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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 Regional School District operates under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Ayer Shirley Regional School District is coterminous with the Towns of Ayer and Shirley.

The Ayer Shirley Regional School District has been created to serve the educational needs of the Towns of Ayer and Shirley for students in grades pre-k through twelve, inclusive.

Established by law

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

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.

POLICY AND AUDIT COUNSEL

With the changing fortunes of time, all policies require periodic review to determine if the letter and intent of a policy is still germane to which it was constructed to codify and also as an operational evaluation to observe whether specific tenets as so outlined are being followed.

The Committee has elected to accept this mantle of review and evaluation over the policies it alone has established for the District. To affect this end, the following audit policy is established.

1. The Committee will appoint one member to be the policy comptroller. There is no specific term of service
2. The comptroller is responsible for administering the details of this policy and communicating progress to the Committee on a semi-annual basis.
3. The Committee will identify each individual policy in the manual as primary, secondary, or tertiary consistent with the following criteria;
 - a. Primary - These policies safeguard the physical and mental health of every student, faculty member, and administrator. Failure to adhere to these policies constitutes a breach of faith with the public trust. Primary policies (10) are audited on an annual basis.
 - b. Secondary - These policies safeguard the rights, duties, and environment required to effectively support teaching and learning. Secondary policies (20) are audited on a biannual basis.
 - c. Tertiary - These policies codify practices and responsibilities of which there is significant agreement and are unlikely to need modification on a routine basis. Tertiary policies (274 or balance) are audited on a 5 year cycle.

A list of primary and secondary policies will be maintained as an appendix to this policy.

The Chair of the School Committee will provide opportunity for policy updates and review during School Committee meetings as needed, but is exempt from the personal review requirements outlined in this audit policy. The policy comptroller will assign audit lists to the other School Committee Members including him or herself. These five School Committee Members will audit two primary, two secondary, and eleven tertiary policies per year.

- School Committee Members have an extensive and varied educational and experiential skill set. It is important to guarantee that this most valuable asset of aspect diversity is applied to the policies deemed critical to the district. Primary and secondary audit assessments must be cycled through the Committee Membership.
- Audited policies determined by the reviewer to be completed and accurate will be reported back to the comptroller to record the same.
- Audited policies determined to need revision will be reported to the comptroller and Chair for full Committee action as required.

The comptroller will notify the Superintendent's Office of progress and status changes to insure accuracy and access on the public record.

Primary Policies

ADDA	Background Checks
ADDA-R	DCJIS Model CORI Policy
EEAG	Student Transportation in Private Vehicles
IJOC	School Volunteers
JIC	Student Discipline
JICK	Drugs, Weapons, Assault
JIH	Interrogations and Searches
JJIF	Student Activity Accounts
JIF-R	Persons Responsible for Implementation of School Policy and Procedures
JLF	Reporting of Child Abuse or Neglect

Secondary Policies

CHCA	Approval of Handbooks and Directives
CHCA-E	Approval of Handbooks and Directives
DKC	Expense Reimbursement
EBAB	Pest Management Program
EBAB-R	Pest Management Procedures
EBB	First Aid
EBC	Emergency Plans
EDC	Loaning SChool Department Equipment/Property
EEAE	School Bus Safety Program

EEAEC	Student Conduct on School Buses (also JICC)
EEAC-R	Student Conduct on school Buses (also JICC-R)
GBEB	Staff Conduct
JBA	Student to Student Harassment
JICC	Student Conduct on School Buses
JICC-R	Student Conduct on School Buses
JICFA	Prohibition of Hazing
JICFA-E	Hazing Exhibit
JICFB	Bullying Prevention
JJF	Students Activity Accounts
JK	Student Discipline

First Reading, May 5, 2020
 Second Reading, October 6, 2020
 Adopted by the ASRSD, October 6, 2020

THE PEOPLE AND THEIR SCHOOL DISTRICT

The Regional School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of both communities' 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 Regional School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of both communities. The public will be kept informed of the progress and problems of the school district, and citizens will be urged to bring their aspirations and feelings about their Regional School District to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of both communities in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual Regional 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 communities is affirmed in the following statements of the Regional 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, 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 Regional School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the Ayer Shirley Regional School system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. 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, gender identity, religion, national origin, sexual orientation, disability or limited English-speaking ability. If you have a complaint or feel that you have been discriminated against because of your race, color, sex, gender identity, religion, national origin, sexual orientation, disability or limited English-speaking ability, 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 2011
M.G.L.76:16
BESE Regulations 603 CMR 26.00 Amended 2012
BESE Regulations 603 CMR 28.00

