

MASC Policy Newsletter

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This policy newsletter will cover a number of topics. Most individual policy changes are posted as Word documents on the "Updated/New Policies" page on the MASC website and in the MASC Policy Reference Manual which is also available on the MASC website.

UPDATED MASC POLICY REFERENCE MANUAL

Just as School Committees should do, the MASC Field Staff spent considerable time over the last year reviewing and updating the MASC Policy Reference Manual. The changes are detailed below and **copies of these updated policies are available in the Online Policy Reference Manual on the MASC website**. Many of these changes, especially those that say "updated language", are cleaning up grammar, adding or changing legal references and cross references or other minor edits. You can cut and paste individual policies from the Online Reference Manual and to share individual policies for review with subcommittee members, administrators, or others you can hyperlink to individual policies by clicking on the globe at the top of each policy page.

POLICIES ADDED TO THE REFERENCE MANUAL

JBB - Educational Equity

POLICIES WE HAVE REMOVED FROM THE REFERENCE MANUAL

MASC staff have found the following policies to be redundant or unnecessary and we have removed them from our reference manual:

IHA - Basic Instructional Program

JLA - Student Insurance Program

JLD - Guidance Program

JP - Student Gifts and Solicitations

POLICIES YOU SHOULD REVIEW

MASC has made changes to the following policies. Some of these changes are a result of legal changes, changes in practice, or simply an updating of language to reflect more modern needs. Many of these changes are very minor and will not require a change at the local level.

THE POLICIES ARE IN ORDER ALPHABETICALLY BY SECTION:

BEDH - Public Comment at School Committee Meetings - Updated language for DESE compliance
(see updated summary that follows below)

IC/ICA - School Year/School Calendar - Updated language

ID - School Day - Updated language

IE - Organization of Instruction - Updated language

IGA - Curriculum Development - Updated language

IGB - Support Services Programs - Updated language

IGD - Curriculum Adoption- Updated language

IHAM - Health Education - Update language

IHB - Special Instructional Programs and Accommodations - Updated language

IHBEA - English Language Learners - Updated language and title (English Learner Education)

JB - Equal Educational Opportunities - Updated language

JC - Attendance Areas - Updated language

JCA - Assignment of Students to School - Updated language

JEB - Entrance Age - Updated language

JF- School Admissions - Updated language

JFABD - Homeless Students: Enrollment Rights and Services - Updated language for DESE compliance (**see updated summary that follows below**)

JFABE - Educational Opportunities for Military Children - Updated language for DESE compliance (**see updated summary that follows below**)

JFABF - Educational Opportunities for Children in Foster Care - Updated language for DESE compliance (**see updated summary that follows below**)

JFBB-1 - School Choice (Districts choosing not to participate) - Updated language

JH - Student Absences and Excuses - Updated language

JHD - Exclusions and Exemptions from School - Updated language

JICFA - Prohibition of Hazing - Updated language

JICH - Alcohol Drugs and Tobacco - Updated language

JIH - Searches and Interrogations - Updated language

JII - Student Complaints and Grievances - Updated language

JJA - Student Organizations- Updated language

JJH-R - Travel Regulations - Updated websites

JLCB - Inoculation of Students - Updated title (Immunization of Students)

JLCC - Communicable Diseases - Updated language

JRA - Student Records - Updated language

JRD- Student Photographs - Added Legal Reference

POLICY REVISED BASED ON RECENT COURT CASE

BEDH: Public Comment at School Committee Meetings

This policy has been updated to clarify the purpose and guidelines relative to public comment at school committee meetings. Revised language notes that public comment is not a discussion, debate or dialogue between individuals and the School Committee but rather an opportunity for individuals to express opinions on issues within the School Committee's scope of responsibility.

Revised language emphasizes that all speakers are expected to present their remarks in a respectful manner and the Chair of the meeting, after a warning, reserves the right to terminate speech that is not constitutionally protected (refer to complete policy that follows for full text of revised language).

The policy also advises that it is a good idea for school committees when dealing with constitutional issues to seek further advice from district counsel.

