

**SECTION A**

**FOUNDATIONS AND BASIC COMMITMENTS**

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**LEGAL STATUS OF SCHOOL DISTRICT, SCHOOL COMMITTEE  
AND SUPERINTENDENT**

A. PURPOSE: To define the legal status of the school district, School Committee (as a body), and Superintendent, as established by Massachusetts state law.

B. POLICY:

1. School District:

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."

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

CROSS REF.: BB, School Committee Legal Status

*Natick Public Schools*

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

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

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of 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.

## **NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION**

The Natick School Committee and Natick Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Natick Public Schools.

Natick Public Schools does not exclude from participation, deny the benefits of NPS from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
5. Carefully considering, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on human relations.
6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Natick Public Schools require all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against any other member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including student suspension and expulsion or employee termination.

## Definitions

"Discrimination" is defined as the adverse treatment of an individual or group of people based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law.

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described 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 described above to participate in or benefit from employment or a program or activity of NPS; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment. Examples of such conduct may include any of the following:

- Written, verbal, or physical (including texting, blogging, or other technological methods);
- Harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter;
- Demeaning jokes, stories, or activities directed at a target; and
- In the case of employee-to-student harassment, conduct that is designed to embarrass, distress, disturb or trouble students when submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities, or submission to or rejection of such conduct by a student is used as a basis for decisions affecting students.

"Retaliation" is defined as taking an adverse action against a member of the school community for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy. Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, and harassment.

The Superintendent will adopt written grievance procedures to investigate and address complaints of discrimination, harassment, and retaliation. A complaint alleging discrimination, harassment and/or retaliation as defined above will be addressed promptly and pursuant to the District's applicable non-discrimination policies and procedures. However, allegations of conduct meeting the definition of sexual harassment, as defined by federal law, may be reported, and investigated pursuant to applicable Regulations under Title IX, Education Amendments of 1972.

If it is determined, after an investigation, that a member of the school community engaged in any form of discrimination, harassment and/or retaliation against any other member of the school community, NPS will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action. Such consequences may include, but are not limited to, restorative measures, corrective action, and/or student discipline or staff disciplinary action, up to and including student suspension and expulsion or employee termination.

### Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Natick Public Schools, and can be reached at:

Name/Position: Suzanne Kenny, Director of Human Resources  
Address: 13 East Central Street  
Phone: 508-647-6500

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Natick Public Schools. In addition, the Deputy Superintendent is the District 504 Coordinator, and can be reached at:

Name/Position: Sue Balboni, Director of Teaching Learning & Innovation, Tim Luff, Deputy Superintendent  
Address: 13 East Central Street  
Phone: 508-647-6500

Additionally, complaints alleging discrimination, harassment, and/or retaliation may also be addressed to the following agencies:

Massachusetts Department of Elementary and Secondary Education  
Problem Resolution System  
75 Pleasant Street, Malden, MA 02148-4906  
Telephone: 781-338-3700  
Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)  
Website: <https://www.doe.mass.edu/prs/>

Office for Civil Rights, U.S. Department of Education  
5 Post Office Square, 8th Floor, Suite 900  
Boston, MA 02109  
Telephone: (617) 289-0111  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)  
Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

[Massachusetts Commission Against Discrimination](#)  
[1 Ashburton Place, Room 601](#)  
[Boston, MA 02108](#)  
[Telephone: \(617\)-994-6000](#)  
[Email: \[mcad@mass.gov\]\(mailto:mcad@mass.gov\)](#)

[U.S. Equal Employment Opportunity Commission](#)  
[JFK Federal Building](#)  
[15 New Sudbury Street, Room 475](#)  
[Boston, MA 02203](#)  
[Telephone: 1-800-669-4000](#)

The above- referenced agencies may also be contacted for inquiries concerning the Natick Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources.