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

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

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

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

First Reading, September 19, 2012
Second Reading, October 17, 2012
Adopted by the ASRSD, October 17, 2012

SEXUAL HARASSMENT

1. INTRODUCTION

All persons associated with the Ayer Shirley Regional Schools including, but not necessarily limited to, the committee, the administration, the staff, and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Sexual harassment of any person by students, employees, vendors and other third parties will not be tolerated in the Ayer Shirley Regional school District. Any person who engages in sexual harassment while acting as a member of the school community will be in violation of this policy.

Alleged sexual harassment must involve conduct that occurred within the school's own program or activity, 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. 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.

Sexual harassment means conduct of a written, verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble a person's membership in the school community when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or participation in school programs or activities, an employee's employment status, or a community member's participation in ASRSD's programming; or
- Submission to or rejection of such conduct by a school community member is used as the basis for decisions affecting the school community member; or
- Such conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating or hostile environment.

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

- Written, verbal, electronic, and/or physical harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats; or
- Demeaning jokes, stories, or activities directed at students, employees, or visitors to the district.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome conduct on the basis of sex that it 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 further includes sexual assault, dating violence, domestic violence, and stalking.

2. DEFINITIONS

In the employment context, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

In the educational context, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

The District will promptly investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the school district exercises substantial control, in a way that is not deliberately indifferent.

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to any employee of the district, except that this standard is not met when the only official of the district with actual knowledge is the respondent (where the respondent is an employee) Imputation (charge or claim) of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever the district has actual knowledge of the allegation.

"Administrative leave" means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

"Consent" means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due the influence of fear, fraud, forcible

compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Deliberate indifference” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

“Emergency removal” means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes a district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the district investigate the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. COMPLAINTS AND REPORTS OF SEXUAL HARASSMENT

Reports of sexual harassment may be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The complaint may be written by the complainant, or it will be reduced to writing by a parent or legal guardian, a school employee, or the Title IX Coordinator. The written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the date, time, and location where the alleged sexual harassment occurred, the basis for the complaint, and any witnesses.

Upon receiving actual notice of alleged sexual harassment without a formal complaint, staff members must notify the Title IX Coordinator. The Title IX Coordinator must then contact the complainant within two school days of receiving the complaint and do the following:

- Discuss and offer supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainants and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead the district to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require the school district to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference. Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The contact information for the Title IX Coordinator is:

Mr. William Plunkett - 978-772-8600 x1510
wplunkett@asrsd.org wplunkett@asrsd.org
115 Washington Street, Ayer, MA 01432

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of the school district. Additionally, the district has discretion to dismiss a formal complaint where the passage of time would result in the district's inability to gather evidence sufficient to reach a determination regarding

responsibility, or when the district loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by the district).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the school district's education program or activity, or did not occur against a person in the United States, then the school district must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. The school district must send written notice of any dismissal.

Investigations to allegations of sexual harassment will be prompt and the formal process will be completed within a sixty day timeframe where feasible. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good causes may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

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

4. WRITTEN NOTICE

Before any investigation can begin, the district must send written notice to both parties including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

5. INFORMAL RESOLUTION

Where appropriate, after notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Informal resolution may only be offered after a formal complaint is filed, and the parties must give written consent to engage in this process. Informal resolution may not be used if the allegation is against an employee respondent. Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties.

Informal resolution is entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal resolution has already

begun. Similarly, respondents may elect to follow formal procedures and decline informal resolution.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within five (5) school days after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

If the complainant is not satisfied with the resolution from the informal process, or if he/she does not choose informal resolution, then he/she can begin the formal complaint procedure described below.

6. INVESTIGATION

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. The Title IX Coordinator is free to cast himself/herself in either role, where appropriate.

The investigator must not be biased against any of the parties at the outset of the investigation. The investigator will be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

Prior to completion of the investigative report, the school district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator must avoid making any final determinations of responsibility for sexual harassment.

Findings should be written in a factual way in an investigative report. Credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

During the investigative process and any further hearings, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings. The district will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

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 person who is found to have retaliated

against another person in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

7. FINDINGS OF RESPONSIBILITY

After the investigator has completed the investigation, the designated decision-maker will be assigned to determine final responsibility or lack thereof for violating Title IX. The decision-maker must not be biased against any of the parties at the outset of this process.

