

Berkley Public Schools

OFFICIAL NAMES AND CLASSIFICATIONS

Policy #1000

1. The Official Policy Manual is applicable to the Berkley Public Schools.
2. The official names of the school buildings are as follows:

Berkley Community School

Berkley Middle School

Adopted: May 8, 1973

Amended: September 9, 1991

Amended: March 19, 2001

Reviewed: Jan. 26, 2009

Reviewed: Jan. 6, 2020

Berkley Public Schools

LEGAL BASIS OF TOWN SCHOOLS

Policy #1100

1. Towns in Massachusetts are required by law to establish and maintain elementary schools. In addition, towns of “five hundred families or householders” or more are required to establish and maintain a high school.
2. If a waiver of the law requiring a high school is desired, there is a vote of the School Committee to do so.

Adopted: May 8, 1973
Amended: September 9, 1991
Amended: March 17, 1997
Reviewed: Jan. 26, 2009
Reviewed: Jan. 6, 2020

Berkley Public Schools

PHILOSOPHY STATEMENT OF BERKLEY SCHOOLS

Policy #1130

The MISSION of the Berkley Public Schools is to provide each student with the values, knowledge and skills needed to reach his or her full potential, maximize achievement and show responsibility in interacting with others in our diverse society. Berkley students will learn that accountability earns respect and that respect leads to dignity. We will create a learning environment in which each child is provided with many opportunities to become lifelong learners, to solve problems, and encouraged to think creatively. Berkley Public Schools are committed to partnering with parents and families through open communication and cooperation between all members of the learning community: students, parents/families, and staff/administration.

Approved: July 1, 1986

Revised: June 1990

Amended: March 19, 2001

Amended: March 16, 2009

Amended: April 14, 2014

Reviewed: Jan. 6, 2020

Berkley Public Schools

FACILITIES DEVELOPMENT GOALS

Policy #1133

The School Committee believes the educational program is influenced greatly by the environment in which it functions. The development of a quality educational program and of school facilities that help implement that program must go hand in hand.

Therefore, it is the Committee's goal to provide the facilities needed for the number and educational requirements of students in the school system and to provide the kind of facilities that will best support the educational program. To best use local resources, it is the Committee's intent, wherever possible, to partner with the Massachusetts School Building Authority.

Recognizing that school facilities are long-term community investments, the Committee will develop projects that reflect cost-effective designs, are consistent with good engineering practice, and use high quality construction, with attention to current and future technological practices for students, faculty, and school staff. Sites will be chosen to meet the educational need, maximize the use of any available community resources, and minimize any possible adverse education, environmental, social, or economic impacts on the community.

SOURCE: MASC August 2016

LEGAL REF.: M.G.L. 70B, 963 CMR [2.00](#)

Adopted: June 11, 2018

Reviewed: Jan. 6, 2020

Berkley Public Schools

COMMITMENT TO ACCOMPLISHMENT

Policy #1135

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.

Approved: Dec. 18, 2006
Reviewed: Jan. 26, 2009
Reviewed: Feb. 10, 2020

Berkley Public Schools

NEGOTIATION AGREEMENTS AND SCHOOL COMMITTEE POLICIES*

Policy #1140

1. The term “*negotiations*” generally refers to any discussion between two or more parties for the purpose of settling some matter or otherwise reaching agreement. For the purpose of this policy, however, “*negotiations*” is defined as bilateral bargaining, *i.e.*, formal discussions between two parties for reaching agreement.
 - a) The Committee will negotiate in good faith on appropriate concerns. It will deal with staff negotiating units openly and fairly, and will sincerely endeavor to reach agreement on items being negotiated, that are proper for negotiation. Nothing in negotiations will abridge the Committee’s legal responsibilities nor will any staff member’s rights and privileges under state statutes be impaired.
 - b) It is the intent of the Committee to utilize negotiations procedures which achieve the following goals:
 - i) To guarantee employees that they will receive a thorough study of their proposals as well as full considerations in reaching decisions related thereto.
 - ii) To meet all legal requirements of this state’s statutes.
2. Principles Guiding Negotiating Procedures
 - a) All policies, plans, and regulations, as well as the work of every employee of the school district, are directed toward the main goal of the system--the education of the individual child.
 - b) The purpose of the School Committee is to provide education of the highest character for the residents of the district in which the Committee operates, taking into account the needs and desires of the people of the district and their ability and willingness to support such a program of education.
 - c) The Committee’s legal authority issues directly from the state constitution as it is expressed through the state legislature and through the votes of the qualified electors within the boundaries of the school district.
 - d) It is the School Committee’s responsibility to negotiate in good faith with respect to wages, fringe benefits, contracts, hours, working conditions, and grievance procedures.
 - e) The Committee will deal openly and fairly in a sincere endeavor to reach agreement on terms and items being negotiated.

3. Under the laws of Massachusetts, the School Committee has final responsibility for establishing the educational policies of the public schools, for the management of said schools, and for directing their operation--a responsibility which includes the following duty to maintain public elementary and secondary schools and such other educational activities as it finds will best serve the interests of the community to:
 - a) decide the need for school facilities, to determine the care, maintenance, and operation of buildings, lands, apparatus, and other property used for school purposes;
 - b) employ a superintendent to manage the school system in a manner consistent with state law and School Committee policy;
 - c) prescribe rules for the management, studies, classification, and discipline for the public schools;
 - d) prepare and submit budgets to the Town Meetings, and, in its sole discretion, expend monies appropriated by the Town for the maintenance of the schools, and to make such transfers of funds within the appropriated budget as it shall deem necessary;
 - e) exercise such other authority, rights, and powers conferred upon the Committee by the laws of Massachusetts and the rules and regulations of any pertinent agency of the Commonwealth.
4. As to every matter expressly not covered by any agreement with an employee group, and except as expressly or directly modified by clear language in a specific provision of any agreement, the School Committee retains exclusively to itself all rights and powers that it has or may hereafter be granted by law and shall exercise the same without such exercise being made the subject of the grievance and arbitration provisions of any agreement.
5. The School Committee has the sole and exclusive right and responsibility to promulgate reasonable rules and regulations pertaining to the employees covered by any negotiated agreement, except that such rights will not be exercised so as to conflict with any provision of any negotiated agreement.

Reference

*Adapted from policy suggested by Massachusetts Association of School Committees, January 5, 1973, and National School Board Association information, 1991.

Adopted: November 18, 1991

Amended: March 17, 1997

Reviewed: Oct. 3, 2005; Jan. 26, 2009,

Reviewed: Jan. 6, 2020

Berkley Public Schools

SCHOOL COMMITTEE NEGOTIATING AGENTS

Policy #1141

The School Committee is responsible for negotiations with recognized employee bargaining units. However, because of the expertise and time required for negotiations, the Committee may hire a negotiator to bargain in good faith with recognized bargaining units to help assure that mutually satisfactory agreements on wages, hours, and other terms and conditions of employment will be developed.

The School Committee will appoint the negotiator and the fee or salary for their services will be established in accordance with the law at the time of appointment.

The duties of the negotiator will be as follows:

1. To negotiate in good faith with recognized bargaining units to arrive at a mutually satisfactory agreement on wages, hours, and working conditions of employees represented by the units.
 - a. The negotiator may recommend members of the administration to serve on the negotiation team. They will not be members of any unit that negotiates with the Committee, and their participation in negotiations must be recommended by the Superintendent and approved by the Committee.
 - b. They will direct accumulation of necessary data needed for negotiations, such as comparative information.
 - c. They will follow guidelines set forth by the Committee as to acceptable agreements and will report on the progress of negotiations.
 - d. They will make recommendations to the Committee as to acceptable agreements.
2. The negotiator will interpret the signed negotiated contracts to administrators and may be called upon to offer advice on various aspects of contract administration during the terms of the contracts with employee organizations.

SOURCE: MASC

LEGAL REF.: M.G.L. [71:37E](#)

Adopted: February 10, 2020

Berkley Public Schools

EQUAL EDUCATIONAL OPPORTUNITIES

Policy #1142

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, color, sex, gender identity, religion, national origin, sexual orientation, homeless status, physical and intellectual differences, pregnancy or pregnancy-related condition.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law which prohibits discrimination in public school admissions and programs. The law reads as follows:

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, support services, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Elementary and Secondary Education in compliance with this law will be followed.

Legal Ref: 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
Title IX, Education Amendments of 1972
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE regulations 603 CMR 26:00, BESE regulations 603 CMR 28:00
The McKinney-Vento Act and Title I Part A as amended by The Every Student Succeeds Act of 2015.

Adopted: Nov. 5, 2012

Amended: May 11, 2020

Berkley Public Schools

EQUAL EMPLOYMENT OPPORTUNITY

Policy #1143

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, color, religion, age, sexual orientation, sex, gender identity, ancestry, genetic information, military status, national origin, disability, pregnancy or pregnancy-related condition. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

Legal Ref: BESE Regulations 603 CMR 26:00, MGL 151B:4

SOURCE: MASC March 2018

Adopted: Nov. 5, 2012
Amended: June 11, 2018
Reviewed: Jan. 6, 2020

Berkley Public Schools

SEXUAL HARASSMENT/HARASSMENT

Policy #1145

It is the policy of the Berkley Public Schools, as well as state and federal law, that sexual harassment of a student, present or prospective employee, visitor, or any other individual associated with the school system, shall not be tolerated.

It shall be a violation of this policy for any employee of the Berkley Public Schools to harass another employee, adult member of the school community, student, applicant for employment, or other person with business to conduct with the Berkley Public Schools, through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students, employees, adult members of the school community, applicant for employment, or other persons with business to conduct with Berkley Public Schools, through conduct or communication of a sexual nature as defined below.

Berkley Public Schools recognizes that harassment can also include verbal or physical conduct that shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, gender identity, national origin, age, or disability. The standards outlined in this policy apply with equal force to such harassment. Any person who believes that he/she has been the victim of sexual harassment/harassment may seek redress through the Sexual Harassment/Harassment Complaint Procedure.

Please note that while this policy sets forth the goals of promoting a workplace and school environment that is free of sexual harassment/harassment, the policy is not designed or intended to limit the authority to discipline or to take remedial action for workplace or school conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment/harassment.

