the Central Berkshire Regional School District the opportunity to annually reaffirm the following policy to all staff and its commitment to a workplace free of drugs and alcohol.

It is the policy of the Central Berkshire Regional School District to maintain an alcohol-free and drug-free workplace. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol is prohibited while on duty or on school department property. Any violations of this policy will be grounds for disciplinary action up to and including immediate suspension and dismissal; or require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by federal, state or local health, law enforcement, or other appropriate agency.

It is a condition of employment that each employee abide by this policy and notify the Superintendent of Schools of any criminal drug or alcohol conviction for a violation occurring in the workplace within five (5) days of such a conviction. The Central Berkshire Regional School District has an obligation to notify the appropriate federal agency within ten (10) days of receiving such a notice of conviction. The Superintendent of Schools will take disciplinary action up to and including dismissal.

### **ASSISTANCE PROGRAMS**

While it will be the responsibility of the employee to seek assistance if found in violation of these regulations, the Central Berkshire Regional School District will provide a suggested list of drug abuse assistance or rehabilitation programs approved for such purposes by federal, state or local health, law enforcement, or other appropriate agency.

Adopted: May 25, 1989  
Revised: January 12, 2006

**7565: Lease Of Schools**

7565.1 Each of the following member towns is hereby authorized to lease to the regional school district the respective premises and buildings listed below:

7565.11 The Town of Becket – The Becket Washington School

7562.12 The Town of Dalton - The Craneville School

7565.13 The Town of Hinsdale - The Kittredge Elementary School

7565.2 Each of the leases authorized above shall be for a term of twenty years and the term shall commence on the date when the committee assumes jurisdiction over the pupils in kindergarten through grade eight.

7565.21 Each of the leases shall contain a provision for the extension of the term thereof for an additional term not in excess of twenty years, renewable at any time during the term, at the option of the committee.

7565.22 Each of the leases shall contain provisions authorizing the regional school district to insure, repair, improve, alter, remodel, or modernize any of the leased buildings.

No rental shall be charged to the district by any of the member towns.

Each lease involving a member town shall be on such other terms as may be determined by the selectmen thereof and the committee, who shall execute the lease for the member town and the regional school district, respectively.

Agreement Between the Towns, Section III (B), as adopted in Amendment 1, 1969.

Revised: April 9, 1987

Revised: February 12, 2004

Revised: September 10, 2015

## **7560: Location Of Schools**

### 7560.1 Present buildings

7560.11 The senior high school and any other school accommodating the pupils from any one or more grades from all the member towns shall be located in the Town of Dalton.

7560.12 The location of the schools referred to in Section III (B) is hereby confirmed so long as such schools shall remain open.

### 7560.2 New buildings

7560.21 Any new regional school constructed for the purpose of accommodating pupils principally from one town shall be located in that town.

7560.22 Any new regional school constructed for the purpose of accommodating pupils principally from two or more, but less than all, of the member towns shall be located in one of such towns, within a radius of three (3) miles from the geographical center of the pupil population of the area to be served by such school as determined by the committee.

7560.23 Before determining the location of any new regional school, the committee shall determine the town or towns principally from which such school is to accommodate pupils and, in the case of a school to be constructed for the purpose of accommodating pupils principally from two or more, but less than all, of the member towns, the committee shall also determine the area to be served by such school.

Agreement Between the Towns, Section III (A), as adopted in Amendment 1, 1969.

## **7570: School Building Committee**

7570.1 The Central Berkshire Regional School Committee may create a school building committee for specific building projects. The Chair of the School Committee shall appoint at least one of its own members to serve on the School Building Committee. These School Building Committees act as the administrative authority for the projects, subject to the approval of various actions by the School Committee.

The school building committee has the following responsibilities:

1. To study and make recommendations to the district with respect to school building needs.
2. To review thoroughly with the Superintendent and the School Committee the educational requirements in relation to school buildings.
3. To review previous studies and initiate needed studies with or without consultative assistance.
4. Recommend employing the services of architects and cost estimators and such other professional assistance as it may deem necessary or required by law and/or regulations.
5. To generally monitor the MSBA Application process (if applicable)

The School Committee shall not delegate its fiduciary responsibilities to the School Building Committee

### **Staff Planning**

Arrangements will be made by the Superintendent, for the school staff to contribute in the planning of new school buildings. Teachers and staff will be given the opportunity to submit suggestions for possible inclusion in the educational specifications.

### **LEGAL REFS.:**

M.G.L. 71:16A; 71:37C and D; 71:68; 71:70

Massachusetts Board of Education Regulations Governing the School Building Assistance Act, Chapter 645 of the Acts of 1948 as amended, FY 79 and Board of Education 603 CMR, 38:00 and 603 CMR 26:07

Massachusetts School Building Authority Regulations Governing the School Building Grant Program, 963 CMR 2.10

Adopted: August 2, 1972  
Revised: May 8, 2008  
Rewritten: March 24, 2011

## **7580: Naming New Facilities**

For the purposes of this policy, school facilities are defined as all school buildings, spaces within buildings, and grounds owned or leased by the Central Berkshire Regional School District.

Naming a school facility is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a name for a school, a portion of a school, or a portion of school grounds. Whenever possible, the wishes of the community, including parents, students, staff, and local select boards should be considered in naming school facilities.

Names and/or wording associated with school facilities shall be consistent with district policies and promote messages aligned with the mission, vision and goals of the district. To the extent possible, names and/or wording should be designed not to restrict the use of a space or inhibit changing the function of the space should that become necessary in the future. School facilities may not be named for current district employees.

The School Committee has the authority to approve the naming and renaming of all school facilities.

**NEW SCHOOL BUILDINGS:** When the opportunity to name or dedicate a new school building arises, an orderly procedure will be communicated at the next available School Committee meeting. Included in this procedure should be a timeline and means of publicizing the naming effort. The School Committee's agenda should clearly reflect the intent to consider, review, and vote on naming opportunities.

**EXISTING SPACES WITHIN BUILDINGS OR ON SCHOOL GROUNDS:** Occasionally, an existing space within a building or on school grounds may be named for an individual who is significant to our community or a distinguished local, state or national leader whose name will lend dignity and stature to the school. Submission of a request to name an existing space within a building or on school grounds may be made at any time, following submission criteria listed below.

Submission of a name for a school facility must be in writing, and should be made to the School Committee Chair. Submissions may be made by any student, district resident, or district employee. Individuals making a submission may do so as an individual or on behalf of a local organization. If a name is being initiated at the local school level, the Principal must take reasonable steps to include the School Council and PTA/PTO in the nomination of the name before submission to the School Committee.

Written requests should specify the intent of the requestor and the reasons why this particular name would fit the facility. It should offer appropriate background information on the person or organization after which the school facility will be named. An offer of a financial contribution to the district may accompany the naming request, but the School Committee may not accept or reject a name based upon financial considerations alone.

Whether responding to submission of a name for a new building, or an existing space within buildings or on school grounds, the School Committee Chair will specify a consideration period that allows for public comment. At a minimum, the consideration period will consist of 2 regularly scheduled school committee meetings. The committee will be responsible for ensuring the naming request and consideration period are publicized. The committee will also seek input from any known pertinent parties; such as, but not limited to historical societies and local select boards. Following this consideration period, the committee will deliberate and vote on the name request(s).

### **NAME CHANGES**

It is the policy of the School Committee that the names of existing structures or physical spaces under our jurisdiction will not be changed. Historical preservation and respect for our traditions are a key component in honoring our past.

Should a situation arise that leads to the consideration of a name change, A two-thirds (2/3) vote of the School Committee is needed to change the name of a facility.

Where applicable, the school committee will ensure that any name or name change is reflected in the regional agreement.

