

## MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A § 20 Act relative to extending certain COVID-19 measures adopted during the state of emergency

### Marblehead School Committee

Name of Board or Committee

Zoom Conference join via the web link or Dial in

**Link:** [https://marbleheadschoo-  
org.zoom.us/j/98220391510?pwd=SkIxUnIycnFLOGNZa2pBcjl2TU55UT09](https://marbleheadschoo-<br/>org.zoom.us/j/98220391510?pwd=SkIxUnIycnFLOGNZa2pBcjl2TU55UT09)

**Meeting ID:** 982 2039 1510

**Password:**835546

Dial in Phone 1-646-558-8656

<b>Wednesday</b>	<b>September</b>	<b>7<sup>th</sup></b>	<b>2022</b>	<b>7:00pm</b>
Day of Week	Month	Date	Year	Time

**Agenda or Topics to be discussed listed below** (That the chair reasonably anticipates will be discussed)

I. Initial Business

- a. Call to Order
- b. Commendations
- c. Public Comment

II. Consent Action and Agenda Items

- a. Minutes- 6/8/2022, 6/13/2022 and 6/16/2022 (Vote)
- b. Appointment of School Nurse(s) (Vote)

III. Superintendent Report

- a. Opening Day Update
  - i. District Updates-*Company-Thought Exchange*
- b. Metropolitan Council for Educational Opportunity, METCO- Director Introduction
- c. Kindergarten through 3<sup>rd</sup> Grade Scheduling Update-Brown and Glover School Principals

IV. School Committee and or Discussion Items

- a. Review and vote of policies and procedures: (Vote)
  - i. ac-nondiscrimination
  - ii. aca-nondiscrimination on the basis of sex
  - iii. acab-sexual harassment
  - iv. ac-r-nondiscrimination and harassment
  - v. Procedure for policy ij-r-reconsideration of instructional resources
  - vi. Title IX-Grievance Procedure

- vii. Civil Rights Grievance Procedure
- b. School Committee Protocols Review
- c. Review of Subcommittees and Meeting Dates Discussion
- d. Forum Topics and Dates Discussion

- V. Closing Business
  - a. New Business
  - b. Correspondence
  - c. Adjournment

**THIS AGENDA IS SUBJECT TO CHANGE**

Chairperson: Sarah Fox  
Posted by: Lisa Dimier  
Date: 9/1/2022



# MARBLEHEAD PUBLIC SCHOOLS

Office of the Superintendent

Dr. John J. Buckley

9 Widger Road,

Marblehead, MA 01945

phone: 781.639.3140 x10114

fax: 781.639.3149

**Memo To:** Marblehead School Committee















**From:** Dr. John J. Buckley

**Re:** Thought Exchange Information

**Date:** September 7, 2022

The District has contracted with a new platform called Thought Exchange to engage better our constituents and to provide an improved means beyond surveys and forums for obtaining input and insights. From their website:

- "Thought Exchange is the world's number one discussion management platform education leaders use to solve complex problems and consult communities quickly. Include more people in less time—without getting lost in the data."
- "Town halls are dominated by loud voices. Surveys, polls, and focus groups leave you buried in endless data. Capture every perspective, linguistic group, and even the quietest of voices with our anti-bias technology, patented analytics, and multi-language capabilities."

 <b>With Surveys</b>	 <b>With ThoughtExchange</b>
 Take your best guess at responses people would choose from	 Give people the ability to answer in their own words, not pick the closest response
 Participants choose their responses based on what's top of mind	 Participants share their own answers and rate others, so you get a more accurate view of the group's priorities
 Make decisions based on the number of participants who choose an option	 Make decisions based on the highest-rated, most supported ideas—like a focus group on steroids
 Do focus groups to dig in further, and spend weeks or months buried in spreadsheets to aggregate and analyze data	 Built-in tools help you analyze and understand responses in minutes or hours
 Manually summarize the results into presentations or reports without transparency into the process	 Use automated reporting to export PDFs and slides, or share the conversation and results in real-time
 Schedule a new survey and focus groups to start burying yourself in a pile of spreadsheets...again	 Easily replicate and repeat the discussion at scheduled intervals to build a robust data set that can be efficiently cross-analyzed within the product



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We also consulted area MA Superintendents and Districts who have been using their platform for a variety of purposes.

1. “We have had it for a decade, I use it for everything. Parent feedback, in lieu of focus groups, within meetings as warm ups, for town meeting messaging ideas, and we are about to use it in our override for our town budget. We used it in covid to gauge understanding and worries. It saves so much time and energy.”
2. “We have been using Thought Exchange for just over a year. We think it is a good product, but there is definitely a learning curve for the community to get comfortable with it. One of our more successful attempts was related to ESSER III funding. I have attached the auto-generated slide deck for your review.”
3. “We started using TE in 2017 as a tool for our strategic plan we were developing at the time. It was very useful for that purpose. Since then, we have used it for situations where an online survey isn’t as good a match, particularly where you are trying to see what consensus might be. For example, in a Survey Monkey or Google Form report, every comment is “equal” in the sense that they’re all listed, but the level of agreement with comments can’t be discerned. Thought Exchange gives you a pretty clear picture of sentiments that the stakeholders agree with or don’t agree with. We used it for a controversy around our school mascot, for example.”



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# Welcome to ThoughtExchange

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[yasmine.mehtadi@thoughtexchange.com](mailto:yasmine.mehtadi@thoughtexchange.com)  
778-834-8947





The leading **discussion management** platform for leaders who need to solve complex problems and get stakeholders aligned, *quickly*.



# ThoughtExchange How it Works



## Scale group discussions, quickly

Leaders create an Exchange asking open-ended questions and share it widely



## Receive candid, unbiased answers

Participants confidentially answer questions and objectively rate other responses and ideas



## Learn what people think in real time

ThoughtExchange provides data-rich reports capturing top themes and thoughts



## Take decisive action that everyone supports

Leaders use ThoughtExchange insights to align groups, prioritize next steps and get ahead



# What's different about ThoughtExchange?



## Unlike meetings

Efficiently include and consider all voices with patented anti-bias technology



## Unlike surveys

Create many-to-many digital discussions to uncover novel insights



## Unlike polls

Support strategic prioritization and get buy-in across the district



## Unlike anything

Turn insights into objective data-driven decisions





# Solutions for Leaders in Education

## Align Strategy



Inform Strategic Plan



Plan & Allocate Budget



Validate Facilities & Capitals Plans

## Unlock Performance



Achieve Operational Excellence



Support Student Success



Optimize Large Meetings

## Strengthen Community



Commit to DE&I



Ensure Safety & Belonging



Enhance Staff Engagement

# Contact me



Yasmine Mehtadi  
**Account Executive**

yasmine.mehtadi@thoughtexchange.com

604-798-2757



[linkedin.com/yasminemehtadi](https://www.linkedin.com/yasminemehtadi)





**thoughtexchange**

<https://videos.thoughtexchange.com/watch/hCvk8ybsRHf5KH1XSW3d4d?>

**Teachers provided feedback last spring about the schedule and the following common themes in their feedback were addressed.**

**Longer WIN Block/ Consider moving to the morning**

The WIN block has been moved to the morning and is scheduled to be a 1/2 hour block. It will not be interrupted by transition time packing up at the end of the day. Tutors in Reading and Math will be available to help during the WIN time.

In Kindergarten, this will be in the afternoon as students complete centers and can have interventions during this time. This schedule allows math tutors to go into Kindergarten this year.

**Create a Snack/Read Aloud Time:**

Teachers may create this time within their schedule when it works best for them.

**Move the Math Block to the morning.**

Math block has moved to the morning or an earlier time for all grades.

**Transition Times**

We understand that students will take a few minutes to transition between classes.

**Movement Breaks:**

Fortunately, this year students are coming in unmasked and are able to be near one another. This allows for more group/ center based learning activities and opportunities for social engagement. If your class is working hard, you can keep moving. We know that you offer many social opportunities for students to engage throughout the day, however, if your class needs to take a movement break or a walk outside, you can use your discretion to do this. You know the needs of your students best.

**Recess times:**

Kindergarten has a morning and afternoon recess time.

First Grade has the earliest lunch so that they would have an early break. They have one class after lunch and then an afternoon specialist class, giving them multiple times for movement and socialization throughout the day.

Second Grade has specials in the morning which creates the morning motor break that they need.

Third grade has a longer morning, being the older students, they have more stamina. They have a longer mid day break with specialists and lunch/recess in the middle of the day. Classes may take a break time at your discretion during the longer morning block.

The lunch recess has been extended by five minutes as students.

**Other Curriculum Considerations:**

Writing, Science and Social Studies have been placed back to back because it lends itself to writing in these content areas.

Math/Reading Tutors will be able to help in WIN .

Special education teachers can go into math and reading for all grade levels as the schedule waterfalls.

Memo: School Committee

Re: Glover and Brown Schedule

We appreciate you reaching out for clarification on the schedule. As Marblehead principals, we worked together using teacher feedback from last year, and took great care to develop a PK-3 schedule. In collaboration with teachers, we used this feedback to create a schedule that works best for children. Some of the key components of teacher feedback was shifting the WIN (What I Need) Block to the morning for students as well as moving reading and math blocks to the morning time. This shift alleviates cutting WIN short due to the transition of dismissal in the afternoon time and will also allow our reading and math tutors more time to work with students in each grade. In addition, there has been time added into the Pre-K schedule for social emotional lessons with school counselors.

This schedule is well balanced with developmentally appropriate learning experiences provided for all students. Students in kindergarten have two recesses. In grades 1-3, the recess at lunch has been extended by five minutes. Teachers understand that at their discretion, based on the working environment of their individual classes, they may take another break during the day. This way, individual classes may keep moving if they have momentum or are engrossed in a learning activity. We trust teachers to make decisions about when their individual classes or students may need a break.

We both understand the importance of student engagement, specifically after a global pandemic. We spoke about the schedule tweaks in our last video to parents and will continue moving forward to share information and updates with parents. We understand that our Marblehead families do not know us well yet. Moving forward, we hope you will trust that we are always looking with a lens of what will best benefit children of Marblehead.

On September 29th, both Glover and Brown will have an Open House from 5:30-7PM. At this time, the classroom teachers will share information about the curriculum and daily schedule.



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Office of the Superintendent  
John J Buckey, Ed.D  
9 Widger Rd.  
Marblehead, MA 01945  
781.639.3140 x10114

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To: Marblehead School Committee

From: John J. Buckey

Re: Policy Revisions

Date: August 26, 2022

The policy revisions included below are recommended by legal. Due to the revisions pertaining to policy ac-nondiscrimination, it has been recommended that policies ACAB, ACA and AC-R be rescinded. A revised policy for ac-nondiscrimination is included along with outlined grievance procedures pertaining to Title IX and Civil Rights. Also included is a new procedure for the reconsideration of library materials.