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

Individuals with Disabilities Education Act

Age Discrimination Act of 1975

Age Discrimination in Employment Act of 1967

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)

M.G.L. 76:5

603 CMR 26.00

603 CMR 28.00

CROSS REF: ACE, Non-Discrimination on the Basis of Disability

ACAB, Sexual Harassment

GBA, Equal Employment Opportunity

IJ, Instructional Materials

JB, Equal Educational Opportunities

SOURCE: MASC December 2021

Revised and Approved by the Natick School Committee on June 13, 2022

## NONDISCRIMINATION ON THE BASIS OF HANDICAP

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

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

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

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

**Auxiliary Aids and Services:** "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, 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 modification of equipment or devices and (4) other similar services and actions.

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

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



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

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

**REFERENCES:**

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 Act of 1973  
Rehabilitation Act of 1973, Section 504  
Education For All Handicapped Children Act of 1975  
Title II, Americans with Disabilities Act of 1992  
71B MGL sec. et seq. (Chapter 766 of the Acts of 1972)  
76 MGL sec. 5,16 (Chapter 622 of the Acts of 1971)  
Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78  
45 CFR, Part 86, (Federal Register, 6/4/75)

**CROSS REFS.:**

GBA, Equal Opportunity Employment  
JB-JAA, Equal Educational Opportunities  
MASC

## SEXUAL HARASSMENT

All persons associated with the Natick Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and 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. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

**Definition of Sexual Harassment:** Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

**The Grievance Officer:** **Marianne Davis, Director of Human Resources**

The committee will appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

**Complaint Procedure:**

The complaint procedure can be found in the Natick Public Schools Staff Manual.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

## **MISSION STATEMENT**

The Natick Public Schools will cherish its students, nurture relationships and connectedness, and provide nothing less than graduates with the skills to lead the futures they choose.

Profile of a Graduate link:

<https://drive.google.com/file/d/14KqUEli1C8525VmXxmcXffCBhOuNGSad/view>

Adopted by the Natick School Committee – December 5, 2022

## **SMOKING ON SCHOOL PREMISES PROHIBITED**

Use of any tobacco products (including e-cigarettes and vapor devices) within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

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

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

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

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

LEGAL REF:           M.G.L. 71:37H

## **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, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

### **Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts

Department of Criminal Justice Information Services (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 his/her CHRI used in making the adverse decision;  
Provide the individual with a copy of this CHRI Policy;  
Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI;  
and  
Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty 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 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 he/she solicits information from an individual concerning his/her 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.

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 information services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

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

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

An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.”

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

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

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

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

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

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

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

## **DCJIS MODEL CORI POLICY**

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

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

### **CONDUCTING CORI SCREENING**

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

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

### **ACCESS TO CORI**

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

### **CORI TRAINING**

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

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

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

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

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

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

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

### **INQUIRING ABOUT CRIMINAL HISTORY**

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

### **DETERMINING SUITABILITY**

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

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

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

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

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

### **SECONDARY DISSEMINATION LOGS**

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

## WELLNESS POLICY

The Natick Public Schools (NPS) promotes wellness by supporting balanced nutrition, nutrient dense meals and snacks, regular physical activity, and comprehensive health and wellness and physical education programs as part of the total learning environment. NPS acknowledges its responsibility to help students learn and establish and maintain lifelong healthy eating and activity patterns. Organized and effectively implemented school nutrition and fitness programs have been shown to enhance students' overall health as well as their behavior and academic achievement in school. Natick Public Schools addresses the social-emotional health of students by implementing leadership programs; anti-bullying policies and programs; alcohol, tobacco, and drug education; parent education; and staff education. Staff Wellness is also an integral part of the healthy school environment as school staff can serve as daily role models for healthy behaviors.

Goal: NPS students possess the knowledge and skills necessary to make lifelong nutritious food choices and physical activity selections. NPS staff is encouraged to model healthy eating and physical activity.

To meet this goal, NPS has adopted a district-wide commitment to promote sound nutrition practices, physical activity, along with comprehensive health education and health screenings. This policy is designed to effectively use school and community resources and to equitably serve the needs and interests of all students and staff.