Adopted: September 27, 2007  
Revised: June 24, 2021  
Revised: August 23, 2021  
Adopted: September 26, 2021

## **7800: Insurance Provisions**

- 7800.1 The district school committee shall purchase with district funds the type and amount of insurance necessary to protect the school district from financial loss as deemed advisable by the School Committee.
- 7800.2 The district school committee shall identify an "agent of record" for the district. It shall be the responsibility of the Agent of Record to solicit bids from competing companies annually, and in consultation with the district Business Manager, arrange such coverage which provides the most economically responsible coverage. In this regard the Agent of Record shall provide information to the district upon request of the Business Manager.

Adopted: October 25, 1972  
Revised: August 13, 1980  
Revised: May 26, 1994

## **7900: Disposal Of Surplus Books And Hardware**

- 7900.1 Surplus Books with a copyright date 10 years old or more
- 7900.11 When textbooks have been replaced with newer editions by the school district, the building principal may at his/her discretion:
- (a) Give books to pupils in the school district.
  - (b) Donate books to towns.
  - (c) Donate books to charitable organizations.
  - (d) As a final resort, discard.
- 7900.2 Surplus Books with a copyright date which is less than 10 years old
- 7900.21 When newer textbooks are surplus because of decreased enrollment, the building principal will notify the Superintendent that a surplus exists and send copies to other building principals. If the Superintendent determines that no other school in the District needs or anticipates needing the books s/he may authorize the principal to:
- (a) Sell the books to a jobber.
  - (b) Advertise locally for their sale.
  - (c) Dispose of as though they were old texts as outlined in 7900.11.
- 7900.3 Surplus hardware
- 7900.31 Should desks, chairs, tables and similar ancillary equipment become surplus in a school, the principal shall notify the Superintendent that a surplus exists with a list of inventory to the Business Manager and the other principals in the district. If the Superintendent determines that no other school needs or anticipates needing the hardware, s/he may authorize the principal to:
- (a) Donate the property to towns.
  - (b) Sell the property to district residents.
  - (c) Sell the property to a dealer in used furniture or office supplies.
  - (d) Donate surplus property to charitable organizations.
  - (e) As a final resort, discard.
- 7900.4 All funds received in connection with the Disposal Policy will be turned over to the district treasurer, and the Superintendent will keep the school committee advised of all funds received.

Adopted: February 8, 1979  
Revised: January 27, 2005 (minor changes)

### **8505: Prohibition Of A Strike**

That in the event of a teachers' strike, the Superintendent of Schools shall make every effort to keep all of the schools open; to minimize the interruption to students, non-striking personnel, and parents; to provide security to safeguard all persons and properties in and around the schools; to keep the chairman of the school committee informed of relevant matters pertaining to the strike; to request the state labor commission to issue an injunction to enjoin the striking teachers; and to take necessary steps to request the Labor Relations Commission to conduct an investigation of the strike; and to formulate a strike policy.

Adopted: November 13, 1974

**APPENDIX A: Central Berkshire Regional School District Agreement**

Becket, Cummington, Dalton, Hinsdale, Peru,  
Washington and Windsor, Massachusetts  
(Retyped January, 1997 to include amendments 1 – 9)

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## **CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT AGREEMENT**

### **Section I: The Regional District School Committee**

#### **A. Composition & Election**

1. The powers and duties of the regional school district shall be vested in and exercised by a regional school district committee, hereinafter sometimes referred to as the "Committee", which shall have all the powers and duties conferred and imposed upon school committees and regional school districts by general and special law and by this Agreement and which shall consist of fifteen members to be elected by all of the voters of the Central Berkshire Regional School District, hereinafter sometimes referred to as the "District", voting in a District election to be held at the biennial state elections. The term of office of each member shall be four years and thereafter, until their respective successors have been duly elected and qualified. Eight members of the Committee shall at all times be residents of the Town of Dalton; two members of the Committee shall at all times be residents of the Town of Hinsdale; and the remaining members of the Committee shall consist of five persons one of whom shall at all times be a resident of each of the Towns of Becket, Cummington, Peru, Washington and Windsor.

Effective with the election of 1992, seven members of the Committee shall at all times be residents of the Town of Dalton; two members of the Committee shall at all times be residents of the Town of Hinsdale; two members of the Committee shall at all times be residents of the Town of Becket; and the remaining members of the Committee shall consist of four persons, one of whom shall at all times be a resident of each of the Towns of Cummington, Peru, Washington and Windsor. One of the representatives of the Town of Becket elected in 1992 shall be for a term of two years and one of the representatives of the Town of Hinsdale elected in 1994 shall be for a term of two years. Thereafter, the terms of all representatives shall be for four years.

2. Vacancies which occur on the Committee shall be filled by the remaining members of the Committee and the appointee filling such vacancy shall serve the unexpired portion of the term.

3. The members of the Committee incumbent on the effective date of this provision shall hold office until the year in which their terms would ordinarily expire and until their successors have been elected and qualified, as herein provided.

#### **B. Nominations**

Nominations for membership on the Committee shall be made in accordance with all the procedures prescribed by Massachusetts General Laws, Chapter 53, s 122, as from time to time amended, and other pertinent provisions of law.

#### **C. Withdrawal**

If any member town other than the Town of Dalton withdraws from the District, the number of members on the Committee shall be reduced by twice the number of members required to be resident in that town prior to withdrawal and the numbers of members required to be resident in Dalton shall be reduced by one-half the total reduction of the Committee, provided, however, that the time when and manner in which the reduction shall be effected shall be set forth in the amendment providing for the withdrawal of the member town.

#### **D. Organization**

Annually, at the first regular meeting of the Committee following the first Tuesday next after the first Monday in November, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.

#### **E. Quorum**

A quorum for the transaction of business shall consist of a majority of the Committee but a lesser number may adjourn.

F. **Ballot Format**

The names and addresses of the candidates shall be arranged on the ballot according to the town in which they reside with a separate category for each town, the seat for which on the district School Committee is being filled in that election. For each category, there shall be printed such directions as will instruct the voter to vote for the number of candidates to be elected in each town.

**PLEASE NOTE:**

Section I - Amended by Amendment #1, July 1, 1969

Section I - Replaced in its Entirety by Amendment #2, November 16, 1971

Section I - Amended A. Composition, Items 1 and 2, July 23, 1984, Amendment #6

Section I - Amended by Amendment #7, November 16, 1989

Section I - Amended by Amendment #8, May 13, 1991

**Section II: Type of Regional School District**

The regional school district shall comprise all grades from kindergarten through grade twelve. The Committee is hereby authorized to establish and maintain state-aided vocational education, acting as trustees therefore, in accordance with the provisions of Chapter 74 of the General Laws, and acts amendatory thereto or dependent thereon, if the Committee deems it desirable.

**PLEASE NOTE:**

Section II - Amended by Amendment #1, July 1, 1969

**Section III: Location/Lease of Schools**

A. **Location of Schools**

The senior high school and any other school accommodating the pupils from any one or more grades from all the member towns shall be located in the Town of Dalton. The location of the schools referred to in Section III B is hereby confirmed so long as such schools shall remain open. Any new regional school constructed for the purpose of accommodating pupils principally from one town shall be located in that town. Any new regional school constructed for the purpose of accommodating pupils principally from two or more, but less than all, of the member towns shall be located in one of such towns, within a radius of three (3) miles from the geographical center of the pupil population of the area to be served by such school as determined by the Committee. Before determining the location of any new regional school, the Committee shall determine the town or towns principally from which such school is to accommodate pupils and, in the case of a school to be constructed for the purpose of accommodating pupils principally from two or more, but less than all, of the member towns, the Committee shall also determine the area to be served by such school.