POLICIES THAT HAVE BEEN ADAPTED TO MEET DESE COMPLIANCE

JFABD: Homeless Students: Enrollment Rights and Services

As required by law, districts will work with homeless students as well as their families and legal guardians to provide stability in school attendance and other services.

- The 2019 updated policy uses the expanded definition of homeless students to include homeless children and youth and unaccompanied youth (defined as a homeless child or youth not in the physical custody of a parent or guardian).
- On eligibility for transportation: should it be deemed that it is in the best interest of the student to remain in the school of origin, homeless students are entitled to transportation comparable to that provided for all other students attending school in the district and the district will transport and assume the transportation costs of students who are sheltered or temporarily residing within the district to the students' school of origin. **New in the 2019 policy:** Formerly homeless students who find permanent housing mid-school year will continue to receive transportation services until the end of the school year.
- **New in the 2019 policy:** Information regarding a homeless student's living arrangement shall be considered a student education record, and not directory information. Such records may not be disclosed without the consent of the parent or satisfaction of another student-privacy related exemption.

- If a district disagrees with a parent or guardian's decision to keep a student enrolled in the school of origin and considers enrollment in the district where the student is sheltered or temporarily residing to be in the student's best interest, the district will explain to the parent, in writing and (new in 2019) in a language the parent can understand, the rationale for its determination and provide the parent with written notice of their rights to appeal the district's determination to the MA Department of Elementary and Secondary Education. During the pendency of any such appeal, the student should remain enrolled in the school selected by the parent or guardian, receiving transportation to school and access to other available services and programs.
- The superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. This individual shall coordinate with local social service agencies that provide services to homeless children and youths and their families; as well as other school districts on issues of transportation and record transfers and state; and state and local housing agencies responsible for comprehensive housing affordability strategies. New in 2019: The liaison shall also ensure district staff receive professional development and other support on issues involving homeless students.

JFABE: Educational Opportunities for Military Children

To facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of district because of their parents or guardians being on active duty in the US Armed Services, MA school districts will implement responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The intention is to remove barriers to educational success imposed on children of military families resulting from frequent moves required by parents' or guardians' military deployment.

- **The updated (October 2019) policy** has been adapted to reflect the expanded definition of eligible students which now includes not only children of active duty personnel but also children of veterans who have been severely injured and medically discharged and children of active duty personnel who dies on active duty.

JFABF: Educational Opportunities for Children in Foster Care

Federal Law (Every Student Succeeds Act) requires school districts to make accommodations for children of active duty military families and for children placed in foster care. The federal Department and the MA Department of Elementary and Secondary Education have issued guidance in these areas. In late 2019, MASC issued a revised Policy JFABF "Educational Opportunities for Children in Foster Care" that reflects updates made earlier last year by DESE. These include:

- The prior (2018) version of the policy required the Department of Children and Families (DCF), the MA Department of Elementary and Secondary Education (DESE) and the school district to designate points of contact (liaison) for students in foster care. The updated policy assigns responsibility for designating the point of contact solely to the district. That individual will collaborate with DCF to ensure that students can access transportation, and (new in this version) other services to which they may be entitled.
- The decision about whether a student in foster care should continue to attend the school of origin (rather than the school in the district in which the student is currently being cared for) is to be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (or the person authorized to make educational decisions on behalf of the student), the school and the district of origin and (new: when appropriate) the local district in which the student is placed.
- If it is determined that it is in the best interest of the student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which he or she resides in foster care, without waiting to receive the typical student enrollment documentation (e.g. immunization records). However, emergency contact information is required at the time of enrollment and (new) must comply with the state's address confidentiality program when necessary. Subsequent to enrollment, students and families are encouraged to obtain immunization records as soon as possible, with the assistance of the district liaison.
- **New concluding section in current (2019) policy:** Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to students in foster care (homeless families)* on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

NEW POLICY IN 2019

JBB: Educational Equity

This policy (included in the attachment) outlines school committee goals that strive to address the needs of every student in their schools, subject to budgetary, space and other limitations. For the purpose of this policy, educational equity is defined as providing all students, as reasonably practical, the high-quality instruction and support they need to reach and exceed a common standard. The Superintendent shall include equity practices in the district's strategic plan and goal strategies to implement this policy.

