

## **SCHOOL DISTRICT LEGAL STATUS**

Public education in the Town of Medfield has its legal basis in the will of the people as expressed in the Constitution of Massachusetts and statutes pertaining to education.

According to the Massachusetts General Laws:

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

The school system of Medfield is operated under laws pertaining to education and under regulations of the ~~State~~Massachusetts Board of Elementary and Secondary Education.

LEGAL REFS.:        Constitution of Massachusetts, Part II, Chapter V, Section II  
                             M.G.L. 71:1  
                             Medfield Town Charter 1·1, 5-2

CROSS REF.:        BB, School Committee Legal Status

Historical Note:        Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education. Medfield's first schoolhouse opened in 1666 located on 21 North Street.

~~SOURCE: Medfield~~

## ~~SCHOOL DISTRICT LEGAL STATUS~~

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

~~Under the General Laws of Massachusetts, \_\_\_\_\_~~

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

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

~~Established by law~~

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

~~CROSS REF.: \_\_\_\_\_ BB, School Committee Legal Status~~

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

~~SOURCE: \_\_\_\_\_ MASC~~

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

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

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

## THE PEOPLE AND THEIR SCHOOL DISTRICT

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

The ~~S~~school ~~C~~committee therefore affirms and declares its intent to:

1. Maintain two-way communications with citizens of the community. The public will be kept informed of the progress and problems of the ~~school-system~~School District, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. The Education Legislation provides for community and parental involvement through the ~~School-Site~~ Council provisions of Massachusetts General Law~~the legislation~~.
3. 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 learning of the children enrolled in our schools.
4. Act as a truly representative body for members of the community in matters involving public education. The committee recognizes that ultimate responsibility for public education rests with the state, but individual school committees have been assigned specific authority through state law. The committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

~~Note: The MASC Reference Manual replaces "school system" with "school district".  
The Reference Manual does not include bullet 2 in the Medfield Manual~~

~~SOURCE: Medfield~~

## NON-DISCRIMINATION

Title VI, Title IX, Section 504, ADA, Age Discrimination Act, G.L. c. 76, §5,  
G.L. c. 151B, G. L. c. 151C, 603 CMR §26.08

Pursuant to G.L. c. 76, § 5, 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, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, creed, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics. Additionally, pursuant to Federal and state law, no person shall be discriminated against on account of disability, homelessness, pregnancy status, or age. However, nothing in this prohibition shall be construed to prevent the Medfield Public Schools from making age qualifications for entering and attending school or participating in extracurricular activities.

Given its commitment to non-discrimination principles, the School Committee affirms its 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, and create safe school and classroom environments for all students, staff, parents, and visitors, including those with actual or perceived differentiating characteristics, including race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, creed, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics;
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, and to investigate and remediate those grievances when they occur.
5. 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.

In addition, the Medfield Public Schools will reasonably accommodate and modify its policies for individuals with disabilities when necessary to ensure that individuals with disabilities have an equal opportunity to access and participate in the programs of the District and to ensure that

students with disabilities receive a free and appropriate public education. If a student or other individual requires a reasonable accommodation or modification to a policy or procedure, please contact the student's Team Chair or the Director of Student Services/ Civil Rights Coordinator.

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The Medfield Public Schools further does not deny equal access to or a fair opportunity to meet, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society.

It will be a violation of this policy for any student, district employee or third party based on a student's, employee's or third party's actual or perceived race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, creed, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics to: (1) harass a student, district employee or third party through conduct or communication (e.g., physical, verbal, graphic or written); or to (2) inflict, threaten to inflict or attempt to inflict violence; or to (3) discriminate against or treat differently a student, district employee or third party.

This policy applies to all of the academic and nonacademic (for example, athletic and extracurricular) programs of the district and will be enforced before, during, or after school hours on all school property, including the school bus, school functions, and/or events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students, employees or third parties to be free from a hostile school or workplace environment, taking into consideration the totality of the circumstances on and off campus, except for allegations under the District's Title IX policies and procedures.