B. **Lease of Schools**

Each of the seven member towns is hereby authorized to lease to the regional school district the respective premises and buildings listed below:

1. The Town of Becket - The Becket Consolidated School
2. The Town of Cummington - The Cummington Elementary School
3. The Town of Dalton-
  - The Craneville School
  - The Center School
  - The Dalton Junior High School (Nessacus Middle School)
4. The Town of Hinsdale - The Kittredge Elementary School

5. The Town of Peru - The Peru Elementary School (Doris S. Smith Elementary School)
6. The Town of Washington - The Washington Elementary School
7. The Town of Windsor - The Crane Community School

Each of the leases authorized above shall be for a term of twenty years and the term shall commence on the date when the Committee assumes jurisdiction over the pupils in kindergarten through grade eight. Each of the leases shall contain a provision for the extension of the term thereof for an additional term not in excess of twenty years, renewable at any time during the term, at the option of the Committee. Each of the leases shall contain provisions authorizing the regional school district to insure, repair, improve, alter, remodel or modernize any of the leased buildings. No rental shall be charged to the District by any of the member towns. Each lease involving a member town shall be on such other terms as may be determined by the Selectmen thereof and the Committee, who shall execute the lease for the member town and the regional school district, respectively.

#### **Section IV: Apportionment And Payment Of Cost Incurred By The District**

A. Classification of Costs

For the purpose of apportioning assessments levied by the District against the member towns, costs shall be divided into two categories: capital costs and operating costs.

B. Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, including without limitation the cost of original equipment and furnishing for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes or other obligations issued by the District to finance capital costs.

C. Operating Costs

Operating costs shall include all costs not included in capital costs as defined in Section IV B, but including interest on temporary notes issued by the District in anticipation of revenue.

D. Apportionment of Capital Costs

Capital costs, including debt service on bonds or notes issued by the District to finance capital costs, with respect to any particular school, shall be apportioned on the basis of each member town's pupil enrollment in such school. Each member town's share shall be determined by computing the ratio which its pupil enrollment in such school on October 1 of the year next preceding the year for which apportionment is made bears to the pupil enrollment from all the member towns in such school on that date. If there is no enrollment in such school on the aforesaid October 1, capital costs with respect thereto shall be apportioned on the basis of the last preceding apportionment thereof. Capital costs with respect to a new school in which there was no pupil enrollment on October 1 of the year preceding the year for which the apportionment is made or on any prior October 1 shall be apportioned on the basis of the number of pupils from each member town which such school is intended to accommodate as determined by the Committee prior to the time when the first apportionment of capital costs on account of such school is made.

E. Apportionment of Operating Costs

Operating costs and any capital costs not apportioned pursuant to section IV D, for the fiscal year 1993,

and for every fiscal year thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional district schools including the schools referred to in Section III, B. Each member town's share for each fiscal year shall be determined by computing the ratio which the sum of the pupil enrollment of a member town as determined by the census of students in said schools each October 1 for the current fiscal year and the preceding four years, bears to the sum of the enrollment of students for the district schools, as determined by the census of students enrolled in said schools each October 1 for the current fiscal year and preceding four years.

This revised method of apportionment of operating school costs to member towns shall be phased in over five years, becoming fully effective in the fifth year. In the first fiscal year following acceptance costs shall be apportioned according to the pupil enrollment of each member town as determined by the census of students on the previous October 1. In the second year costs shall be apportioned according to the sum of pupil enrollments as determined by the census on the previous October 1 and the October 1 census preceding that. In the third year costs shall be determined by the census on the previous October 1 and the two preceding October 1 censuses. In the fourth year costs shall be apportioned according to the sum of pupil enrollments as determined by the census on the previous October 1 and the three preceding October 1 censuses. In the fifth and subsequent years costs shall be apportioned according to paragraph one.

F. Times of Payment of Apportioned Costs

Each member town shall pay its proportionate share of the capital and operating costs to the regional school district each year in four equal installments not later than the fifteenth day of the month in August, December, and February and the first day of June of each year. If a town does not make payment by the due date, said town shall be liable for the full amount due plus accrued interest, at the Massachusetts Municipal Depository Trust rate effective on the date payment was due, times the number of days delinquent, to the Central Berkshire Regional School District.

G. Application of State Grants

Any school construction grants received by the District from the Commonwealth, including reimbursement received under the provision of Section 6 of Chapter 645 of the Acts of 1948, as amended, shall be applied only to the payment of capital costs as defined in Section IV B of this agreement.

PLEASE NOTE:

Section IV - Amended by Amendment #1, July 1, 1969

Section IV F Amended July 18, 1973, by Amendment #3

Section IV F Amended June 27, 1984, by Amendment #5

Section IV E Amended by Amendment #9, June 29, 1992

**Section V: Transportation**

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member towns as an operating expense.

**Section VI: Amendments**

A. Limitation

This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

**B. Procedure**

A proposal for amendment may be initiated by a vote of at least three-fourths of the members of the entire Committee, or by a majority vote at an annual or special town meeting of any member town, or by a petition signed by 10% of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof, a certification by the town clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said town. Any proposal for amendment shall be presented to the Secretary of the Committee, who shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this agreement has been received and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by at least three-fourths of all the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

**Section VII: Admission Of Additional Towns To The District**

Any town or towns may be admitted to the regional school district by an amendment to this agreement adopted in the following manner. The proposal for amendment shall be initiated by not less than three-fourths of the full Committee and shall contain the terms upon which the town or towns shall be admitted. Such proposal shall be presented to the Secretary of the Committee who shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this agreement has been received and shall enclose a copy of such proposal. The selectmen in each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal for amendment. The town or towns seeking admission shall be admitted to the regional school district upon (1) acceptance of the amendment by at least three-fourths of the member towns and (2) acceptance by the town or towns seeking admission of the terms of this agreement, as amended, and the amendment covering the admission of said town or towns.

**Section VIII: Withdrawal**

**A. Limitation**

Any member town may, by vote at an annual or special town meeting, petition to withdraw from the District under terms to be stipulated in a proposed amendment to this agreement and subject to the provisions of Section VI, except as otherwise provided herein, provided (1) that the town seeking to withdraw shall remain liable for any unpaid operating costs which have been certified by the District Treasurer to the Treasurer of the withdrawing town, including the full amount so certified for the year in which such withdrawal takes effect and (2) that the said town shall remain liable to the District for its share of the indebtedness, other than temporary debt in anticipation of revenue, of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness.

**B. Procedure**

Thereupon, if three-fourths of the members of the full Committee approve the proposed withdrawal, the said Committee shall draw up and initiate an amendment to the agreement providing for the withdrawal of the petitioning town. The town seeking to withdraw shall cease to be a member town if the proposed amendment is then approved by a vote of the town seeking to withdraw and by a vote of at least three-fourths of the remaining member towns at an annual or at a special meeting called for the purpose.

**C. Membership of District Committee After Withdrawal**

Upon the effective date of withdrawal the terms of office of all members serving on the Committee from the withdrawing town shall terminate and the total membership of the said Committee, as provided in Section I A, shall be decreased accordingly.

D. Deposit of Money Paid by Withdrawing Town

Money received by the District from the withdrawing town for payment of funded indebtedness or interest thereon shall be used only for such purpose and until so used shall be deposited in trust in the name of the District with a Massachusetts bank or trust company having a combined capital and surplus of not less than \$5,000,000.

E. Apportionment of Costs After Withdrawal

The withdrawing town's annual share of any future installment of principal and interest on obligations of the District outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such town at the last annual apportionment made next prior to the effective date of the withdrawal.

The remainder of any such installment after subtracting the share of any town or towns which have withdrawn shall be apportioned to the remaining member town or towns in the manner provided in Section IV D or as may be otherwise provided in the amendment providing for such withdrawal.

### **Section IX: Budget**

A. Initial Budget

Within sixty days after the Committee is organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then calendar year. Copies of such proposed budget shall be submitted to the chairman of the finance or advisory committee of each member town, or if there is no finance or advisory committee in a member town, to the chairman of the Board of Selectmen of such town, for its consideration. A budget shall be adopted not earlier than fourteen days but within thirty days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned between the member towns according to the provision in Section IV hereof. The treasurer shall certify to each member town its respective share of said budget. The sums thus certified shall be payable forthwith by each member town to the Committee but only from funds which may be or may have been appropriated by each member town for such purpose, if any.