#### **Adopt Grievance Procedures for Title IX and Civil Rights**

Ensures that the District administration will be able to amend them as necessary when changes in the law occur or in response to further guidance issued by the MA DESE and/or the US DOE

#### **Revise Policies to Align with Adopted Procedures**

Ensures they are in accordance with 2020 Title IX Sexual Harassment regulations and the FBI's Uniform Crime Reporting System (the definitions utilized by the U.S. DOE for purposes of the current Title IX regulations)

1. **Replace Policy AC - Nondiscrimination** with the attached Draft Revised Policy AC  
The Draft Revised Policy AC will comprehensively set out the District's prohibition of discrimination and harassment based on all protected categories
2. **Rescind Draft Policy ACAB Revised - Sexual Harassment**  
This Policy would be replaced with the Title IX Grievance Procedures to be approved in accordance with Draft Revised Policy AC
3. **Rescind Policy AC-R - Nondiscrimination and Harassment Prevention**  
This Policy would be replaced with the General Civil Rights Grievance Procedure to be approved in accordance with Draft Revised Policy AC
4. **Rescind Policy ACA - Nondiscrimination on the Basis of Sex**  
The attached Draft Revised Policy AC will comprehensively set out the District's prohibition of discrimination and harassment based on all protected categories

#### **Adopt Procedure for Reconsideration of Library Materials (IJ-R)**

Revise Policies as Necessary to align with adopted procedure



## Civil Rights Grievance Procedure

The Marblehead Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age and/or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Civil Rights Grievance Procedure is unlawful and will not be tolerated by the Marblehead Public Schools.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school district administration, subject to applicable procedural requirements.

### **Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations**

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District’s *Title IX Sexual Harassment Grievance Procedure*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedure*.

[https://www.marbleheadschoools.org/sites/g/files/vyhlf841/f/uploads/marblehead\\_draft\\_policy\\_a\\_cab\\_revised\\_jf-for\\_9.17.20\\_vote.pdf](https://www.marbleheadschoools.org/sites/g/files/vyhlf841/f/uploads/marblehead_draft_policy_a_cab_revised_jf-for_9.17.20_vote.pdf)

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

### Definitions

For the purposes of this Procedure:

- A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an

individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school district.

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) 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.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for

employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.
- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Principal: The Principal or Principal's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

#### How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or applicable Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or

retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the “reporter.”

- A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.
- D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

- E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.
- G. Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency

investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator.. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
  1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
  2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
  3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
  4. The investigator will keep a written record of the investigation process.
  5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
  6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
  7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, Marblehead Public Schools, 9 Widger Road, Marblehead, Massachusetts 01945. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinators for complaints of discrimination, harassment, and retaliation under this Procedure is:

Dr. Paula Donnelly, Director of Student Services  
781-639-3140 x10106; [donnelly.paula@marbleheadschoools.org](mailto:donnelly.paula@marbleheadschoools.org)

Nan Murphy, Assistant Superintendent of Schools  
781-639-3140 x10117; [murphy.nan@marbleheadschoools.org](mailto:murphy.nan@marbleheadschoools.org)

N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location](https://www.eeoc.gov); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination](https://www.mass.gov/orgs/massachusetts-commission-against-discrimination).

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.



# Title IX Sexual Harassment Grievance Procedures

## OVERVIEW

The Marblehead Public Schools is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Marblehead Public Schools.

## SCOPE

The Title IX Sexual Harassment Grievance Procedures have been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedures apply to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedures. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedures. (See exception under Section II, Part 4, Step 4

below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedures.

The District's Civil Rights Grievance Procedures is available at: [\[insert link to Civil Rights Grievance Procedures\]](#).

### CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

### DEFINITIONS

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

**Formal Complaint:** A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the District investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

**Sexual Harassment:** Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

**Sexual Assault:** Under Title IX, the term "sexual assault" means an offense classified as a sex offense under the Uniform Crime Reporting System's National Incident-Based Reporting System. This includes Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse (Incest and Statutory Rape). For the purposes of the definition of sexual assault, the term "consent" shall be defined in a manner consistent with Massachusetts laws.

- Rape: (except Statutory Rape) the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sodomy: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object: to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent’s designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

## I. REPORTING SEXUAL HARASSMENT

A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.

B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District

employee who receives a report of sexual harassment will respond to the report as outlined below.

- C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

- (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
  - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
  - (3) Consider the complainant's wishes with respect to supportive measures;
  - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
- (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

## II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

**Step 1:** Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Step 2:** Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

**Step 3:** Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District

shall provide notice of the additional allegations to the parties whose identities are known.

**Step 4:** Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
  - a. even if proved, would not meet the definition of sexual harassment under Title IX;
  - b. did not occur in an education program or activity of the District; or
  - c. did not occur against a person in the United States.
- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
  - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
  - b. the respondent is no longer enrolled or employed by the District; or
  - c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

**Step 5:** Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).

- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

**Step 6:** Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

**Step 7:** Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy,



within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

**Step 8:** Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

**Step 9:** Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
  - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
  - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.<sup>1</sup>
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

**Step 10:** Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be

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<sup>1</sup> The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.

- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
  - (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
  - (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
  - (5) The written determination must be sent simultaneously to both parties.
  - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- C. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this procedure until after this grievance process has been completed.
- E. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

- (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
- (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

- F. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.
- G. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
  - (1) procedural irregularity that affected the outcome of the matter;
  - (2) newly discovered evidence that could affect the outcome of the matter; and/or
  - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual

harassment in accordance with this procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Superintendent, Marblehead Public Schools, 9 Widger Road, Marblehead, Massachusetts 01945.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.
- K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
  - Title IX Coordinator: **[insert Title, Name, Contact including email]**
  - Investigator(s): **[insert Titles, Names, Contact]** – *possible individual(s) to serve as the investigators would be the Title IX Coordinator, Assistant Principal or Title IX Coordinator's designee. We recommend that both the Principal and Assistant Principal be trained in this role to provide flexibility in conducting the investigation with limited staff. Keep in mind, however, if the Principal is the investigator, he/she cannot then serve as the decision maker.*
  - Decision-maker(s): **[insert Titles, Names, Contact]** *possible individual(s) to serve as the decision-maker would be the Principal or Principal's designee (neither the Investigator nor the Title IX Coordinator can serve in this role).*
  - Appeal Officer: **[insert Title, Name, Contact]** *possible individual(s) to serve as the appellate review would be the Superintendent or designee. Or Assistant Superintendent*

- Informal Resolution Facilitator: **[insert Title, Name, Contact]** possible individual(s) to serve to facilitate the informal resolution process would be the Director of Guidance, Assistant Superintendent, or Director of Student Services. The Title IX Coordinator may serve in this role so long as he/she is free from bias/conflict. If the Title IX Coordinator is serving as the investigator, we do not recommend that he or she serve as Informal Resolution Facilitator.

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the District's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

## NON-DISCRIMINATION AND HARASSMENT

File: AC

The Marblehead Public Schools does not tolerate discrimination against students, parents, employees, or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, homelessness, religion, age, pregnancy or pregnancy status, or any other category protected by state or federal law. The Marblehead Public Schools is also committed to maintaining a school environment free of harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, homelessness, religion, age, pregnancy or pregnancy status, immigration status, or any other category protected by state or federal law. In addition, the District provides equal access to all designated youth groups.

The Marblehead Public Schools' policy of non-discrimination 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 employment, admission to a public school of the District, 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, sexual orientation, age, homelessness, disability or immigration status.

The Superintendent shall designate at least one administrator to serve as the compliance officer for the District's non-discrimination policies in education-related activities, whose duties will include, but not be limited, to responding to inquiries related to Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Act; M.G.L. c. 76, § 5; M.G.L. c. 151B and 151C; and 603 C.M.R. § 26.00. In accordance with Title IX, any inquiries about the application of Title IX to the District may be directed to the District's Title IX Coordinator and/or the Assistant Secretary of the U.S. Department of Education.

The Superintendent shall also adopt and publish one or more grievance procedures for addressing reports of discrimination, harassment and/or retaliation under the protected classes identified in this policy. Any complaint of discrimination or harassment pursuant to the above statutes may be filed in accordance with the relevant District grievance procedure.

The student handbooks, grievance procedures, and the District's website shall identify the name and/or title, office address, email address, and telephone number for the compliance officer(s) for the above-referenced non-discrimination statutes and this Policy.

ADOPTED:

REVISED:

LEGAL REFS.: Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C.1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, §§ 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.03 as amended by Chapter 199 of the Acts of 2011; MLG c.71, § 370; 42 USC § 2000c et seq.; 42 USC § 2000d et seq.; 20 USC § 1701 et seq.; M.G.L c. 71, § 84.

## **SEXUAL HARASSMENT**

Sexual harassment of students or of employees by other students, employees, vendors and other third parties will not be tolerated in the Marblehead Public Schools (“District”). The alleged harassment must involve conduct that occurred within the school’s own program or activity, including at a location or under circumstances where the school owned, or substantially controlled, the premises; exercised oversight, supervision or discipline over the location or participants; or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred; and must have occurred against a person in the United States. This policy is in effect while students are on school grounds, District property or property within the jurisdiction of the District, on school buses, or while attending or engaging in school-sponsored activities.

Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

The District will promptly and reasonably investigate allegations of sexual harassment through designation of a Title IX Coordinator and building based employees, as set forth below

**Sexual harassment** is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity. It also includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and,

- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and, following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment. For example, conduct that constitutes harassment other than sexual harassment, bullying, violation of the student discipline code or school district workplace rules, unlawful discrimination, hazing, or student misconduct statutes, will be investigated and addressed under the District relevant policies and the applicable laws.

A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or a violation of this policy.

Retaliation against a complainant because the complainant has filed a sexual harassment complaint or assisted or participated in a sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

### **NOTICE OF SEXUAL HARASSMENT**

The regulations require a school district to respond when the district has actual knowledge of sexual harassment. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction, whether or not the complainant files a formal complaint. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.



Upon receipt of allegations the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant that supportive measures are available with or without the filing of a formal complaint, and explain the process for filing a formal complaint. Supportive measures include, but are not limited to, non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school building/campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the building/campus, and other similar measures.

Where there has been a finding of responsibility, the regulations require remedies designed to restore or preserve access to the school's education program or activity.