PUBLIC COMMENT AT SCHOOL COMMITTEE MEETINGS

All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.

The School Committee desires individuals to attend its meetings so that they may become better acquainted with the operations and the programs of our local public schools. In addition, the Committee would like the opportunity to hear public comment.

Public comment is not a discussion, debate, or dialogue between individuals and the School Committee. It is an individual's opportunity to express an opinion on issues within the School Committee's authority.

To ensure the ability of the School Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled School Committee meeting, individuals will sign in for an opportunity to speak during public comment. The public comment segment shall not exceed 15 minutes. All speakers are encouraged to present their remarks in a respectful manner
2. Speakers will be allowed up to three (3) minutes to present their material and must begin their comments by stating their name and city/town. The presiding Chair may permit extension of this time limit, in extenuating circumstances.
3. Topics for discussion should be limited to those items within the School Committee's scope of authority. The authority of the School Committee primarily concerns the review and approval of the budget of the district's public schools, the performance of the Superintendent, and the educational goals and policies of the district's public schools. Comments and complaints regarding school personnel (apart from the Superintendent) or students are generally prohibited unless those comments and complaints concern matters within the scope of School Committee authority.
4. The Chair of the meeting, after a warning, reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats that are likely to provoke a violent reaction and cause a breach of the peace, or incitement to imminent lawless conduct, or contains obscenities.
5. Written comments longer than three (3) minutes may be presented to the presiding Chair before or after the meeting. All remarks will be addressed through the Chair of the meeting. Comments made during the public comment portion of the meeting do not necessarily reflect the views or positions of the _____ School Committee.
6. Sign up instructions will be provided for those who wish to participate in Public Comment.

LEGAL REFS.: M.G.L. 30A: 18-25

CROSS REFS: BE, SCHOOL COMMITTEE MEETINGS
BEC, EXECUTIVE SESSIONS
BEDA, NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

SOURCE: MASC
Revised January 2020

HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

As required by law, the district will work with homeless children and youth and unaccompanied youth¹ (collectively, "homeless students") as well as their families or legal guardians to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs, school nutrition programs, summer programming and extracurricular activities.

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

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

Students Remaining in Schools of Origin

It is presumed to be in the best interest of homeless students to remain in their schools of origin, i.e. the school that the student was attending at the time he or she became homeless, or the last school the student attended prior to becoming homeless. Homeless students may continue to attend their school of origin for as long as they remain homeless or until the end of the academic year in which they obtain permanent housing. For homeless students who complete the final grade level served by the school of origin, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.

Homeless students are entitled to transportation comparable to that provided for all other students attending school in the district. The district will transport students who are sheltered or temporarily residing within the district to the students' school of origin. For homeless students attending a school of origin located outside the district in which the student is sheltered or temporarily residing, the district in which the school of origin is located will coordinate with the district in which the student is sheltered or temporarily residing to provide the transportation services necessary for the student, and these districts

¹ "A homeless child or youth not in the physical custody of a parent or guardian." 42 USC §11434a.

will divide the cost equally. Formerly homeless students who find permanent housing mid-school year will continue to receive transportation services until the end of the school year.

Students Enrolling in District Where Sheltered or Temporarily Residing

Parents or guardians may elect to enroll homeless students in the school district in which the student is sheltered or temporarily residing, rather than having the student remain in the school of origin. Enrollment changes for homeless students should take place immediately.

If homeless students are unable to provide written proof of their shelter or temporary residence in the district, the homeless liaison will work with the family seeking enrollment to determine homelessness. Information regarding a homeless student's living arrangement shall be considered a student education record, and not directory information. Records containing information about the homeless student's living arrangement may not be disclosed without the consent of the parent or satisfaction of another student-privacy related exemption.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

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

Dispute Resolution

If the district disagrees with a parent or guardian's decision to keep a student enrolled in the school of origin and considers enrollment in the district where the student is sheltered or temporarily residing to be in the student's best interest, the district will explain to the parent, in writing and in a language the parent can understand,² the rationale for its determination and provide parent with written notice of their rights to appeal the district's determination to the Massachusetts Department of Elementary and Secondary Education³. During the pendency of any such appeal, the student should remain enrolled in the school selected by the parent or guardian, receiving transportation to school and access to other available services and programs.