The committee's policy of non-discrimination will extend to students, staff, the general public, and individuals with whom it does business. If you have a complaint or feel that you have been discriminated against because of your race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, creed, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics and/ or participation in a patriotic society, you may register your complaint with the District Civil Rights Coordinator or the building Principal in which the alleged discrimination occurred in compliance with Policy ACE, the District's Non-Discrimination and Grievance Procedure or the District's Title IX ~~Coordinators in compliance with Policy XXX, the District's Title IX Procedures~~ sexual harassment policies and procedures as applicable.

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  
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
Acts of 2022, Chapter 117 -  
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF.: ACA, Non-Discrimination on the Basis of Sex  
ACAB, Sexual Harassment  
ACE, Non-Discrimination Policy and Grievance Procedure  
XXX, Title IX Procedure  
JB, Equal Educational Opportunities  
JCFIB, Bullying and Harassment Policy

~~Approved by School Committee: October 22, 2020~~

~~SOURCE: Medfield~~

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## NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

Title VI, Title IX, Section 504, ADA, Age Discrimination Act, G.L. c. 76, §5, G.L. c. 151 B,  
G. L. c. 151C, 603 CMR §26.08

### I. Introduction

The Medfield Public Schools is committed to maintaining an educational environment where bigotry and intolerance, including discrimination and/ or harassment on the basis of race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age, are not tolerated. Discrimination and harassment are contrary to the mission of the Medfield Public Schools and its commitment to equal opportunity in education.

The Medfield Public Schools does not discriminate against students, parents, employees or the general public. No person shall be excluded from or discriminated against in admission to the Medfield Public Schools, or in obtaining the advantages, privileges and courses of study of the Medfield Public Schools on account of race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, sex, gender identity, religion, national origin, or sexual orientation. (G.L.c. 76, §5). Additionally, the Medfield Public Schools does not tolerate harassment based upon race, race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, sex, gender identity, religion, national origin, or sexual orientation. (603 CMR 26.08).

For purposes of this policy and its related procedures, "school" includes school-sponsored events, trips, sports events, similar events connected with school or employment. Any retaliation against an individual who has complained about discrimination, including harassment, or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint, is also unlawful and will not be tolerated. To the extent an allegation of sexual harassment falls under Title IX, the District's Title IX policies and procedures for sexual harassment would govern addressing the allegation.

The Medfield Public Schools takes allegations of discrimination and harassment seriously. This policy and procedure covers allegations of discrimination and harassment based on all protected categories except for sex. For allegations of sex discrimination or sexual harassment, please see the District's Title IX policies and procedures. Any allegation of harassment or discrimination will be investigated promptly, impartially, and in a manner which will preserve the confidentiality of all concerned to the extent practicable under the circumstances and as provided by law. Where it is determined that conduct that violates the law and/ or this policy has occurred, the Medfield Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include school-related discipline.



## **II. Definition of Discrimination and Harassment**

"Discrimination" includes conduct that excludes a person from participation in, denies an individual the benefits of, or otherwise subjects an individual to different treatment on the basis of race, color, religion, national origin, sexual orientation, age, or disability. Harassing conduct involving these categories can be a form of discrimination.

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File: AC-R

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that creates a hostile environment for the recipient(s) or "victim(s)" of the conduct, and is based on race, color, national origin, sexual orientation, religion, disability, or age. Conduct is unwelcome if the victim(s) did not request or invite it and considered the conduct to be undesirable or offensive. Harassment is prohibited by the Medfield Public Schools, and violates the law.

Examples of harassment include:

- Display or circulation of written materials or pictures that are degrading to a person or group based upon the criteria listed above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above because of one of the criteria listed above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from a school program or activity of the Medfield Public Schools; or (ii) creates an intimidating, threatening, or abusive educational environment.

Many forms of harassment have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, the ADA, Title VI, and state statutes like G.L. c. 151B and G.L. c. 151C), by federal courts, state courts, the U.S. Department of Education, the Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

The definitions of discrimination, harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school environment that is hostile, offensive, intimidating, or humiliating may constitute discrimination and harassment.