### **DUE PROCESS PROTECTIONS**

Due process protections in connection with investigation and decision-making regarding a complaint include the following:

- 1) If the allegations do not meet the definition of sexual harassment or do not satisfy the requirements regarding location or connection to an educational program of the school district, the allegations shall be dismissed for purposes of Title IX, but may be investigated and addressed under other prohibitions in the student discipline code, relevant collective bargaining agreements or other laws under which they fit;
- 2) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 3) A complainant's wishes with respect to whether the school investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;
- 4) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 5) Proof by a preponderance of the evidence, subject to limitations;
- 6) The opportunity to test the credibility of parties and witnesses through disclosure of evidence and opportunity to submit additional questions, subject to "rape shield" protections;
- 7) Written notice of allegations and an equal opportunity to review the evidence upon filing a formal complaint;
- 8) An objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoidance of credibility determinations based on a person's status as a complainant, a respondent, or a witness;

- 9) Title IX Coordinators, investigators, and decision-makers must be trained and free from bias or conflict of interest;
- 10) A right to appeal from a determination regarding responsibility and from a dismissal of a formal complaint or the allegations therein, where the determination or dismissal involved any of the following: procedural irregularity that affected the outcome; newly-discovered evidence that could affect the outcome; or the Title IX Coordinator, the investigator, or the decision-maker had a conflict of interest or bias that affected the outcome;
- 11) As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a formal sexual complaint, but no such informal resolution can be used where the allegations are that an employee sexually harassed a student.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Title IX Coordinator(s) in the District are Nan Murphy, Assistant Superintendent, 9 Widger Road, Marblehead, MA 01945, 781-639-3140 and Eric Oxford, Director of Student Services, 9 Widger Road, Marblehead, MA 01945, 781-639-3140. The Title IX Coordinator or the school building Principal shall be the initial entity to receive the sexual harassment complaint. In all cases the Title IX Coordinator shall be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. An employee with actual knowledge of conduct that may violate this policy must report to the Title IX Coordinator.

The District may remove a respondent on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The District will provide the respondent with written notice and an opportunity to challenge the decision immediately following the removal in accordance with any applicable laws, collective bargaining agreements and student handbooks.

## **INVESTIGATIONS**

The investigating officer shall be an Assistant Principal in the building or other appropriate administrator designated by the Principal. The Investigating Officer(s) in the District are Michele Carlson Assistant Principal, Marblehead High School 2 Humphrey St, Marblehead, MA 01945, 781-639-3100 and Stephen Gallo, Assistant Principal, the Village School, 93 Village St. Marblehead, MA 01945, 781-639-3159. The investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the complainant, with the respondent, and with witnesses. The investigator shall give the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence; shall give each party the same opportunity to select an advisor of the party's choice who may, but need not be, an attorney; shall send written notice of all interviews or meetings; shall send to the parties evidence directly related to the allegations, in

electronic form or hard copy, with at least ten (10) school days for the parties to inspect, review, and respond; and shall prepare and submit an investigative report that fairly summarizes the relevant evidence to the decision-maker, who shall be the Principal or his/her designee (other than the investigator).

The investigator shall strive to complete investigations within twenty-five (25) school days of the filing of the formal complaint or resumption of the investigation after an unsuccessful information resolution meeting.

During the investigation, the investigator shall take the following steps:

- 1) The investigator will interview the complainant to obtain a clear understanding of that complainant's allegations within five (5) school days of the filing of the formal complaint provided that the complainant is available to be interviewed by the investigator.
- 2) The investigator will interview the respondent to obtain a response to the complainant's allegations from the respondent within five (5) school days of the interview with the complainant provided that the respondent is available to be interviewed with the investigator.
- 3) The investigator will interview witnesses identified by the complainant or respondent within five (5) school days of being identified as a potential witness by the complainant or respondent provided the witness is available. The investigator will interview witnesses as the investigator deems necessary.
- 4) The investigator will hold as many meetings or interviews with the parties and any witnesses as is necessary to make factual findings.

The timelines above are subject to the District's goal to complete investigations generally within twenty-five (25) school days but may be extended for good cause upon written notice to the complainant and respondent. The timeline for investigation may be suspended during any informal resolution procedure or meeting. Each party is entitled to be accompanied in interviews by an advisor, who may be a parent/guardian or an attorney, but who may only have limited participation in interviews. Translators will be provided upon request.

After all interviews are conducted and evidence is obtained, the parties and if applicable, their advisors, will have an equal opportunity to inspect, review and respond to any evidence obtained. Prior to completion of the investigative report, the investigator will send each party all evidence subject to inspection and review and provide each party at least ten (10) school days to provide a response to the investigator. Evidence to be shared may be redacted to protect confidential information under the Family and Educational Rights and Privacy Act ("FERPA") or other federal or state laws and regulations.

The investigator will draft an investigation report that fairly summarizes the relevant evidence including, but not limited to, interviews with parties and witnesses, written evidence, audio/video recordings, and site visits. The investigator will provide the decision maker, with a report

including all evidence obtained during the course of the investigation. The decision-maker shall upon receipt send the report in electronic format or hard copy to the parties and their advisors with ten (10) school days for the parties to respond, including submitting written relevant questions that each party wants asked of a party or witness, subject to the protections of the Rape Shield Law. Before reaching a determination, the decision-maker shall provide to the parties the answers to the submitted questions and the opportunity for limited follow up questions.

## **DETERMINATIONS**

The decision-maker shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The Decision-maker(s) in the District are the individual building principals.

The decision maker assigned will have no conflicts with or biases against either the complainant of the respondent and the decision maker will not be the Title IX Coordinator assigned in the matter or the investigator for the complaint. The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances. If the decision maker substantiates the allegations of sexual harassment, the decision maker may recommend or impose discipline against the respondent. If the decision maker does not substantiate the allegations of sexual harassment, the complaint will be dismissed.

The written determination shall include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence; (3) findings of fact supporting the determination; (4) conclusions as to whether District policies were violated; (5) a statement of the result of each allegation, including a determination regarding responsibility, disciplinary action to be imposed on the respondent, and whether remedies designed to preserve equal access to the District's education program or activity will be provided to the complainant; and (6) the District's procedures and permissible bases for appeal. Confidential student record information and personnel information may be redacted consistent with and as required by state and federal law. The decision-maker shall provide the written determination to the complainant(s) and respondent(s).

## **APPEALS**

Appeals must be submitted to the Title IX Coordinator within five (5) school days of receipt of the written determination and contain a written statement in support or challenge of the outcome. The Appeal Officer in the District is Dr. John J. Buckey, Superintendent of Schools, 9 Widger Rd, Marblehead, MA 01945, 781-639-3140.

When an appeal is filed, the District shall notify the other party and ensure that the individual deciding the appeal is not the same person as the decision maker who reached the determination

regarding responsibility and that the individual has no conflicts of interests and is free of bias. The non-appealing party shall have five (5) school days from the date of receipt of the notice of the appeal to submit a written statement to support or oppose the outcome.

The individual deciding the appeal shall issue a written decision describing the result of the appeal and rationale for the decision and provide the decision to both parties generally within ten (10) school days of receipt of the non-appealing party's written statement, or in the event no statement is submitted, the date the statement would have been due.

## **RECORD KEEPING REQUIREMENTS**

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108.  
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109.  
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A  
Title IX of the Education Amendments of 1972  
BESE 603 CMR 26:00  
34 CFR 106.44 (a), (a)-(b)  
34 CFR 106.45 (a)-(b) (1)  
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

SOURCE: MASC July 2020

Marblehead Public Schools -Approved 9/17/2020

RECOMMEND

## **NONDISCRIMINATION ON THE BASIS OF SEX**

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

LEGAL REFS.: Title IX of the Education Amendments of 1972  
45 CFR, Part 86, (Federal Register, 6/4/75)  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
BESE 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

SOURCE: MASC/Marblehead

*Marblehead Public Schools - Approved 10/18/18*

RECEIVED



## NONDISCRIMINATION AND HARASSMENT PREVENTION

Any student or employee of the District who feels that he or she has been discriminated against or subjected to harassment for any of the reasons cited in section AC above, or who becomes aware of an incident of such discrimination or harassment, should utilize the following procedure to report the incident (complaints of sexual harassment should be reported and will be processed as set forth in section ACAB):

### Complaint Procedure

1. Report the incident(s) to a trusted staff member or to any grievance officer. Staff members who become aware of an incident of possible sexual harassment must immediately notify a grievance officer. All complaints shall be investigated promptly. Absent extenuating circumstances, the District strives to complete investigations within thirty (30) working days of receipt of the complaint. When more than thirty (30) working days is required for the investigation, the District shall inform the complainant(s) and respondent(s) that the investigation is still ongoing.
2. Where appropriate in light of the nature of the allegations and facts involved, the grievance officer may attempt to resolve the problem in an informal manner. If the grievance officer attempts to resolve the problem, he/she shall take the following steps:
  - a. The grievance officer will meet with the charging party in order to obtain a clear understanding of that party's allegations within five (5) working days of receipt of the complaint.
  - b. The grievance officer will attempt to meet with the charged party in order to obtain his/her response to the allegations within five (5) working days of meeting with the charging party.
  - c. The grievance officer will interview any witnesses within ten (10) working days of meeting with the charged party.
  - d. The grievance officer will hold as many meetings with the parties and any witnesses as is necessary to make factual findings.
  - e. The grievance officer will make a written record of all interviews and factual findings within five (5) working days of meeting with all witnesses.

The timelines above are subject to District's goal to complete investigations within thirty (30) working days, but may be extended in the event of extenuating circumstances, upon notice to complainant(s) and respondent(s).

On the basis of the grievance officer's assessment of the situation he/she may:

- Attempt to resolve the matter informally through reconciliation; or
- Report the matter and transfer the record for further assessment to:
  - In cases where the charged party is a student, the building Principal where that student attends school; or
  - In cases where the charged party is a staff member, the Superintendent or designee.

In either case, the grievance officer shall notify the parties of the transfer by certified mail.

3. Upon receipt of a matter from the grievance officer and after reviewing the record made by the grievance officer, the Principal or Superintendent or designee may attempt to gather any more information necessary to decide the case. At this stage, the parties may present witnesses and other evidence and may also be represented. At all times, the District will observe due process protections for the parties involved. Using the preponderance of the evidence standard, the Principal or Superintendent or designee will decide the case and impose any disciplinary action deemed appropriate. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters will remain confidential to the extent possible. If it is determined that conduct in violation of MPS policy has occurred, the District will act promptly to eliminate the offending conduct.
4. Upon receipt of a complaint against the Superintendent, the grievance officer shall immediately report the incident to the Chair of the School Committee. The Chair of the School Committee will designate an investigator to review the allegations and follow the above complaint procedure in investigating the allegations.

#### **Alternative Complaint Procedure**

In the case of more serious allegations (such as sexual assault or other sexual violence), the following process will apply in lieu of the Complaint Process described above:

Upon receipt of a complaint, the grievance officer shall immediately report the incident to:

- In cases where the charged party is a student, the building Principal where that student attends school; or
- In cases where the charged party is a staff member, the Superintendent or designee.

The Principal or the Superintendent or designee will determine the appropriate steps to investigate the matter, make findings of fact, and issue a decision. The grievance officer will be informed of all steps in the investigation and decision. At all times, the District will observe due process protections for the parties involved. Factual findings will be based on the preponderance of the evidence standard. All decisions that impose disciplinary action will include specific reference to the applicable policies on student and staff discipline. The actions taken by the District may include, but are not limited to, notifying appropriate law enforcement authorities.