The School Health Advisory Committee meets at least quarterly during the school year. The Committee is responsible for reviewing and recommending to the Superintendent and School Committee, districtwide policies that promote student wellness. Committee membership includes: The superintendent, nurse leader, school nurses, school physician, director of health and wellness, food services director, students, parents, prevention specialist, school counselors, board of health director, park and recreation assistant director, a school committee member, and community members who serve youth and their families.

### **Nutritional Guidelines for Schools**

- The Natick Food Service Program will provide meals through the National School Lunch Program (NSLP) and the National School Breakfast Program (NSBP) that:
  - Meet the nutrition requirements established by local, state, and federal statutes and regulations.
  - Are appealing and attractive to students.
  - Are served in a clean and pleasant setting.
  - Encourage student/parental input for meal choices.
  - Incorporate produce from local gardens when feasible.

- **Qualifications of Food Service Staff**

- Qualified nutrition professionals administer the school meal programs. The district provides continuing professional development for all nutrition professionals in schools. Staff development programs include training for the food service director, managers, and cafeteria workers according to their levels of responsibility.

- **Foods in Schools**

Breakfast

- Schools serving breakfast notify parents and students of the availability of the school breakfast program and to the extent possible, arrange bus schedules and offer “grab and go” breakfast or breakfast in the classroom.

Free and Reduced-Priced Meals

- Schools make a concerted effort to eliminate the social stigma attached to, and prevent the overt identification of students eligible for free and reduced-price school meals by using an electronic point of sale system.

A La Carte and Competitive Foods

- The district implements the guidelines of the Nutrition Standards for Competitive Foods and Beverages in Public Schools ([105 CMR 225.000](#)) at all schools.
- Any food served on campus during the day falls under the competitive standards.
- Food delivery to students from outside private vendors during school hours or during school sponsored after-school activities will not be permitted on school grounds.

Competitive Foods and Beverages

- The District is committed to ensuring that all foods and beverages available to students on the school campus, support healthy eating. Foods and beverages sold and served outside of the school meal programs (e.g., “competitive” foods and beverages) meet the USDA Smart Snacks in School nutrition standards. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
- See [MA and USDA Competitive Foods and Beverage Nutrition Standards](#).
- Natick Public Schools offers a la carte items as approved on the [A-List-John C. Stalker Institute of Food and Nutrition](#).
- To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs sold to students on campus during the school day meet or exceed the USDA Smart Snacks nutrition standards. These standards apply to all locations and through- all services where foods and beverages are sold, e.g., à la carte options in cafeterias, vending machines, school stores, and snack or food carts.

#### Food Celebrations and Food in the Classroom

- Schools at the Elementary level should discourage celebrations that involve food during the school day to no more than 1 party per class per month. Food served should meet the competitive foods guidelines. The Natick Food Service office may be consulted for guidance on foods that meet nutritional guidelines or to provide food.
- Foods or beverages are not given as rewards for academic performance or good behavior and are not withheld as a punishment.
- Given concerns about allergies and other dietary restrictions, in accordance with the NPS Life Threatening Food Allergy Policy, schools discourage students from sharing foods or beverages during meal or snack time.
- When using food in the curriculum, teachers must provide information to parents/guardians regarding the proposed use and when applicable, the ingredient list.
- All school related food events/activities require parent/guardian notification at least three days prior to student participation.

#### Meal Times and Scheduling

- Students are allowed adequate time to eat breakfast and lunch..
- Preferably, lunch should be scheduled between 11:00 am and 1:00 pm.
- Tutoring, clubs, organizational meetings, or other activities should not be scheduled during mealtimes, unless students are allowed to consume lunch during these activities.
- Lunch should be scheduled before recess in the elementary schools to increase food consumed, decrease waste, and improve lunch time behavior.
- Access to hand washing or sanitizing prior to meal periods is available at all schools.
- Schools should take reasonable steps to accommodate tooth brushing needs of students after meal periods.
- Drinking water is available for students to drink at no cost throughout the day.

