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## **SCHOOL DISTRICT LEGAL STATUS**

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

Under the General Laws of Massachusetts,

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

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

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part 11, Chapter V, Section 11  
M.G.L. 71:1

CROSS REF.: BB, School Committee Legal Status

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

## **THE PEOPLE AND THEIR SCHOOL DISTRICT**

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

The School Committee therefore affirms and declares its intent to:

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

## **NONDISCRIMINATION**

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

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

The committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, religion, national origin, sexual orientation and disability. If you have a complaint or feel that you have been discriminated against because of your race, color, sex, religion, national origin, sexual orientation or disability, register your complaint with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment  
Opportunity Act of 1972  
Executive Order 11246, as amended by E.O. 11375  
Equal Pay Act, as amended by the Education Amendments of 1972  
Title IX, Education Amendments of 1972  
Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
M.G.L. 76:5; Amended 1993  
M.G.L.76:16 (Chapter 622 of the Acts of 1971)  
Board of Education Chapter 622 Regulations Pertaining to Access to Equal  
Educational Opportunity, adopted 6/24/75, as amended 10/24/78  
Board of Education 603 CMR 2600  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through  
3/28/78  
Town of Weymouth's Affirmative Action Policy, adopted June 1998.

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

## **NONDISCRIMINATION ON THE BASIS OF SEX**

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

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

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

LEGAL REFS.:      Title IX of the Education Amendments of 1972  
                         45 CFR, Part 86, (Federal Register, 6/4/75)  
                         M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
                         Board of Education Chapter 622 Regulations Pertaining to Access to Equal  
                         Educational Opportunity, adopted 6/24/75, amended 10/24/78  
                         Board of Education 603 CMR 2600

CROSS REF.:      AC, Nondiscrimination

## SEXUAL HARASSMENT

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

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

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

CROSS REF.: AC, Nondiscrimination

**STAFF REPORT OF ALLEGED SEXUAL HARASSMENT**

NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

I allege harassment by: NAME(S) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

POSITION: \_\_\_\_\_

Please describe in detail your complaint of sexual harassment. Include dates, the nature of your complaint, witnesses, names of all persons involved and the number of alleged occurrences of harassment. Use the back of the form if needed.

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How would you like to see this matter resolved?

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STATEMENT OF CONFIDENTIALITY: The Weymouth Public Schools will make every attempt to maintain the information provided during the complaint and investigation process as confidential as is possible and practical.

Received by: \_\_\_\_\_

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



## **SEXUAL HARASSMENT (REGULATIONS)**

In keeping with the specifics of district policy, the School Committee has recently acted to designate the Assistant Superintendent for Administration and Finance as the person with general responsibility relative to the investigation of all charges of sexual harassment. In effect, that means that in addition to the possibility of taking an active role in the investigation of a complaint, the Assistant Superintendent for Administration and Finance is to oversee all aspects of the procedure, details of which are noted below.

### **PROCEDURE**

1. If a student or staff person believes that he/she has been sexually harassed, or that he/she has witnessed such harassment, it should be reported immediately to his/her Principal, the System's Sexual Harassment Investigator or to the Superintendent of Schools.

A student has the added option of reporting to or consulting with any member of the faculty. That person will then refer the matter to the Principal, designated faculty, or the System's Sexual Harassment Investigator.

It is recommended that a complaint or report be made within five (5) days of the incident.

2. In dealing with matters of sexual harassment, all parties involved will be given protection of privacy.

The alleged harasser shall be informed of the complainants' identity.

The alleged harasser will also be informed that recriminations/reprisals against the complainant(s) shall not be tolerated and shall be the basis for independent disciplinary action.

3. At the school level, the building Principal will designate a staff person(s) to whom he/she will refer a report of sexual harassment for investigation. The Principal will then make that name(s) (preferably one female and one male) known to the complainant.
4. Upon receipt of a complaint, preferably submitted in written form (see attachments), the designated staff person will meet with the complainant. It shall be the responsibility of the designated person to investigate and decide upon resolution to the complaint. That investigation shall include, but not be limited to, interviewing the complainant and the alleged harasser, individually and privately, interviewing witnesses identified by the complainant, and interviewing witnesses identified by the alleged harasser. Interviews of witnesses will be conducted individually and privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses. At the conclusion of that process, the designated staff person shall file a written report with the building Principal and the System's sexual harassment investigator. Both parties will be provided with a copy of this report.