#### **Interim Measures**

The District shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. The District will take interim measures to prevent retaliation against the reporting student and minimize the burden of such measures on complainants.

#### **Additional Information**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. 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 (OCR - 180 days; MCAD - 300 days).

- a) United States Department of Education Office for Civil Rights – Region 1  
J.W. McCormack Post Office and Court House

Post Office Square  
Boston, MA 02109 (617) 289-0111

- b) The Massachusetts Commission against Discrimination ("MCAD")  
One Ashburton Place - Rm. 601  
Boston, MA 02108 (617) 994-6000

SOURCE: MASC

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

# Procedure for Reconsideration of Library Materials

Despite the quality of the selection process, occasional objections to library materials may take place. The procedure for handling objections to library materials from parents/guardians of students from Marblehead Public Schools is as follows:

1. Challenged materials will remain available and lesson plans will proceed as scheduled until a final decision is made.
  - a. If an individual or group takes action to keep materials from remaining available to patrons, such as checking it out and failing to return it, the Superintendent or Superintendent's designee shall request, in writing, the return of the material. If it is not returned within 30 calendar days from the due date, a bill for the current replacement cost of the item shall be rendered to the party holding the item.
2. All library material concerns should be initiated with the building principal, who will inform the complainant of the formal library materials reconsideration procedure, provide the complainant with the Request for Reconsideration of Library Materials Form and attempt to resolve the concerns informally.
3. A request for reconsideration of library materials will not be considered pending until the complainant returns the Request for Reconsideration of Library Materials Form to the building principal. When a complainant returns the Request for Reconsideration of Library Materials Form to the building principal, the request will be reviewed by the building principal or principal's designee for sufficiency. A request for reconsideration may be dismissed by the principal or the principal's designee for insufficiency if: a) the Request for Reconsideration of Library Materials Form is incomplete; b) the complainant indicates that they have not read or viewed all of the challenged library material on the form; or, c) if the LMR Committee has reviewed the questioned library material and decided the material would remain in use relative to the same or substantially similar concerns in the last three school years.
4. If the building principal or principal's designee determines the complaint is sufficient, the principal will convene a Library Materials Reconsideration (LMR) Committee consisting of:
  - a. The principal at the school receiving the complaint
  - b. The library media specialist from the building where the complaint originated
  - c. One teacher from the building where the complaint originated
  - d. One PCO member from school where challenge originated
  - e. One school committee member
  - f. At the Principal's discretion, 2 students in grades 7-12 may be appointed.
5. The LMR Committee will read and examine the Request for Reconsideration of Library Materials Form, the referred materials, and then meet to discuss the material using reviews from professionally recognized sources and the criteria for selection. The LMR Committee will:
  - a. Keep in mind the freedom of inquiry
    - i. [Interpretations of the Library Bill of Rights](https://www.ala.org/advocacy/intfreedom/librarybill/interpretations)  
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations>
    - ii. American Library Association [Academic and Intellectual Freedom](https://www.ala.org/advocacy/intfreedom)  
<https://www.ala.org/advocacy/intfreedom>

- b. Study thoroughly all materials and read available reviews, standard re-evaluation aids and local holdings of other schools.
  - c. Committee should review an LMR report if one has been made elsewhere in the district on the same material.
  - d. Consider the materials as a whole rather than passages pulled out of context, and consider the literary merit of the materials.
  - e. Create a written report which includes both majority and minority opinions of LMR Committee members.
6. The LMR Committee members will decide within 10 calendar days of convening to review the request for reconsideration if the questioned material will remain in school use, be restricted or be removed. A written record of the meeting and decision will be given to the complainant and any other relevant parties, with a copy filed in the principal's office for a minimum of seven years.
7. The decision of the LMR Committee is binding at the grade levels or schools where the objection originated.
8. The complainant may appeal the LMR Committee's decision to the School Committee by written request to the School Committee within 10 calendar days of the LMR Committee's decision. If the School Committee does not receive an appeal within 10 calendar days of the LMR Committee's decision, the LMR Committee's decision is final and no longer eligible for appeal. Appeals filed after 10 calendar days of the LMR Committee's decision will be automatically dismissed and not reviewed by the School Committee. For timely appeals, the School Committee will review the complainant's original request for reconsideration, the LMR Committee report and decision, the complainant's appeal as well as the district's relevant policies and determine whether to uphold or overturn the LMR Committee's decision on whether the material shall remain in school use, be restricted or be removed. The School Committee will make a final determination in writing within 30 calendar days of receipt of the complainant's appeal. The district will notify the complainant of the appeal decision. The School Committee may consult with outside organizations such as the MA School Library Association and the American Library Association in making their final decision. While the complainant's appeal is pending, the LMR Committee's decision stands and will be enforced unless and until the School Committee issues a final decision overturning the LMR Committee's decision. Once the School Committee issues a final decision on the appeal, the material in question will remain, be restricted or be removed from the collection in compliance with the final decision of the School Committee.
9. If a challenged material has been reviewed and upheld, it may not be subjected to further reconsideration for three years from the date of the decision report for the same or substantially similar concerns.
10. Given that each consideration requires all members of the LMR Committee to read the entire book, if multiple books in the same school are challenged at the same time, one book will be evaluated at a time. Once a determination is made and the reconsideration is complete, the reconsideration procedure may begin for a subsequent challenge, and so on according to the order in which challenges were received.

# Request for Reconsideration of Library Materials

If you wish to request reconsideration of library resources, please return this completed form to the school principal. Please note that challenged material will remain in use and shall not be removed until the formal due process procedures have been completed.

In order for your challenge to be processed, you must respond fully and completely to all of the following questions:

Request Initiated by: \_\_\_\_\_

Telephone \_\_\_\_\_ email \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Parent/Legal Guardian of: \_\_\_\_\_

Which school does your child attend: \_\_\_\_\_

What brought this resource to your attention? \_\_\_\_\_

Date of the initial discussion/conference between requester and school principal regarding this material: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Request for Review

Title: \_\_\_\_\_ Type of Material: \_\_\_\_\_

Author: \_\_\_\_\_ Copyright Date: \_\_\_\_\_

Did you read or view all of the material? Yes \_\_\_\_\_ No \_\_\_\_\_

Please note that your challenge will be dismissed if you have not read or viewed the material in full. You may want to delay completion of this form until you have read/viewed the material completely. When you have read/viewed the material, please summarize it.

How does this resource NOT meet the [library selection criteria](#)? Please be specific.

Have you read professional reviews of this material? How has the material been assessed by educators and professional book reviews? Please identify which sources you reference.

What specific concerns do you have about the resource? Please provide page numbers or location of information in the material to support your concerns.

How do you perceive students would be impacted by this material? Please cite evidence.

Are there resources of equal educational quality and value which you would recommend to replace this resource? Please provide professional reviews.

What would you like the school to do about this material?

Signature of Requester: \_\_\_\_\_

Date: \_\_\_\_\_

Recommendation from LMR Committee:

Date: \_\_\_\_\_

LMR Committee member names and signatures:

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# MARBLEHEAD PUBLIC SCHOOLS

## Marblehead School Committee

9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140 x10114  
email: schoolcommittee@marbleheadschoools.org

**Sarah Fox**  
Chairman

**Emily Baron**  
Vice Chairman

**Sarah Gold**  
Committee Member

**Meagan Taylor**  
Committee Member

**Alison Taylor**  
Secretary

From original: The Marblehead School Committee values and views as our top priority the academic, social and emotional success of all students in our district. We agree to thoughtfully seek and support solutions that will provide the greatest benefit to students

## Who We Represent

1. We represent the educational and developmental needs and interests of all students in the district. We place their interests above all others in the decisions we make.

## How We Govern

1. We acknowledge that a School Committee meeting is a meeting of the School Committee that is held in public – not a public meeting.
2. We shall conduct business through a set agenda that should be connected to district goals. Emerging items shall be addressed in subsequent meetings through planned agenda items unless it is determined by the School Committee Chairperson that it would be detrimental to delay the issue until a subsequent meeting.
3. Requests to add items to an agenda by members shall be made to the Superintendent or the School Committee Chairperson in accordance with the law.
4. We shall strive to make each meeting effective and efficient giving each member an equal opportunity to express their views and opinions and to relay their input in a concise and topic-focused manner. No one member should monopolize the discussion. All remarks must be directed through the Chair. Remarks must be courteous in language and deportment.
5. We shall make decisions after considering data, the Superintendent's recommendations, proposals, and suggestions. We will engage in open-minded, respectful debate, vote our convictions, avoid bias, and uphold and support the decision of the majority of the Committee once a decision is made. We will explain the reasons for our votes.
6. We shall exhibit professional conduct and behavior.
7. We shall attend meetings well-prepared to discuss issues on the agenda and to participate in efficient decision-making.
8. When we are in committee we will remain in our committee member role throughout the meeting.
9. We shall ensure that we do not breach the open meeting laws by deliberating outside of duly convened meetings of the committee.
10. The School Committee welcomes respectful, thoughtful input from the public in shaping committee decisions. Public input at meetings may be made on items on the agenda, or otherwise at the discretion of the Chairperson.
11. We acknowledge the importance of subcommittees, and the Superintendent agrees to utilize them to focus on a specific topic in-depth and to prepare for presentation, deliberation and possible action by the full School Committee. We will agree on the appropriate School Committee participation on subcommittees.



# MARBLEHEAD PUBLIC SCHOOLS

## Marblehead School Committee

9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140 x10114  
email: schoolcommittee@marbleheadschoools.org

<b>Sarah Fox</b> Chairman	<b>Emily Barron</b> Vice Chairman	<b>Sarah Gold</b> Committee Member	<b>Megan Taylor</b> Committee Member	<b>Alison Taylor</b> Secretary
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12. School Committee members will maintain privileged information and respect the confidentiality of Executive Session.
13. Our actions shall be consistent with the core values of the district, and be consistent with our vision of a high class organization.
14. School Committee meetings will be guided by the Open Meeting law and Roberts Rules of Order.
15. The Superintendent of Schools and such staff as are needed to advise the Committee shall be seated at the Committee table.
16. School Committee members will familiarize themselves with and uphold all district policies. Specifically, policies relating to governance (BHC, BBAA, BIA, BHE, BCA, BDD).

## How We Treat Each Other

1. We shall debate the issues keeping an open mind to other member's opinions and/or positions.
2. We shall work to build trust between and among School Committee members, the Superintendent and the Administration by treating everyone with dignity and respect, even in times of disagreement.