## **III. Grievance Procedure: Reporting Complaints of Discrimination and Harassment**

### **a. Introduction**

If any Medfield Public Schools student, parent or employee believes, in good faith, that he or

she has been subjected to harassment or discrimination described above, the individual has a right to file a complaint with the Medfield Public Schools. This may be done informally or formally, as described below.

Teachers or other staff members who observe or receive reports of incidents of harassment or discrimination involving students shall report such incidents immediately to the student's Principal. Administrators aware of harassment or discrimination involving any employee shall report such incidents to the Civil Rights Coordinator, listed below, or to the Superintendent.

Please note that while these procedures relate to the Medfield Public Schools' policy of promoting an educational setting free from discrimination and harassment as detailed further in this policy, these procedures are not designed nor intended to limit the Medfield Public Schools' authority to discipline or take remedial action for conduct which the Medfield Public Schools deems unacceptable.

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b. Grievance Procedures

i. District Civil Rights Coordinator (“Civil Rights Coordinator”)

The Civil Rights Coordinator for Title VI (race, color, national origin);; Section 504 (disability); Title II of the ADA (disability); Religion, Sexual Orientation, Gender Identity and Age is:

Ms. Mary Bruhl  
Director of Student Services/ Civil Rights Coordinator  
459 Main St.  
Medfield, MA 02052  
508-359-7135

Students, parents, or employees who wish to initiate either the informal or the formal complaint process may direct a written or verbal complaint to the Civil Rights Coordinator or to the Principal for the school in which the alleged discrimination or harassment took place. Whether formal or informal in nature, written complaints are encouraged. Students may additionally report incident that they believe involve harassment or discrimination to their guidance counselor, any teacher, administrator or any member of the support staff, and the staff member will refer to the complaint to the Principal or the Civil Rights Coordinator.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, the Civil Rights Coordinator, or the Civil Rights Coordinator’s designee. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the individual making the complaint, the name of the alleged victim, the name of the alleged perpetrator(s) of the harassing or discriminatory action, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the student is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by the District.

Efforts should be made to file such complaint within twenty (20) calendar days after the alleged discriminatory action occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. However, the Medfield Public Schools will investigate any complaint no matter when it is filed.

Within 48 hours of receiving a complaint, the District will determine whether the alleged victim wishes to utilize formal or informal procedures, which the alleged victim can also expressly select as described below in Section ii (1) regarding informal procedures and Section ii(2) regarding formal procedures, and, if the alleged victim chooses formal procedures, begin to investigate every complaint of harassment, discrimination, or violence.

Any teacher or other employee who receives a complaint of discrimination or harassment shall immediately forward the complaint to the building Principal. The Principal will then determine

whether the alleged victim wishes to pursue formal or informal procedures, and will forward all formal complaints to the Civil Rights Coordinator listed above, who will begin the formal procedure described below. If the alleged victim wishes to pursue informal procedures, the Principal and/ or the Principal's designee will first attempt to resolve the complaint at the building level.

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The Civil Rights Coordinator or her designee shall handle the investigation and resolution of a formal complaint. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority, and any complaint about the Civil Rights Coordinator will be investigated by the Superintendent or his designee. Any complaint about the Superintendent should be submitted to the chairperson of the school committee, who should consult with legal counsel concerning the handling and investigation of the complaint.

## ii. Internal Grievance Procedure

### 1. Informal Resolution of Discrimination and Harassment Complaints

Before initiating the formal procedure, an alleged victim may wish to resolve the complaint on an informal basis through discussion between the alleged victim and the alleged perpetrator, which will be facilitated by the building Principal or designee. The alleged victim may request informal procedures or be given the option of electing between pursuing informal or formal procedures at the time that their complaint is received by the Civil Rights Coordinator or building Principal. Informal procedures are entirely voluntary. Alleged victims may elect to pursue formal procedures at any step in the process of making their complaint, even if informal procedures have already begun. Similarly, alleged perpetrators may elect to follow formal procedures.