1. DEFINITION

Title IX of the Federal Education Amendments of 1972 (20 USC 1681) states: *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”*

Chapter 151C s. 1(e) of the Massachusetts General Law defines sexual harassment as follows:

“Any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of the provision of benefits, privileges, or placement services, or as a basis for the evaluation of academic achievement; or (2) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with

an individual's education by creating an intimidating, hostile, humiliating, or sexually-offensive educational environment."

As such, sexual harassment can be viewed as unwelcome advances, requests for sexual favors, and other inappropriate conduct of a sexually harassing nature.

- Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or success as a student;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment, as defined above, may include, but is not limited to, the following:

- verbal harassment or abuse,
- pressure for sexual activity,
- repeated remarks, phone calls, or electronic communication to a person with sexual or demeaning implications or images,
- unwelcome touching,
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, jobs, etc.
- display of posters, graffiti, gestures, and inappropriate use of jokes or language of a sexual nature,
- discussion of an individual's sexual activity.

The above definitions apply both to the educational environment and workplace environment. Both males and females may be subject to sexual harassment/harassment. Sexual harassment/harassment, as defined above, may occur student-to-student, staff-to-student, student-to-staff, or staff-to-staff.

2. RESPONSIBILITIES

It is the duty of all students and staff of Berkley Public Schools to assist in creating a positive school climate of respect and decency and to model valued behaviors, attitudes, and beliefs. To maintain a learning and working environment that is free from sexual harassment/ harassment, each member of the school community is responsible for the following:

- ensuring that his/her behavior does not sexually harass/harass any other member of the school community, as outlined above;
- cooperating in the investigation of alleged sexual harassment/harassment by providing information concerning the matter; and
- actively participating in the Berkley Public Schools' efforts to prevent sexual harassment/harassment in the schools.

Employees are responsible for monitoring the workplace to keep it free from sexual harassment/harassment, and for reporting to the Sexual Harassment/Harassment Officers any complaint of sexual harassment/harassment reported to them. Any individual covered by this policy who is aware of sexual harassment/harassment and fails to act in accordance with school policy and procedure will be subject to verbal and/or written warning and/or reprimand.

Any employee or student bringing a complaint or otherwise reporting sexual harassment/harassment or cooperating in an investigation is assured that such action will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

3. SEXUAL HARASSMENT/HARASSMENT OFFICERS

Each school will have a sexual harassment/harassment officer that is appointed by the Superintendent. Each officer will be vested with the authority and responsibility of processing sexual harassment/harassment complaints in accordance with the procedures outlined below. If any sexual harassment/harassment officer is the subject of a complaint, the complainant should report the complaint directly to the Superintendent.

4. SEXUAL HARASSMENT/HARASSMENT COMPLAINT PROCEDURES

It is important to remember that sexual harassment/harassment, or the existence of a sexually-hostile environment is determined from the viewpoint of a reasonable person in the victim's situation. When an individual complains about sexual harassment/harassment or a sexually-hostile environment, school officials will assess all the facts and circumstances from that viewpoint.

A formal complaint may be filed at any time by a student, employee, administrator, and/or applicant who believes that his/her rights, as outlined in this policy, have been violated.

A written complaint shall be filed with one of the Sexual Harassment/ Harassment Officers. In the case of a student, the complaint may initially be discussed with any responsible adult with whom the student is comfortable. This adult will then serve as the liaison between the student and the Sexual Harassment/Harassment Officer. Any complainant has the option of filing his/her complaint directly with the Superintendent of Schools.

Any written complaint shall be investigated promptly. Within a maximum of 10 school days from the receipt of the complaint, the Sexual Harassment/Harassment Officers will conduct an investigation which will consist of, but not be limited to, the following actions:

- Interview(s) with the complainant,
- Interview(s) with the individual alleged to be the harasser,
- Interview(s) with other employees, students, or witnesses,
- Interview(s) with other individuals at the discretion of the Sexual Harassment/ Harassment Officers,

- Review of pertinent records.

5. FALSE COMPLAINTS

False complaints of sexual harassment/harassment are treated seriously by the Berkley Public Schools. It should, therefore, be noted that anyone making false or malicious complaints may have disciplinary action taken against him/her up to and including dismissal or expulsion.

6. SANCTIONS

If the Sexual Harassment/Harassment Officers determine that sexual harassment/harassment has occurred, they will take action to end the harassment and to ensure that it is not repeated. Remedial actions will depend upon the severity of the incident(s).

Because of the private nature of certain incidents, and the emotional and moral complexities surrounding such issues, every effort will be made to resolve problems, where appropriate, on an informal basis.

At the informal level, efforts will be aimed toward sensitizing the person at fault to the effects of such behavior, to be constructive, and not unduly punitive, in disciplinary action. An informal resolution may consist of an admission of guilt, an acknowledgment of verbal warning, a promise to not commit such abuse again, and/or a letter of apology.

If informal resolutions are not adhered to, or if allegations involve conduct for which informal resolutions are not appropriate, the Sexual Harassment/Harassment Officers may deem it necessary to take formal actions that may include but are not limited to police/court involvement (for violations of Massachusetts General Law, Chapter 272 and Chapter 119, Section 51A). For formal actions involving students, the Sexual Harassment/Harassment Officers will provide results of the investigation and recommendations for suspension and/or expulsion to the principal. For formal actions involving employees, the Sexual Harassment/ Harassment Officers will provide results of the investigation and recommendations for a letter of reprimand, suspension, or termination of employment to the Superintendent.

The Superintendent of Schools will be notified in writing by the Sexual Harassment/Harassment Officers of all formal investigations and sanctions to be imposed. If the complainant is not satisfied with the results of the complaint, he/she may appeal to the Superintendent.

Crisis Team intervention and/or referral for counseling can be recommended by the Sexual Harassment/Harassment Officers at any time during the procedures outlined above.

7. CONFIDENTIALITY

To the greatest extent possible, all complaints and subsequent proceedings will be held in confidence by all persons directly or indirectly involved in them. The right to confidentiality, both of the complainant and the accused, will be respected, consistent with the Berkley Public Schools' legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred. The Superintendent shall keep the School Committee apprised of all complaints and sanctions imposed as he/she deems appropriate.

8. RETALIATION

Retaliation in any form against any person who has filed a complaint and/or cooperated in an investigation relating to sexual harassment/harassment is forbidden. If it occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student.

9. TRAINING

Training Sessions on this policy and the prevention of sexual harassment/harassment shall be held for all employees, students, and other members of the school community on an annual basis. This training will be conducted by the Sexual Harassment/Harassment Officers.

10. DISSEMINATION AND EVALUATION OF POLICY

Notice of this policy and any procedures or regulations related to it, as well as the names of the Sexual Harassment/Harassment Officers will be circulated to all school, department, and offices of the Berkley Public Schools and incorporated, as appropriate, in teacher, employee, and student handbooks. This notice will also be distributed to all organizations or persons in the community who have cooperative agreements with or provide any services to the Berkley Public Schools.

11. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe that you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

EEOC: The 180 calendar day filing deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis.

MCAD: Complaints must be filed at the MCAD within 300 days from the last discriminatory act.

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Building Federal Building, 25 Sudbury St., Boston, MA 02222
617-565-3200

Massachusetts Commission Against Discrimination (MCAD)

One Ashburton Place, Room 601, Boston, MA 02108

(617) 727-3990

LEGAL REF: BESE Regulations 603 CMR 26:00

Adopted: April 10, 1995

Amended: May 17, 1997

Amended: April 9, 2001

Amended: March 18, 2002

Amended: March 16, 2009; Amended: Nov. 5, 2012

Amended: February 10, 2020

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

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

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, disability, genetic information, ancestry, military status, sexual orientation, pregnancy or pregnancy-related condition. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, disability, genetic information, ancestry, military status, sexual orientation, pregnancy or pregnancy-related condition, their complaint should be registered with the Title IX compliance officer.

LEGAL REFS: Title VI, Civil Rights Act of 1964 amended by the Equal Employment Opportunity Act of 1972; Executive Order 11246 as amended by E.O. 11375; Equal Pay Act as amended by the Education Amendments of 1972; Title IX, Education Amendments of 1972, Rehabilitation Act of 1973; Education for All Handicapped Children Act of 1975; M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972); M.G.L. 76:5, Amended 2011, M.G.L. 76:16, BESE regulations 603CMR 28.00

Adopted: November 5, 2012; Amended: December 4, 2018

Reviewed: Jan. 6, 2020

Berkley Public Schools

COMMITTEE MEMBER AUTHORITY

Policy #1150

1. Because all powers of the School Committee derived from the state statutes are granted in terms of action as a group, individual Committee members exercise authority over district affairs only as they vote to take action at a legal meeting of the Committee. In other instances, an individual Committee member, including the Chairperson, will have power only when the Committee, by vote, has delegated authority to him or her. The School Committee will make its members, the district staff, and the public aware that the Committee acting as a whole has authority to take official action.
2. The Committee, primarily a policy-making body, is legally authorized to delegate the administration of policies to the Superintendent of Schools. Delegating the administrative function makes the Committee responsible for evaluating the effectiveness of the execution of Committee policies as well as effectiveness of the general administration.
3. It is contrary to the spirit of the statutes for any Committee member to seek individually to influence the official functions of the school district. The School Committee and its members will deal with administrative services through the Superintendent and will not give orders to any subordinates of the Superintendent, either publicly or privately, but may make suggestions and recommendations.
4. To assist the Committee members in fulfilling this public trust with dignity and mature leadership, the following policies are presented by the Committee for the consideration of its individual members as guidelines for effective parliamentary rule and to inform the public of the Committee members' role.
 - a) Within the capacity of Committee membership, the individual Committee members will represent the best interests of all schools in the district. They will suggest problems for Committee consideration, inform themselves on school matters, take part in Committee deliberations, arrive at opinions independently, and vote as they choose.
 - b) Each Committee member will be committed to reaching and supporting group decisions which represent the best judgments of the Committee as a whole. This does not preclude a Committee member from voicing a minority viewpoint, but such should be indicated as personal, not Committee, opinion.
 - c) In order to arrive at mature and functional decisions, Committee members recognize the need for information and materials. All formal requests for information should be directed to the Superintendent. However, it is

understood that certain informal lines of communication exist between the staff and Committee members; this policy is not meant to interfere with these lines of communication.

