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Policies and Procedures Minutes 12/11/2007

Approved January 4, 2008

*Arlington School Committee
Policies and Procedures Subcommittee
December 11, 2007*

Members present:

Ron Spangler, Chair
Sean Garballey
Jeff Thielman

The meeting was called to order at 8:35 AM.

1. Approval of Minutes, November 13, 2007

On a motion by Mr. Thielman, seconded by Mr. Spangler, it was voted 2-0 to approve the minutes of November 13, with Mr. Garballey abstaining.

2. Old business

Subcommittee discussed the May motion of the full committee directing the subcommittee to draft a warrant article to change the zoning bylaw to permit outdoor advertising at Peirce Field. This has been on hold since May awaiting the report of the Budget subcommittee on the estimated revenue to be gained. Passage of a zoning bylaw change will be difficult, and the subcommittee wants to know if the effort is worthwhile. Mr. Thielman reminded Mr. Garballey that the article would have to be voted by the full committee by January 8th, so Budget's recommendation is urgently required.

3. Philosophy/vision/mission policies (AD, AD-E, ADA, ADA-E)

This was a continuation of the discussion begun at the October 29th meeting.

Mr. Spangler presented a review of the structure of these policies from ten other districts. Five of the ten districts have only one such policy, coded AD, covering general philosophy and vision. One has no policies ADx at all. Of the other four, only one district has as many sub-policies as Arlington. Most (like Arlington) closely follow the Mass Ass'n of School Committee (MASC) templates.

Mr. Spangler also reported on his discussion with the Superintendent, who suggested that vision and mission statements are good, but do not belong in the policy book.

Mr. Thielman made the following motion, which was seconded by Mr. Garballey.

MOVED: To delete policies ADA, AD-E, and ADA-E, and to replace policy AD in its entirety with a policy titled "Vision and Mission," to include the district vision statement adopted by the committee at its June retreat as paragraph 1, and as paragraph 2 language requiring preparation of a district mission statement for approval by the school committee.

This motion was adopted by unanimous vote. See **Exhibit A** for the draft policy to be presented to the full committee.

Mr. Garballey expressed an interest in expanding the vision statement, but agreed with the other members that this is outside of the scope of the subcommittee's efforts in this area, and that changes should be pursued with the full committee at its next

retreat.

4. **Online policy manual**

Mr. Spangler reminded the subcommittee that two alternatives have been identified for improving the usability of the online policy manual: 1) using the MASC Policy-21 service, or 2) doing it in-house.

The IT department has submitted a draft revision to the subcommittee for review. Several drawbacks were identified by the subcommittee.

The simplest and fastest solution seemed to be using the MASC service. With the dire budget situation identified for FY09, however, the subcommittee felt that even a small \$3500 expenditure on this was unwise.

Mr. Spangler will go back to Steve Mazzola and ask if the identified shortcomings with the in-house revision can be addressed.

5. **Revised CORI policy (ADDA) from MASC**

Mr. Spangler presented a revision to the CORI policy that the MASC recommended in 2005 to follow new regulations adopted by the Commonwealth, but which is not part of Arlington's policy. The Superintendent has reviewed this and has no objections. The revised policy, with the explanatory cover letter from MASC, is attached hereto as Exhibit B.

On a motion by Mr. Thielman, seconded by Mr. Garballey, it was voted 3-0 to recommend this revision to the full committee.

6. **AE, BA, BAA, BBA – review actions from 10/29 meeting**

· Policy AE: *Commitment to Accomplishment*. Mr. Spangler reported that this appears to be a MASC template, used by many districts, which Arlington adopted in 2000-01 working with MASC. While it seems inconsistent with Ed Reform, the date of adoption suggests otherwise.

The subcommittee discussed the necessity of this policy, given that it is generic and state the obvious. (If we didn't have a policy, would the district not be committed to accomplishment?)

On a motion by Mr. Thielman, seconded by Mr. Garballey, it was voted 3-0 to recommend to the full committee that policy AE be deleted.

