

SECTION A
FOUNDATIONS AND BASIC COMMITMENTS

Contents

NONDISCRIMINATION..... 2
HARASSMENT 3
DRUG FREE SCHOOLS AND COMMUNITIES 8
TOBACCO FREE SCHOOLS 9
BACKGROUND CHECKS..... 10
DCJIS CORI POLICY 17
MEDWAY WELLNESS POLICY..... 20

[top](#)

Policy: AC

NONDISCRIMINATION

The Medway Public School District (“Medway” or the “District”) is committed to promoting and maintaining equal opportunity and an educational environment that is free of all forms of discrimination, including harassment and retaliation. The District will not exclude from participation, deny the benefits of, or otherwise discriminate against individuals on the basis of race, color, religion, national origin, marital status, age, sex, sexual orientation, gender identity, disability, pregnancy or pregnancy related condition.

The District will investigate all complaints of discrimination, either formal or informal, oral or written, and where discrimination is found take prompt and effective steps reasonably calculated to end it, including disciplinary or other appropriate action against any member of the school community who is found to have violated this policy, and, as much as practically possible, eradicate any effects of the discrimination.

The District’s Nondiscrimination Policy extends to students, staff, the general public and individuals with whom it does business.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 2011
M.G.L.76:16
BESE regulations 603CMR 26.00 Amended 2012
BESE regulations 603CMR 28.00

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination
GBA, Equal Employment Opportunity
JB, Equal Educational Opportunities

[top](#)

HARASSMENT

Harassment of students by other students, employees, vendors and other 3rd parties will not be tolerated in the Medway Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred 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, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. 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.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

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. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

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 harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including 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 harassment including 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 harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or 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 notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

1. A presumption of innocence throughout the grievance process, with the burden of proof on the school;
2. A prohibition of the single investigator model, instead requiring a decision –maker separate from the Title IX Coordinator or investigator;

3. Application of a preponderance of evidence standard;
4. The opportunity to test the credibility of parties and witnesses through cross examination at a live hearing, if offered by the district, subject to “rape shield” protections;
5. Written notice of allegations and an equal opportunity to review the evidence;
6. Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
7. Equal opportunity for parties to appeal, where schools offer appeals;
8. Upon filing a formal complaint, the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools, a hearing is optional at the election of the district, but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying the preponderance of the evidence standard. 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 sexual complaint.

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

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator 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. The investigating officer may receive the complaint orally or in writing, and 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 person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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 Medway Public School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Kathleen Bernklow, Director of Student Services 508-533-3229

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, 8th 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

[top](#)

DRUG FREE SCHOOLS AND COMMUNITIES

In accordance with the Drug Free Workplace Act of 1988 (P.L. 10-690) and the Drug Free Schools and Communities Act of 1989 (P.L. 101-226), it is the policy of the Medway School Committee to notify all school personnel that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on all properties and at all functions under the jurisdiction of the Medway Public Schools.

It is the intent of the Medway Public Schools to maintain a drug free workplace. Time and effort have been devoted to the development and implementation of a curriculum for substance abuse education and to providing information to all personnel about the dangers of drug abuse. Every effort will be made to provide personnel in need of counseling and/or rehabilitation with information for voluntary and confidential assistance.

All personnel are expected to abide by this policy and any employee convicted of any criminal drug statute violation is expected to notify the superintendent of schools within five days after such conviction.

[top](#)

TOBACCO FREE SCHOOLS

In compliance with the Education Reform Act of 1993, smoking and/or any use of tobacco products is prohibited within all school buildings, school facilities, school grounds, and school buses by any individual.

Use of any products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

School Personnel

First Offense – Verbal warning by supervisor and notice filed with the Building Principal’s office. Supervisor will inform individual of cessation program(s) and available counseling to assist in their effort to abstain from tobacco use.

Second Offense – Written reprimand with copy placed in the individual’s personnel file maintained in the Superintendent’s Office. The individual will, again, be informed of cessation program(s) and available counseling.

Third and Subsequent Offenses – The Superintendent may suspend the individual without pay for up to three (3) days. At the discretion of the Superintendent, the individual may be scheduled for a cessation program and/or counseling.

Students

Students at any grade level involved with possession or use of tobacco in school or during school related functions shall be subject to the disciplinary code as stated in the school’s student handbook.

Repeated violations may result in mandatory enrollment of the student in a cessation program and/or counseling and prohibition from participation in school functions and/or activities.