- d) When dealing with public issues outside official Committee sessions, Committee members should strive at all times to represent the Committee to the public in a discerning and statesmanlike manner. The following suggestions are offered to help individual Committee members maintain this posture:
 - i) If questioned by someone about a matter on which policy has been clearly defined, an individual Committee member should answer based on policy.
 - ii) If approached by someone about a matter on which the Committee has no established policy, individual Committee members should not commit themselves to any position or promise other than to discuss the matter with the Superintendent or to present it to the Committee for consideration.
 - iii) Individual Committee members should refer all complaints or requests directly or indirectly relating to instruction, personnel, or services to the Superintendent of Schools who is chief executive officer and is charged with the responsibility of correcting deficiencies in these areas.

Reference

Adapted from National School Boards Association, Education Policy Reference Manual, Sixth Edition, 1991.

Adopted: December 9, 1991

Reviewed: October 3, 2005

Reviewed: February 24, 2009

Reviewed: Jan. 6, 2020

Berkley Public Schools

RESPONSIBILITIES OF THE SCHOOL COMMITTEE

Policy #1200

There are a number of dimensions of the School Committee's responsibilities:

1. By law the School Committee is given "general charge" over the public schools within the district.¹
2. The School Committee with its Superintendent is responsible for establishing the philosophy and setting the purposes of education for the school district.
3. The School Committee as a policy-making body has specific duties and areas of responsibilities.
4. Individually, School Committee members have ethical and legal responsibilities.²
5. On the organizational chart of the district, the School Committee is shown as representing the people of the school district to whom they are directly responsible.

Reference:

¹General Laws, Chapter 71, Section 37

²General Laws, Chapter 268A (Conduct of Public Officials and Employees)

Adopted: May 8, 1973

Reviewed: October 3, 2005

Reviewed: February 24, 2009

Berkley Public Schools

SCHOOL COMMITTEE REPRESENTATION ON REGIONAL SCHOOL COMMITTEE

Policy #1205

1. One (1) member of the Regional Committee is to be a sitting member of the Berkley School Committee appointed by the Berkley School Committee, for a term of one (1) year.

From Agreement Between the Town of Somerset, Massachusetts and Berkley, Massachusetts With Respect to the Formation of a Regional School District (dated 6/2/10):

“The powers and duties of the Regional School District shall be vested in and exercised by a Regional School Committee, hereinafter called the “Committee”, which shall consist of seven (7) members, five (5) of whom shall be residents of Somerset and two (2) of whom shall be residents of Berkley. **Berkley School Committee will appoint one (1) interested member of its Committee to the Regional School Committee.** Somerset School Committee will appoint two (2) interested members of its Committee to the Regional School Committee. Each appointment will be for one-year. The remaining members are elected as outlined in SECTION 1B. All members shall serve until their respective successors are elected/appointed and qualified. Upon formation of the Somerset-Berkley Regional School District, an Interim Regional School Committee (“ISC”) shall be established as described in SECTION 16A.”

2. The roles and responsibilities of the Berkley School Committee member on the Regional School Committee are to:
 - represent the interests of all students,
 - act as liaison to facilitate communication between Berkley School Committee and Regional School Committee.

Adopted: Feb. 13, 2012

Berkley Public Schools

RELATIONSHIP TO STATE BOARD OF EDUCATION¹

Policy #1210

1. The state Board of Education exists to support, serve, and plan general education in the public schools, and through its division of occupational education to administer and supervise the administration of vocational education programs by every agency in the Commonwealth. It develops plans for education to meet state needs and shall be the planning and approving authority for federal programs to be undertaken in the Commonwealth.
2. The state Board of Education appoints the Commissioner of Education who serves as secretary to the Board, its chief executive officer, and the chief state school officer for elementary and secondary education.
3. The Department of Elementary & Secondary Education, functioning under the state Board of Education, is organized into divisions, such as Curriculum and Instruction, Administration and Personnel, Research and Development, School Facilities and Related Services, State and Federal Assistance, and Occupational Education.
4. The state Board of Education is responsible for seeing to it that all school committees comply with all laws relating to the operation of the public schools. In the event of noncompliance, the Commissioner of Education is responsible for referring all such cases to the Attorney General for appropriate action. The state Board of Education may withhold state and federal funds from school committees which fail to comply with the provisions of law relative to the operation of the public schools.

Reference

¹General Laws, Chapter 15, Section 1, 1F, and 1G

Adopted: May 8, 1973

Reviewed: October 21, 1991

Reviewed: October 3, 2005

Reviewed: February 24, 2009

Berkley Public Schools

POWERS & DUTIES OF SCHOOL COMMITTEE

Policy #1230

The School Committee has all the powers conferred upon it by state law and must perform those duties mandated by the state. These include the responsibility and right to determine policies and practices and to employ a staff to implement its directions for the proper education of the children of the community.

The Committee takes a broad view of its functions. It sees them as:

- 1. Legislative or policymaking.** The Committee is responsible for the development of policy as guides for administrative action and for employing a Superintendent who will implement its policies.
- 2. Appraisal.** The Committee is responsible for evaluating the effectiveness of its policies and their implementation.
- 3. Provision of financial resources.** The Committee is responsible for adoption of a budget that will enable the school system to carry out the Committee's policies.
- 4. Public relations.** The Committee is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
- 5. Educational planning and evaluation.** The Committee is responsible for establishing educational goals and policies that will guide the Committee and staff for the administration and continuing improvement of the educational programs provided by the School District.

Personnel Matters

The Superintendent shall be appointed by vote of the Committee and shall directly report to the Committee as provided by law and perform all the duties that are prescribed by law and such other duties, not inconsistent there to, as a majority of the Committee may direct.

The School Committee shall appoint, upon the recommendation of the Superintendent, Assistant/Associate/Deputy Superintendent(s), School Business Administrator, Special Education Administrator, School Physician, School Nurses, and Supervisor of Attendance. Such positions shall not report directly to the School Committee.

SOURCE: MASC July 2016. LEGAL REF.: M.G.L. [71:37](#) specifically, but powers and duties of School Committees are established throughout the Massachusetts General Laws.

Adopted: May 8, 1973

Amended: October 21, 1991; March 17, 1997; April 9, 2001; Nov. 21, 2005; Reviewed: February 24, 2009

Amended: March 19, 2018

Berkley Public Schools

RELATIONSHIP TO SUPERINTENDENT¹

Policy #1240

1. A natural area of difficulty in maintaining smooth Superintendent-School Committee relationships is in dealing with problems that arise within a school district. Citizens of the community often will mention problems to members of the School Committee. The Committee member then faces the question of how he or she should deal with this problem. If the Committee member takes action to solve the problem, he or she infringes upon the administrative function of the Superintendent. If, instead, the member calls the problem to the attention of the Superintendent, he or she has fulfilled his/her initial responsibility. The Superintendent then has the responsibility of dealing with the problem and reporting the consequences of his/her actions. Individual Committee members can promise no particular solution to a problem, but can only promise that the problem will be investigated and handled by the administration.
2. The Superintendent has a responsibility to inform the School Committee whenever an administrative decision or problem appears to be of such significance that the Committee might ultimately become involved in the situation. It is generally difficult to predict these situations accurately, but the Superintendent should make every effort to do so in these particular cases.
3. The School Committee should have contacts regarding school matters with the professional staff only through the Superintendent. The Superintendent should be in a position to make all necessary contacts directly with the professional staff. As the executive officer of the School Committee, the Superintendent is the point of contact between the professional staff and the School Committee. All problems connected with the members of the professional staff should be handled by the Superintendent and reported to the School Committee.
4. The School Committee, as the agency designated by the states and the local citizenry, is charged with the responsibility for serving the interests of the people of the local school district and the state. The School Committee is charged also with the responsibility for the welfare of the teachers and other staff members whose lives are dedicated to the teaching of children and youth. The Superintendent shares these charges and these dedications.
5. The School Committee has a unique responsibility in determining the broad general policies under which the school system will function. The Committee's principal function, other than adopting operational policies, is the selection of the Superintendent.

6. The Superintendent is the executive officer of the School Committee and the professional staff. His or her primary professional responsibility is the welfare of the children of the school system.
7. The School Committee delegates to the Superintendent the responsibility for School Department administrative functions.
8. The School Committee holds the Superintendent responsible for the administration of the schools through regular, constructive, written, and oral evaluations of the Superintendent's work. Effective evaluation is an ongoing effort and should be linked to goals established by the Committee with the assistance of the Superintendent.
9. The School Committee is to support the Superintendent in decisions that conform to professional standards and Committee policy.
10. The School Committee is to provide the Superintendent with a written employment contract.
11. The School Committee is to give the Superintendent the benefit of the Committee's counsel in matters related to individual Committee member's expertise, familiarity with the local school system, and community interests.
12. The School Committee is to hold all Committee meetings with the Superintendent or designee present, among others, except when addressing matters involving the Superintendent's employment relationship or on advice of legal counsel.
13. The School Committee is to consult with the Superintendent on matters that concern the school system and on which the Committee may take action.
14. The School Committee is to develop a plan for Committee-Superintendent communications.
15. The School Committee is to take action on matters only after hearing the Superintendent's recommendations.
16. The School Committee is to provide the Superintendent sufficient administrative help, especially in the area of monitoring teaching and learning.

The School Committee is to encourage and support the Superintendent in his or her efforts to participate in professional in-service education through the local, state, and national professional associations.

Reference: ¹Adapted from Jack L. Davidson, *Effective School Board Meetings*, Parker Publishing Co., Nyack, New York, 1970, pp. 165-167; and A.A.S.A. and N.S.B.A. "Talking About the Superintendent's Employment Contract," Arlington, VA, 1990, pages 10-11.

Adopted: May 8, 1973

Amended: November 18, 1991

Amended: March 17, 1997

Reviewed: October 3, 2005

Reviewed: February 24, 2009

Reviewed: Dec. 13, 2017

SCHOOL COMMITTEE - STAFF COMMUNICATIONS

Policy #1241

The success of any school system requires effective communication between the School Committee and the school staff. Such communication is necessary for facilitating proposals for the continuing improvement of the educational program and for the proper disposition of personnel problems which may arise.