B. Tentative Maintenance and Operating Budget

Thereafter the Committee shall, within seventy-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1 nor earlier than January 1, prepare a tentative maintenance and operating budget for the ensuing fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidences of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expense and such other classifications as may be necessary:

1. General Control
2. Instructional Expenses
3. Plant Operation
4. Plant Maintenance
5. Auxiliary Agencies
  - a. Hot Lunches
  - b. Athletics
  - c. Health
  - d. Libraries
  - e. Transportation
6. Outlay
7. Debt Service

## 8. Special Charges

Five days thereafter, copies of such tentative budget shall be mailed to the chairman of the finance or advisory committee, if any, to the chairman of the Board of Selectmen, and to the Chairman of the local School Committee of each member town.

### C. Final Maintenance and Operating Budget

The Committee shall, within forty-five (45) days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 31 nor earlier than February 1, in each year, adopt an annual maintenance and operating budget for the ensuing fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amount necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV d and IV e. The amounts so apportioned for each member town shall, within thirty (30) days from the date on which the annual regional school budget is adopted, be certified by the district treasurer to the treasurers of the member towns, and each town shall be liable for and shall appropriate the amounts so certified to it.

PLEASE NOTE:

Section IX - Items B and C amended by Amendment #4, December 12, 1973

### **Section X: Incurring Of Debt**

Not later than seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, written notice of the amount of the debt and of the purposes for which it was authorized shall be given to the Board of Selectmen in each member town.

### **Section XI: Tuition Students**

The Committee may accept for enrollment in the regional district school pupils from towns other than the member towns on a tuition basis and on such terms as it may determine. Income received by the regional district school from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV E to the member towns.

PLEASE NOTE: Section XI - Amended by Amendment #1, July 1, 1969

### **Section XII: Employment Of Teachers And Extension Of Tenure**

Any teacher in any of the grades from kindergarten through grade eight who is serving on tenure under a school committee in any of the seven member towns on June 30, 1969, shall be employed by and shall continue to serve on tenure under the regional district school committee. Any teacher in the aforesaid grades who is not on tenure on June 30, 1969, shall be given preferred consideration for similar positions by the regional district school committee. Administrators will be given preferred consideration for similar positions wherever possible.

Nothing contained in this agreement shall affect the tenure status of any teacher in the Wahconah Regional High School.

### **Section XIII: Jurisdiction Of Committee**

The establishment of the regional school district shall not affect the obligation of the member towns to provide education in grades nine through twelve, inclusive, until such time as the regional district school

committee shall notify the local school committees of the member towns that the regional district school is in proper condition and prepared to function.

**Section XIV: Special Provisions Relating To Amendment Number 1**

Amendment #1 was entirely replaced by Amendment #2.

**APPENDIX B: District By-Laws**

***CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT  
254 HINSDALE ROAD, BOX 299  
DALTON, MASSACHUSETTS 01227  
TELEPHONE: 413-684-0320***

**ARTICLE I NAME AND MEMBERSHIP**

- Section 1 The name of the district shall be the Central Berkshire Regional School District and the name of the district committee shall be the Central Berkshire Regional School Committee.
- Section 2 The composition of the Central Berkshire Regional School Committee, hereinafter referred to as the School Committee, shall consist of 15 members as provided for in Section 1, paragraph (A), of the Central Berkshire Regional School District Agreement, as amended.

**ARTICLE II POWERS AND DUTIES**

The district is a body politic and corporate with all the powers and duties conferred upon school committees by law and by the Agreement and any amendments thereto. In carrying out their responsibilities, the School Committee shall be concerned primarily with matters of finance, policy, and the hiring of the Superintendent. It shall act as a committee of the whole. Individual members shall make no commitment for the School Committee except when commissioned to do so by the School Committee.

**ARTICLE III ORGANIZATION, OFFICERS, MEETINGS**

- Section 1 The School Committee will nominate and elect officers for a term of one (1) year. These elections will be held at the regular November School Committee meeting. Each member's vote shall be recorded and published in the minutes of the meeting.
- Section 2 There shall be a Chair and a Vice-Chair chosen by and from the membership of the Committee and a Secretary and Treasurer, appointed by the Committee, who may be one and the same person, but who need not be members of the Committee. The Treasurer may, by vote of the Committee, be compensated for his/her services and offered a multi-year contract.
- Section 3 The Chair shall preside at all meetings of the Committee, shall appoint and serve as ex-officio member of all special committees except as otherwise directed by the Committee, and shall perform such other duties as may be delegated to him/her. Should the School Committee Chairperson wish to serve on a special or standing committee as a voting member or chairperson, he/she may do so after a vote of the full school committee.
- Section 4 The Vice-Chair shall perform the duties of the Chair in the event that the Chair is absent or unable to perform his/her duties.
- Section 5 The School Committee shall appoint a secretary who shall keep a permanent record book in which all its votes, orders and proceedings shall be recorded.

The Secretary shall send out notices of all regular and special meetings of the Committee. He/she shall keep the minutes of all meetings and shall be the custodian of the Regional Seal, all records, and Treasurer's bond. He/she shall also prepare such reports as may be required by the Massachusetts Department of Education.

If the office of Secretary is vacant or if the Secretary is absent or unable to perform his/her duties, the School Committee shall appoint a temporary secretary to hold such office and exercise the powers to perform the duties thereof until a Secretary is duly appointed or the Secretary who was absent resumes his/her duties.

Section 6 The Treasurer shall:

- Receive all monies paid to the Regional School Committee in accordance with Massachusetts General Laws.
- Keep financial records and accounts in accordance with state regulations.
- Act as paymaster, as directed by the School Committee.
- Prepare and submit bills to member towns.
- Post a bond with the Secretary of the Committee.
- Be responsible to the Committee.

The premium of the Treasurer's bond shall be paid as an expense from the funds of the district.

Section 7 All regular meetings of the School Committee shall be held at the place established by the Committee with notice as provided in Section 9. Regular meetings of the School Committee shall begin at 7:00 p.m. In January, February and March two regular meetings per month shall be held on the second and fourth Thursdays. In the months of May through October one regular meeting per month shall be held on the fourth Thursday of the month. In April, November and December one regular meeting per month shall be held on the second Thursday of the month.

Except for the annual meeting, the time and place of a regular meeting may be changed, if necessary, by vote of the majority of the School Committee members present at a duly called School Committee meeting.

Section 8 Special meetings may be called by the Chairperson and shall be called upon request of the Superintendent of Schools or of three members of the School Committee for the purpose of transacting any business designated in the call. Town Clerks in each of the member towns will be so notified. At such special meetings no business shall be considered other than as designated in the notice.

In cases of extreme emergency, it may be necessary for the Chair of the School Committee to direct the Superintendent and his/her staff to notify the School Committee members of an emergency meeting by phone or by email in order to expedite the calling of an emergency meeting.

Section 9 In accordance with M.G.L. Ch. 30A, Sec. 20 (OML), as interpreted by the Attorney General, notices of meetings and the agenda for meetings shall be posted on the district website. Notices of meetings and revisions of notices shall be sent to the Town Clerk in each of the member towns stating the date, time and place of such meetings, but the failure of the Secretary to give notice as herein directed shall not affect the validity of any action taken at such meeting. Such notices shall be sent by email and, when time allows, mailed to the Town Clerk in each of the member towns.

Section 10 A quorum for the transaction of business shall consist of a majority of the Committee but a

lesser number may adjourn.

Section 11 Standard CBRSD School Committee Agenda will be organized as follows. Further explanation or intent of topic, if needed, appears parenthetically.