Before the district can determine responsibility, an investigative report will be sent to the parties and the decision-maker will offer both the complainant and respondent the opportunity to submit proposed relevant, written questions to ask of any party or witness, to respond to questions posed by another party, and to offer additional limited follow-up. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

After this process is complete, the decision-maker will create a written determination regarding whether sexual harassment has occurred using a preponderance of the evidence standard.

A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, the District will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate. Such remedies may include supportive measures.

The written determination must be issued to both parties simultaneously and must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the recipient's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- (F) The district's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion or termination. Any

disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit the District from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

8. RECORDS

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and district staff will document the basis for the district's conclusion that its response was not deliberately indifferent.

9. TRAINING

The district will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The district will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

These training materials will be posted on the school district's website.

10. APPEALS

Any party may appeal the decision in writing to the Superintendent within fifteen (15) school days of receipt of the findings of the formal procedure or a dismissal on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The school district will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The Superintendent or designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

Contact information for the Superintendent:

Superintendent of Schools
Ayer Shirley Regional School District
115 Washington Street, Ayer, MA 01432
(978)772-8600

11. EXTERNAL GRIEVANCE PROCEDURE

Any student, parent or employee who chooses not to use the District's internal grievance procedures or who is not satisfied with the District's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172
OR
The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

For complaints related to discrimination/harassment of parents:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

For complaints related to discrimination/harassment of employees:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172
OR
The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601

Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196
OR
The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Referral to Law Enforcement, Other Agencies

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant/ alleged victim of the right to file a criminal complaint.

School Committee Approved: August 18, 2021

Second Read: August 18, 2021

First Read: June 16, 2021

Draft: June 10, 2021

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" 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 protections against discrimination assured them by the ADA.

Compliance Coordinator

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

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in 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. 71B: 1 et seq. (Chapter 766 of the Acts of 1972)
 Title II, Americans with Disabilities Act of 1992
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended
 through 3/28/78

PHILOSOPHY AND PRINCIPLES

PHILOSOPHY

In accordance with the General Laws of the Commonwealth of Massachusetts concerned with the education of the individual, the program for education in the Ayer Shirley Regional Schools shall be designed to provide the opportunity for students to develop to the best of their ability a proficiency in reading, writing, science, technology, and mathematics for use in various future endeavors. Along with basic academic skills, there shall be an opportunity to develop an appreciation of, respect for, and understanding of the creative, emotional, intellectual and physical well-being of each individual.

PRINCIPLES

Certain fundamental principles must be complied with if these opportunities are to succeed. These principles are:

- (1) Learning will take place within an atmosphere where the pupil is respected as a unique individual.
- (2) Instruction will come from teachers who are competent, compassionate and knowledgeable.
- (3) Curriculum will be constantly evaluated against the needs of the students and the fiscal resources of the Region. Resources will be provided that maximize the chances for individual success in all areas of opportunity while accepting the limits of the fiscal resources of the Region.

SCHOOL DISTRICT GOALS AND OBJECTIVES

The mission of the Ayer-Shirley Regional School District is to educate and graduate all students, to foster a safe environment that develops the skills, character and values needed to become a productive member of a global society.

Five objectives that contribute to the achievement of this goal, listed without priority in arrangement, define desirable outcomes to be incorporated into plans for the school system.

1. To ensure that each student develops proficiency in basic academic skills.
2. To ensure that each student develops the confidence in their own ability to successfully adapt to ever-changing personal and financial circumstances.
3. To ensure the development of empathetic, interpersonal relationships among students, staff and community.
4. To ensure maximum efficiency in the allocation of material resources.
5. To ensure maximum efficiency in the allocation of human resources.

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 or on all school buildings informing the general public of the district policy and requirements of state law.

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

ALCOHOL AND GAMBLING POLICY

"No alcoholic beverage may be served or consumed in any Ayer Shirley Regional School District building or on school property at any time or for any reason, including when the building or property is being utilized by a school-related or non-school-related group. Similarly, no gambling (except for raffles for which the prior approval of the Superintendent has been obtained) is permitted in any school building or on school property regardless of who sponsors the activity."

BACKGROUND CHECKS

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

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may, from time to time, be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every three (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 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 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 (DJCIS) 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 re-purposing 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; and,
- 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/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 (30) 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 requester works;
- Contact information for the requester; 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 thirty (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 thirty (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.