The main goal of both the Committee and the staff is to provide the best possible educational opportunities for the entire community. To achieve this end, good committee-staff relations must be maintained in a climate of mutual trust and respect. At the same time, the Committee, in exercising its public trust to provide thorough and efficient public education, cannot dissipate or transfer its responsibilities.

In accordance with good personnel practice, staff participation in the development of educational and personnel policies will be encouraged and facilitated. The Superintendent, as professional leader of the staff and the chief executive of the School Committee, will establish the avenues for Committee-staff communication.

All effective means of facilitating channels of communication between the Committee and staff will be explored in order to promote close and cooperative action for the continuing improvement of the educational program and the mutual benefit of the school system and the community.

Staff Communications to the School Committee:

All communications or reports to the School Committee or any subcommittee from principal(s), supervisors, teachers, or other staff members shall be submitted through the Superintendent. This necessary procedure will not be construed as denying the right of any employee to appeal to the Committee from administrative decisions on important matters, provided that the Superintendent will have been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Staff members are also reminded that the School Committee meetings are public meetings. They provide an excellent opportunity to observe firsthand the Committee's deliberations on problems of staff concern.

School Committee Communications to Staff:

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent, and the Superintendent will employ such media as are appropriate to keep the staff informed of the Committee's problems, concerns, and actions.

Visits to Classrooms/School(s):

Individual School Committee members interested in visiting classrooms or schools will make arrangements for visitations through the principal(s) of the school(s). Such visits will be regarded as informal expressions of interest in school affairs and not as “inspections” or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under School Committee authorization and with the full knowledge of staff, including the Superintendent, principal(s), and other supervisors.

Social Interaction:

Staff and School Committee members share a keen interest in the schools and in education generally; and it is expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations and general school district problems. However, staff members are reminded that individual Committee members have no special authority except when they are convened at a legal meeting of the School Committee or vested with special authority by Committee action. Therefore, discussions by either party of personalities or personnel grievances will be considered as evidence of unethical conduct.

Adopted: December 9, 1991

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Berkley Public Schools

CODE OF ETHICS: SCHOOL COMMITTEE MEMBERS

Policy #1250

The acceptance of a code of ethics implies the understanding of the basic organization of School Committee under the laws of the Commonwealth of Massachusetts. The oath of office of a School Committee member binds the individual member to adherence to those state laws which apply to School Committees since School Committees are agencies of the state.

1250.1A School Committee member in his/her relations with his/her **community district** should:

- a. realize that his/her primary responsibility is to the children,
- b. recognize that his/her basic function is to policy-making and not administrative,
- c. remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made,
- d. be well informed concerning the duties of a Committee member on both a local and state level,
- e. remember that he/she represents the entire community district at all times,
- f. accept the office as a Committee member as a means of unselfish service with no intent to "play politics" in any sense of the word, or to benefit personally from his/her Committee activities.

1250.2A School Committee member in his/her relations with his/her **school administration** should:

- a. endeavor to establish sound, clearly-defined policies which will direct and support the administration,
- b. recognize and support the administrative chain of command and refuse to act on complaints as in individual outside the administration,
- c. act only on the recommendations of the chief administrator in all matters of employment or dismissal of school personnel,
- d. give the Superintendent full responsibility for discharging his/her professional duties and hold him/her responsible for acceptable results,
- e. refer all complaints to the administrative staff for solution and only discuss them at Committee meetings if such solutions fail.

1250.3A School Committee member in his/her relations to his/her **fellow Committee members** should:

- a. recognize that action at official meetings is binding and that he/she alone cannot bind the Committee outside of such meetings,
- b. recognize that he/she should not make statements or promises of how he/she will vote on matters that will come before the Committee,
- c. uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Sessions,
- d. not withhold pertinent information on school matters or personnel problems,

- e. make decisions only after all facts on a question have been presented and discussed.¹

Reference

¹Adopted MASC May 22, 1964

Adopted: May 8, 1973

Reviewed: October 21, 1991

Amended: March 17, 1997

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Amended: Oct. 22, 2018

Berkley Public Schools

INDEMNIFICATION OF MEMBERS

Policy #1260

- 1260.1 The town may, subject to appropriation, indemnify School Committee members for expenses or damages incurred in the defense or settlement of a claim.¹
- 1260.2 The amount of indemnification for School Board is \$1,000,000 annual aggregate of \$3,000,000 with deductible of \$10,000 for each claim.
- 1260.3 The claim must have arisen while such School Committee member was acting within the scope of his/her official duties.
- 1260.4 The defense or settlement of such claim shall have been made by the Town Counsel, or by an attorney legally employed for the purpose by the town, or by an attorney furnished by the insurer obligated under the terms of a policy of insurance to defend the town against such claim.

Reference

¹ General Laws, Chapter 41, Section 100E

Adopted: May 8, 1973

Amended: November 18, 1991

Reviewed: March 13, 2006

Amended: Oct. 19, 2009

Berkley Public Schools

ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS

POLICY #1265

As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including, but not limited to, electronic mail (e-mail), text messages, social media postings, internet web forums, and internet chat rooms.

Under the Open Meeting Law, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including, but not limited to, the sharing of an opinion regarding business over which the Committee has supervision, control, or jurisdiction. A quorum may be arrived at sequentially using electronic messaging without knowledge and intent by the author.

School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates. Electronic messaging should not be used to discuss Committee matters that require public discussion under the Open Meeting Law.

Under the Public Records Law, electronic messages between public officials may be considered public records. Therefore, in order to ensure compliance, the School Committee Chair, in consultation with the Superintendent of Schools, shall annually designate a member of the central office staff who shall be copied on all electronic mail correspondence between and among members of the School Committee, or the district shall provide district e-mail addresses, which are archived. School Committee members who do not have a computer or access to these messages shall be provided copies on a timely basis.

SOURCE: MASC July 2016

LEGAL REF.: M.G.L. [4:7](#); [30A:18-25](#), [23B](#); [66:10](#)

Adopted: March 19, 2018

Berkley Public Schools

PUBLIC RECORDS POLICY

Policy #1270

1270.1 All records of the school district are open public records except for the following:

- a. Minutes of Executive Sessions under conditions set forth in Policy #1560, Section 3;
- b. Employee personnel files;
- c. Individual student records and files;
- d. Sealed bids prior to formal opening;
- e. Tentative agreements achieved between the School Committee and employee groups during collective bargaining and prior to signing of formal agreement.

1270.2 The School Committee shall designate by its vote the Superintendent of Schools to have custody of the district's public records (MGL, Chapter 66, Section 6).

1270.3 In accordance with Chapter 121 of the Acts of 2016, a "Records Access Officer" (RAO) will be designated as the person responsible for responding to public records requests. RAO will follow steps outlined in the "Acts". The RAO contact information will be posted on the district website, posted in the district and shared with parents and staff.

1270.4 Public records shall be those as defined in Chapter 4, Section 7, clause twenty-six, as most recently amended and Chapter 66, Section 3.

1270.5 Records must be provided to a requestor by electronic means unless the record is not available in electronic format or the requestor does not have the ability to access them electronically.

1270.6 Initial response must be within ten (10) business days. The initial response may be for a) the production of some/all of the records requested, and/or b) notice of intent not to furnish certain records, and/or c) notice of an inability to furnish records within ten (10) business days.

1270.7 When an exception applies, the RAO must notify the requestor in writing, still within ten (10) business days of the request, of the specific details including which documents are being withheld and why; which documents are not within the district's possession, custody or control; which documents will be furnished; a good faith estimate of any fees that may be charged for the production of the records; a reasonable timeframe in which the records will be provided – which may not exceed twenty-five (25) business days from the initial request; and a statement regarding the requestor's appeal rights.

To have more than twenty-five (25) business days to furnish records, an RAO must either negotiate an extension with the requestor or petition the supervisor of records for an extension based on good cause. Upon a showing of good cause, the supervisor of records may grant a single extension which may not exceed thirty (30) business days.

If the district fails to comply with the legal requirement to issue an appropriate initial response within ten (10) business days of the request, the district is barred from charging any fees for the production of the documents.

1270.8 Document fees are capped at five (\$.05) cents per page, whether the page is single or double sided. Additionally, the fees may not exceed the actual cost of reproducing the documents and fees may not be charged for any records that are readily accessible to the public (i.e. on the district's website).

1270.9 Labor fees include time spent searching for, compiling and reproducing a record, as well as time spent segregating and redacting when such segregation/redaction is either required by law or approved by the supervisor of records. Labor time of district employees, necessary vendors, and outside legal counsel (who will typically review records to identify necessary redactions), are relevant to the calculation. As a starting point, if the district is in a municipality with a population over 20,000 then there may be no charge for the district's first two (2 hours of labor). If the district is in a municipality with a population under 20,000, every hour of labor counts.

Generally, labor costs may not exceed \$25 per hour. Exceptions apply, but to charge a fee greater than \$25 per hour, the district must petition the supervisor of records, explain why a higher hourly rate is both necessary and reasonable, and seek approval for the higher rate.

1270.10 Requestors may petition the supervisor of records for a determination of whether the district has violated a provision of the law. Failure to provide an appropriate initial response, failure to comply with the statutory timeframes, charging fees beyond that which is permitted under the law, and withholding documents that should have been produced are all examples of issues on which a petition might be filed. Within ten (10) business days of receiving the petition, the supervisor of records will make a determination and award relief when appropriate. Non-compliance may lead to a judicial award of attorney's fees and litigation costs to be paid by the public entity to the requestor,

1271. This policy will be posted in the office of the Superintendent of the Berkley Public Schools, located at 21 No. Main Street, Berkley, Massachusetts (Chapter 262, Section 46).

1272. Upon request of the person paying fees, a written receipt shall be provided specifying the amount of them and for what they respectively accrued (Chapter 262, Section 18).

1273. All fees received for inspection or copy of public records shall be turned over the respective town treasurer.

References

Chapter 66, Sections 1, 6, 10

Chapter 262, Sections 18, 38, 43, 44, 45

Chapter 4, Section 7, Clause 26

Rules and Regulations Promulgated by the Supervisor of Public Records under the provisions of Chapter 30A as most recently amended.