Visitors and Guests

Visitors, guests and non-school affiliated persons who are observed smoking or using products, as defined above, on school property shall be informed of the policy and shall be requested by an appointed school official to cease the prohibited behavior or leave school property. Law enforcement officers and municipal health officials shall also be considered appointed school officials for the implementation of this section of the policy.

[top](#)

BACKGROUND CHECKS

It shall be the policy of the Medway School Committee that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part-time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The school committee shall only obtain a fingerprint background check for current and prospective employees from whom the school committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the school committee shall review the results of the national criminal history check. The superintendent shall also obtain a state and national fingerprint background check for any individual, who regularly provides school related transportation to children. The school committee, superintendent or principal as appropriate may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the school committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state criminal offender record information checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks is currently \$55.00 for school employees subject to licensure by the Department of Elementary and Secondary Education (DESE) and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The fee for fingerprint background checks will not be paid for or reimbursed by the district and will remain the responsibility of the employee. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available criminal offender record information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children. Any volunteer who participates in a student overnight trip as a chaperone must be fingerprinted.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with the opportunity for physical touch or personal communication. This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting Criminal History Records Information (CHRI) Checks

Fingerprint-based criminal history records information checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check the applicant or employee shall be informed of this requirement and instructed on how to comply

with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to Criminal History Records Information (CHRI)

All criminal history records information is subject to strict and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

Storage of Criminal History Records Information (CHRI)

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize themselves with these safeguards. In addition to the above, each individual in handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

Retention and Destruction of Criminal History Records Information (CHRI)

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be security retained in internal agency documents for the following purposes only:

- Historical reference and/or comparison with future CHRI requests,
- Dispute of the accuracy of the record
- Evidence for any subsequent proceeds based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

Criminal History Record Information (CHRI) Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and

relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

Determining Suitability

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitable determination.

Relying on Previous Suitability Determination

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

- The suitable determination was made within the last seven years; and
- The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either
- The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in their employment for school employers; or
- If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

Adverse Decisions Based on Criminal History Records Information (CHRI)

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of the CHRI used in making the adverse decision;
- Provide the individual with a copy of this CHRI Policy;
- Provide the individual the opportunity to complete or challenge the accuracy of the CHRI; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that individual, after providing them a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B S. 4,(9,9 1/2). Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations, hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions. The superintendent is advised to confer with legal counsel when soliciting information from an individual concerning the individual's history of criminal convictions.

Secondary Dissemination of Criminal History Records Information (CHRI)

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI. The following information will be recorded in the log.

- Subject Name;
- Subject Date of Birth;
- Date and Time of the dissemination;
- Name of the agency for which the requestor works;
- Contact information for the requestor; and
- The specific reason for the request.

Reporting to Commissioner of Elementary and Secondary Education

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that is has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates

grounds for license action pursuant to regulations, the superintendent shall report to the Commissioner in writing with 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

C.O.R.I. Requirements

It shall be the policy of the district to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services of prospective employee(s) or volunteer(s) of the school district including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school district obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The superintendent, principal, or their certified designees shall periodically, but not less than every three years, obtain all available criminal offender record information from the department of criminal justice informational services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The superintendent, principal, or their certified designees may also have access to criminal offender record information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a department of education regulation, "Direct and unmonitored contact with children" means contact with student when no other employee, for whom the employer has made a suitability determination of the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if they have only the potential for incidental unsupervised contact in commonly used areas of the school grounds.

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, the employee may meet with the principal or superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The school committee, superintendent,

principals or their designees certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

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

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

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

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

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

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

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

LEGAL REFS: M.G.L.6:167-178; 15D:7-8; 71:38R, 151B, 276:100A
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)
42 U.S.C. § 16962
603 CMR 51.00
803 CMR 2.00
803 CMR 3.05 (Chapter 149 of the Acts of 2004)
FBI Criminal Justice Information Services Security Policy
Procedure for correcting a criminal record
FAQ – Background Checks

[top](#)

DCJIS CORI POLICY

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

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

Conducting CORI Screening

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

If a new CORI check is to be made on a subject within a year of signing of the CORI Acknowledgement Form, the subject shall be given seventy-two hours' notice that a new CORI check will be conducted.