If the alleged victim and the alleged perpetrator feel that a resolution has been achieved, then the conversation remains confidential and no further action needs to be taken. This voluntary conversation must occur within five (5) workdays 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 alleged victim 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.

### 2. Formal Resolution of Discrimination and Harassment Complaints

A student, parent or employee who is not satisfied with the informal resolution process or who chooses not to participate in the informal resolution process may initiate the formal complaint procedure at any time.

#### Step One

Within forty-eight (48) hours of receiving the complaint or of the termination of an unsuccessful informal resolution process (whichever is later), the Civil Rights Coordinator or designee will meet with the complainant and/or alleged victim (if they are different) by telephone or in person.

The Civil Rights Coordinator or designee will complete a discrimination/harassment complaint form based on the written or verbal allegations of the alleged victim within forty-eight (48) hours of meeting with the complainant. The complaint form will be maintained by the Civil Rights Coordinator or designee.

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## Step Two

A prompt investigation shall be completed by the Civil Right Coordinator or designee within thirty (30) school days from the date that the District received a complaint or report, unless impracticable (e.g., the complaint is received during the summer time and witnesses are unavailable). The Civil Rights Coordinator will provide written notice of the investigation to the alleged perpetrator before conducting an interview of the alleged perpetrator, including whether or not the Civil Rights Coordinator or designee anticipates that there may be discipline.

The investigation may, as appropriate, consist of personal interviews with the alleged victim, the complainant (if different than the alleged victim), the individual(s) against whom the complaint is filed (“alleged perpetrator[s]”), and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the Civil Rights Coordinator or designee.

The alleged victim and the alleged perpetrator(s) have the opportunity to present witnesses and information that they deem relevant to the Civil Rights Coordinator or designee. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. However, regardless of the complainant’s participation in the investigation, the District will investigate the complaint to the extent possible and will take appropriate action based on the results of its investigation.

## Step Three

The Civil Rights Coordinator or designee shall document his or her findings. The Civil Rights Coordinator or designee shall send the written report of the findings to the Superintendent, alleged victim, and alleged perpetrator within thirty (30) school days after the investigation has been completed, unless the alleged victim and alleged perpetrator agree in writing to extend the timeline.

The report shall include:

- a) a statement of the allegations investigated;
- b) a summary of the steps taken to investigate the allegations;
- c) the findings of fact based on a preponderance of the evidence gathered;
- d) the District’s conclusion, based upon a preponderance of the evidence, of whether discrimination, harassment, or violence did or did not occur;
- e) the disposition of the complaint;
- f) the rationale for the disposition of the complaint; and
- g) if the District concluded discrimination, harassment, different treatment, or violence occurred, a description of the District’s response. However, please note that in Title

VI investigations all discipline of the alleged perpetrator will be kept confidential from the alleged victim unless it directly relates to the alleged victim (e.g., alleged victims will be notified of stay-away orders but not suspensions).

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The Civil Rights Coordinator or designee shall determine whether the allegations have been substantiated as factual and whether they appear to be violations of this policy, 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 Civil Rights Coordinator or designee shall further recommend what action, if any, is required. If it is determined that harassment, discrimination or different treatment occurred, the District will take steps to prevent the recurrence of the harassment, discrimination or different treatment and correct its discriminatory effect on the alleged victim and others if appropriate.

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

#### Step Four

The Civil Rights Coordinator and/or Superintendent shall maintain the written report of the investigation, findings and disposition.

The District will contact the alleged victim within fourteen (14) school days following the conclusion of the investigation to assess whether there has been on-going harassment or retaliation and to determine whether additional supportive measures are needed.

### 3. Interim Measures

The Medfield Public Schools shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. The District will take interim measures to prevent retaliation against the complainant.