Adopted: May 8, 1973

Amended: June 1978

Reviewed: October 21, 1991

Amended: December 13, 1999

Approved: November 20, 2000

Approved: November 18, 2002

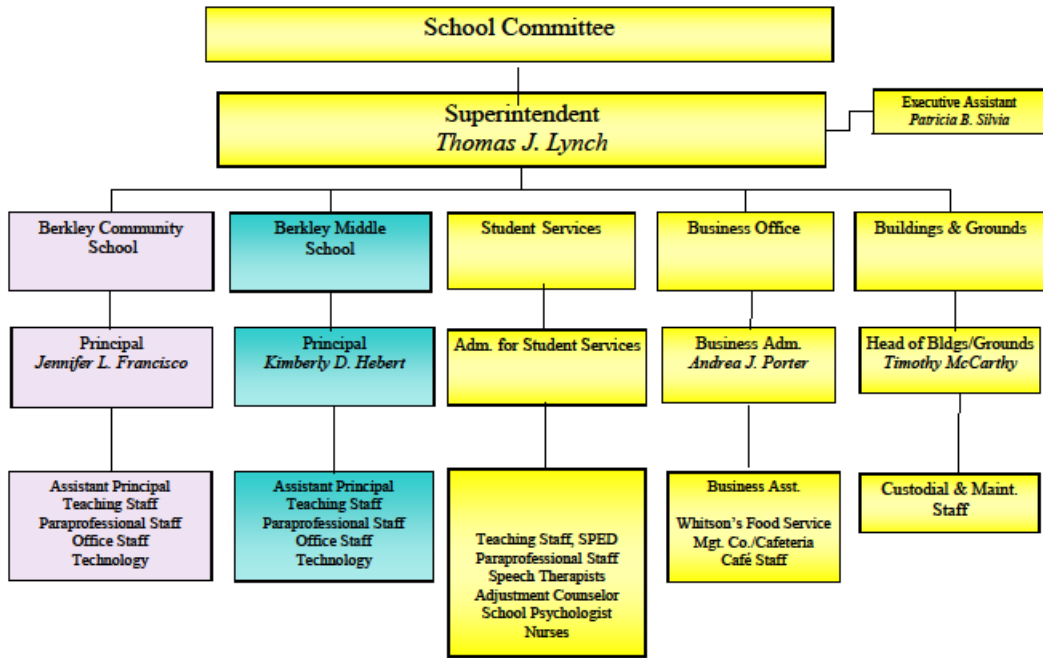
Reviewed: March 13, 2006

Reviewed: April 6, 2009

Amended: March 13, 2017

Amended: December 16, 2019

Berkley Public Schools Organizational Chart



Berkley Public Schools

QUALIFICATIONS FOR SCHOOL COMMITTEE MEMBERSHIP

Policy #1300

- 1300.1 A School Committee member must be a registered voter and a resident of the town and must take an oath of office as required by law. ¹
- 1300.2 Should a School Committee member move out of town, he or she shall be deemed to have vacated the position. ²
- 1300.3 Membership on the School Committee is not limited by race, color, sex, gender identity, national origin, religion or sexual orientation.
- 1300.4 The members of the School Committee shall receive compensation for expenses as approved by town meeting. ⁴
- 1300.5 From the municipal clerk, newly qualified Committee members, by law, receive and sign a receipt for a copy of the MA open meeting law governing the conduct of Committee meetings in general and executive sessions.
- 1300.6 Committee members shall by law receive and sign a receipt for within 30 days of taking office, a copy of the MA Ethics Commission's Summary of the Conflict of Interest laws. As municipal employees, all School Committee members shall receive a copy of said summary annually. All School Committee members shall, within 30 days of taking office, and every two (2) years thereafter, complete the MA Ethics Commission's online training program. Upon completion of the online training program, members shall provide notice of such completion to be retained for six (6) years by the municipal clerk.

References

¹ Massachusetts General Laws, Chapter 41, Section 1

² Massachusetts General Laws, Chapter 41, Section 109

³ Massachusetts General Laws, Chapter 41, Section 1

⁴ Massachusetts General Laws, Chapter 71, Section 52

Adopted: May 8, 1973

Amended: November 18, 1991

Amended: March 17, 1997

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Amended: March 19, 2018

Berkley Public Schools

NUMBER AND TERMS OF OFFICE

Policy #1320

- 1320.1 The School Committee is composed of five members.
- 1320.2 Provision is made in state law for increasing or reducing the number of members of the School Committee.
- 1320.3 The term of office is three years.
- 1320.4 In every year when the term of office of the School Committee member expires, the town shall hold an election for that office.
- 1320.5 An incumbent, as any other registered voter, may file for candidacy for School Committee.
- 1320.6 The Berkley School Committee membership is five (5) members elected for three-year terms in rotation; two members for (3) years; the next year two members for three (3) years; and the third year, one member for three (3) years.
- 1320.7 A School Committee member begins his or her term of office on the day after the election, or as soon thereafter as he or she is qualified.
- 1320.8 A School Committee member holds office for the term fixed by law and until another person is qualified in his or her stead. ¹

Reference

¹ Massachusetts General Laws, Chapter 41, Sections 1, 2, and 107

Adopted: May 8, 1973
Amended: November 18, 1991
Amended: March 17, 1997
Reviewed: March 13, 2006
Reviewed: April 6, 2009

Berkley Public Schools

OATH OF OFFICE OF SCHOOL COMMITTEE MEMBERS

Policy #1340

After election and prior to assuming office, a new School Committee member is sworn to the faithful performance of his or her duties by the Town Clerk or Moderator of the Town in which he/she resides. ¹ The following oath of office for public officials of the Commonwealth of Massachusetts should be used:

“I, _____ (name), do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as School Committee member according to the best of my abilities and understanding, agreeably, to the rules and regulations of the Constitution and the laws of this Commonwealth--So help me, God.” ²

Reference

¹ Massachusetts General Laws, Chapter 41, Section 107

² Constitution of Massachusetts, Chapter VI, Article 1

Adopted: May 8, 1973

Reviewed: November 18, 1991

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Berkley Public Schools

TERMINATION OF OFFICE AND FILLING VACANCIES

Policy #1350

- 1350.1 An existing School Committee member terminates his or her duties upon the qualification of the newly-elected or appointed member to the School Committee. ¹
- 1350.2 A vacancy on the School Committee may occur for a number of reasons: failure of a town meeting to elect a member, resignation, moving out-of-town, vacating the office, death, or removal from office. ²
- a. Resignation from the School Committee is by letter to the Town Clerk. It is the duty of the Town Clerk to inform the remaining School Committee members, as well as the executive officers of the town of the receipt of a resignation.
 - b. As used in this section, the term “*vacancy*” includes a failure to elect. If there is a vacancy on the School Committee, the remaining members shall give written notice thereof, within one month of said vacancy, to the Selectmen, who with the remaining members of the Committee shall, after one week’s notice, fill such vacancy by roll-call vote. The Selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified. ³
 - c. A person who has been appointed to fill a vacancy in the membership of the School Committee terminates his or her duties at the time of the next annual meeting or when another member is qualified.
- 1350.3 If a School Committee member serves as a consequence of a vote by the town to increase the membership on the School Committee, he or she will terminate duties according to the tenure of the class to which he or she was chosen; that is, a member chosen to one, two, or three-year class terminates his or her duties at the end of one, two, or three years respectively.

Reference:

¹ Massachusetts General Laws, Chapter 41, Section 2

² Massachusetts General Laws, Chapter 41, Section 109

³ Massachusetts General Laws, Chapter 41, Section 11

Adopted: May 8, 1973

Amended: November 18, 1991

Amended: March 17, 1997

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Berkley Public Schools

ANNUAL MEETING FOR ORGANIZATION

Policy #1400

The Annual Meeting for organization will be held at the first regular meeting following the Annual Town Election.

- 1400.1 Notice of the meeting is filed with the Town Clerk and is posted on the official bulletin board at least 24 hours before the meeting, not including Sundays and legal holidays. ¹
- 1400.2 As appropriate, present officers and the Superintendent will conduct the meeting and record the minutes during the election of the new officers.
- 1400.3 The initial item of business at the meeting for organization will be the election of the following officers for the coming year: chairman and secretary. A majority of the votes of the whole committee shall be necessary for election of officers.
- 1400.4 The Committee may, at its meeting for organization or at any subsequent meeting, make a change in the day of the week and/or the starting time of its regular meetings.
- 1400.5 The School Committee may, at its meeting for organization or at any subsequent meeting, appoint members to subcommittees.

Reference:

¹ Massachusetts General Laws, Chapter 39, Section 23A

Adopted: May 8, 1973

Reviewed: November 18, 1991

Amended: March 17, 1997

Amended: April 10, 2006

Reviewed: April 6, 2009

Berkley Public Schools

DUTIES OF CHAIR

Policy #1420

The following, in general, are the duties of the chair of the School Committee. The Secretary will perform these duties in the absence of the chair.

- 1420.1 Call the meeting to order at the appropriate time.
- 1420.2 Preside at all meetings. *“Presiding”* includes the following:
 - a. Announcing the order of business
 - b. Stating and putting to a vote all questions regularly moved
 - c. Allowing for adequate discussion and debate on all matters which properly come before the Committee
 - d. Enforcing the observance or order and decorum
 - e. Announcing the result of any vote taken
 - f. Subject to appeal, deciding all questions of order and procedure.
- 1420.3 Anticipate, by his or her signature when necessary, all the acts, orders, and proceedings of the School Committee.
- 1420.4 Represent and stand for the School Committee, declaring its will, and in all things obeying its decisions. ¹
- 1420.5 The power to appoint representatives to external committees rests with the chair, unless the School Committee votes to elect representatives. The chair shall notify the School Committee of such appointment at the next regular School Committee meeting.

Also note Policy #1510 - #1:

A special meeting of the School Committee may be called by the chair of the School Committee acting alone or by the chair upon written request from two members of the School Committee.

Reference:

¹ Adapted from *Robert’s Rules of Order - Newly Revised*, pages 376-377.

Adopted: May 8, 1973

Reviewed: November 18, 1991

Amended: November 17, 1997

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Berkley Public Schools

DUTIES OF SECRETARY

Policy #1440

- 1440.1 The School Committee shall appoint a secretary who shall keep a permanent record book in which all its votes, orders, and proceedings shall be recorded. 1
- 1440.2 If the office of secretary is vacant or if the secretary is unable to perform his or her duties because of disability, the Committee may appoint a temporary secretary to hold such office and exercise the powers and perform the duties thereof until a secretary is duly appointed or the secretary who was disabled or absent resumes his or her duties. 2
- 1440.3 The secretary will perform the duties of the chairman of the School Committee in the absence of the chairman.