CORI Requirements

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

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

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

Pursuant to a Department of Education regulation, "Direct and unmonitored contact with children' means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. " Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds."

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

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

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

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of the employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides transportation, or

volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

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

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

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

LEGAL REFS: M.G.L.6:167-178; 15D:7-8; 71:38R, 151B, 276:100A
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)
42 U.S.C. § 16962
603 CMR 51.00
803 CMR 2.00
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

[FBI Criminal Justice Information Services Security Policy](#)
[Procedure for correcting a criminal record](#)
[FAQ – Background Checks](#)

SOURCE: MASC 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.

First Reading, June 10, 2014
Second Reading, September 17, 2014
Adopted by the ASRSD, September 17, 2014

DCJIS MODEL CORI POLICY

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

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

CONDUCTING CORI SCREENING

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

If a new CORI check is to be made on a subject within a year of 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.

AYER SHIRLEY REGIONAL SCHOOL DISTRICT HEALTH & WELLNESS POLICY

The Ayer Shirley Regional School District is committed to the physical, emotional, and social health and well-being of our students. The District has the opportunity and the responsibility to foster support for students, staff and families in developing and maintaining lifelong habits for a healthy lifestyle. The District is fully aware of the impact that good nutritional and physical activity habits have on student performance. Numerous studies support the fact that students, who are committed to eating healthy and exercising regularly, feel well and are better prepared to learn. Community participation is essential to the development and implementation of successful school wellness policies. The District will continue to work collaboratively within the regional community to establish a comprehensive school health and wellness action plan; communicate the plan clearly to students, staff and families; and define a process for periodic review and continuous improvement. This plan will address the whole child and will include the following: district nutrition education goals, district nutrition promotion goals, district physical activity goals, local/state/federal nutrition standards, and a district-wide schedule of school-based and extracurricular activities that promote health of body and mind.

The district recognizes that a person's wellness and weight control are a uniquely personal profile.

Facts:

1. Children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive. (*Healthier Students Are Better Learners: A Missing Link in Efforts to Close the Achievement Gap, Columbia University, 2010*)
2. Good health fosters student attendance and education. (*Baltimore Student Attendance Campaign, 2012*)
3. Obesity rates have risen in children, adolescents and adults over the last two decades. (*Mass in Motion: A Call to Action MDPH, 2008*)
4. Heart disease, cancer, stroke, and diabetes are leading causes of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood. (National Vital Statistics Reports 2008)
5. Students who are physically active and do not engage in unhealthy dietary behaviors receive higher grades than their classmates who are physically inactive and engage in unhealthy dietary behaviors. (*National Youth Behavior Risk Survey 2009*)

Policy Goals

1. Nutrition Education Goal:

The primary goal of nutrition education in the Ayer Shirley Regional School District is to influence student's eating behaviors.

Actions:

a. Classroom teaching:

The district follows the 1999 MA Comprehensive Health Curriculum

Frameworks as standards for nutrition education goals. The new 2011 federal nutrition guidelines document entitled "Choose My Plate" has replaced the former Food Pyramid in health education.

- b. Education, marketing and promotions outside classroom links with school:
School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above) (11).

School-based marketing of brands promotion predominantly low-nutrition foods and beverages (12) is prohibited. The promotion of health foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following:

- Logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment;
- Educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as Channel One;
- Free samples or coupons;
- Food sales through fundraising activities.
- Marketing activities that promote healthful behaviors (and are therefore allowable) include:
 - Vending machine covers promoting water;
 - Pricing structures that promote healthy options in a la carte lines or vending machines;
 - Sales of fruit for fundraisers;
 - Coupons for discount gym membership

c. Teacher training:

The district, and individual schools within the district, will, as necessary, disseminate the wellness policies, train teachers and other staff in media literacy with an emphasis on food marketing; and develop work plans to facilitate their implementation.

d. Parent Communication:

The district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school will offer healthy eating seminars for parents, send home nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities. In addition, the district/school will provide opportunities for parents to share their healthy food practices with others in the school community.

The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will include sharing information about physical activity and physical education through a website, newsletter, or other take-home materials, special events, or physical education homework.

2. Physical Activity Goal:

The primary goal of physical activity in the Ayer Shirley Regional School District is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short- and long-term benefits of a physically active and healthy lifestyle.

A comprehensive physical activity program encompasses a variety of opportunities for students to be physically active including: physical education, recess, walk/bike-to-school programs, after-school physical activity programs, health education that includes physical activity as a main component, and physical activity breaks within the regular classroom.