1. Call to Order and Acknowledgement of Quorum
2. Pledge of Allegiance
3. Public Comment  
(Invitation to public to voice concerns or praise on district matters)
4. Academic Presentation
5. Student Affairs  
(Report by WRHS student elected as representative to inform committee of issues of concern at high school or in academic community)
6. Secretary's Report
7. Financial Report
8. Communications
9. Special and Standing Committee Reports and Recommendations
10. Superintendent's Reports and Recommendations
11. Staff Changes
12. Unfinished Business  
(Any business not completed or postponed from a previous meeting, or not covered if a meeting had to be adjourned for any reason prior to concluding entire agenda)
13. New or Emergency Business  
(Unforeseen business developed subsequent to posting of meeting and requiring timely attention. Member requests to place items on a future agenda [without deliberation of the substance of such item])
14. Remarks for the Good of the Committee  
(Comments a member wishes to make regarding district or general educational matters)

The order above represents a typical agenda. To conform to the business of the day, the order may be adjusted with the concurrence of the Committee. Robert's Rules of Order shall govern the proceedings of the Committee except when those rules are in conflict with the Committee's approved policies and regulations.

#### ARTICLE IV SPECIAL AND STANDING COMMITTEES

##### Section 1 Special Committees (*Ad Hoc*)

The Chairperson of the School Committee may appoint one or more Special Committees, subordinate to the full committee, to investigate and report to the full School Committee on matters assigned by the Chairperson. The Chairperson of the School Committee shall appoint the Chairperson of each Special committee, or (at his/her discretion) may delegate this responsibility to the members of the Special Committee

Each such Special Committee shall remain in effect until the specific task is accomplished.

##### Section 2 Standing Committees (Subcommittees)

As part of annual reorganization, the Chairperson of the School Committee shall appoint members to each Standing Committee and may (at his/her discretion) appoint the Chairpersons of the Standing Committees. The Chairperson of the School Committee shall be an *ex officio* member of each of the Standing Committees, but without the right to vote. Standing Committees are subordinate to the full committee.

The Standing Committees and their charters are:

#### Curriculum

- Review student performance data on standardized tests
- Use performance data to make programmatic or curriculum change recommendations
- Review and make recommendations on extracurricular programs
- Review and make recommendations on school improvement plans and student handbooks
- Review academic grants as presented by the administration
- Annually review the district Technology Plan to ensure that technology and infrastructure support educational program and curriculum needs and administrative and financial needs; make recommendations to the School Committee for improvements or upgrades to satisfy such needs

#### Finance

- Recommend annual operating and capital budgets
- Review audit of finances
- Interact with town officials during annual budget formulation
- Review income and expenses over the course of the year and recommend transfers between line items referring these to the full committee for action
- Review and recommend action on capital and maintenance projects
- Review and recommend staff additions when there are changes to an adopted budget
- Review district technology infrastructure and human resource needs and make recommendations to School Committee for improvements and the upgrades

#### Personnel

- Conduct collective bargaining with unions
- Recommend compensation for superintendent and other non-represented personnel
- Review and make recommendations pertaining to contracts for non-represented personnel
- Design, organize, and implement annual evaluation of superintendent
- Make recommendations on legal counsel

#### Policy

- Recommend new policies and revisions to policies, bylaws, and the regional agreement
- Address issues involving transportation services
- Design, organize and implement the annual self-evaluation of the School Committee
- Annually review mission/vision statements
- Annually review District Strategic Plan
- Review and update, as necessary, Acceptable Use Policy

#### Safety and Wellness

- Review and make recommendations to the School Committee as it relates to student and staff safety and security
- Review and make recommendations to the School Committee as it relates to environmental impacts on student learning and on student and staff comfort

- Review and make recommendations to the School Committee as it relates to the social emotional learning environment

### Section 3 Special and Standing Committee Rules of Governance

#### Section 3.1 Open Meeting Law Compliance

Special and Standing Committees, as multi-member boards, must comply with all provisions of the Open Meeting Law (OML).

#### Section 3.2 Attendance and Quorum of School Committee

Meetings of Special and Standing Committees shall not facilitate or promote the intentional or inadvertent meeting of a quorum of the School Committee. To avoid a violation of the OML

- a. Members of the audience shall be seated apart from members of the committee,
- b. Members of the School Committee who are not members of the Special or Standing Committee shall be treated as a member of the audience particularly in seating arrangements, ability to address the committee, and attendance in executive sessions.

#### Section 3.3 Chairperson of a Special or Standing Committee

The Chairperson of the committee shall have all the duties and responsibilities incumbent on the Chairperson of all public bodies.

The Chairperson of a Special or Standing Committee shall ensure that the provisions of the OML are satisfied including posting of meetings and recording and storage of minutes, and that executive sessions are in accordance with the OML.

The Chairperson shall ensure members are informed of meeting dates and times and shall ensure members have pertinent information or data prior to deliberation. The Chairperson shall ensure that committee activities and actions are communicated to the School Committee completely and in a timely fashion to enable the School Committee to effectively consider committee recommendations.

#### Section 3.4 Robert's Rules of Order

Meetings of Special and Standing Committees shall be conducted in accordance with *Robert's Rules of Order*, unless otherwise agreed to by the committee.

#### Section 3.5 Quorum of Special and Standing Committee

The presence of a quorum of a Special or Standing Committee is not required to conduct business.

#### Section 3.6 Consideration of Similar Topics by Multiple Special or Standing Committees

Two or more committees may not consider similar topics or make recommendations to the full committee on similar topics. Every attempt will be made by the Chairperson of the committee and the School Committee itself, when referring matters to a Special or Standing Committee, to consider the primary reason for referral as the governing reason for referral. This is to maintain compliance with the OML, ensure proper ethical practices, and to minimize redundancy and bureaucracy.

### Section 3.7 Authority

Except for issues specifically delegated, no Special or Standing Committee has authority make decisions for the full committee. Any matter voted on for recommendation to the full committee must be disclosed to the full committee.

### Section 3.8 Meeting Duration

Special and Standing Committee meetings shall be no more than two hours in duration unless otherwise voted by the committee to extend the meeting.

## ARTICLE V FINANCIAL OPERATIONS

The Treasurer shall pay no money from the treasury, other than court judgments, payrolls, bonds or notes which may become due and interest thereon except upon an order or a warrant signed in accordance with Chapter 71, Section 16A of the General Laws of the Commonwealth or by at least three members of the warrant subcommittee of the Regional School Committee.

Approved: January 26, 1972  
Revised: October 25, 1972 (Section 13, Article III)  
Revised: June 12, 1975 (Section 1, Article III)  
Revised: August 25, 1983 (Section 2, Article I; Article II; Sections 2-10, Sections 12 and 13 eliminated, Article III; Article IV; Article V)  
Revised: April 9, 1987  
Revised: May 1, 2003 (Article II; Sections 1, 5, 6, 7 & 8 combined, and 12, Article III; Article IV)  
Revised: March 22, 2007  
Revised: April 26, 2007 (changed the starting time of meetings to 7:00 p.m.)  
Revised: July 24, 2008 (Article III, Section 11, added language regarding adjusting the order of business)  
Revised: October 24, 2013 (Article III, Sections 8 and 9, language revisions, Section 11 entire section replaced; Article IV, entire section replaced)  
Revised: January 10, 2018 (Article IV)  
Revised: July 25, 2019 (Article III)

CENTRAL BERKSHIRE REGIONAL SCHOOL DISTRICT  
APPENDIX C-1

**GRADES K - 2: USING TECHNOLOGY IN SCHOOL**

*It is recommended that K-2 teachers read this policy aloud with their students, pausing as necessary to explain and clarify.*

**WHAT IS THE RUP?**

RUP are three letters that mean Responsible Use Policy. This is a grown-up phrase. It means a list of rules that we follow when we use technology at school.

**WHY DOES MY SCHOOL HAVE AN RUP?**

Many children and grown-ups use technology. We need to make sure that everyone is safe when using it. We also need to take care of our equipment, so we need rules to follow.