### 4. Appeals

Any party may appeal the decision of the Civil Rights Coordinator and/ or designee in writing to the Superintendent within fifteen (15) school days of receipt of the findings of the formal procedure. The Superintendent, as an 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:

Dr. Jeffrey Marsden, Superintendent. ....508-359-2302

### iii. 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.

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1. For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education  
5 Post Office Square, 8<sup>th</sup> 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

2. For complaints related to discrimination/harassment of parents:

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

3. For complaints related to discrimination/harassment of employees:

The Office for Civil Rights, US Department of Education  
5 Post Office Square, 8<sup>th</sup> 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

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#### **IV. Referral to Law Enforcement, Other Agencies**

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, Civil Rights 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.

#### **V. Retaliation**

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The Civil Rights Coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the Civil Rights Coordinator. The Medfield Public Schools will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

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  
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
Acts of 2022, Chapter 117 -  
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REFS.: AC, Non-Discrimination  
JB, Equal Educational Opportunities  
JCFIB, Bullying and Harassment Policy

~~Approved by School Committee: October 22, 2020~~

~~SOURCE: Medfield~~

~~CROSS REF: ——— ACE, Nondiscrimination on the Basis of Disability~~  
~~————— ACAB, Sexual Harassment~~  
~~————— GBA, Equal Employment Opportunity~~  
~~————— IJ, Instructional Materials~~  
~~————— JB, Equal Educational Opportunities~~

~~Title IX Sexual Harassment Grievance Procedure~~  
~~Civil Rights Grievance Procedure~~

~~SOURCE: MASC August 2022~~

## **NON-DISCRIMINATION ON THE BASIS OF SEX**

### **Title IX, 603 CMR §26.08**

Title IX of the Education Amendments of 1972 states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subjected to discrimination under an education program or activity receiving Federal Financial Assistance. Therefore, the school committee declares that the Medfield Public Schools does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend to students with regard to educational opportunities, to employees with regard to employment opportunities, and to individuals with whom the District does business with regard to business opportunities.

The school committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees. Discrimination on the basis of sex includes, but may not be limited to, sexual harassment, domestic violence/ dating violence, stalking, sexual assault and gender-based harassment.

The committee has designated ~~each principal~~ and the Director of Student Services, Mary Bruhl, to serve as the District Title IX Coordinators. All students and employees will be notified of the name, office address, and telephone number of the Title IX Coordinators in Policy ~~XXXXAC-R~~, the District's Title IX Procedure, which explains the District's procedure for handling Title IX complaints. All complaints of Title IX violations may be sent to either the District Title IX Coordinators, in accordance with the procedures outlined in Policy AC-~~RE~~.

LEGAL REFS.: Title IX of the Education Amendments of 1972 45 CFR, Part 86, (Federal Register, 6/4/75)  
G.L. c. 76, § 5; 76, § 16 (Chapter 622 of the Acts of 1971)  
Department of Elementary and Secondary Education Chapter 622  
Regulations Pertaining to Access to Equal Educational Opportunity,  
adopted 6/24/75, amended 10/24/78  
603 CMR 26.00

CROSS REFS.: AC, Non-Discrimination  
AC-R, Nondiscrimination  
ACAB, Sexual Harassment  
XXX, Title IX Procedure  
JB, Equal Educational Opportunities  
JCFIB, Bullying and Harassment Policy

~~Approved by School Committee: October 22, 2020~~

~~SOURCE: Medfield  
File: ACA~~

## ~~NONDISCRIMINATION ON THE BASIS OF SEX~~

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

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

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

~~SOURCE: MASC~~

~~UPDATED: June 2012 Reviewed 2022~~

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

~~CROSS REF.: AC, Nondiscrimination~~



## SEXUAL HARASSMENT POLICY

The Medfield Public Schools is committed to providing faculty, staff and students with an environment in which they may pursue their careers and studies without being sexually harassed. All persons associated with the Medfield Public Schools including, but not limited to, the school 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. Any person who engages in sexual harassment while acting as a member of the school community will be in violation of this policy.