Actions:

a. Physical Education (classroom format and instruction):

All students in grades K-12, including students with disabilities, special health-care need, and in alternative educational settings, will receive physical education each school year. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

Integrating Physical Activity into the Classroom Setting:

For students to receive the nationally recommended amount of daily physical activity (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class.

Toward that end:

- Classroom health education will compliment physical education by reinforcing the knowledge and self-management skills needed to maintain a physical active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- Opportunities for physical activity will be incorporated into other subject lessons; and
- Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate;
- Support more, not less physical activity, recess and classroom movement. Eric Jensen, brain-based learning expert, claims that physical activity "raises the good chemicals for thinking, focus, learning and memory (noradrenaline, dopamine and cortisol). Students need 30-60 minutes per day to lower stress response, boost neurogenesis and boost learning." (1)

b. Physical Education (high school graduation requirements):

Physical Education (or equivalent option) 10 credits

c. Physical Education (staff training/certification):

A MA DESE certified physical education teacher will teach all physical education classes.

d. Physical Education (teacher-to-student ratio):**2012-2013 School Year**

Lura A. White Elementary School .087 FTE/410 students

Page Hilltop School 1.0 FTE/548 students

Ayer Shirley Regional Middle School 1.0 FTE/418 students

Ayer Shirley Regional High School 1.0 FTE/302 students

e. Physical Education (standards/requirements-based; curriculum requirements):

The district follows the 1999 MA Comprehensive Physical Education Curriculum Frameworks as standards for physical education goals.

f. Physical Activity outside of Physical Education:

All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

g. Recess to Promote Physical activity:

All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment. Schools should discourage extended periods (i.e., periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active. Teachers and other school and community personnel will not use physical activity (e.g. running laps, push-ups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

h. Walking or biking to school to promote physical activity:

The school district will assess and, if necessary and to the extent possible, make needed improvements to make it safe and easier for students to walk and bike to school. When appropriate, the district will work together with local public works, public safety, and/or police departments in those efforts. The school district will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements.

3. Nutrition Standards Goal for All Foods Available on School Campus during the School Day:

The primary goal of school nutrition standards in the Ayer Shirley Regional School District is to increase nutritional options; decrease fat, sodium, added sugars and artificial ingredients; and moderate portion size. The district will ensure that reimbursable school meals meet the program requirements and nutrition standards set forth under the 7 CFR Part 210 and Part 220.

Actions:a. Nutritional value of foods and beverages:A food item sold individually:

- Will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
- Will have no more than 35% of its weight from added sugars; (8)
- Will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, french fries, baked goods, and other snack items;
- Will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes. A choice of at least two fruits and/or non-fried vegetables (2) will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines) (9);

Beverages Allowed:

Water or seltzer water (7) without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free milk and nutritionally-equivalent non-dairy beverages (to be defined by USDA);

Beverages Not Allowed:

Soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

b. Portion Size:

Limit portion sizes of foods and beverages sold individually to those listed below:

- One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
- One ounce for cookies;
- Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
- Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
- Eight ounces for non-frozen yogurt;
- Twelve fluid ounces for beverages, excluding water; and
- The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

c. A la carte, vending, student stores, or concession stands:

Foods and beverages sold individually (i.e. foods sold outside of reimbursable

school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)

Elementary Schools

The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables (2).

Middle and High Schools

In middle and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards.

d. After-school programs, field trips, or school events:

Foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards for meals or for foods and beverages sold individually. Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutrition needs, children's ages, and other considerations.

e. Parties, celebrations, or meetings:

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above). The district will disseminate a list of healthy party ideas to parents and teachers.

f. Food rewards:

Schools will not withhold food or beverages (including food served through school meals) as a punishment. Foods or beverages that do not meet the nutrition standards for foods and beverages sold individually (above), will not be used as rewards for academic performance or good behavior, (10). Pizza parties will be allowed on occasion, provided the pizza is in lieu of lunch and meets school nutrition standards.

g. Food-related fundraising:

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

h. Food or beverage contracts:

Currently, the district does not have any food and beverage contracts with outside vendors.

4. School Meals Program Goal:

The primary goal of the Ayer Shirley Regional School District School Meals Program is to serve meals that meet USDA's requirements, are reimbursable, as well as follow the principles of the Dietary Guidelines for Americans.