**WHY DO I HAVE TO BE VERY CAREFUL TO FOLLOW THE RULES?**

Using technology and going on the Internet at school is a privilege. Our school trusts us to follow the rules. Your work on computers is not private. Your teachers watch you in class, and when you are on the internet, people who work for our school district can see what you are doing. Do not do anything on the computer that you would not like a grown-up to see you do!

**WHAT HAPPENS IF A STUDENT DOES NOT FOLLOW THE RULES IN THE RUP?**

Our school has consequences for students who do not follow the rules. You could lose your technology privileges in school. You should also tell a grown-up if you see someone who breaks the rules in the RUP.

**RESPONSIBLE USE POLICY (RUP) RULES**

**1. I WILL BE KIND AND RESPECTFUL WHEN USING TECHNOLOGY.**

I will use appropriate words and will not write mean things about another person on the computer. I will tell a grown-up if I know someone in my class is breaking this rule.

**2. I WILL USE THE INTERNET PROPERLY.**

I will stay on the sites where I am supposed to be, and will only go to sites my teachers have approved. I will tell a grown up if I see any bad words or see any bad pictures on a computer.

**3. I WILL TAKE CARE OF THE TECHNOLOGY EQUIPMENT I USE IN SCHOOL.**

I will not change anything on the equipment without a teacher's permission. I will not hurt any part of it on purpose. I will not write on it with pencil, pen, crayon, or markers. I will use and care for any equipment I am assigned in a responsible and safe manner.

## **GRADES 3 - 5: USING TECHNOLOGY IN SCHOOL**

### **WHAT IS THE RUP?**

RUP stands for Responsible Use Policy. It means that you agree to only do acceptable things when you are using CBRSD technology. CBRSD has rules that all students have to follow when they use the Internet.

### **WHY DOES THE CBRSD HAVE AN RUP?**

A lot of people use the CBRSD network and technology equipment. We need to make sure that everyone feels comfortable and safe using these tools. We all also need to make sure that our equipment is in working order for everyone to use.

### **WHY DO I HAVE TO BE RESPONSIBLE FOR WHAT I DO ON THE CBRSD NETWORK?**

Using the Internet in school is a privilege not a right. Our network, web pages, and email accounts are NOT private. CBRSD staff and the school administration are able to monitor everything you do on the school computers. This means someone can read what you write, and see the web pages that you visit. THINK before you do anything online that you would not want your teachers or parents to see.

### **WHAT HAPPENS IF A STUDENT DOES NOT DO FOLLOW THE RULES IN THE RUP?**

Our school has consequences for students who use the Internet in unacceptable ways. If you don't follow the RUP, you can lose your technology privileges in school. You should also report to a teacher or another adult anything you see online that does not follow the rules listed in the RUP, or if you know of someone who is not following the RUP.

### **RESPONSIBLE USE POLICY (RUP) RULES**

**1. I WILL BE KIND, RESPECTFUL AND HONEST WHEN I AM USING TECHNOLOGY.**

I will use appropriate language and will not write mean things about another person. I will not use someone else's account or share my password information with others. I will tell a grown-up if I know someone in my class is breaking this rule.

**2. I WILL USE THE INTERNET PROPERLY.**

I will stay on the sites where I am supposed to be, and will only go to sites my teachers have approved. I will tell an adult if I see anything inappropriate on any type of technology.

**3. I WILL TAKE CARE OF THE TECHNOLOGY EQUIPMENT I USE IN SCHOOL.**

I will not change any settings on the equipment without a teacher's permission. I will not break, destroy, or harm any computer equipment on purpose. I will use and care for the Chromebook I am assigned in a responsible and safe manner.

**4. I WILL BE RESPONSIBLE FOR PROTECTING OTHER PEOPLE'S PROPERTY ONLINE.**

I will not plagiarize. When I use information from a website or other resource, I will cite my sources. I will obey copyright laws and will not download words, pictures, video, or music that belongs to someone else.

**5. I WILL FOLLOW SCHOOL RULES ABOUT PUBLISHING INFORMATION ONLINE.**

I will not publish any material on a school website, wiki, blog, podcast, social media, etc. without my teacher's permission and approval. I will not publish a picture, including my picture, that includes first or last names in the caption.

## **Grades 6 - 8: Using Technology in School**

Central Berkshire Regional School District (CBRSD) provides a wide range of technology resources for student use. These technology resources are to be used only for educational purposes. This agreement outlines appropriate use and prohibited activities when using all technology resources and electronic devices as defined by school administrators. Every student is expected to follow all of the rules and conditions listed, as well as those given verbally by CBRSD teachers and administrators, and to demonstrate good citizenship and ethical behavior at all times.

Use of the CBRSD network and email is a privilege, not a right. School network and email accounts are owned by CBRSD and are not private. CBRSD has the right to access that information at any time. CBRSD administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement.

CBRSD uses a filtering system to track and monitor all computer and Internet use on the network. Certain online conduct (including, but not limited to criminal acts, libel, and copyright infringement) may constitute a violation of federal and/or state criminal laws relating to cyber-crimes. All CBRSD users will use technology in a manner that complies with laws of the United States and the State of Massachusetts.

### **Responsible Use Policy (RUP) RULES**

**1. I AM RESPONSIBLE FOR MY COMPUTER ACCOUNT AND EMAIL ACCOUNT.**

I understand that passwords are private and that I should not share my password with anyone. I understand that I am responsible for all activities done through my account. I will not allow others to use my account name and password, or try to use that of others. I understand that I will be in violation of the law if I attempt to electronically capture another person's password. I understand that it is important to log off the computer at the end of every session so another user cannot use my password.

**2. I AM RESPONSIBLE FOR BEING KIND, RESPECTFUL AND HONEST AT ALL TIMES.**

I will use appropriate language (as determined by a school administrator) in all my online writing and posting. I will be respectful in all my digital communications (including email, blogs, chats, discussions boards, social media, etc.), not posting or sending hateful or harassing messages, discriminatory or derogatory remarks, or engaging in any other antisocial behaviors while in or out of school. I understand that impersonating, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out email, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name.

**3. I AM RESPONSIBLE FOR USING THE CBRSD NETWORK AND TECHNOLOGY RESOURCES APPROPRIATELY.**

I will not search, retrieve, save, circulate or display inappropriate or offensive material. I will not search, retrieve, save or circulate images or information about weapons unless authorized by a school administrator/teacher as part of a school assignment. I understand the use of the CBRSD network for illegal or commercial activities is prohibited. I understand that what I do on social networking websites should not negatively impact the school learning environment and/or my fellow students, teachers and administrators.

**4. I AM RESPONSIBLE FOR PROTECTING THE SECURITY OF THE CBRSD NETWORK.**

I will not attempt to bypass security settings or Internet filters, or interfere with the operation of the network by installing illegal software including file sharing, shareware, or freeware on school computers. I understand that I need authorization from a school administrator/teacher to use personal

electronic devices that I bring to school, including, but not limited to, memory storage devices (i.e. USB drives).

**5. I AM RESPONSIBLE FOR PROTECTING SCHOOL PROPERTY.**

I understand that vandalism is prohibited. This includes but is not limited to accessing, modifying, or destroying equipment, programs, files, or settings on any technology equipment or resources. I will also use and care for the Chromebook I am assigned in a responsible and safe manner.

**6. I AM RESPONSIBLE FOR RESPECTING OTHER PEOPLE’S PROPERTY ONLINE.**

I will obey copyright laws. I will not plagiarize or use anyone else’s work without proper citation and permission. I will not illegally download materials protected by copyright including, but not limited to, music and movies.

**7. I AM RESPONSIBLE FOR FOLLOWING SCHOOL RULES WHENEVER I PUBLISH ANYTHING ONLINE.**

I will follow all guidelines set forth by CBRSD and/or my teachers when publishing schoolwork anywhere online. I understand that it is unsafe to post any personal information about myself, including but not limited to my name, address, phone number or school. I will not post photos of students with their first and last names on any online site, including but not limited to blogs, wikis, and discussions forums.