To inform all parties of the law, reporting method and penalty for violating the policy, copies of the Title IX Procedures will be included in all Medfield Public Schools Student, Parent and Faculty Handbooks and will be distributed to support personnel through department managers/supervisors. Sexual harassment under state law will be addressed through the Non-Discrimination Policy and Grievance Procedure.

Sexual harassment is a violation of the Title VII and Title IX of the 1964 Civil Rights Act and G. L., c.151, §3A. "Sexual harassment" ~~in the employment context under state law~~ is defined in G.L. c. 151B, § 1 as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities or as a basis for employment decisions.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

~~In the educational context~~Under Federal Law, 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)

While it is not possible to list all circumstances that may be considered sexual harassment, the

following are examples of conduct that violate the law and policy and which, if severe and pervasive and objectively offense, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

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- Unwelcome sexual advances, whether they involve physical touching or not.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, or cartoons.

Several behaviors listed as sexual harassment may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any persons involving sexual molestation or exploitation of a child, including, but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also constitute physical and/or sexual abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Children and Families within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse. All school personnel are identified as being mandated reporters.

The committee's policy against sexual harassment will extend to students, staff, the general public, and individuals with whom it does business. If you have a complaint or feel that you have been sexually harassed, you may register your complaint with the District's Title IX Coordinators or the appropriate civil rights officer if the complaint is under state law only. Students may also report sexual harassment to any staff person s/he feels comfortable with, and that staff person will in turn report the alleged incident of sexual harassment to the District Title IX Coordinator.

All investigations will be in compliance with Title IX and Policy ~~AC-RXXX~~, the District's Title IX Procedure.

### **DUE PROCESS PROTECTIONS**

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;

- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

## **RECORD KEEPING REQUIREMENTS**

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school’s response to every report of

sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the **(Name of District)** School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District's Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601  
Boston, MA 02108.  
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109.  
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A  
Title IX of the Education Amendments of 1972  
BESE 603 CMR 26:00  
34 CFR 106.44 (a), (a)-(b)  
34 CFR 106.45 (a)-(b) (1)  
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

CROSS REF.: AC, Non-Discrimination  
ACA, Non-Discrimination on the  
Basis of Sex  
XXX, Title IX Procedure

~~Approved by School Committee: October 22, 2020~~

~~SOURCE: Medfield~~



## NONDISCRIMINATION ON THE BASIS OF DISABILITY

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 accommodation 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:~~Accommodation** The District shall make reasonable accommodation in policies, practices, or procedures when the accommodations are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity.

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

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

**Limits of Required Accommodation:** The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and

operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

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**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 district 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 disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school district will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

~~SOURCE: MASC July 2016~~

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

CROSS REFS.: [IGB](#), Support Services Programs

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



## **EDUCATIONAL PHILOSOPHY**

~~The philosophy of the Medfield School System is based on the belief that all students are individuals with various needs and abilities. Our educational programs are designed to provide all students with equal opportunity to learn. To meet the challenge of public education and to provide for the total development of all students demand a spirit and focus which are exemplified by quality teaching supported by appropriate budgeting, staff development and curricular planning.~~

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

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

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

~~CROSS-REFS.: ——— ADA, School District Goals and Objectives  
IA, Instructional Goals~~

~~SOURCE: Medfield~~

## **MISSION STATEMENT**

The Medfield Public School System will create a dynamic and collegial learning environment. Curriculum and instruction will guide students to achieve high standards and to meet the challenge of change. Through school, family, and community partnerships, students will be prepared to become responsible, sensitive, contributing citizens and lifelong learners.

CROSS REFS.:       IA, Instructional Goals

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



## **TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED**

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

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

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

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

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

~~SOURCE: Medfield as approved on October 7, 2021~~

LEGAL REF: M.G.L. [71:37H](#); [270:6](#)

CROSS REFS.: GBED, Tobacco use on School Property by Staff Members Prohibited  
JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

## **BACKGROUND CHECKS**

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall only obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. 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 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

### **Requesting CHRI (Criminal History Record Information) checks**

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, they 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

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Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

### **Storage of CHRI**

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

### **Retention and Destruction of CHRI**

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

- Historical reference and/or comparison with future CHRI requests,
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

### **CHRI Training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

### **Determining Suitability**

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.