## How We Communicate

1. It is the School Committee's responsibility to set a positive tone for the district.
2. The Superintendent and the School Committee recognize the importance of proactive communication. If School Committee members have questions or concerns, they agree to contact the Superintendent well in advance of a meeting. They agree that there will be no surprises.
3. We shall channel requests for information through the Superintendent and/or the School Committee Chairperson rather than directly to district staff or Town officials. Town officials shall channel requests for information through the Chairperson or Superintendent for consideration by the School Committee.
4. We shall provide full disclosure of information and not withhold information from other members.
5. We shall advocate for the public schools and public education as ambassadors of the school system by promoting support for public education and spreading the news of our success. We shall always strive to project a positive image.
6. We recognize the Chairperson, or her/his designee, as the official spokesperson of the School Committee, including, but not limited to, legal counsel and official media requests.
7. The Superintendent and the School Committee recognize the importance of working collaboratively with the community to improve our schools and we shall actively seek ways to enlist community support for our efforts.



# MARBLEHEAD PUBLIC SCHOOLS

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Marblehead, MA 01945  
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email: schoolcommittee@marbleheadschoools.org

**Sarah Fox**  
Chairman

**Emily Barron**  
Vice Chairman

**Sarah Gold**  
Committee Member

**Meagan Taylor**  
Committee Member

**Alison Taylor**  
Secretary

8. School Committee members acknowledge the importance of working collaboratively with town officials, but recognize when they attend meetings of other committees and boards they speak and act as individuals not for the committee as a whole and will disclose as such.
9. We will adhere to the MASC social media guidelines

## How We Will Improve

1. All new School Committee members will attend an MASC orientation session as soon as practicable, but within one year of being elected.
2. All members will be open to continued personal growth through participating in training opportunities in order to advance the work of our public schools.
3. We shall review and revise operating protocols annually through an annual workshop.
4. We shall develop and maintain a district new member orientation program.
5. We shall develop annual School Committee performance objectives, or goals, and appraise progress through regular self-evaluation.

## What Are Our Limits of Authority

1. We shall exercise leadership in vision, planning, policy, budgeting, evaluation of the Superintendent of Schools, and advocacy of the district, consistent with the law and district policies.
2. It is the Superintendent's responsibility to oversee personnel issues and to manage the day-to-day operations of the district. It is the School Committee's responsibility to evaluate the superintendent's effectiveness in these matters.
3. We shall recognize that authority rests only with the majority decision of the School Committee and we shall not make any independent commitments or take any independent actions that may compromise the School Committee as a whole.
4. We shall follow the chain of command (Teacher, Principal, Superintendent) and direct others to do the same.
5. Complaints and concerns regarding personnel will be directed to the Superintendent.
6. We shall not use our positions for personal or partisan gain.
7. We shall refer any important questions or concerns received from members of the community to the Superintendent. The Superintendent, not any School Committee member has the authority to investigate. The Superintendent shall provide committee members with his/her response. It is not the role of the School Committee to resolve issues.



# MARBLEHEAD PUBLIC SCHOOLS

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<b>Sarah Fox</b> Chairman	<b>Emily Barron</b> Vice Chairman	<b>Sarah Gold</b> Committee Member	<b>Meagan Taylor</b> Committee Member	<b>Alison Taylor</b> Secretary
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## What Happens When Things Go Wrong

1. We shall work together to clarify and restate discussions in order to strive for full understanding.
2. We recognize the importance of honoring our agreed upon operating protocols and we agree to take responsibility for reminding one another when we get off track.
3. We shall maintain fidelity to these commitments and will be held accountable by our fellow School Committee members should any of us fail to live up to these commitments. If a School Committee member or Superintendent violates any of the operating protocols, he/she will be referred to the Chairperson or in the case of the Chairperson to the Vice Chairperson.

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Sarah Fox, Chairperson

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Emily Barron, Vice Chair

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Alison Taylor, Secretary

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Sarah Gold, Committee Member

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Meagan Taylor, Committee Member

# PROTOCOLS AND BEST PRACTICES FOR EFFECTIVE SCHOOL COMMITTEE MEETINGS

An Annotated Review of Samples of Personal Norms,  
Statements of Principles and Beliefs, and Meeting Best Practices

MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES

2012-2013

### **A WORD ABOUT “NORMS AND BELIEFS”**

*School Committee members are elected public officials, selected by their fellow citizens to act in their interests and empowered to act as they see their duty to work for the children of their community. Although rules of order are essential to an effective public meeting, personal norms and protocols to guide individual or group behaviors are neither established in law nor subject to imposition by anyone outside the board itself. Many people think it is demeaning and condescending to attempt to prescribe behaviors on those whom the people have chosen to represent them, especially adults who are perfectly capable of managing themselves. MASC has encouraged effective School Committees to find their own balance and to encourage collegiality, diligence and diligence in their work. We respectfully offer these recommendations, based on the work of several Massachusetts School Committees, as voluntary guidelines to help make their meetings productive and effective. We have annotated most of these model norms, beliefs and protocols to put in perspective recommendations for model practices, noting that one person’s norms and protocols may be another person’s unwillingly imposed standards. Democracy demands the individual use one’s best judgment as one perceives it rather than succumbing to the will of another, whether it is resolving a matter of policy, fulfilling your fiduciary responsibilities, or providing leadership.*

### **SAMPLE NORMS AND BELIEFS**

#### **How We Govern**

1. We acknowledge that a School Committee meeting is a meeting of the School Committee that is held in public – not a public meeting, and we will make every effort to ensure that **Committee meetings are effective and efficient.**<sup>1</sup>
2. School Committee members agree to thoughtfully seek and support solutions that will provide the greatest benefit to students. Once the School Committee has taken action, **Committee members will support the official position of the School Committee.**<sup>2</sup>
3. It is the responsibility of the Superintendent to oversee the hiring, evaluation and handling of personnel issues; it is the responsibility of the School Committee to **evaluate the Superintendent’s effectiveness** in these matters.
4. We acknowledge the **importance of subcommittees**, and the Superintendent agrees to utilize them to focus on a specific topic in-depth and to prepare for presentation, deliberation and possible action by the full School Committee.
5. School Committee members agree to recognize and respect that their **authority exists when a quorum of the Committee meets and not as individual Committee members.**

<sup>1</sup> This is an important distinction because the public does not have an inherent right to speak or participate without recognition by the chair or entitlement through your municipal charter.

<sup>2</sup> Some individuals object to this provision because it stifles dissent and disagreement. It is important to note that “supporting the official position of the school committee” does not preclude principled disagreement or future attempts to change policy, but simply not to undermine the work of the majority’s policy of the district.

## How We Communicate

1. It is our responsibility to set the tone for the entire school system, and we will make every effort to promote a positive image for our school system. The Superintendent will be visible in the community, and **we will operate transparently and respectfully, maintain confidentiality, and respect the Open Meeting laws.**
2. The Superintendent and the School Committee recognize the importance of proactive communication and agree that **there will be no surprises.**<sup>3</sup> If School Committee members have questions or concerns, they agree to contact the Superintendent well in advance of a meeting.
3. We agree that discussion will be limited to the agenda, and **items will not be added to the agenda** unless it is determined by the Superintendent and the School Committee Chairperson that it would be detrimental to delay the issue until a subsequent meeting.<sup>4</sup>
4. The Superintendent will share an annual planning calendar with School Committee members. If a member wishes to add an item to a future agenda, he or she should make a request to the Superintendent or the School Committee Chairperson.<sup>5</sup> In turn, they will consult other members, as well as the **annual planning calendar to gauge interest and alignment.**
5. School Committee members agree to **refer important questions and concerns** they receive from members of the school community to the Superintendent. The Superintendent will investigate and provide all Committee members with the information needed to respond to an issue.<sup>6</sup>
6. School Committee members will **channel requests for information**, reports and data through the Superintendent and the School Committee Chair rather than directly to staff. The Superintendent will ensure that each member has equal access to this information.<sup>7</sup>
7. The Superintendent intends to seek comprehensive solutions to problems and will create **clear structures for decision-making.** In the spirit of continuous improvement, these structures may be revisited at any time.
8. The Superintendent and School Committee recognize the importance of **working collaboratively with City officials** to improve our schools, and we will actively seek ways to enlist their support in our efforts.

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<sup>3</sup> "Surprises" is a relative term, but it is appropriate to make sure that superintendents are aware of important issues or challenging questions that will be posed at a meeting. This does not preclude a member from asking a question or raising a point that arises during the course of a discussion or debate that, despite the most noble of intentions, could not be anticipated. This is often linked to "full disclosure" noted below.

<sup>4</sup> Massachusetts law precludes the school committee from raising an issue that could not have been reasonably anticipated by the chair. This protocol as stated on the list imposes an additional responsibility upon members not to push for discussions for which the superintendent or staff may be unprepared. While it is a good idea to allow the superintendent and chair to have the discretion to make a determination, a principled school committee member who feels genuinely that a late-breaking issue is important should not be discouraged from asking colleagues to take up a matter that is critical to some but not to others.

<sup>5</sup> The agenda is the property of the school committee. Developing the agenda is often delegated to the chair or to the superintendent and chair.

<sup>6</sup> This is a best practice to follow. However, citizens have an unrestricted right to contact their elected officials and this right may not be abridged by the superintendent or chair. Once you have listened respectfully to your constituents and asked if they have approached the appropriate administrator, you should quickly make the referral to the superintendent.

<sup>7</sup> Requests for information, reports or tasks to be performed have taken on the title of "vanity projects." They are problematic because they require the time and attention of the superintendent or staff and may not be of interest to the rest of the school committee. For that reason, it is often a policy that these requests are channeled through the school committee as a body or through the chair. However, as is stated, it is critical to the longevity of the superintendent that information be shared with everyone.

### How We Improve

1. School Committee members and the Superintendent recognize the **importance of professional growth and development**, and they agree to participate in experiences designed to further their knowledge and understanding and to advance the work of our public schools.
2. In addition, School Committee members will **participate in formal training** organized by the Superintendent and the School Committee Chairperson and conducted by organizations such as the Massachusetts Association of School Committees (MASC) and/or Massachusetts Association of School Superintendents (MASS).
3. All new School Committee members will **participate in an orientation session**, and if desired, a School Committee mentor will be assigned.
4. The Superintendent and the School Committee agree to set aside time on an annual basis for **self-evaluation and to review our progress** toward adhering to agreed upon norms and beliefs.
5. We recognize the importance of **honoring our agreed upon norms and beliefs**, and we agree to take responsibility for reminding one another when we get off track.