Access to CORI

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

CORI Training

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

Use of Criminal History in Background Screening

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

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

Verifying a Subject's Identity

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

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

Inquiring About Criminal History

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

Determining Suitability

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

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

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

Adverse Decisions Based on CORI

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

of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

Secondary Dissemination Logs

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

[top](#)

MEDWAY WELLNESS POLICY

Preamble

Medway Public Schools recognizes that research shows a strong positive correlation between nutrition, physical activity, social-emotional wellbeing and academic success, school attendance and cognitive performance. Medway Public Schools is committed to providing a healthy environment and promoting healthy lifestyle choices for its students, faculty and staff. This policy outlines the District's approach to ensuring environments and opportunities for all students and staff to practice healthy habits throughout the school day and beyond.

Wellness Advisory Committee

Committee Role and Membership

The role of the Medway Public School's Wellness Advisory Committee is to establish and measure the implementation of the Wellness Policy. This committee will review the policy on an annual basis and recommend changes as needed to enhance healthy behaviors and choices for the students, faculty, and staff. The committee will also serve as a resource to the schools, parents and community by keeping abreast of wellness issues within the school district and will recommend programming, health education curriculum changes and parental education as needed.

The Wellness Advisory Committee will meet at least four times a year. Committee representation will include all school levels and will include (to the extent possible) parents and caregivers, students, representatives for the school nutrition program, health/physical education teachers, school health nurses, mental health and social services staff, school administrators, school committee members, community organizations and the general public.

Leadership

The Director of Wellness will convene the School Wellness Advisory Committee and facilitate updates to the wellness policy, and will ensure each school's compliance with the policy.

Nutrition

School Meals

Foods and beverages sold or served at school during the school day will meet the federal nutritional regulations for the *U.S. Dietary Guidelines for Americans* and the *Smart Snacks in School* nutrition standards. Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students. There will be consideration for religious, ethnic, and cultural diversity of the student body in meal planning. Meals will be provided to the students in a clean, safe, and pleasant setting, and students will have adequate time to eat.

Meals served through the National School Lunch and Breakfast Programs will:

- Be appealing and attractive.
- Meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations.
- Be comprised of only the John Stalker Institute “A-List” of food items by manufacturer and will be acceptable food items for students’ consumption.
- Be offered to all PK-12 students

Policies for Food and Beverage Marketing

Marketing and advertising of foods will only be permitted for those foods and beverages that meet the *Smart Snacks in School* nutrition standards.

Water

To promote hydration, free, safe, unflavored water will be available to all students throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times. Students can bring and carry water bottles filled with only water before, during , and after the school day across the school campus.

Free and Reduced-price meals

The district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price meals. The district will use an electronic identification and payment system.

The District will coordinate with community partners to provide options for free or low cost meals to families during weekends, school vacation weeks, and summer vacations.

Sharing of Foods and Beverages

Students will be discouraged from sharing their food and beverages with other students during meal or snack times because of the many children with restricted diets and food allergies.

Fundraising Activities Involving Food

In order to support student health, school fundraising activities must involve foods that meet the *Smart Snacks in School* nutrition standards for foods and beverages sold individually. Fundraising activities that promote physical activity will be encouraged. Sales of competitive food or beverages (including bake sales), not sold/provided via School Breakfast or Lunch Programs, are not permitted directly to students during the school day nor beyond school hours in pre-K through grade four.

Sales of competitive food or beverages (including bake sales), not sold/provided via School Breakfast or Lunch Programs, are not permitted during the school day, but are permitted beyond school hours, in grades five-twelve.

Celebrations and Rewards

The use of food as a reward or incentive during the school day is prohibited, except as indicated in a child's Individualized Education Program.

Celebrations in the classroom that involve food during the school day are limited to curriculum based activities. Parents are prohibited from sending to school snacks/treats to be shared by the entire classroom. The school principal, in collaboration with the school nurse, may make an exception to this in order to approve curriculum based food activities. Alternate activities are strongly encouraged for celebrations.

Vending Machines

Vending machines will operate during the school day and after school for the purchase of water or food that meets the *Smarts Snacks in Schools* nutrition standards.

Information Sharing

Information about the nutritional content of meals and snacks will be shared with parents and students. This information will be made available on menus, the school website.