#### ● **Nutrition Promotion**

Natick Public Schools aims to teach, encourage, and support healthy eating among students: in a coordinated effort among teachers and food service personnel.

Through the classroom and the school breakfast and lunch programs the district-promotes consumption of fruits, vegetables, whole grain products, low and fat-free dairy products, healthy food preparation methods, and health-enhancing activities.

- Include enjoyable, developmentally-appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
- Teach media literacy with an emphasis on food marketing.
- Promote sustainable practices such as composting, recycling, etc..



- **Nutrition Education**

Offered at grade level, sequential, and follows Massachusetts Department of Elementary and Secondary Education (MA DESE) Health Education Standards.

- Promotes health.
- Educates students on the relationship between caloric intake and energy expenditure.
  - Integrated throughout the curriculum in subject areas such as math, science, language arts, social studies and art.
  - Coordinated effort among teachers and food service personnel.
  - Nutrition and hydration information is provided to coaches and student athletes.
  - Increase parental awareness and nutrition education via online resources, bulletin boards, and colorful cafeteria displays to guide students to make good food choices. Welcome parents into the lunchroom in elementary schools as scheduling allows.

- **Physical Education**

Physical Education Staff

- Qualifications: Certified Physical Education teacher.
- Provide a sequential, developmentally appropriate program designed, implemented, and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

PE Classes

- Teacher/student ratios of physical education classes are similar to all other classes.
- Kindergarten students have 45 minutes of PE/week.
- Students in grades 1-4 have 90 minutes of PE/week.
- Students in grades 5-8 have a minimum of 90 minutes of PE/week.
- Students in grades 9-12 have a minimum of 160-240 minutes of PE class/week/per semester of physical education. Students in grades 11 and 12 may choose from PE classes such as: Competitive Team Sports, CPR classes, Recreational Activities for Life, Awake Personal Fitness and/or personal fitness.
- Students spend at least 60-% of their physical education class time participating in moderate to vigorous physical activity.
- Students participate in annual fitness tests, administered via FitnessGram.

Recess /Break

- Natick Public Schools acknowledges the importance of physical activity and a break from school work.
- Kindergarten students have a minimum of 20 minutes of supervised recess/daily.
- Students in grades 1-4 have a minimum of 15 minutes of supervised recess/daily.

- Grades 5-8 students have the opportunity to participate in “Laps after Lunch”, a weather and volunteer dependent program that allows time for students to go outside and walk around the school perimeter, providing fresh air and physical activity.

#### Before School Fitness

- Students in grades K-8 have the opportunity to participate in a morning program that provides a structured physical activity period before the start of the school day.
- High school students have the option to take a physical education class prior to the start of the school day.

#### General Concepts

- Classroom health education complements physical education by reinforcing the knowledge and self management skills needed to maintain a physically active lifestyle and reduce time spent on sedentary activities.
- Opportunities for physical activity should be incorporated into other subject areas
- Teachers are encouraged to provide short bursts of physical activities between classes or lessons. Short exercises have been posted on YouTube to prompt staff and students.
- Staff should not use physical activity (running laps, push-ups) or withhold opportunities for physical activity (recess, PE or fitness class) as punishment.
- School grounds are equipped with bicycle racks. Students are encouraged to use active transportation to/from school (such as “walk to school day,” “neighborhood walking school buses,” and “safe routes to school”).

### ● **Health and Wellness**

#### Health Education Staff

- Qualifications: DESE Certified Health Education Teachers

#### Health Education Class

- The health curriculum follows the Massachusetts DESE Health Curriculum frameworks.
- All students in grades 5-8 and one grade in high school are enrolled in a health education/wellness class which may include: nutrition education, the importance of proper nutrition in disease prevention, substance use, disordered eating, and sex education.