5. If resolution can not be achieved within fifteen (15) school days at the building level or if a complaint is external to a particular school, it will be forwarded\* or submitted\* in writing to the System's Sexual Harassment Investigator. The Assistant Superintendent for Administration and Personnel will fully investigate the complaint by interviewing the complainant and the alleged harasser, individually and privately, interviewing witnesses identified by the complainant, interviewing witnesses identified by the alleged harasser. Interviews of witnesses will be conducted individually and privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses. At the conclusion of that process, the Assistant Superintendent for Administration and Finance shall file a written report with the Superintendent and the School Committee. Both parties will be provided with a copy of this report.

In the event of an unresolved complaint at the building level or the filing of a complaint, which is external to a particular school, it will be forwarded or submitted in writing to the Assistant Superintendent for Administration and Personnel as the System's Sexual Harassment Investigator. The report shall contain the following elements:

- A. The date, time and location of the incident.
  - B. The identification of the person making the incident known.
  - C. The identification of the parties to the incident giving rise to the complaint and the noting of any witnesses to the incident.
  - D. A description of the particulars of the incident including witness statements and whether the incident is new or has been a continuing interaction between parties.
  - E. A categorization of the incident as one of student to student, student to staff member, staff member to student or staff member to staff member.
  - F. A description of any attempt to resolve or mediate the complaint prior to forwarding or submitting the written report to the Assistant Superintendent for Administration and Personnel.
6. When a complaint cannot be resolved by the System's Sexual Harassment Investigator or such resolution does not occur within fifteen (15) school days, it will be forwarded to the Superintendent of Schools for review and action.

Note: The complainant may pursue his or her rights under the law and file a complaint with appropriate state and federal agencies at any time.

7. If it is determined by the investigation that sexual harassment has occurred, the harasser will be subject to discipline. In the case of students, the harasser shall be subject to options of discipline available to the building Principal or expulsion by the Weymouth School Committee on the recommendation of the Superintendent of Schools.

Report of the discipline shall be filed in the harasser's personnel file, in the case of an employee, or in the student's file. Also corrective action shall be taken as quickly as possible.

If the investigator concludes that the charge of sexual harassment is not substantiated, then nothing is placed in the alleged harasser's personnel file or student file. It should be noted that recrimination/reprisal against a complainant, even after a finding of no harassment, will not be tolerated.

## **NONDISCRIMINATION ON THE BASIS OF HANDICAP**

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

### Definition

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

### Reasonable Modification

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

### Communications

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

### Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

### Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly

burden the district shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

Notice

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

Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

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

LEGAL REFS.:       Rehabilitation Act of 1973, Section 504  
                          Education For All Handicapped Children Act of 1975  
                          M.G. L. 7 1B: 1 et seq. (Chapter 766 of the Acts of 1972)  
                          Title 11, Americans with Disabilities Act of 1992  
                          Board of Education Chapter 766 Regulations, adopted 10/74, as amended through  
                          3/28/78

CROSS REFS.:       AC, Nondiscrimination  
                          IHBA, Programs for Students with Disabilities

## **NONDISCRIMINATION ON THE BASIS OF HANDICAP**

Section 504 is an Act which prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Weymouth Public Schools recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person solely due to his/her disability will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: 1) Inspect and review his/her child's educational records; 2) Make copies of these records; 3) Receive a list of all individuals having access to those records; 4) Ask for an explanation of any item in the records; 5) Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) A hearing on the issue if the school refuses to make the amendment.

Questions may be addressed to the Section 504 coordinator for the Weymouth Public Schools at 111 Middle Street, Weymouth, MA 02189.

CROSS REF.:       File IHBA, Programs for Students with Disabilities

## **EDUCATIONAL PHILOSOPHY**

The Weymouth Public Schools believe that a challenging, supportive, safe environment affords the individual student an opportunity to develop his/her maximum potential. The educational program provides physical, social, emotional, aesthetic and creative, as well as, intellectual growth experiences appropriate to each grade level.

The Weymouth Public Schools are committed to an effective collaboration among students, faculty and community in the belief that education is a lifelong activity providing the skills and knowledge necessary for success in a democratic society.