· Policy BA: *School Committee Operational Goals*. Same comment as above, but the subcommittee recommends keeping it.

· Policy BAA: *Evaluation of School Committee Operational Procedures*. This also appears to be a MASC template. The subcommittee had previously discussed adopting a self-evaluation instrument, and Mr. Thielman had described failed attempts to do so in the past. An alternative presented by Mr. Spangler was to engage a third-party facilitator to lead an exercise focused on making us a better school committee. Mr. Thielman said this had been done in the past, aided by MASC, and recalled that a self-evaluation instrument was used at that time. He will find that instrument and present it to the subcommittee for review at a future meeting.

· Policy BBA: *School Committee Powers and Duties*. The subcommittee agreed that this policy is central to its authority, and that it needs a more thorough review with the intent of clearly laying out what powers the committee expressly reserves for itself, under Mass General Law. Mr. Thielman had previously expressed desire for the committee not to approve principals' contracts in the future, but Mr. Spangler and Mr. Garballey had disagreed. Mr. Thielman today raised the problem that committee review and approval of contracts is not consistent. The subcommittee agreed to the following course of action:

1. Mr. Spangler to review MGL 71:37 and summarize
2. Mr. Spangler to review other districts' policy BBA
3. All members to review Arlington's BBA
4. Subcommittee to revise BBA as needed at a future meeting

7. **New business**

None

8. **Next meeting**

Tentatively set for Monday, Dec. 17th at 4:30pm, pending members' schedule checks

9. **Adjourn**

On a motion by Mr. Thielman, seconded by Mr. Garballey, it was voted 3-0 to adjourn at 9:28am.

VISION AND MISSION

Vision for the Arlington Public Schools

All students will achieve at their full social, emotional, creative and academic potential, and will be prepared for higher level academics, workforce success, active citizenship and life-long learning.

Mission of the Arlington Public Schools

The School Department will prepare a mission statement, consistent with the above vision, for approval by the School Committee. This mission statement will be reviewed from time to time, at least once every five years, and updated as needed.

Individual schools in the district are encouraged to adopt their own mission statements, consistent with that of the district, but these will not require approval by the Committee.

October 11, 2005

Dear School Committee Members:

Each year, there are new regulations and laws that affect schools and school districts. In addition, there are important amendments made to current statutes and regulations. This issue of MASC Policy News addresses a recent amendment to an existing regulation. Effective June 30, 2005, the Criminal History Systems Board (CHSB) implemented new regulations pursuant to the requirements in Chapter 149 of the Acts of 2004.

The new regulations contain the following requirements:

1. Prior to requesting Criminal Offender Record Information (CORI), certified agencies must collect additional information from applicants by using the new CORI request form (attached) to verify his or her identity.
2. Certified agencies must provide applicants the opportunity to dispute the accuracy or relevance of a CORI report prior to making an adverse decision based on the information within a CORI report.
3. CORI authorized personnel of certified agencies are required to meet new administrative responsibilities and understand and comply with the agency's certification to access CORI.

The enclosed policy, FILE: ADDA – C.O.R.I. Requirements, identifies the changes in policy as underlined text. In addition, new administrative guidelines have been developed as required (FILE ADDA-R). An information page has been developed to assist school districts in informing applicants of the process for disputing any information contained within their CORI report (FILE ADDA-E-1).

Please feel free to call me with any questions.

Yours truly,

James Hardy
Field Director – Policy Services

C.O.R.I. REQUIREMENTS

It shall be the policy of the Arlington Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

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

Pursuant to a Department of Education C.O.R.I. Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.”

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

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

1 of 3
File: ADDA

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

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the

applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see attachment) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

2 of 3
File: ADDA

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

CROSS REF: File: ADDA-R C.O.R.I. Requirements
File: ADDA-E C.O.R.I. Requirements

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First Reading 1/8/2008, second Reading scheduled for 1/22/08