Actions:

a. Developing goals that exceed minimum nutrition standards set by USDA:

Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

b. Access to school nutrition programs:

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals (5). Toward this end, schools may utilize electronic identification and payment systems; provide meals at no charge to all children, regardless of income; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as "grab-and-go" or classroom breakfast.

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast in the classroom, "grab-and-go" breakfast, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other menus.

c. Time and scheduling for meals:

Schools:

- Will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- Should schedule meal periods at appropriate times, e.g., lunch should be scheduled between 11 a.m. and 1 p.m.;
- Should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- Will schedule lunch periods to follow recess periods (in elementary schools);
- Will provide students access to hand-washing or hand-sanitizing before they eat meals or snacks; and should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk).

d. Surroundings for eating:

Meals served through the National School Lunch Breakfast Programs will:

- Be appealing and attractive to children;
- Be served in clean and pleasant settings;

e. Qualifications of food-service staff:

Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, the district will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their level of responsibility (6).

5. Other School-Based Activities Goal: (Designed to Promote Student Wellness)

The primary goal of other school-based activities designed to promote student wellness in the Ayer Shirley Regional School District is to create a school environment that provides consistent wellness messages and is conducive to healthy eating and being physically active.

Actions:a. Marketing of food and/or beverages:

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above)(11).

School-based marketing of brands promotion predominantly low-nutrition foods and beverages (12) is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged. Examples of marketing techniques include the following:

- Logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment;
- Educational incentive programs that provide food as a reward programs that provide schools with supplies when families buy low-nutrition food products;
- In-school television, such as Channel One;
- Free samples or coupons;
- Food sales through fundraising activities.

Marketing activities that promote healthful behaviors (and are therefore allowable) include:

- Vending machine covers promoting water;
- Pricing structures that promote healthy options in a la carte lines or vending machines;
- Sales of fruit for fundraisers;
- Coupons for discount gym memberships.

b. Sustainable Food Program:

Currently, the district does not participate in a sustainable food practice such as a Farm to School Program. However, we are looking to participate in one in the future.

c. Access to facilities for physical activity after school hours:

School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends,

and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

d. After-school programs:

After-school childcare and enrichment programs will provide and encourage-verbally and through the provision of space, equipment, and activities-daily periods of moderate to vigorous physical activity for all participants.

e. Coordinated School Health approach:

The Ayer Shirley Regional School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- Includes enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- Emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- Links with school meal programs, other school foods, and nutrition-related community services.

6. Measurement and Evaluation Goal:

The primary goal of measurement and evaluation is to ensure the successful implementation of the Ayer Shirley Regional School District Wellness Policy and to communicate results to the public.

Actions:

- a. Funding Support: Current funding is offered in part by the district general fund and by state and federal aid.
- b. Implementation/Action Plan: ASRSD Health & Wellness Policy Action Plan created May 2013.
- c. Monitoring and Evaluation: The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.

School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will

report on this matter to the superintendent (or if done at the school level, to the school principal). In addition, the school district will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes. If the district has not received an SMI review from the state agency within the past five years, the district will request from the state agency that an SMI review be scheduled as soon as possible.

The superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school committee and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

d. Revision:

To help with the initial development of the district's wellness policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies (13). The results of those school-by-school assessments will be compiled at the district level to identify and priority needs. Assessments will be repeated every three years to help review policy compliance, assess progress, and determine areas in need of improvement.

As part of that review, the school district will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Footnotes:

1. *Top 10 Brain-based Teaching Strategies, Jensen Learning*
2. *To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.*
3. *As recommended by the Dietary Guidelines for Americans 2005.*
4. *A whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.*
5. *It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.*
6. *School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.*
7. *Surprisingly, seltzer water may not be sold during mealtimes in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210).*
8. *If a food manufacturer fails to provide the added sugars content of a food item, use the percentage of weight from total sugars (in place of the percentage of weight from added sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.*

9. *Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.*
10. *Unless this practice is allowed by a student's individual education program (IEP).*
11. *Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.*
12. *Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutritional standards for foods sold individually or the meals are not consistent with school meal nutrition standards.*
13. *Useful self-assessment and planning tools include the School Health Index from the Centers for Disease Control and Prevention (CDC), Changing the Scene from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education from the National Association for Sport and Physical Education.*

LEGAL REFS: Healthy, Hunger Free Kids Act of 2010
 M.G.L. Chapter 71, Section 3

First Reading for amendment, June 20, 2012
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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.