*[These norms and protocols were adapted from original work by the Taunton School Committee in 2012. MASC notes that reasonable individuals will have rational disagreements about meanings or appropriateness of terms from time to time. ]*



### *OTHER NORMS, BELIEFS AND PROTOCOLS THAT SCHOOL DISTRICTS MAY CONSIDER*

- Come to Meetings Prepared<sup>8</sup>
- Creating an Environment for Full and Free Debate, or “Civil Discourse” in a Safe Environment<sup>9</sup>
- Addressing Issues and Avoiding the Ad Hominem Attack<sup>10</sup>
- Obligation to Represent All Students
- Obligation to Utilize Vision, Planning, and Policy Making in Decision<sup>11</sup>
- Full Disclosure<sup>12</sup>
- Blogging and Social Media<sup>13</sup>
- Expectations for the Chair and Other Officers<sup>14</sup>
- Set Appropriate Examples for the Employees in the School District<sup>15</sup>

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<sup>8</sup> Nothing slows down a meeting more than taking time to explain that information which is in the pre-meeting packet for review.

<sup>9</sup> This targets intellectual bullies or others who would intimidate colleagues from raising or addressing important questions. It also speaks to those who would demand “civil discourse” as a vehicle to silence principled critics who may become passionate. Nothing should prevent a member from raising one’s voice in passionate argument as opposed to shouting down someone else’s point of view.

<sup>10</sup> While it can be tempting to attack the individual making an argument as a way of refuting that perspective, members are encouraged to focus on the issue and the facts rather than on personalities.

<sup>11</sup> This generally is expressed with a specific intent of avoiding intrusion into administrative decision making or general school district day-to-day operations. It is a help in defining the criteria a school committee will use in determining whether an important matter falls under the legal authority, policy responsibility or fiduciary obligation of the school committee, or administrative duties of the superintendent.

<sup>12</sup> Full disclosure includes not only providing all information necessary for administrators to respond as well as that which is of interest to the rest of the school committee. There are also implications for disclosing conflicts of interest and other matters under the state ethics law.

<sup>13</sup> Blogs are unrestricted devices for constitutionally protected free speech. In some cases, they can have the status of legitimate media to exercise freedom of the press as well. However, they can also be vehicles to upstage or undermine colleagues or school administrators. No one can force an elected official to restrict the use of them, but it is a good idea for school committee members to exercise discretion and good judgment in maintaining a web site, social media page, or blog.

<sup>14</sup> The chair is the servant of the school committee, not the master. As such, the chair must represent both school committee members and citizens, present or absent, to ensure that the meetings are fair and that all members are treated equally and fairly. Other than presiding and the duties inherent in that role, the chair takes one’s authority from the membership. The chair recognizes that the agenda is the property of the membership, not the chair or the superintendent.

<sup>15</sup> Everyone watches the school committee: Do you entertain calls from citizens, staff or other elected officials? Do you intervene in personnel matters? Are you focusing on student achievement or political advancement? Staff take their cues from the board. If school committee members engage in practices that may undermine the administrative leadership, faculty and parents will often encourage those inappropriate practices for personal advantage.



## Protocols Worksheet - How do we do Business?

Issues <sup>16</sup>	Do We have a concern in this area?	How will we handle this?	Do we need a written protocol?	Do we need a policy?
<i>Committee Room Layout</i>				
<i>Seating arrangement at Committee table</i>				
<i>Placement of the Superintendent and staff in the Committee room</i>				
<i>Developing the Committee meeting agenda</i>				
<i>Structure of the Committee agenda</i>				
<i>Placing something on the Committee agenda</i>				
<i>Getting questions answered about items on the agenda before a meeting</i>				
<i>Public input at Committee meetings</i>				
<i>Deliberation at Committee meetings</i>				
<i>Informal Committee reports at Committee meetings</i>				
<i>Allowing the majority vote to set direction for the school district</i>				
<i>Reaction when not in the majority</i>				
<i>Bringing agenda items back for further discussion</i>				
<i>Explaining “no” votes</i>				
<i>Length of meetings</i>				
<i>Sharing expertise on issues</i>				
<i>Bringing up new ideas</i>				
<i>Requesting information from staff</i>				

<sup>16</sup> Issues often relate to the following areas – Effective Meetings, Board/Member relations, Board/Superintendent relations, Board/Staff relations, Board/Community relations.

**SAMPLE –AND BELIEFS**



Issues <sup>16</sup>	Do We have a concern in this area?	How will we handle this?	Do we need a written protocol?	Do we need a policy?
<i>Individual Committee member requests for information</i>				
<i>Individual Committee member requests for action</i>				
<i>Handling complaints from the community</i>				
<i>Handling complaints from staff</i>				
<i>Handling complaints from Committee members</i>				
<i>Addressing concerns of the community</i>				
<i>Use of subcommittees</i>				
<i>Use of work sessions</i>				
<i>Confidentiality</i>				
<i>Committee member role in public</i>				
<i>Committee/member communications</i>				
<i>Committee/Superintendent communications</i>				
<i>Committee Staff communications</i>				
<i>Visiting Schools</i>				
<i>Self-evaluation of governance team effectiveness</i>				
<i>Handling of email</i>				
<i>Superintendent Evaluation</i>				
<i>Goal setting and planning</i>				

## 2022-2023 School Committee Sub-Committees and Liaisons

Note: Subcommittee recommendations are brought back to the School Committee for action (policy BDE)

### I. Sub-Committees (requires vote):

Sub-Committees of School Committee	Description of Sub-Committee Activities	2021-2022 Former Reps	2022-2023 Current Reps
<b>Budget</b>	Support budget development process via working session with Superintendent and Business staff, provide constructive input into the budget strategy and output, and support efforts with FinCom and the Town	David Harris/Meagan Taylor	Sarah Fox/Alison Taylor
<b>(Curriculum) Teaching &amp; Learning</b>		N/A	
<b>Facilities Committee</b>	Annual review of yearly facilities maintenance plan, capital outlays, and long term facilities' needs	Emily Barron /Sarah Fox	Sarah Fox/Alison Taylor
<b>Policy</b>	Remain current in MPS curriculum development/alignment as progresses across disciplines	Emily Barron/Sarah Gold	Emily Barron/Sarah Gold
<b>Building Committee</b>	Meet with Bldg. Comm. Bldg. Comm./report back to SC Minutes approved to Bldg. Comm.	David Harris/Sarah Fox	N/A

### II. Superintendent's Advisory

<b>Safety Advisory</b>	Develop and maintain district safety plans in collaboration with Town Officials	Sarah Fox	Sarah Gold
<b>Health/Wellness</b>	Overview of Wellness Policy and building related procedures	Sarah Gold	Emily Barron

### III. SC Liaison to School Advisory Councils 2022-2023

School	2021-2022 SC Liaison	2022-2023 SC Liaisons
High School	Sarah Gold	N/A
Veterans	Emily Barron	N/A
Village School	Meagan Taylor	N/A
Glover	Sarah Gold & David Harris	N/A
Brown	Sarah Fox	N/A

### IV. Other SC Liaisons 2022-2023

METCO	Emily Barron	Emily Barron
SEPAC	Meagan Taylor	Meagan Taylor

## **Curriculum, Instruction & Student Life Subcommittee Proposal**

The idea for the Curriculum, Instruction & Student Life (CISL) subcommittee was proposed to me last Spring by Principal Bauer as a possible idea for the School Committee to gain a better understanding and awareness of building level happenings. This subcommittee does not make any decisions. It is an informational committee that acts as a resource to those making the decisions. The Beverly School Committee has this subcommittee as one of their two standing subcommittees. I spoke with the Chairperson of this subcommittee, Kaarin Robinson, over the summer to better understand how this subcommittee operates and what benefits it provides to the Beverly School District.

In Beverly, this subcommittee meets once a month in the hour immediately preceding a School Committee meeting. Although other items occur on the agenda, any action items that are part of the upcoming School Committee meeting are usually part of the CISL subcommittee agenda. It is regularly used to present a deeper dive into the topics that the SC will vote on in their meeting.

Teachers are often invited to present at the CISL meetings to demonstrate the amazing things they are doing day to day with students. In Beverly, the final subcommittee meeting of the school year is a Showcase of Learning where teachers volunteer to set up a booth that highlights a lesson/unit/classroom project they are particularly proud of. Additionally, they can bring a student(s) who they have found to be particularly invested in their class. Everyone from the community is welcome to this interactive event. The function of the CISL subcommittee is to highlight the many aspects of teaching and learning across the district and to present a better understanding of how student achievement is constantly being monitored and supported.



Lisa Dimier <dimier.lisa@marbleheadschoools.org>

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## Fwd: bus update last night

1 message

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Alison Taylor <taylor.alison@marbleheadschoools.org>

Wed, Sep 7, 2022 at 1:09 PM

To: Lisa Dimier <dimier.lisa@marbleheadschoools.org>, Sarah Fox <fox.sarah@marbleheadschoools.org>

Sent from my iPhone

Begin forwarded message:

**From:** Jessica Benedetto <jessbenedetto@gmail.com>

**Date:** August 20, 2022 at 5:40:13 AM EDT

**To:** Emily Barron <barron.emily@marbleheadschoools.org>, Meagan Taylor <taylor.meagan@marbleheadschoools.org>, Sarah Fox <fox.sarah@marbleheadschoools.org>, Sarah Gold <gold.sarah@marbleheadschoools.org>, taylor.alison@marbleheadschoools.org

**Subject:** Fwd: bus update last night

Dear Alison, Sarah, Sarah, Meagan, and Emily,

Alison, welcome to the school committee! I voted for you and I hope you can work with the other members to make a difference in our community.

I am both a working mother and a physician serving our community at Salem Hospital. I live in an area of town by the transfer station that is remote to our middle and high schools. We are not within reasonable walking distance. Beacon Street is hazardous to walk and bike on given the narrow winding nature of the road and lack of sidewalks.

I have an incoming 7th grader at Vets and a 10th grader at MHS. For the past 2 years, I have been advocating for expanding bus access to our schools to match that offered in other North Shore Communities. My son participated in the Pay to Ride program last year, and you can read my proposal below to expand this program to Vets students. This is a policy that can be proposed by the School Committee and voted upon.

You can see Sarah Gold's delayed response explaining that we don't have the budget for this. No budget money is required here. The truth is that the bus #3 has low ridership given the minority of students in this area. Increasing the ridership to Vets students after ascertaining the K-6 population opting for this makes sense to increase fees to the pay to ride program. Yesterday was the deadline for the K-6 students. This proposal doesn't cost more money but instead augments the money coming in, while providing a safe, reliable transportation option for working families.

Dr Buckey has made it clear via email that he does not consider expanding bus transportation services to be a priority right now. However, the taxpayers in this town have spoken clearly that they do not agree with his budget priorities by the overwhelming lack of support for the school override.

This should be a wake up call for the school committee. Parents are the taxpayers and parents care about safe reliable transportation options.

I voted for the school override because I have witnessed firsthand how lacking we are in the school budget.

I have forwarded a proposal below that I sent to the members in the spring, along with John, in hopes to get you all to vote in a proposal to expand the bus pilot program from the Old Town area bus #3 to allow Vets students to utilize this bus.

In the spring, I was told to wait to see if the override went through. In fact, we don't need an override to expand the ridership of our current bus from my neighborhood.