Reference:

¹ Massachusetts General Laws, Chapter 71, Section 36

² Massachusetts General Laws, Chapter 71, Section 16A

Adopted: May 8, 1973

Amended: November 18, 1991

Reviewed: March 13, 2006

Reviewed: April 6, 2009

Berkley Public Schools

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

Policy #1460

The School Committee may appoint its members to subcommittees to be responsible either for one specific problem or for a general area of School Committee concern. Members may be appointed to subcommittees at the meeting for organization or at anytime it becomes desirable to do so during the year. When formed, subcommittees should be designated as either “*continuing*” (or “*permanent*”) or “*ad hoc*” in nature.

- 1460.1 The function of a subcommittee is to investigate, to become informed, and to report back to the School Committee.
- 1460.2 A subcommittee may make recommendations to the School Committee, but it has no power to make decisions that bind the School Committee as a whole.
- 1460.3 The power to appoint representatives to external committees rests with the chair, unless the School Committee votes to elect representatives. The chair shall notify the School Committee of such appointment at the next regular School Committee meeting.
- 1460.4 All subcommittees of the School Committee are subject to the provisions of the Open Meeting Law.

Adopted: May 8, 1973
Reviewed: November 18, 1991
Amended: November 17, 1997
Reviewed: March 13, 2006
Reviewed: Sept. 3, 2009
Amended: March 19, 2018

Berkley Public Schools

REPRESENTATION ON EXTERNAL COMMITTEES

Policy #1470

The School Committee may appoint its members to represent it on committees and for functions and activities of other organizations and groups. The power to appoint representatives to external committees rests with the chair, unless the School Committee votes to elect representatives. The chair shall notify the School Committee of such appointment at the next regular School Committee meeting.

- 1470.1 Members may be appointed to external committees or functions at the meeting for organization or at any time during the year it becomes desirable to do so.
- 1470.2 An appointee should express the interests of the School Committee and be an information source for the School Committee.
- 1470.3 On the basis of his or her experience as a representative to an external group, the member may propose recommendations to the School Committee, but he or she may not take any action that binds the School Committee.

Adopted: May 8, 1973

Reviewed: November 18, 1991

Amended: November 17, 1997

Reviewed: March 13, 2006

Reviewed: Sept. 3, 2009

Berkley Public Schools

SCHOOL COMMITTEE MEETING NOTIFICATION

Policy #1500

- 1500.1 As required by law, a minimum of 48 hours advance notice (excluding Saturdays, Sundays and legal holidays) will be posted and filed with the Town Clerk for any meeting of the School Committee, including all subcommittee meetings. The only exception permitted is in case of emergency, which the law defines as “a sudden, generally unexpected occurrence or set of circumstances demanding immediate action”. Notification of the date, time, and place of regular meetings may be accomplished by periodic publication of the schedule for the ensuing months. However, a minimum of 48 hours prior to each meeting, the Committee shall cause to be posted a listing of each subject the Chair reasonably anticipates will be discussed at the meeting (the agenda). Notification of a change in a regular meeting time, place, or agenda and notification, including agenda of a special meeting will be filed with the town clerk at least 48 hours in advance as required by law.
- 1500.2 The regular meetings of the School Committee will be held monthly with the exception of July.
- 1500.3 All School Committee meetings shall be open to the public and press unless the Committee votes to move into Executive Session.

Definitions: The following terms shall have the following meanings:

Meeting: Any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction, or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

Quorum: A simple majority of a governmental body unless otherwise defined by constitution, charter, rule, or law applicable to such governing body.

Emergency: A sudden, generally-unexpected occurrence or set of circumstances demanding immediate action.

Executive Session: Any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

LEGAL REF: Massachusetts General Laws, Chapter 39, Section 23A, 23C

Adopted: May 8, 1973

Amended: November 18, 1981

Reviewed: March 13, 2006; Dec. 3, 2009

Amended: March 19, 2018

Berkley Public Schools

SPECIAL MEETINGS

Policy #1510

- 1510.1 A special meeting of the School Committee may be called by the chairman of the School Committee, acting alone or by the chairman upon written request from two members of the School Committee. Note: Forty-eight (48) hours' posting is required except in an emergency situation. ¹
- 1510.2 The Superintendent will notify School Committee members by telephone, electronic mail (e/mail), or by mail at least 24 hours in advance of the time and place of the special meeting. If any member of the School Committee is not properly notified about a special meeting, the legality of any action taken could be subject to challenge.
- 1510.3 The agenda for special meetings is restricted to only such business that appears in the call of the meeting, unless words such as the following are included in the call: "and such other business as may properly come before it." ²
- 1510.4 An informal meeting of the School Committee is one at which no quorum is required and no formal action may be taken. An informal meeting may be called for a number of reasons:
- To listen to a presentation by an individual or a group;
 - To meet with an individual or a group on an informal basis;
 - To discuss a new and complex problem at length;
 - To gain additional perspective before taking action on a complicated and difficult problem.
- 1510.5 The law provides that if a special meeting is called because of an emergency, public notice need not be given. "Emergency" is defined as "a situation where immediate, undelayed action is deemed by the board to be imperative." ³
- 1510.6 All special meetings are open to the public and press unless the Committee votes to go into Executive Session. ⁴
- 1510.7 All procedures and rules for the conduct of special meetings shall be the same as those used in the regular meetings.

Reference:

¹ Massachusetts General Laws, Chapter 39, Section 23B

² Robert's Rules of Order, Newly Revised, page 78

³ Massachusetts General Laws, Chapter 39, Section 23A

⁴ Massachusetts General Laws, Chapter 39, Section 23A

Adopted: May 8, 1973

Amended: November 18, 1991, Amended: April 10, 2006, Amended: Jan. 11, 2010

Berkley Public Schools

AGENDA PREPARATION

Policy #1530

- 1530.1 The Superintendent working with the chairman of the School Committee has the responsibility of planning the agenda and gathering all background materials that pertain to items to be considered by the Committee.
- 1530.2 It should be recognized that for some matters it is necessary for the Superintendent and the professional staff to have time to investigate and prepare materials. Adequate time should be provided for this.
- 1530.3 Any person or group wishing to address the School Committee shall file a written request with the Superintendent to be placed on the agenda at least four days prior to the meeting. The request should contain the following:
- Name and address of the person or group;
 - Nature of the matter;
 - Copies of background material (if there are any);
 - Specific questions to be asked or the specific action required of the Committee.
- 1530.4 The agenda and supporting materials will be mailed or delivered so that this material is in the hands of School Committee members at least 24 hours in advance of the meeting.

Adopted: May 8, 1973
Amended: April 10, 2006
Reviewed: Dec. 3, 2009

Berkley Public Schools

CONDUCT OF MEETINGS

Policy #1540

- 1540.1 The School Committee will conduct its meeting in an efficient, orderly manner so as to expedite the business of the agenda. All meetings of the School Committee shall be conducted in accordance with the rules prescribed in *Robert's Rules of Order, Newly Revised*.¹
- 1540.2 Rules (except for rules not related to parliamentary procedure which require a majority vote) may be suspended by a two-thirds vote.²
- 1540.3 No rule shall be amended or repealed or new rule added except by a vote of the majority of the full committee, the proposed addition or amendment having been introduced in writing at the previous regular meeting and the notice of the proposed change having been included in the call of the meeting at which action is to be taken.³
- 1540.4 School Committee meetings, except for Executive Sessions, are open to the public.⁴ Citizens of the district are invited to attend the meetings of the School Committee. A citizen or employee desiring a formal place on the agenda should submit such request to the Superintendent at least four days prior to the meeting.
- 1540.5 The chairman may ascertain, prior to the opening of the meeting, whether any visitor who has not requested to be on the agenda wishes to bring anything to the attention of the Committee. Under most circumstances, the Committee will permit a brief statement at an appropriate time by any citizen requesting to be heard.
- 1540.6 Cases of discipline, school management, instruction, or administration of any sort shall come before the School Committee only when reported by the Superintendent of Schools or on appeal of a pupil, parent, teacher, or other person from a decision of the Superintendent, which shall be addressed to the chairman of the committee.
- 1540.7 No person shall address a meeting of the School Committee without permission of the chairman of the School Committee. All persons shall, at the request of the chairman, be silent. If, after warning of the chairman, a person persists in disorderly behavior; the chairman may order him to withdraw or the chairman may order a law enforcement officer or any other person to remove him and confine him in some convenient place until the meeting is adjourned.⁵

Reference:

¹ Henry M. Robert, *Robert's Rules of Order, Newly Revised*, Scott Foresman and Company, Glenview, IL, 1970, 594 pages.

² *Robert's Rules of Order, Newly Revised*, pages 222-227

³ *Robert's Rules of Order, Newly Revised*, page 258

⁴ Massachusetts General Laws, Chapter 39, Section A

⁵ Massachusetts General Laws, Chapter 39, Section 23B

Adopted: May 8, 1973

Reviewed: March 13, 2006

Reviewed: Jan. 25, 2010

Berkley Public Schools

PUBLIC COMMENT AT SCHOOL COMMITTEE MEETING

Policy #1541

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 citizens of the District 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 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 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 Committee 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 Berkley 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; SOURCE: MASC ; CROSS REFS: MASC BE, BEC, BEDA

Adopted: Nov. 18, 1991

Reviewed: March 13, 2006 ; Reviewed: Jan. 25, 2010

Amended: March 19, 2018

Amended: May 11, 2020

Berkley Public Schools

ORDER OF BUSINESS FOR REGULAR MEETINGS ¹

Policy #1550

1550.1 The order of business for a regular meeting of the School Committee is as follows:

1. **Call to Order**
2. **Guests**
3. **Approve Bills and Payrolls**
4. **Approval of the Minutes** of the last regular and any intervening special meetings.
5. **Correspondence and Enclosures** as reported by the secretary. Motions arising out of correspondence can be taken up immediately or held for "new business."
6. **Public Input**
7. **Educational Reports** would include any items directly concerned with the instructional program, such as the adoption of a new textbook or a preliminary report of a curriculum committee. Some educational reports will require action; others will be for information to the Committee.
8. **Administrative and School Committee Reports** would include items from the Superintendent and chairman or any member of the School Committee. Some items will require action; others will be for information.
9. **Unfinished Business** will include all items left over from previous meetings.
10. **New Business** will include items of business new to the Committee and may include items from the correspondence reported at this meeting.
11. **Personnel Action** includes any of the following kinds of action pertaining to any employee of the school district: appointment, renewal of contract, granting or denying tenure, promotion or demotion, salary adjustments, suspension and reinstatement, resignation, dismissal, and retirement. In addition formal complaints against any employee would be included in this section. (Personnel action is consolidated at one point in the agenda in the event that the Committee finds it necessary to go into Executive Session.)
12. **Adjournment** closes the meeting.