## **Grades 9 - 12: Using Technology in School**

Central Berkshire Regional School District (CBRSD) provides a wide range of technology resources for student use. These technology resources are to be used only for educational purposes. This agreement outlines appropriate use and prohibited activities when using all technology resources and electronic devices as defined by school administrators. Every student is expected to follow all of the rules and conditions listed, as well as those given verbally by CBRSD teachers and administrators, and to demonstrate good citizenship and ethical behavior at all times.

Use of the CBRSD network and email is a privilege, not a right. School network and email accounts are owned by CBRSD and are not private. CBRSD has the right to access that information at any time. CBRSD administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement.

CBRSD uses a filtering system to track and monitor all computer and Internet use on the network. Certain online conduct (including, but not limited to criminal acts, libel, and copyright infringement) may constitute a violation of federal and/or state criminal laws relating to cyber-crimes. All CBRSD users will use technology in a manner that complies with laws of the United States and the State of Massachusetts.

### **Responsible Use Policy (RUP) RULES**

#### **1. I AM RESPONSIBLE FOR MY COMPUTER ACCOUNT AND EMAIL ACCOUNT.**

I understand that passwords are private and that I should not share my password with anyone. I understand that I am responsible for all activities done through my account. I will not allow others to use my account name and password, or try to use that of others. I understand that I will be in violation of the law if I attempt to electronically capture another person's password. I understand that it is important to log off the computer at the end of every session so another user cannot use my password.

#### **2. I AM RESPONSIBLE FOR BEING KIND, RESPECTFUL AND HONEST AT ALL TIMES.**

I will use appropriate language (as determined by a school administrator) in all my online writing and posting. I will be respectful in all my digital communications (including email, blogs, chats, discussions boards, social media, etc.), not posting or sending hateful or harassing messages, discriminatory or derogatory remarks, or engaging in any other antisocial behaviors while in or out of school. I understand that impersonating, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out email, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name.

#### **3. I AM RESPONSIBLE FOR USING THE CBRSD NETWORK AND TECHNOLOGY RESOURCES APPROPRIATELY.**

I will not search, retrieve, save, circulate or display inappropriate or offensive material. I will not search, retrieve, save or circulate images or information about weapons unless authorized by a school administrator/teacher as part of a school assignment. I understand the use of the CBRSD network for illegal or commercial activities is prohibited. I understand that what I do on social networking websites should not negatively impact the school learning environment and/or my fellow students, teachers and administrators.

#### **4. I AM RESPONSIBLE FOR PROTECTING THE SECURITY OF THE CBRSD NETWORK.**

I will not attempt to bypass security settings or Internet filters, or interfere with the operation of the network by installing illegal software including file sharing, shareware, or freeware on school computers.

**5. I AM RESPONSIBLE FOR PROTECTING SCHOOL PROPERTY.**

I understand that vandalism is prohibited. This includes but is not limited to accessing, modifying, or destroying equipment, programs, files, or settings on any technology equipment or resources.

**6. I AM RESPONSIBLE FOR ANY ELECTRONIC DEVICES I BRING TO SCHOOL.**

I understand that during instructional times, these devices are to be used at the discretion of the teacher. I understand that I am responsible for the security, maintenance, and upkeep of any personally owned device.

**7. I AM RESPONSIBLE FOR RESPECTING OTHER PEOPLE'S PROPERTY ONLINE.**

I will obey copyright laws. I will not plagiarize or use other's work without proper citation and permission. I will not illegally download materials protected by copyright including, but not limited to, music and movies.

**8. I AM RESPONSIBLE FOR FOLLOWING SCHOOL RULES WHENEVER I PUBLISH ANYTHING ONLINE.**

I will follow all guidelines set forth by CBRSD and/or my teachers when publishing schoolwork anywhere online. I understand that it is unsafe to post any personal information about myself, including but not limited to my name, address, phone number or school. I will not post photos of students with their first and last names on any online site, including but not limited to blogs, wikis, and discussions forums.

## APPENDIX C-2

### EMPLOYEE ACCEPTABLE USE PROCEDURE FOR TECHNOLOGY, INFORMATION AND COMMUNICATION SYSTEMS

#### **PURPOSE**

The Central Berkshire Regional School District shall provide access for employees to the computer system/network and telephone/telephone network, including access to external networks, for educational and school related purposes. Educational and School Related purposes shall be defined as classroom activities, career and professional development, and professional activities of an educational nature. The purpose of the system/network is to assist in preparing students for success in life and work by providing access to a wide range of information and the ability to communicate with others. The system/network will be used to increase communication (staff, parent, and student), enhance productivity, and assist staff in upgrading existing skills and acquiring new skills through a broader exchange of information. The system/network will also be utilized to provide information to the community, including parents, and governmental agencies.

#### **AVAILABILITY**

The Superintendent or their designee shall implement, monitor, and evaluate the district's system/network for instructional and administrative purposes.

Access to the system/network, including external networks, shall be made available to employees for instructional and administrative purposes and in accordance with policy 5530 and applicable procedures.

Violations of law may result in criminal prosecution as well as disciplinary action by the Central Berkshire Regional School District.

With the spread of telecommunications throughout the modern work place, the School Committee recognizes that employees will shift the ways they share ideas, transmit information, and contact others. As staff members are connected to the global community their use of new tools and systems brings new responsibilities as well as opportunities. This makes it imperative for teacher and staff to be cognizant of the effect their online activity could have on not only their classrooms but on the entire district network.

In order to match electronic resources as closely as possible to the curriculum approved by the Superintendent, district personnel are strongly encouraged to review and evaluate resources in order to offer materials that comply with Superintendent's guidelines listed in Appendix C. In this manner, staff can provide developmentally appropriate guidance to students as they make use of the internet, communications and electronic information resources to conduct research and other studies related to the District curriculum.

As much as possible, access to information resources should be designed in ways that point students to those resources that have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others that have not been evaluated by staff, they should be provided with guidelines and lists of resources particularly suited to the learning objectives.

Employees are to utilize the school's computers, networks, Internet services, and telephones for school-related purposes and performance of job duties. Incidental personal use of this technology is permitted as long as such use does not interfere with the employee's job duties and performance, with the system operations or other system users. "Incidental personal use" is defined as: use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

In general, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyrights. Student records may

be transmitted electronically to authorized persons provided that the destination (email address, secure file repository, etc.) is confirmed to belong to the authorized recipient. For example, a parent or guardian email address must match the address on record in the district's student information system. A recipient at an external organization should be verified by consulting a staff directory for that organization or contacting a known user at the organization for verification. Employees should also ensure the transmission itself is secure from misdirection and unauthorized intrusions.

### **ACCEPTABLE USE**

The Superintendent or their designee, shall develop and implement administrative regulations, procedures, and user agreements, consistent with the purposes and mission of the Central Berkshire Regional School District as well as with law and policy governing copyright.

### **MONITORED USE**

Electronic mail transmissions and other use of electronic resources by employees shall not be considered confidential and may be monitored at any time by the Superintendent or their designee to ensure appropriate use for instructional and administrative purposes.

The school district maintains a CIPA compliant content filter and logs to ensure staff and students are not accessing inappropriate internet sites. This being said, staff still need to monitor students since no system is perfect.

### **LIABILITY OF THE DISTRICT**

The Central Berkshire Regional School District shall not be responsible for ensuring the accuracy or usability of any information found on external networks.