Bus #3 is from the Old Town area, the "tip of the peninsula" and this area is the farthest from all our schools now that Gerry and Coffin have closed. This bus is mandated by the state because the Brown school is more than 2 miles from its residents. However, the ridership of this bus is actually quite low.

My son participated in the pay-to-ride program last year and it would be logistically quite easy to provide a stop outside vets on pleasant in between the village and brown spots. This is a full size bus for a handful of kids. Even providing just a morning spot for \$125 (half fee) would make a tremendous difference in our life. Please consider my proposal to expand this program to help working families with in-person jobs who serve our community.

Thank you,  
Jessica Benedetto

----- Forwarded message -----

From: Sarah Gold <[gold.sarah@marbleheadschoools.org](mailto:gold.sarah@marbleheadschoools.org)>

Date: Thu, May 19, 2022 at 6:30 PM

Subject: Re: bus update last night

To: Jessica Benedetto <[jessbenedetto@gmail.com](mailto:jessbenedetto@gmail.com)>, John Buckey <[buckey.john@marbleheadschoools.org](mailto:buckey.john@marbleheadschoools.org)>

Hi Jess,

I'm sorry that my response has been a long time in coming. Returning emails is not my strong suit. I appreciate all of the work and advocacy you have done regarding bussing this year. As with all of the worthy requests that come from stakeholders, I wish we could easily grant them. As you know, we have been unable to hire bus drivers to drive the buses we do have in our fleet. Additionally, hiring buses from the major companies has even been challenging at times. Like Dr Buckey, I too do not want to make promises about expanding any programs in the District until we have access to the funds in which to do so. I can say that the topic of busing comes up regularly in the meetings I have with him and it has not fallen off of anyone's radar. I believe there is a desire to be able to increase access to the school bus program in Marblehead and I am hopeful that we will be able to continue to take steps forward, even if it is not at the rate that we had hoped it would be. Thank you for reaching out.

Best,  
Sarah

On Thu, May 12, 2022 at 8:37 AM Jessica Benedetto <[jessbenedetto@gmail.com](mailto:jessbenedetto@gmail.com)> wrote:

Hello,

I haven't heard a response from anyone on this proposal.

I hope that you are listening to parental input that suggests utilizing our slim resources to the max, given that busing has such a bare-bones budget in this town. It would be advantageous to be open to parental input this season, **given the ask from the taxpayers for support of this school override.**

I hope that the town will support the override, but I'm becoming concerned that the taxpayers are not feeling like the school administration is listening to them. There is still time for that to change, **before it's too late.**

All schools now are on the Swampscott/Salem side of town, and therefore the tip of the peninsula should be considered first priority in terms of increasing busing, based on sheer distance from our schools. There is no equitable option to access school from this area, as these are not walkable distances. Furthermore, I've seen MHS students who can drive parking on residential side streets such as Colgate Rd and Cornell Rd all day and then walking to MHS from there. I'm sure that these homeowners are not happy with this piecemeal system, as cars are right up to their lawns.

I know that parents are also lamenting the fact that we don't have enough buses to get to after-school sporting events and thus increasing busing in our budget will serve multiple purposes: transportation to school, and after-school activities. Please consider this proposal to increase services to our taxpayers.

Yours,  
Jessica Benedetto

On Fri, Apr 8, 2022 at 8:28 AM Jessica Benedetto <[jessbenedetto@gmail.com](mailto:jessbenedetto@gmail.com)> wrote:

Dear Michelle, John, Sarah, Sarah, Meagan, David and Emily,

Thank you for the informative update on the pay-to-ride program at last night's meeting. I'd like to start off by saying that this year's pilot program on the bus has been a **complete game-changer** for our family as my son has had a **tremendously positive experience** riding the bus. Thank you from the bottom of my heart.

I'd like to point out some details about what was said last night in the bus update, and lastly propose a compromise to the current bus system that would utilize the driver/bus to maximal efficiency.

Michelle, when you point out that the bus program was "full" and had a waitlist of 30 people, this does not fully describe the utilization of each bus, broken down by Run #1 (Humphrey St area), Run #2 (Marblehead Neck) and Run #3 (Old town, transfer station area). I'm sure that Run #1 and #2 are full, but actually Run #3 has only about **10-15 kids** each morning who actually utilize the bus. I know this because I have talked to my son who is one of the 8 kids in the pay-to-ride program and I have waited at the bus stop with my child as it picks him up. We are on bus stop #8 on the route and about 4 kids get on at Cloutman's Lane, the last stop, bus stop #9.

In the afternoon, the bus combined Run #2 and Run #3 due to the driver shortage, so this "full" bus will not be full next year if we have a dedicated bus for just Afternoon Run #3. If Run #3 going to Old Town and then the Transfer Station area has its own afternoon run, there is room to add additional riders to this route for morning and afternoon. The Old Town/Transfer Station area does not have as many kids as the Humphrey St neighborhoods. However, a bus through this area is mandated because we are more than 2 miles from Brown.

Additionally, Run #3 which currently services Village and Brown Schools, literally passes by Veteran's school both in the morning and the afternoon run. **Veterans School is along its route.**

Could we pilot just adding 7th and 8 graders on Run #3 to the Pay-To-Ride program?

I believe we could do this **without changing any of the start times which is your reasoning verbalized in the meeting as to why we don't offer busing to grades 7-12.**

Please consider the following scenario and this is utilizing the **current times** on the bus schedule for 2021-2022:

**Morning Run #3**

7:15 AM start, goes through Old Town, then to West Shore Drive,

7:40 AM drop at Village

**7:45 AM drop at Veterans**

7:55 AM drop at Brown

**Afternoon Run #3**

2:15 PM pick up Village

**2:30 PM pick up Veterans**

2:40 PM pick up Brown

This bus wouldn't have to continue to Marblehead Neck and therefore could proceed up West Shore Drive, to Cloutman's Lane #9 all the way back to Lincoln Ave #1 in much less time than the current route, while also opening up transportation options for 7th and 8th graders living 2 miles away from Veteran's on this side of town. The stop at Veteran's could utilize the front access of the school, along Pleasant St, where the crossing guard is located, thus avoiding time spent on the Vine St loop in back. There is a room for the bus to pull over easily there to drop off and pick up students.

**Proposal to the School Committee: could you propose as New Business, adding Veterans students to the Pay-to-Ride Program for 2022-2023 school year, for Run #3 only, contingent on available space, and a dedicated bus/driver for Run #3?**

Can this be proposed for a Vote by the School Committee as a pilot project with the contingency of it being re-evaluated after 1 year?

Would you consider even offering space on the bus for a Morning Run only, or an Afternoon Run only, contingent upon space available? Many districts offer this option, at a prorated price (\$125 as opposed to \$250). This augments the program's funding by adding stipends paid by those families who maybe only need a morning vs afternoon bus and won't be utilizing it on both runs.



Lastly, I applaud your work on the budget and your diligence and persistence in asking our community to fund our schools through an override. Please note that if we propose to offer services that will benefit more students in the community (**and thus decrease community-wide traffic**), this is more likely that the taxpaying parents/community members will be willing to vote in support of an override. Again, I'm available in any way to work together to make this a successful pilot.

Yours,

Jessica Benedetto



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**Fwd: Grades 1-3 Recess**

1 message

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**Sarah Fox** <fox.sarah@marbleheadschoools.org>  
To: Lisa Dimier <dimier.lisa@marbleheadschoools.org>

Wed, Sep 7, 2022 at 12:55 PM

This email requests to become part of the record so we can enter this as correspondence

Sarah Fox

Begin forwarded message:

**From:** Mary Maxfield <Maxfield.mary@marbleheadschoools.org>  
**Date:** August 31, 2022 at 3:50:33 PM EDT  
**To:** Kim McLaughlin <kimjmclaughlin@gmail.com>  
**Cc:** schoolcommittee@marbleheadschoools.org  
**Subject: Re: Grades 1-3 Recess**

Dear Kim,

Please know our only intent was to provide thorough, timely, consistent communication so that a broader understanding of the schedule could be achieved.

Sincerely,  
Mary

On Wed, Aug 31, 2022 at 2:33 PM Kim McLaughlin <kimjmclaughlin@gmail.com> wrote:

Mary,

I can't express the disappointment in receiving the same boilerplate response. I understand the need for consistency but by not responding to the specifics of my email sends a very clear and disappointing message.

School committee please enter this email into public record.

Thanks,

Kim McLaughlin

**From:** Mary Maxfield [mailto:mary@marbleheadschoools.org]  
**Sent:** Wednesday, August 31, 2022 2:17 PM  
**To:** Kim McLaughlin  
**Subject:** Re: Grades 1-3 Recess

Good Afternoon Kim,

We appreciate you reaching out for clarification on the schedule. As Marblehead elementary principals, we worked together using teacher feedback from last year, and took great care to develop a PK-3 schedule. In collaboration with teachers, we used this feedback to create a schedule that works best for children. Some of the key components of teacher feedback was shifting the WIN (What I Need) Block to the morning for students, as well as moving reading and math blocks to the morning time. This shift alleviates cutting WIN short due to the transition of dismissal in the afternoon time and will also allow our reading and math tutors more time to work with students in each grade. In addition, there has been time added into the Pre-K schedule for social emotional lessons with school counselors.

The schedule is well balanced with developmentally appropriate learning experiences provided for all students. Students in kindergarten have two recesses. In grades 1-3, the recess at lunch has been extended by five minutes. Teachers understand that at their discretion, based on the working environment of their individual classes, they may take another break during the day. This way, individual classes may keep moving if they have momentum or are engrossed in a learning activity. We trust teachers to make decisions about when their individual classes or students may need a break.

We both understand the importance of student engagement, specifically after a global pandemic. We spoke about the schedule tweaks in our last video to parents and will continue moving forward to share information and updates with parents. We understand our Marblehead families do not know us well yet. Moving forward, we hope you will trust that we are always looking with a lens of what will best benefit children of Marblehead.

We look forward to meeting you on September 29th at our Open Houses. At this time, your child's classroom teacher will share more information about the classroom, Allied Arts schedule and upcoming events. We are excited to greet children soon and know that your child(ren) will come home with positive experiences from school to share with you.

All the best,  
Mary and Hope

On Wed, Aug 31, 2022 at 12:10 PM Kim McLaughlin <kimjmclaughlin@gmail.com> wrote:

Mary,

Welcome to the district. As a parent of a Brown School third grader, I look forward to getting to know you better.

I had planned on sending you an email today regarding the removal of recess. After reading online the boilerplate comments that other parents received, I feel even more compelled to reach out. I'm deeply disappointed that we are back starting off this year just as we did last year. I fully trust that our teachers/educators have our children's best interest in mind. However, I am hard pressed to believe

that our grade 1-3 teachers would be in favor of removing recess from our littlest learners. I have heard from many teachers who are in staunch opposition to this change.