CROSS REFS.:       ADA, School District Core Values  
                          IA, Instructional Goals

## SCHOOL DISTRICT CORE VALUES

The Weymouth Public schools believes in the following Core Values:

***Schools Dedicated to***

**Teaching and Learning**

*f*

**Respect for Diversity in  
Teaching and Learning**

*f*

**Striving for Excellence**

*f*

**Care and Concern for People**

*f*

**Participatory Decision-Making**

*f*

**Schools as Safe Places  
For Teaching and Learning**

CROSS REF.:      AD, Educational Philosophy  
                         BA, School Committee Operational Goals  
                         IA, Instructional Goals



## **SMOKING ON SCHOOL PREMISES**

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

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

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

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

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

LEGAL REF:       M.G.L. 71:37H

CROSS REF:       GBED, Smoke-Free School Policy  
                      JICG, Tobacco Use by Students

## **SCHOOL SAFETY AND SECURITY**

It is the policy of the Weymouth Public Schools to endeavor to provide a safe environment in which students can learn and participate in all programs offered or sponsored by the Weymouth Public Schools. Providing for the safety of students, employees and visitors while at school and/or participating in school sponsored activities is the responsibility of all members of the school community. If a school department employee confronts a situation which he/she considers to be unsafe for any reason, he/she should strive to take all reasonable steps within his/her ability to eliminate the potential for harm to others and thereafter report the circumstances to the building Principal.

It is the policy of the Weymouth Public Schools that any student or school community member who makes a threat of violence against a person, property or self shall be taken seriously, and the incident will be reported to the building Principal for appropriate action,

The Crisis Handbook outlines specific procedures that will be followed in situations that threaten school safety. It is the responsibility of the Superintendent to supervise periodic review of the Crisis Handbook.

## **C.O.R.I. REQUIREMENTS**

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

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

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

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

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

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

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

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

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

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

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

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

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

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

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

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

CROSS REF: File: ADDA-R           C.O.R.I. Requirements  
              File: ADDA-E           C.O.R.I. Requirements

### **C.O.R.I. REQUIREMENTS**

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

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in district policy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

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

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

## **INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD**

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

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

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

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

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

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

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

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

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

## **C.O.R.I. REQUIREMENTS**

### **Employers may ask the following series of questions:**

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

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

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

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

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

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





# WEYMOUTH PUBLIC SCHOOLS

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File: ADDA-E-3

## {SAFIS MODEL CHRI POLICY FOR NON-CRIMINAL JUSTICE ENTITIES }

### WEYMOUTH PUBLIC SCHOOLS

#### POLICY GOVERNING

#### **FINGERPRINT-BASED CRIMINAL HISTORY RECORD INFORMATION (CHRI) CHECKS MADE FOR NON-CRIMINAL JUSTICE PURPOSES**

Fingerprint-based state and national criminal history record checks for non-criminal justice purposes may be conducted as authorized by applicable federal authority and/or state statute for licensing, employment purposes, and/or other instances as directed by the Superintendent.

#### **I. Requesting CHRI checks**

Fingerprint-based CHRI checks will only be conducted as authorized by M.G.L. c. 71, §38R and 42 U.S.C. § 16962, in accordance with all applicable state and federal rules and regulations, and in compliance with M.G.L. c. 6, §§ 167-178 and 803 CMR §§ 2.00, *et seq.* 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 (e.g., Authorized fingerprint vendor, vendor's website address, and district provider identification number

At the discretion of the superintendent or designee, the Weymouth Public Schools may require fingerprint-based criminal record history information on chaperones of overnight field trips and other individuals who may have direct and unmonitored contact with children.

#### **II. 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. Title 28, U.S.C, § 534, Pub. L. 92-544 and Title 28 C.F.R. 20.33(b) 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.

### **III. 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. The CJIS Security Policy can be found here: <http://www.mass.gov/eopss/law-enforce-and-cj/cjis/fbi-cjis-security-policy.html> 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.

### **IV. 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 within the Department of Human Resources at central administration.

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 Weymouth Public Schools.

### **V. CHRI Training**

An informed review of a criminal record requires training. Accordingly, all Weymouth Public Schools personnel authorized to receive and/or review CHRI 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.

### **VI. Determining Suitability**

In determining an individual's suitability, the Weymouth Public Schools will consider, but not be limited by the following factors:

- Age of the applicant at the time of the offense and conviction;
- Degree of satisfaction of any parole or probation conditions;
- Conviction and/or completion of the sentence;
- Seriousness and specific circumstances of the offense;
- The nature and gravity of the crime and the underlying conduct;
- Relationship of the criminal act to the nature of work to be performed;
- The number of offenses;
- The nature of the work to be performed or position to be held or sought;
- The date of the offenses and dispositions thereof;
- The time that has passed since the offense;
- Any relevant evidence of rehabilitation or lack thereof; and
- Whether the applicant has pending charges

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

- a. The name and date of birth of the employee or applicant;
- b. The date on which the school employer received the national criminal history check results; and,
- c. 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.

## **VII. Relying on Previous Suitability Determination.**

When an individual for whom a school employer or the Department of Elementary and Secondary Education has made a suitability determination applies to work for a school employer, the school employer may obtain and may rely on a favorable suitability determination, if the following criteria are met:

- The suitability determination was made within the last seven years; and
- The individual has not resided outside 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.

