MASC Policy Newsletter

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This policy newsletter will cover a number of topics resulting from recent legislation in Massachusetts. **All policies are posted as Word documents on the “Updated/New Policies” page on the MASC website** and in the MASC Policy Reference Manual.

**Changes in Bid Law (Chapter 30B)**

Outside sections of the FY2015 budget have increased the threshold amount necessary for a formal bid process from $25,000 to $35,000. As a result, School Committees should review their policy on bidding requirements (DJE) and adjust the language accordingly. The result of this change is that procurements covered by Chapter 30B with an expected value greater than $35,000 must go through a formal bid process, procurements with a value between $10,000 and $35,000 must seek quotations, and procurements valued at less than $10,000 are to utilize sound business practices.

**Background Checks – Policy ADDA**

Recently, the Background Checks law was enacted and MASC provided you with policy ADDA in May 2014. This law is subject to federal and state laws and regulations promulgated by the Department of Elementary and Secondary Education (DESE), the Department of Criminal Justice Information Services (DCJIS) and the Massachusetts Commission Against Discrimination (MCAD). Due to the plethora of such regulations, not surprisingly, there exists some duplication and lack of clarity. Therefore, in an excess of caution we are deleting the first paragraph as found on page 6 of the policy originally sent to you and inserting the following revised paragraph at the top of page 4. Please have the School Committee approve this revision and we apologize for any inconvenience.

**“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, 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 he/she solicits information from an individual concerning his/her history of criminal convictions.”**

**Domestic Violence Leave Act – Policy GCCD**

In August the legislature passed the Domestic Violence Leave Act which requires all employers with 50 or more employees to provide work leave to victims of domestic violence. MASC has written a sample policy to assist you in meeting the requirements of the law. Please note that as with other recent policies there are decisions that the School Committee needs to make before putting this policy in place and we advise you to seek the advice of legal counsel before making these decisions (see note at the bottom of policy GCCD). Each district must provide notice to all employees of the existence of this type of leave and of the policy on an annual basis.

**Student Discipline Policies – JH, JIC, JII, JK**

As a result of the passage of Chapter 222, MASC has substantially rewritten the policies related to student discipline. These policies were recently published on the MASC website and put out on the MASC listserv. Those districts who have utilized these policies should take a look at the NOTE area on policy JIC as we have added a clarification regarding the applicability of the new process to particular disciplinary offenses.