² Translation of communications of this type is required by Title I, among other laws. See, e.g. 20 USC § 6312.

³ Information about the dispute resolution process managed by the Department of Elementary and Secondary Education can be located here: <http://www.doe.mass.edu/rnv/haa/03-7.html>

The Massachusetts Department of Elementary and Secondary Education's Advisory on Homeless Education Assistance contains additional information about educating homeless students and the appeal process. This advisory is available at the following link: <http://www.doe.mass.edu/mv/haa/mckinney-vento.docx>

Homeless Liaison

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

LEGAL REFS.: The McKinney-Vento Act and Title I, Part A, as Amended by the Every Student Succeeds Act of 2015

SOURCE: MASC October 2019

EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN

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

Definitions

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

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

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

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

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

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Upon enrollment of an eligible student, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).

- Receiving schools must initially honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school and space is available. The receiving schools must also initially honor placement of like programs to those of the student in the sending state, including, but not limited to, Gifted and Talented programs, and English as a Second Language programs. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
- In compliance with federal law, the district will assume financial and programmatic responsibility for the special education programs of students with existing IEPs drafted in other states.
- As appropriate, the District will exercise the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, also as deemed appropriate.
- Students of active duty personnel shall have additional excused absences, as necessary, for visitations relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to continue to attend the school in which he or she was enrolled while living with the custodial parent or guardian, without any tuition fee imposed.
- The District high school will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

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

SOURCE: MASC October 2019

EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE

The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the School Committee is committed to supporting all efforts to ensure that students in foster care have equal access to high-quality, stable educational experiences from preschool (if offered) through high school graduation.

Irrespective of the location of a foster care placement, students in foster care will continue to attend their school of origin, unless after a collaborative decision-making process, it is determined to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care. Enrollment of students in the district where they reside in foster care will take place immediately upon such a determination.

The district has designated a point of contact for students in foster care. The district and the point of contact will collaborate with DCF to ensure that students can access transportation and the other services to which they may be entitled.

Best Interest Determination

Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (or, if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when appropriate) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and account for unique factors about the student and his or her foster care placement. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care; however, DCF will finalize the best interest determination if the relevant parties cannot agree on the best school for the student to attend.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate, the district will ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

Transportation

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

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

Immediate Enrollment

If it is in the best interest of a student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which he or she resides in foster care. During enrollment of students in foster care, DCF representatives will present the district with a form indicating that the student is in foster care, along with a state-agency identification badge.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

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

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

SOURCE: MASC October 2019

EDUCATIONAL EQUITY

The School Committee's goal is to strive to address the needs of every student in each of our schools, subject to budgetary, space and other limitations.

Educational equity for the purpose of this policy is defined as providing all students, as reasonably practical, the high quality instruction and support they need to reach and exceed a common standard.

To achieve educational equity the district will commit to:

1. Systematically, when appropriate, use districtwide and individual school level data, disaggregated by race/ethnicity, gender/gender identity, national origin, language, special education, socioeconomic status and mobility to inform district decision making.
2. Raise the achievement of all students.
3. Graduate all students ready to succeed in a diverse local, national and global community.

In order to reach the goal of educational equity, as reasonably practical, for each and every student, the District shall:

1. Provide every student with access to high quality curriculum, support, and other educational resources.
2. Seek to promote educational equity as a priority in professional development.
3. Endeavor to create schools with a welcoming and inclusive culture and environment.
4. Provide multiple pathways to success in order to meet the needs of the diverse student body and actively encourage, support and expect high academic achievement for each student.

The Superintendent shall include equity practices in the district's strategic plan and goal strategies to implement this policy. The Superintendent, upon request, will periodically report to the Committee the progress of the implementation of this policy.

SOURCE: MASC

ADOPTED: September 12, 2019