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

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

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

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

The suitability determination was made within the last seven years; and

The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

### **Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of their 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 their CHRI;
- and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that an individual, after providing him a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B, S. 4,( 9,9 ½). Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations (see specific regulations in legal

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references), hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions. The superintendent is advised to confer with legal counsel whenever they solicit information from an individual concerning their history of criminal convictions.

### **Secondary Dissemination of CHRI**

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.

The following information will be recorded in the log:

- Subject Name;
- Subject Date of Birth;
- Date and Time of the dissemination;
- Name of the individual to whom the information was provided;
- Name of the agency for which the requestor works;
- Contact information for the requestor; and
- The specific reason for the request.

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

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the Superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

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

It shall be the policy of the 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.

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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, they 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

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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.

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: Medfield – as approved on October 7, 2021~~

## **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 their signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

### **ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, all district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### **VERIFYING A SUBJECT'S IDENTITY**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **DETERMINING SUITABILITY**

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

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

The applicant is to be notified of the decision and the basis for it in a timely manner.

### **ADVERSE DECISIONS BASED ON CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

### **SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

SOURCE: Medfield as approved on October 7, 2021

**INFORMATION CONCERNING THE PROCESS OF  
CORRECTING A CRIMINAL RECORD**

The updated version of this form is available at <http://www.mass.gov/service-details/learn-how-to-correct-a-state-or-national-criminal-record>

~~Revised/Approved: 1/12/2015~~

~~SOURCE: Medfield~~

## **Medfield Public Schools Wellness Policy**

The Medfield Public School (MPS) District is committed to promoting students' health and wellness and their ability to learn by providing physical activity and nutrition education in all schools, a school food service program, school health programs, social and emotional wellness programs, as well as school counseling and psychological support services.

MPS maintains a district Health Advisory Committee to monitor and address health and wellness issues that includes; students, parents, teachers, administrators, food service professionals, health professionals and other interested community members. The committee meets four times a year and establishes annual goals and objectives that are shared with the Superintendent.

### Physical Education & Physical Activity

- A written Physical Education curriculum will be maintained in all schools. The Physical Education Program will provide opportunities for every student to develop the knowledge and skills for achieving physical literacy in a wide range of activities to help maintain physical fitness and to teach students the short and long-term benefits of a physically active and healthful lifestyle.
- Whenever possible, teacher/student ratios for Physical Education classes will follow School Committee Guidelines that regulate classroom sizes.
- No waivers are allowed as substitute activities for Physical Education/Wellness requirements.
- Physical activity, such as the recess period, will not be withheld from a student as a consequence or for behavior management.
- All classroom teachers are encouraged to integrate physical activity into learning activities.
- Opportunities are provided when possible for students and staff to maintain or improve physical fitness in either before-school or after-school programs.

### Nutrition Education and Wellness Promotion

- Nutrition education is offered at all schools as part of a sequential, comprehensive program drawn from the National Health Standards and the Dietary Guidelines for Americans. The curriculum is designed to provide students with the knowledge and skills necessary to make healthy lifestyle choices around nutrition. Where appropriate, nutrition

concepts are integrated into the curriculum and are also offered via nutrition promotion as part of the [Medfield Public Schools - Food Services](#).

- Medfield Public Schools provides nutrition education professional development opportunities for kitchen staff as well as teaching staff as indicated.
- Communication with families and the community *is* encouraged to support students' nutrition, lifelong physical activity and healthy lifestyle.

#### Nutrition Standards for School Meals

- The School Meals Program complies with [Massachusetts and USDA Competitive Foods and Beverage Nutrition Standards](#). Schools will serve fresh and locally grown food items when possible.
- Schools ensure that the dining areas are safe and comfortable, and that sufficient time is provided for students to purchase and consume their meals.
- For reasons of safety and hygiene, school staff discourages children from sharing and trading food and beverages.
- Food items served to students through Food Services for breakfast, lunch and snack will not contain tree nuts or peanuts.
- [Medfield Public Schools - Food Services](#) provides information on the schools' websites regarding the nutrient content and potential allergens in the foods served in schools through the National School Lunch and Breakfast Programs.