### **ADMINISTRATIVE PROCEDURES FOR IMPLEMENTATION**

1. Commercial use of the system/network is prohibited.
2. The district will provide each user with access to a digital copy of the Acceptable Use Policy and Procedures. Physical copies will be provided upon request.
3. Copyrighted software or data shall not be placed on the district system/network without permission from the holder of the copyright and the system administrator.
4. Initial passwords provided by the network administrator should be set to expire on login.
5. A password policy shall be implemented that requires a minimum length of 8 characters and the use of at least three of four character types: uppercase, lowercase, numeric and non-alphanumeric. Passwords shall expire yearly.
6. Passwords are confidential. All passwords shall be protected by the user and not shared or publicly displayed.
7. The Principals, or their designee will be responsible for disseminating and enforcing policies and procedures in the building(s) under their control.
8. The Superintendent, or their designee shall be authorized to monitor or examine all system activities, including electronic mail transmissions, as deemed appropriate to ensure proper use of electronic resources. However, examination of electronic mail transmissions shall only occur on a case-by-case basis when the district determines a need to review that specific information.
9. The Superintendent, or their designee shall be responsible for establishing appropriate retention and backup schedules.

10. The Superintendent, or their designee shall be responsible for establishing disk usage limitations, if needed.
11. Individual users shall, at all times, be responsible for the proper use of accounts issued in their name.
12. Permission is not transferable and may not be shared. System users/others shall not use another user's account for any reason.
13. System users should purge electronic information upon district request.
14. System users may redistribute copyrighted material only with the written permission of the copyright holder or designee. Such permission must be specified in the document or in accordance with applicable copyright laws, district policy, and administrative procedures.
15. Any malicious attempt to harm or destroy equipment, materials, data, or programs is prohibited.
16. Deliberate attempts to degrade or disrupt system performance may be viewed as violations of district policy and/or as criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creation of computer viruses.
17. Vandalism as described above in #16, will result in the cancellation of system privileges and will require restitution for costs associated with hardware, software, and system restoration.
18. Attempts to read, delete, copy, or modify the electronic mail of other users or to interfere with the ability of other users to send/receive electronic mail are prohibited.
19. Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and other inflammatory language is prohibited.
20. Using someone else's account when sending/receiving messages is prohibited.
21. Transmitting or viewing obscene material is prohibited.

A user who violates district policy or administrative procedures will be subject to suspension or termination of system/network privileges and will be subject to appropriate disciplinary action and/or prosecution.

Any user of the District's technology, information and communications resources must comply with rules and conditions in this policy governing the use of these resources. A violation of this policy may result in disciplinary action. For employees covered by a collective bargaining agreement, any alleged violation of this procedure shall be implemented through the applicable collective bargaining agreement.

The District has the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites and employees visits on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees, and reviewing email sent and received by employees. All information in any format, stored by any means on the District's electronic facilities is the property of the District and subject to inspection at any time without notice. Employees waive any right to privacy in anything they create, store, send or receive on the District's technology, information and communications resources.

## APPENDIX C-3 CURRICULUM AND INSTRUCTION

### ACCESS TO ELECTRONIC MEDIA

The School Committee supports the right of students, employees, and community members to have reasonable access to various information formats and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner.

### SAFETY PROCEDURES AND GUIDELINES

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate material on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including “hacking” and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors’ access to materials that are potentially harmful to them.

### PERMISSION/AGREEMENT FORM

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources. The required permission/agreement form, which shall specify acceptable uses, rules of on line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request

### EMPLOYEE USE

Employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyrights. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees. Notwithstanding, student records may be transmitted to authorized persons provided that there is an attempt to authenticate the identity of the recipient and ensure the transmission itself is secure from misdirection and unauthorized intrusions.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one’s duties.) Each employee is responsible for the security of his/her own password.

### COMMUNITY USE

On recommendation of the Superintendent or designee, the School Committee shall determine when and which computer equipment, software, and information access systems will be available to the community. Upon request to the Principal or designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent or designee.

### RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the school district for repair or replacement of District property, which, through willful intent or negligence is lost, stolen, damaged, or vandalized while under their care.

### RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

### AUDIT OF USE

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent or designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

- Utilizing technology that blocks or filters Internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
- Maintaining and securing a usage log; and
- Monitoring online activities of minors.

SOURCE: MASC

LEGAL REFS: 47 USC § 254

Note: FCC regulations that went into effect April 20, 2001, implementing The Children's Internet Protection Act (47 U.S.C. § 254) require each school/district to certify compliance with certain policy requirements in order to maintain eligibility for Internet access discounts and other services provided by the federal government.

## **GLOSSARY**

Accreditation - process whereby, through visits and evaluation, an association such as the New England Association of Schools and Colleges declares a secondary school to be in "good standing."

Agenda - the items of business to be taken up at a meeting. When the agenda is placed in "order," the agenda becomes the "order of business."

Bilingual education - full-time programs of instruction in the native language of children of limited English-speaking ability.

Budget - a plan of receiving and spending money, generally for a period of one year.

Board of Education - the state-level body which supervises and controls the Department of Education.

Borrowing "in anticipation" - short-term borrowing by a school committee to cover expenses until "regular" revenue is received.

Calendar year - the twelve-month period from January 1 through December 31.

Certification - a declaration by the Department of Education that a person possesses certain qualifications for teaching in a subject area and/or at a particular age level.

Collective bargaining (in education) - the process established by law whereby representatives of a school committee and representatives of employee groups meet and negotiate in good faith with respect to wages, hours, and other conditions of employment or meet and negotiate in good faith an agreement relating to these items.

Commissioner of Education - Secretary to the Board of Education and its chief executive officer and the chief state school officer for elementary and secondary education.

Department of Education - that department of state government under the Board of Education which has responsibility for elementary and secondary education.

Division in the Department of Education - a major organizational unit within the Department of Education (such as the Division of Occupational Education) which has state-level responsibility for an important area of education.

Expulsion - the permanent or long-term separation of a student from school for disciplinary reasons.

Fiscal autonomy (in Massachusetts) - independence accruing to school committees by virtue of the fact that towns and cities must appropriate money to cover the final budget of the school committee or face possible court action and fine.

Fiscal year - the twelve-month period beginning July 1 and ending June 30 of the succeeding calendar year.

In-service education - courses and educational experiences planned for teachers and other employees by and within the school district or immediate geographical area.

Leave - absence from duties for reasons permitted by the school committee or state law.

Non-instructional personnel - school district employees who do not need certification as educators.

Professional personnel - school district employees who need educational certification by the Board of Education.

Public school - any school or class under the control of a school committee, regional district school committee, local trustees of vocational education, or district trustees of vocational education.

Quorum - such number of a group or committee as is competent and sufficient to transact its business.

Racial imbalance - deemed to exist when the percent of nonwhite students in any public school is in excess of 50 percent of the total number of students in such school.

Regional school district - a body politic and corporate, formed by cooperative action among municipalities following procedures established by state law.

School aid - state support for general costs of local elementary and secondary education.

School committee - legally elected body responsible for education in a city, town, or regional school district.

Serving "at discretion" - an educationally certified employee who has tenure. Special education - educational programs for pupils with serious handicaps.

Superintendent-director - executive officer of the school committee and chief administrator-of a regional vocational school district.

Superintendent of Schools - executive officer of the school committee and chief administrator of a town, a city, a union, or a non-vocational regional school district.

Supervisor of attendance - non-certified employee responsible for enforcing compulsory attendance laws.

Suspension - temporary or short-term removal of a student from School for disciplinary reasons.

Union school district (or Superintendency union school district) - a union of two or more small towns for the purpose of employing a Superintendent of schools.

### **Example of Deleted Policy - 7590: Disposal Of Hay Crop**

The hay crop on any or all Central Berkshire Regional School property shall be offered to a responsible party to cut and remove at the appropriate season. This offering should be made without financial obligation to either party. Any improvement to the land to increase the hay crop will be permitted after notification to and approval of the school committee. The committee has the right at any time and with no prior notice to sever this agreement and to deny further use of the land or the resources of the land. Because of this agreement, the responsible party agrees to save the Central Berkshire Regional School District harmless from any liability arising from this agreement.

Adopted: November 27, 1971  
Deleted: February 26, 1998