1550.2 During the meeting, the School Committee will confine its business to the items of the prepared agenda, except that, by majority vote, additions and changes can be made during the meeting.

Reference:

¹ Adapted from *Robert's Rules of Order, Newly Revised*, pages 20-22.

Adopted: May 8, 1973

Reviewed: November 18, 1991

Reviewed: September 12, 2006

Amended: March 15, 2010

Berkley Public Schools

EXECUTIVE SESSIONS ¹

Policy #1560

All meetings of the School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law.

1. The Committee will first convene in an open session for which due notice has been given.
2. The Chairperson (or in his/her absence, the presiding member) will state the purpose for the executive session by stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The Chairperson or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which executive sessions may be convened. The Committee may enter executive sessions only to deliberate:

1. The reputations, character, physical condition or mental health, rather than the professional competence of a single individual, or the discipline or dismissal, including the hearing of charges against a member of the committee, a school department employee or student, or other individual. The individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual so request.
2. Strategy with respect to non-union negotiations or to conduct collective bargaining sessions with non-union personnel.
3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted.
4. The deployment of security personnel or devices.
5. Allegations of criminal misconduct or to discuss the filing of criminal complaints.
6. Transactions of real estate, if an open meeting might be detrimental to the negotiating position of the committee or another party.

7. To comply with the provisions of any general or specific law of federal grant-in-aid requirements.
8. To consider and/or to interview applicants for employment by a preliminary screening committee. (The only position that the school committee would be involved in that might qualify would be for the position of Superintendent.) This exemption only applies if it can be determined that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to applicants who have passed a prior preliminary screening.
9. To meet or confer with a mediator with respect to any litigation or public business.
10. To discuss trade secrets or confidential competitively-sensitive or other proprietary information conducted by a governmental body as an emergency supplier.

(In the first case an open meeting will be held if the individual involved so requests.)

Accurate records of the proceedings conducted in executive session will be kept and may remain secret only so long as their publication would defeat the purpose of the session.

The School Committee Chair and the Superintendent will review executive session minutes for possible declassification on at least a quarterly basis, and if necessary, will consult with legal counsel. The School Committee Chair will bring minutes recommended for declassification to the School Committee for a vote either as part of a consent agenda or for individual action. In either case, there shall be an announcement of the declassification of minutes.

When a specific set of executive session minutes not yet declassified is requested by a member of the public, the School Committee shall render a decision on declassification at its next meeting or within 30 days after the request, whichever occurs first.

All votes taken in executive session will be recorded roll call votes and will become part of the minutes of executive sessions.

Reference:

¹ Massachusetts General Laws, Chapter 39, Section 23A

Adopted: May 8, 1973

Amended: November 18, 1991

Amended: May 21, 2001

Reviewed: September 12, 2006

Amended: March 15, 2010

Amended: Nov. 5, 2012

Berkley Public Schools

QUORUM AND VOTING

Policy #1570

- 1570.1 The quorum for calling a meeting to order and for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn a meeting.
1
- 1570.2 All voting at School Committee meetings must be by voice or roll call vote and no secret ballot shall be used. ² Votes relayed by telephone or written votes by absent members are not valid.
- 1570.3 The chairman shall normally call for a voice vote for the transaction of business. If he or she or any other member questions the voice vote, the chairman shall call for a show of hands. Votes by show of hands shall be counted as affirmative, negative, or abstaining and shall be so recorded. It shall be the privilege of any member to have his or her vote on any motion recorded by name.
- 1570.31 Any member who announces that he or she will abstain from voting will be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until voting on the issue is concluded and the member who abstains from voting thereby will not be counted as having voted. Any member who does not announce that he is abstaining from voting but who remains silent at the call for the vote by the Chairman will be counted with the majority.
- 1570.4 No action shall carry unless it shall receive the vote of a majority of the members present.
- 1570.5 The School Committee may, under certain circumstances and for certain kinds of action, require more than a majority vote to carry. ³
- 1570.6 The Chairman of the School Committee always has the right to vote, but he or she may (to preserve the neutrality of the chair) choose to vote only when his vote will affect the result. ⁴ Examples:
- 1570.61 On a 2-2 tie vote, the chairman may choose to vote affirmatively so that a motion will pass. The Chairman need not vote at all if he or she is negatively inclined in that a tie vote does not carry.
- 1570.62 On a 2-1 vote, the chairman may choose to cast a negative vote in order to create a 2-2 tie and thus block action.

- 1570.7 Any policy whose provisions are taken directly from the agreement with the municipalities may be amended only as provided for in that same agreement.
- 1570.8 The official bylaws of the School Committee are included in the Policy Manual as Sections 1300, 1400, and 1500; and shall be duly posted on the official bulletin board. The official bylaws of the School Committee may be amended by vote of a majority of the full committee at a regular meeting provided the proposed amendment has been introduced in writing at the previous regular meeting and the notice of the proposed change is included in the call of the meeting at which action is to be taken. ⁵

Reference:

¹ *Robert's Rules of Order, Newly Revised*, pages 3-4

² Massachusetts General Laws, Chapter 39, Section 23A

³ *Robert's Rules of Order, Newly Revised*, page 340

⁴ *Robert's Rules of Order, Newly Revised*, page 343

⁵ *Robert's Rules of Order, Newly Revised*, page 258

Adopted: May 8, 1973

Reviewed: March 15, 2010

Berkley Public Schools

MINUTES OF THE MEETING¹

Policy #1580

- 1580.1 The School Committee shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent, and action taken at each meeting, including Executive Session.
- 1580.2 The records of each meeting shall become a public record and shall be available to the public upon being approved. (See Policy #1560, Paragraph 3, with regard to records of Executive Sessions.)
- 1580.3 Minutes of the School Committee meeting will be posted on the Bulletin Board in the Superintendent's Office, after they have been approved by the Committee.

Reference:

¹ Massachusetts General Laws, Chapter 39, Section 23A

Adopted: May 8, 1973
Amended: November 18, 1991
Amended: October 16, 2006
Reviewed: Jan. 25, 2010

Berkley Public Schools

ADJOURNMENT TIME FOR MEETINGS

Policy #1590

- 1590.1 The School Committee seeks to adjourn each meeting no later than 10:00 P.M.
- 1590.2 Business which is “unfinished” at that time may be placed on the agenda of the next regular or special meeting of the School Committee.
- 1590.3 This statement of desired adjournment time in no way affects the validity of formal action taken after 10:00 P.M. should the School Committee be unaware of or choose to ignore the passage of time.

Adopted: May 8, 1973
Reviewed: November 18, 1991
Reviewed: September 12, 2006
Amended: March 15, 2010

Berkley Public Schools

PROFESSIONAL AND CONSULTANT SERVICES

Policy #1600

If a consultant is necessary, the Superintendent of Schools or the School Committee may appoint, retain, or employ persons for consulting or other professional services to the school system. Consulting services may be either on a per diem or contractual basis. Consultants shall have no administrative authority over any facet of the district's schools, but shall act solely as advisors to the School Committee and its officers and employees. Such services may be provided from professions other than education, as well as from the educational profession.

Adopted: May 8, 1973
Amended: Oct. 16, 2006
Reviewed: Jan. 25, 2010

Berkley Public Schools

SERVICES OF LEGAL COUNSEL

Policy #1610

1610.1 The School Committee may employ legal counsel for the general purposes of the Committee and may expend money therefore from the funds appropriated by the Town for school purposes.¹

The following are among the general duties of legal counsel with reference to educational matters:

1610.11 To advise and furnish the School Committee legal opinions, verbally and in writing, as directed, on all matters and questions of law, including interpretations of old and new statutes.

1610.12 To attend all meetings at the request of the School Committee.

1610.13 To prepare legal instruments and contracts, including resolutions, advertising of bids, and all other legal papers as directed by the School Committee.

1610.14 When needed, to commence and prosecute all legal action brought by the School Committee.

1610.15 To represent and defend School Committee members and school district employees in any legal action against them which has arisen from the carrying out of regular responsibilities and the performance of regular duties.

1610.2 The School Committee may employ legal counsel in connection with collective bargaining with employee organizations for school employees, and may expend money from the funds appropriated by the town for school purposes provided, however, that no money shall be expended in excess of twenty-five thousand dollars (\$25,000) without the prior approval of the Board of Selectmen.²

Reference:

¹ General Laws, Chapter 71, Section 37F

² General Laws, Chapter 71, Section 37E

Adopted: May 8, 1973

Amended: November 18, 1991

Reviewed: September 12, 2006

Reviewed: Jan. 25, 2010

Berkley Public Schools

ADVISORY COMMITTEES

Policy #1700

The following general policies will govern the appointment and functioning of advisory committees to the School Committee:

1. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide continuing consultation in a particular area of activity. However, there will be no standing overall advisory committee to the School Committee.
2. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that particular type of committee.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed to the committee as members or consultants, as found desirable.
4. Appointments to such committees will be made by the Committee; appointment of staff members to such committees will be made by the School Committee upon recommendation of the Superintendent.
5. Tenure of committee members will be one year only unless the member is reappointed.
6. Each committee will be clearly instructed as to:
 - a. length of time each member is being asked to serve,
 - b. assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities,
 - c. resources the School Committee will provide,
 - d. approximate dates on which the School Committee wishes to receive major reports,
 - e. School Committee policies governing citizens, committees and the relationship of these committees to the School Committee as a whole, individual School Committee members, the Superintendent, and other members of the professional staff,
 - f. responsibilities for the release of information to the press.
7. Recommendations of committees will be based upon research and fact.
8. The School Committee possesses certain legal powers and prerogatives that cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the School Committee.
9. Advisory committees created under this policy are subject to the provisions of the Open Meeting Law.