#### Nutrition Standards for Competitive Foods

- Competitive foods and beverages are defined as the foods and beverages sold and served outside of the school meal programs. Examples include bottled water, snacks and items sold from vending machines.
- Food service staff evaluates product placement in cafeterias to promote the purchase of their products with the highest nutritive value.
- MPS complies with the regulations set forth in [Massachusetts a la Carte Food and Beverage Standards Manual](#) and from [Action for Health, Kids](#) that seeks to limit the fat, sugar and sodium content of snacks, beverages and desserts of foods sold a la carte and from snack and vending machines.
- Schools do not celebrate student birthdays with food.

- Prior to including any food item in a class or school sponsored event, teachers will consult with the school nurse about possible allergies, health concerns and relevance to the curriculum.
- Food or beverages will not be used as a reward or incentive, except as documented in a student's Individual Education Program.
- Nutritionally deficient foods are discouraged during the school day and may not be sold during school hours up to and including 30 minutes before/after the school day.
- Groups hosting events at a school are encouraged to purchase food through Food Services to ensure items are safe for students and meet the competitive foods nutrition standards.
- The Nutrition Standards for Competitive Foods in Schools do not apply to foods and beverages in curriculum related classroom-based activities, special school-sponsored events, field trips, and fundraising activities, including bake sales. These exempted items may not be sold in competition with school meals (breakfast, passing time, lunch etc...)

## SCHOOL HEALTH SERVICES

The goal of the School Health Program, in collaboration with school administration and teaching staff, community health care providers and parents/caregivers, is to support the school's academic mission while promoting and improving students' and staff health. School nurses promote the safety of students and staff, assess potential health concerns, ensure students are properly immunized, provide state-mandated screenings, administer medications, treat illness and injuries and care for students with special health care needs.

### Implementation

- All students have access to nursing health services during school hours.
- Requirements for physical exams and immunizations are enforced as mandated by the Department of Public Health.
- Annual health screenings [vision, hearing, heights/weights/BMI, postural and SBIRT (substance use)] are conducted according to the Department of Public Health guidelines.
- Student health information relevant to participation in school is collected and parent/caregiver permission is obtained in order to share this information with appropriate faculty and staff.
- All school nurses are prepared to respond to emergencies as outlined in the district's Medical Emergency Response Plan.
- The school physician is available for consultation with school nurses and administration as needed.

## SCHOOL COUNSELING DEPARTMENT

- School Counselors provide academic, emotional, and future planning support for students through individual, small group, and whole class interventions.
- School Counselors provide support and resources to students and families on mental health issues including: anxiety, depression, separation/school phobia, divorce, grief, family conflict, physical/sexual/emotional trauma, neglect, suicide, substance abuse, teasing and/or bullying, peer relations, coping skills, etc.
- The School Counseling Department administers the Signs of Suicide program to students in grades 7, 9, and 12.
- The middle school and high school both have School Adjustment Counselors who provide counseling and therapeutic services to students.
- School Counselors communicate and collaborate with faculty and staff to best support the needs of all students.

### Social and Emotional Learning

- SEL curriculum is integrated in all schools to support student learning and well-being through the use of the five CASEL competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.

### Transition Programming (RISE & BRIDGES)

- There are general education programs at Medfield High School and Blake Middle School that help support students who have missed or will miss significant time for any reason, including but not limited to mental health or other medical issues.
- Students are supported academically and emotionally in these programs based on student needs.

### Evaluation

- The Wellness Policy is evaluated by the Health Advisory Committee every three years and findings are disseminated to the Superintendent and the School Committee for approval.

Approved by School Committee: 11/2/2023



## **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.

Every effort will be made by the school committee, superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

~~SOURCE: Medfield/MASC~~