Documentation of Reliance on a Previous Favorable Suitability Determination. In any instance where a school employer relies on a suitability determination made by another school employer or by the Department of Elementary and Secondary Education, the relying school employer shall retain the following documentation:

- A copy of the documentation received from the school employer or agency that made the relied- upon suitability determination, and;
- Documentation establishing that the individual met the criteria of 603 CMR 51.06(3)(a), (b), and either (c) or (d) as defined above, and;
- The Weymouth Public Schools may choose to perform a new national criminal history check on an individual rather than rely on a previous favorable suitability determination. The Weymouth Public Schools shall bear the cost of such new check.

Documentation of Reliance of Previous Unsuitability: If a previous school employer's documentation demonstrates the employee was deemed "unsuitable" for employment, the Weymouth Public Schools shall require a new national criminal history check at the individual's expense.

### **VIII. Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, Weymouth Public Schools 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 to correct or complete the CHRI.

### **IX. 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:

- (1) Subject Name;
- (2) Subject Date of Birth;
- (3) Date and Time of the dissemination;
- (4) Name of the individual to whom the information was provided; (5) Name of the agency for which the requestor works;
- (6) Contact information for the requestor; and
- (7) The specific reason for the request.

#### **X. Reporting to Commissioner of Elementary and Secondary Education**

Pursuant to M.G.L. ch 71, § 71R and 603 CMR 51.07, if the Weymouth Public Schools 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 Weymouth Public Schools 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 check results. The Weymouth Public Schools shall notify the employee or applicant that it has made a report pursuant to 603 CMR 51.07(1) to the Commissioner.

Pursuant to M.G.L. ch 71, § 71R and 603 CMR 51.07, if the Weymouth Public Schools 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 603 CMR 7.15(8)(a), the Weymouth Public Schools shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the Weymouth Public Schools 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 603 CMR 51.07(2) to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

**Legal References:** M.G.L. c. 6, §§ 167-178; M.G.L c. 71, §38R; M.G.L c. 71, § 71R; Title 28 C.F.R. 20.33(b); Title 28, U.S.C, § 534,; 42 U.S.C. § 16962; Pub. L. 92-544; 603 CMR 7.15(8)(a); 603 CMR 51.06(3); 603 CMR 51.07; 603 CMR 51.07(1); 603 CMR 51.07(2); 803 CMR §§ 2.00

## **WEYMOUTH PUBLIC SCHOOLS WELLNESS PROGRAM**

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

### Wellness Committee

The school district has established a wellness committee that consists of at least one (1): parent, student, nurse, school food service representative, School Committee member, school administrator, member of the public, and other community members as appropriate. The school committee has designated the Assistant Superintendent as wellness program coordinator. The wellness coordinator, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy.

### **Mission Statement**

The Weymouth School District promotes safe and healthy schools by supporting wellness, good nutrition, and regular physical activity as part of the total learning environment. The district allows for collaboration with community resources by establishing a knowledge base and acceptable standards of conduct necessary to make successful life choices and positive habits for the betterment of students and the community.

### Nutrition Guidelines

Nutrition education, which is defined as “any set of learning experiences designed to facilitate the voluntary adoption of eating and other nutrition-related behaviors conducive to health and well being” (ADA 1996), will influence healthy eating within the school community.

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

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

### Nutrition and Physical Education

Students' lifelong eating habits are greatly influenced by the types of food and beverages available to them. The goal of establishing nutrition standards is to ensure the availability of healthy food choices sold or served in the schools.

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

### Nutrition Education

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

### Physical Education Activities

The Physical activity component will ensure that every student develops the knowledge and skills for specific physical activities, maintains physical fitness, regularly participates in physical activity, and understands the short and long term benefits of a physically active and healthy lifestyle.

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

- Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

#### Other School-Based Activities

The wellness program coordinator, in consultation with the wellness committee, is charged with developing procedures addressing other school-based activities to promote wellness. Other school based activities will create an environment that provides consistent wellness messages, is conducive to healthy lifestyle choices, and supports social, mental and emotional wellbeing in order to promote academic success.

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

#### Evaluation

Measurement and evaluation will ensure compliance with the established Wellness Policy. A Wellness Team will be established which will be responsible for monitoring, evaluating and revising the Wellness Policy for the Weymouth School District. The Wellness Team will meet to review policy compliance, assess progress and determine areas in need of revision.



## **COMMITMENT TO ACCOMPLISHMENT**

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

Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.

Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the district.

Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.

Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the district.

Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the district.

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