Of equal disappointment is that this information was not openly shared with parents before the start of school. One of our biggest hurdles historically has been the lack of transparency in regards to our schools.

It is my sincere hope and I would strongly suggest that you revisit a second recess.

Always happy to talk about this further. Thanks and all the best for a successful first day of school!

Best,

Kim

Kim McLaughlin

978-804-8537

[kimjmclaughlin@gmail.com](mailto:kimjmclaughlin@gmail.com)

# report of the resolutions committee

The members of the Resolutions Committee met on July 5, 2022 to consider resolutions proposed by member districts for consideration at the 2022 Annual Meeting of the Association. Members present were: Stacey Rizzo, Chair, Revere; Andrea Wadsworth, Lee; Jason Fraser, Plympton and Silver Lake Reg.; Paul Schlichtman, Arlington; Barbara Davis, Holbrook; Stephanie Clougherty, Carver; Beverly Hugo, Framingham; Beverly Griffin Dunne, Peabody and Essex North Shore Vocational School; Margaret Hughes, Narragansett; Robert Swartz, Gardner

The following resolutions were moved forward by the Resolutions Committee and approved by the Board of Directors.

## **RESOLUTION 1: REGARDING SANCTUARY LAWS FOR TRANSGENDER STUDENTS**

*(Sponsored by the Lexington School Committee and co-sponsored by the Worcester, Somerville, Grafton, and Franklin School Committees)*

WHEREAS the Commonwealth of Massachusetts has a long history of standing for civil rights, including advocacy for a bill of rights in the U.S. Constitution; and

WHEREAS Massachusetts codified gender identity as a protected class in the 2011 Act Relative to Gender Identity; and

WHEREAS all children deserve a safe environment in which to grow up; and

WHEREAS some state governments are now criminalizing supportive medical care for trans individuals, moving to bar families from traveling to access such care, and otherwise violating the civil rights of trans children and their families; and

WHEREAS the defense of the civil rights of the historically marginalized is contained within the first article of the Massachusetts Constitution right of "seeking and obtaining their safety and happiness;"

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees calls on the Great and General Court to join with other states in the passage of so-called "sanctuary" laws to ensure such children and their families have "the power of enjoying, in safety and tranquility, their natural rights and the blessings of life," as guaranteed by the Constitution of the Commonwealth.

**RATIONALE:** The 2011 passage of the Act Relative to Gender Identity marked a Massachusetts commitment to the civil rights of transgender residents. Laws recently passed or being considered in other states would put into question this protection, as some such laws call for families to be prosecuted for seeking medical treatment for their children, even across state lines. This is a profound violation of the civil rights of these children, and it increases the potential harm both to them and to their families. In response, a number of states are considering so-called sanctuary laws which would shield families from such prosecution, and extend to those children the rights guaranteed to them by Massachusetts law. As of the passage of this resolution, no such bills have been filed in Massachusetts. The Legislature must back up the 2011 Act with this further protection.

## **RESOLUTION 2: TO INCREASE THE MAXIMUM BALANCE ALLOWED BY THE SPECIAL EDUCATION RESERVE FUND**

*(Sponsored by the Plympton School Committee)*

WHEREAS the Municipal Modernization Act allows for municipalities in conjunction with their school districts to create a Special Education Reserve Fund to cover the cost of unanticipated or unbudgeted special education costs, including the cost of out-of-district placements and special education transportation; and

WHEREAS the current language of the Special Education Reserve Fund caps the balance at 2 percent of annual net school spending, which for many rural and small districts does not leave enough in reserves to meet the needs of a single student who is placed into a collaborative setting, never mind a student who may be medically fragile and in need of an intensive residential placement; and

WHEREAS school districts with large student bodies are more likely to experience multiple unanticipated and unbudgeted special education related expenses throughout the school year;

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees calls upon the Massachusetts Legislature to amend Chapter 40, Section 13E, by deleting "2 percent of the annual net school spending" and by inserting the following "5 percent of the annual net school spending."

**RATIONALE:** Current prices for special education day programs in Massachusetts Collaboratives can cost a district between \$50,000 to \$70,000 per student and private provider day programs can cost districts between \$70,000-\$100,000 per student. These prices do not include the cost to transport the students to these separate settings which is part of the overall price and can fluctuate in cost. Private residential special education settings can cost a district between \$120,000-\$250,000 per student.

The 5 percent cap would allow for deeper investment of the municipality's own monies towards preventing mid-year budget crisis and positioning the school district to have the ability to provide an appropriate public education in the least restrictive setting to all students. The 5 percent cap would also allow reserves to grow to a sustainable level which hopefully would not be wiped out by a single year of special education related expenses.

### **RESOLUTION 3: MEMBERSHIP OF THE BOARD OF ELEMENTARY AND SECONDARY EDUCATION**

*(Submitted by the Arlington School Committee)*

WHEREAS the Board of Elementary and Secondary Education has broad powers to set education policy and enact regulations for Massachusetts public schools; and

WHEREAS the Board of Elementary and Secondary Education has the power to choose a receiver to replace an elected school committee; and

WHEREAS the Board of Elementary and Secondary Education governs educator licensure in Massachusetts; and

WHEREAS practicing educators and school committee members are prohibited from serving on the Board of Elementary and Secondary Education; and

WHEREAS the teaching profession is the only profession or trade in Massachusetts where the holders of a license are prohibited from serving on its governing board; and

WHEREAS professional expertise and a commitment to public governance should not disqualify a person from serving in a leadership role;

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees calls for the enactment of legislation to repeal the provision of Massachusetts law that prohibits practicing educators and sitting school committee members from serving on the Board of Elementary and Secondary Education;

BE IT FURTHER RESOLVED that the Massachusetts Association of School Committees calls for legislation to reconstitute the Board of Elementary and Secondary Education by including members with expertise as licensed educators and members with expertise in public school governance.

### **RESOLUTION 4: PRESERVING LOCAL GOVERNANCE OF MASSACHUSETTS SCHOOLS**

*(Sponsored by the Arlington School Committee)*

WHEREAS the Massachusetts Department of Elementary and Secondary Education has exercised its power to take over school districts in Lawrence in 2011, Holyoke in 2015, and Southbridge in 2016; and

WHEREAS the placement of the public schools of Lawrence, Holyoke, and Southbridge in receivership has removed their respective school committees from their role as the governing board for their schools, and has replaced local governance with a state receiver; and

WHEREAS a Boston Globe analysis of test scores, graduation rates, college enrollment, and a dozen other metrics in Lawrence, Holyoke, and Southbridge shows state receivers have failed to meet almost all of its stated goals for the districts; and

WHEREAS the Massachusetts Department of Elementary and Secondary Education has no plan, strategy, or timeline for restoring local governance and accountability to the voters of Lawrence, Holyoke, and Southbridge; and

WHEREAS the Massachusetts Association of School Committees asserts that a strong system of local governance and accountability is the foundation of excellent schools;

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees calls on the Commonwealth of Massachusetts to restore local governance and accountability for the Lawrence, Holyoke, and Southbridge Public Schools no later than July 1, 2023; and

BE IT FURTHER RESOLVED that the Massachusetts Association of School Committees calls on the Massachusetts Legislature to enact legislation to limit any future state takeovers to a term of no more than three years.

### **RESOLUTION 5: PERSONAL FINANCIAL LITERACY EDUCATION**

*(Sponsored by the Framingham School Committee)*

WHEREAS students will need to make wise financial decisions to promote financial well-being throughout their lives; and

WHEREAS students will need to develop actionable strategies to manage their futures, including managing their budgets by developing savings plans, navigating credit and debt, and creating a blueprint for financing higher education or their careers; and

WHEREAS students will need to be informed consumers when making everyday purchases for both small and large items; and

WHEREAS with guidance and financial literacy, students have increased chances of affording and attaining a college education; and

WHEREAS without prior long-term financial planning, higher education plans do not come to fruition for many students due to extraordinary tuition rates; and

WHEREAS college tuitions and other financial choices, such as credit card debt and loans, can saddle students with a lifetime of debt due to their inability to pay back student and other type of loans;

THEREFORE BE IT RESOLVED that MASC file legislation that would have the effect of ensuring that all students have exposure to personal financial literacy curricula and, ultimately, graduate from high school with the lifelong knowledge of how to be fiscally responsible to avoid being deterred by financial woes. This legislation should ensure that the students at various levels would benefit from curriculum in Massachusetts' public schools which would include content in personal financial literacy.

RATIONALE: Because many students and their families today do not plan far enough ahead for college tuition, many students are not able to attend institutions of higher learning or need to drop out due to inadequate funds. This resolution will help to ensure that students are knowledgeable about the best options available to them in order to be fiscally responsible and receive the best advice in attaining their goals by being educated about the best options for paying tuitions, use of credit cards, securing personal loans (including car loans) etc.

#### **RESOLUTION 6: ESTABLISHMENT OF A REGIONAL SCHOOL ASSESSMENT RESERVE FUND**

*(Sponsored by the Silver Lake Regional School Committee)*

WHEREAS Regional School Committees of the Commonwealth are tasked with producing financially sound budgets designed to meet the needs of all their students just like all public school committees of Massachusetts; and

WHEREAS municipalities of Regional Schools are presented with Regional Assessments which can fluctuate dramatically based on enrollment percentage changes and can be further exacerbated by unbalanced adjustments of the Equalized Valuation (EQV) of property, a key metric in the states formula used to calculate the minimum required local contribution; and

WHEREAS in 2016 the State of Massachusetts passed the Municipal Modernization Act which aimed to grant more local control and encouraged financial efficiencies where possible, the precedent exists in statute to support the

creation of a Regional Schools Assessment Reserve Fund which could be used to offset abnormally large increases to a municipality's regional assessment;  
THEREFORE BE IT RESOLVED: that the Massachusetts Association of School Committees calls upon the Massachusetts Legislature to enact or amend legislation which permits municipalities to establish a Regional School Assessment Reserve Fund.

Proposed language for legislation could include:

To amend M.G.L. Part I, Title VII, Chapter 40, by inserting Section 13F as follows:

Chapter 40, Section 13F  
Regional School Assessment Reserve Fund for payments towards future Regional Assessments

Any municipality which accepts this section by a majority vote of the municipality's legislative body may establish and appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal years, to pay for the Regional Assessment in years when the Regional Assessment increases by more than 35% over the previous year's Regional Assessment. The balance in the reserve fund shall not exceed 10 percent of the annual Regional Assessment for the municipality.

Funds shall only be distributed from the reserve funds after a majority vote of the municipality's legislative body in years when the Regional Assessment is more than 3.5% in order to bring the Regional Assessment down to no less than 2.5% increase. The municipal treasurer may invest the monies in the manner authorized in section 54 of chapter 44 and any interest earned thereon shall be credited to and become part of the fund.