The Committee will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any committee.

SOURCE: MASC

LEGAL REF.: M.G.L. [30A:18-25](#)

Adopted: May 8, 1973

Amended: November 18, 1991

Amended: October 16, 2006

Reviewed: Jan. 25, 2010

Amended: March 19, 2018

Berkley Public Schools

COMMUNITY RELATIONS

Policy #1800

The School Committee and all employees of the school district should be aware of the importance of securing and maintaining the confidence and respect of the public in the educational programs of the schools. Here are some principles on which a sound program of community relations can be based:

- 1800.1 Schools are established for the purpose of helping children and youth learn and grow in desirable directions. Schools (as a top priority) should do well the job they are set up to do. This ought to be the main cornerstone in any program of community relations.
- 1800.2 All citizens, whether or not they are parents of the young, have a stake in the education of the next generation. They should be considered as being potentially supportive of the goals of education, even if, at times, some would question the means being used to accomplish these goals.
- 1800.3 Communications with citizens should be courteous, honest, straightforward, and direct. Quite naturally, School Committee members and educators like to communicate about the strengths and successes of educational programs. However, equally full communication is often necessary with reference to the problems, needs, and weaknesses of the school system. Citizens do not expect schools to be perfect; they do have the right to have an honest picture of the schools as they really are.
- 1800.4 The School Committee is charged with the responsibility of spending tax dollars, most of which are derived from assessments on the homes and businesses of the community. The citizens have a right to know how this money is being spent and how effectively their dollars are being used to accomplish educational purposes.
- 1800.5 The community should be viewed as a rich pool of educational resources for field trips, speakers, work-study projects, opportunities for pupils to observe people in a large number of diverse occupations, and as a source for volunteer and paid aides. Pupils should be taught that their community has a *history*, *geography*, and *current events* all of its own. Wise use of the community as an educational resource is an effective way of building understanding and support for schools at a genuine "*grass-roots*" level.
- 1800.6 More and more, education is becoming a lifelong activity. While schools have been established primarily to serve children and youth, the School Committee and the professional educators ought to be in the forefront of efforts to provide educational programs for adults and to promote the widest possible use of school facilities for educational and cultural programs for adults during non-school hours.

Adopted: May 8, 1973

Reviewed: November 18, 1991

Reviewed: September 12, 2006

Reviewed: Jan. 25, 2010

INDIVIDUAL MEMBERS AND THE COMMUNITY

Policy #1810

School Committee membership places some special responsibilities on persons as individuals apart from their participation in the official meetings of the School Committee. In order to support the integrity and maintain the effectiveness of the School Committee in the community, School Committee members should be guided by the following in their conduct as individuals in educational matters:

- 1810.1 Members, in their personal relationships, should exhibit a respect for the School Committee as an institution. Personal differences involving policy and other committee business should be confined to the meetings where they belong. Confidential matters involving personnel should never be discussed outside committee meetings. All members should strive to avoid participation in petty disputes and concentrate on matters of policy and administrative management.
- 1810.2 A Committee is not justified in acting on a grievance unless it is presented in writing by someone willing to be identified. Rumor and gossip should be referred to the Superintendent of Schools for verification.
- 1810.3 The powers of the School Committee are vested in the Committee as a unit and not with individual members. Complaints from citizens should first be presented to the Superintendent for interpretation of policy. If existing policy does not apply, the matter should be placed on the next agenda for Committee consideration.
- 1810.4 Any change in existing policy must have the approval of a majority of the Committee members during a regular or special School Committee meeting.
- 1810.5 Committee members should not personally investigate a complaint, as a member does not have the right to take any action on his or her own volition unless specifically designated by the Committee to investigate a particular matter and report to the full Committee.
- 1810.6 School Committee members are encouraged to visit school. However, commitments or comments to teachers and pupils which reflect only a personal opinion or observation should be avoided.

Adopted: May 8, 1973

Reviewed: November 18, 1991

Reviewed: September 12, 2006

Reviewed: Jan. 25, 2010

Although no member of the community will be denied the right to bring their complaints to the Committee, they will be referred through the proper administrative channels for solution before investigation or action by the Committee. Exceptions will be made when the complaints concern Committee actions or Committee operations only.

The Committee believes that complaints are best handled and resolved as close to their origin as possible, and that the professional staff should be given every opportunity to consider the issues and attempt to resolve the problem prior to involvement by the Committee. Therefore, the proper channeling of complaints involving instruction, discipline or learning materials will be as follows:

1. Teacher
2. School building administrator
3. Superintendent
4. School Committee

If a complaint, which was presented to the Committee and referred back through the proper channels, is adjusted before it comes back to the School Committee, a report of the disposition of the matter will be made to the Committee and then placed in the official files.

Complaints about school personnel will be investigated fully and fairly. However, before any such complaint is investigated, the complainant must submit his complaint in writing. Anonymous complaints will be disregarded.

Matters referred to the Superintendent and/or School Committee must be in writing and should be specific in terms of the action desired.

The Committee expects the professional staff to receive complaints courteously and to make a proper reply to the complainant.

SOURCE: MASC October 2016

LEGAL REFS.: MG.L. [76:5](#), 603 CMR [26.00](#)

Adopted: March 19, 2018

Reviewed: Oct. 29, 2019

Berkley Public Schools

NEWSPAPERS AND OTHER NEWS MEDIA

Policy #1820

- 1820.1 Representatives of the press and other news media are welcome to attend all meetings of the School Committee except the meetings held in Executive Session. ¹
- 1820.2 All School Committee records and minutes (with the exception of items noted in Policy #1270) are matters of public records and may, by appointment, be examined. ¹
- 1820.3 A statement of the official School Committee position on a given issue (as determined by vote of the School Committee) will be given only by the chairperson who is the spokesperson for the School Committee. The chairperson of the School Committee may call upon the Superintendent to assist in preparing news releases and public statements about School Committee policies and operations. The Superintendent, in order to keep the public informed, may issue news releases about the educational programs of the schools.
- 1820.4 In order that school district publicity is given wide coverage and is coordinated into a common effort and purpose, the following procedures will be followed in giving official information to the news media:
- 1820.4.1 The School Committee Chair will be the official spokesman for the Committee, except as this duty is delegated to the Superintendent.
 - 1820.4.2 News releases that are of a system-wide or a sensitive nature or pertain to established Committee policy are the responsibility of the Superintendent.
 - 1820.4.3 News releases that are of concern to only one school, or to an organization of one school, are the responsibility of the Principal of that particular school. All statements made to the press by other staff members of the particular school must be cleared with the Principal.

Reference:

¹ General Laws, Chapter 39, Section 23A

Adopted: May 8, 1973

Reviewed: November 18, 1991

Reviewed: September 12, 2006

Reviewed: Jan. 25, 2010

Amended: Jan. 13, 2020

Berkley Public Schools

ADVERTISING IN THE SCHOOLS

Policy #1825

The School Committee may grant permission for advertising of commercial products or services in school buildings or on school property under guidelines or regulations it may approve. Otherwise, no advertising of commercial products or services will be permitted in school buildings or on school property. Publications of the school district will not contain any advertising. However, this will not prevent advertising in student publications that are published by student organizations, subject to administration controls, or the use of commercially-sponsored, free teaching aids if the content is approved by the administration.

Solicitation of sales or use of the name of the school district to promote any product will not be permitted by the Committee.

SOURCE: MASC October 2016

CROSS REF.: JP, Student Gifts and Solicitations
[KHA](#), Public Solicitations in the Schools

Adopt: Dec. 16, 2019

DEVELOPMENTAL ACTIVITIES OF SCHOOL COMMITTEE MEMBERS

Policy #1900

To provide continuing in-service training and development for its members, the School Committee encourages the participation of all members at appropriate School Committee conferences, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Committee establishes these principles and procedures for its guidance:

- 1900.1 The School Committee shall be made aware of School Committee conferences, conventions and workshops. The Committee will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school system.
- 1900.2 Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Committee will designate which of its members would be the most appropriate to participate at a given meeting.
- 1900.3 Reimbursement to Committee members for their travel expenses will be in accordance with the travel reimbursement policy.
- 1900.4 When a conference, convention, or workshop is not attended by the full Committee, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

SOURCE: MASC July 2016

LEGAL REFS.: M.G.L. 40:5

Adopted: May 8, 1973
Reviewed: November 18, 1991
Amended: March 16, 1998
Amended: October 16, 2006
Reviewed: Jan. 25, 2010
Amended: April 9, 2018

ORIENTATION OF NEW MEMBERS

Policy #1910

In accordance with the requirements of law, each new School Committee member elected to the School Committee is required to complete, within one year of their election or appointment, at least eight hours of orientation training. This orientation shall include, but is not limited to, a review of School Finance, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Special Education Law, Collective Bargaining, School Leadership Standards and Evaluations, and the Roles and Responsibilities of School Committee Members.

The School Committee and Superintendent shall assist each new member to understand the Committee's functions, policies and procedures of the Committee as soon after election as possible. Each new member shall be given or provided direct online access to the following materials:

- a. School Committee policy manual,
- b. open meeting law,
- c. ethics/conflict of interest regulations,
- d. district's budget,
- e. collective bargaining agreements and contracts,
- f. student and staff handbooks.

The Chair and/or Superintendent shall also clarify policies concerning:

- a. arranging visits to schools or administrative offices,
- b. requesting information regarding school district operations,
- c. responding to community requests/complaints concerning staff or programs,
- d. handling confidential information.

Whether appointed or elected, new members should be advised that they are members of the Massachusetts Association of School Committees, Inc. and should be encouraged to utilize the services and resources MASC provides by attending meetings or workshops specifically designed for new Committee members. Their expenses at these meetings or workshops will be reimbursed in accordance with established School Committee policy.

SOURCE: MASC July 2016; LEGAL REF.: M.G.L. [71:36A](#)

Adopted: May 8, 1973

Reviewed: November 18, 1991

Amended: December 18, 2006

Reviewed: Jan. 25, 2010

Amended: March 19, 2018