### ● **Health Services**

- Minimum of one DESE certified nurse per every school; Strive to reach the recommended level of one nurse per every 250-500 students.
- School nurses promote healthy eating for students and staff with individual and classroom education.
- School nurses are skilled to recognize disordered eating conditions and other nutrition related health problems among students and refer them to their PCP and/or appropriate resources.
- School nurses screen students for height, weight, and BMI as directed by the Massachusetts Department of Public Health (MA DPH). The data is compiled and sent to the MA DPH annually.

- School nurses are responsible for completing annual vision, hearing, SBIRT and postural screening according to Massachusetts General Laws and any other requirements set for by the MA DPH.
- **School Counseling Services**
  - Minimum of one DESE certified school counselor per school; Strive to reach the recommended level of one school counselor per 250 students.
  - School counselors provide social, emotional, and behavioral support for students, through individual, small group, and whole class interventions, to promote emotional well-being and increase academic performance.
  - School counselors remain current on mental health issues including: anxiety, depression, separation/school phobia, divorce, grief, family conflict, physical/sexual/emotional trauma, neglect, suicide, substance use, teasing and/or bullying; peer relations, coping skills, etc.
  - School counselors review data on student achievement and development on a continual basis and work with the faculty, students, parents, and/or administration to interpret the data including mental health and social emotional screening.
  - School counselors maintain communication with the staff and community about guidance and counseling programs and services.
  - School counselors demonstrate the day-to-day ability to anticipate and to resolve problems and crises and consult and collaborate with staff, parents, and outside providers.
  - School counselors collaborate with community resources to coordinate care and bridge connections between in school and out of school support services.
- **Staff Wellness**
  - Natick Public Schools (NPS) values the health and well being of every staff member and therefore plans and implements activities and policies that support personal efforts by staff to maintain a healthy lifestyle. NPS believes that staff serve as role models for students. Staff is encouraged to participate in a variety of wellness opportunities throughout the district including: Weight Watchers, Zumba, yoga, boot camp, running clinics, access to the NHS Fitness Center and indoor track, and annual flu immunization clinics.
- **Healthy Fundraising**
  - Schools are encouraged to offer non-food items, such as coupon books, school spirit wear, and items supplied by local businesses.
  - Schools are encouraged to sponsor events, such as car washes, “a-thon” events, family game night, silent auctions, talent shows, road races, and services as part of their fundraising activities.
  - Please refer to the NPS Fundraising Policy.
- **Marketing**
  - Promote nutrition, health or wellness events, such as National School Lunch Week, and American Heart Month.
  - Promote Physical Ability Challenges for School/Family/Community.

- **Natick 180--A Community Substance Use Prevention Coalition**

Natick 180 is a community coalition working to reduce substance use in Natick through substance use/misuse prevention and increasing access to treatment and recovery support services. Natick 180 fosters community conversations about substance use and mental health that are driven by empathy, respect, science and data. More than 12 sectors of the community are represented on the Coalition, including NPS personnel at all levels.

Natick 180 staff participate in middle and high school health classes and also serve as advisors to the Natick Above the Influence (NATI) peer leadership group at NHS.

- **Monitoring and Compliance**

- The Wellness Policy will be evaluated annually to allow for continual assessment and to enact any new state or federal mandates. The School Health Advisory Committee will review the policy and will bring any recommended changes to the attention of the Superintendent and Natick School Committee.
- The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. Each school principal is responsible for ensuring compliance within their school.

Reviewed May 2023

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Revised and Approved by the Natick School Committee on October 2, 2023

File: ADFA

### **FRAGRANCE-FREE POLICY**

Natick Public Schools strives to be a fragrance-controlled school district. Natick Public Schools recognizes that exposure to strong scents and fragrances in the environment can cause discomfort and impact the health of sensitive individuals.

Natick Public Schools have students, staff and visitors with health conditions that are affected by fragrances. In an effort to keep the environment healthy and comfortable for all individuals, we respectfully request that anyone who comes to Natick Public Schools be as fragrance free as possible.

If you have any questions or concerns, please see the school nurse.

### **COMMITMENT TO ACCOMPLISHMENT**

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

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

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