Health Education and Life Skills

Health Education will be taught by a certified health education teacher as a required subject using an age-appropriate, sequential health education curriculum consistent with the *National Health Education Standards* which responds to data-driven needs. Health education will be assessed using skill based rubrics to determine if students have gained the skills necessary to lead a healthy lifestyle. Health education curriculum will take a comprehensive approach to wellness by equipping students with the skills necessary to become and stay physically, socially and mentally well.

Physical Education

Physical education will be taught by a certified physical education teacher as a required subject in all grades using an age-appropriate, sequential physical education curriculum consistent with the *National Standards for Physical Education*.

- The program will include motor skills and movement patterns, concept knowledge, and fitness. It will encourage responsible personal and social behavior and the promotion of a healthy lifestyle.
- Physical education is required for all students and adapted for students with physical limitations.
- Students participating in other activities involving physical activity cannot substitute this for physical education classes.
- The physical education classes should be of moderate intensity to provide a health benefit to students, recognizing that this will vary depending on the ability of the student.

Opportunities for Physical Activity Throughout the Day

Children and adolescents should participate in at least 60 minutes of physical activity every day. A percentage of this physical activity will be provided during school hours through physical education and recess (where offered). Students are encouraged to participate in physical activity before and after school at home, and during school sponsored and community based programs.

Recess is highly encouraged as an important component of a student's day for social/emotional benefits. Recess will not be withheld from students as a response to behavioral dysregulation or academic performance, except in significant circumstances.

The District will support walking or biking to school. The District will encourage this behavior by:

- Designating safe or preferred routes to school
- Promoting participation in activities such as the National Walk to School Day
- Providing secure storage for bicycles and helmets
- Providing instruction on pedestrian and bicycle safety for students
- The use of crossing guards

Other Activities to Promote Student Wellness

Health and Safe Environment

The District will provide a safe environment during school hours, as well as, school sponsored events:

- All school property will meet health and safety standards and codes.
- The schools will be free of tobacco, alcohol, and drugs.
- The schools will have zero tolerance for violence and harassment.
- The District encourages students to develop skills to express thoughts and feelings responsibly to promote a school culture where everyone is respected and accepted.

Social and Emotional Health

The District recognizes the importance of developing social and emotional competencies in its students based on the understanding that social and emotional skills are critical to being a good student, citizen and worker. Social and emotional learning is addressed K-12 with a focus on the Collaborative for Academic Social and Emotional Learning's (CASEL) five interrelated sets of competencies:

- Self-awareness
- Self-management
- Social awareness
- Relationship skills
- Responsible Decision Making

Students may be progress monitored with formal measuring tools a several points in the school year. Information gathered from monitoring tools provide direct tiered intervention.

Health Services

The school health program is based on a collaborative partnership between the faculty, staff, school administration, external health care providers, parents, and government agencies.

The goal of the school health program is to complement and support the school's academic mission while promoting and improving students' health. Each school is staffed by a Registered Nurse licensed through the Massachusetts Board of Registration for Nursing (BORN) and certified by the Department of Elementary and Secondary Education (DESE), with district-wide support from licensed practical nurse(s)

- All students have access to Health Services.
- Requirements for physical examinations and immunizations are enforced according to the Department of Public Health (DPH) guidelines.
- Health screenings (vision, hearing, scoliosis, height, weight, substance use, etc.) are conducted according the guidelines established by the Department of Public Health. In accordance with the guidelines established by the Department of Public Health and Department of Elementary and Secondary Education, parents have the right to opt their child(ren) out of any or all screenings.
- A school physician is available to consult with the school nurses and the Superintendent as needed.

Staff Wellness

The Medway Public Schools values the health and wellbeing of every staff member. Personal efforts to maintain a healthy lifestyle are supported and encouraged though the District's staff wellness program: Just For the Health of It! The Staff Wellness Committee consists of representatives from all four schools, human resources and district administration. This committee is responsible for ensuring the staff has access to programing and services that support their desire to lead a healthy lifestyle.

Wellness Policy Implementation, Monitoring, Accountability and Community Engagement

Community Involvement, Outreach and Communications

Collaboration between schools, families and the community is essential for the promotion and enhancement of students' health and wellness. The District elicits this collaboration by following the Whole School, Whole Child, Whole Community model, as outlined by the Centers for Disease Control (CDC). The District will actively communicate ways in which parents and community members can participate in the development, implementation and review of wellness policies and programs.

Annual Notification of Policy

The Wellness Advisory Committee shall provide to the Superintendent and the School Committee a summary of wellness-related activities and events, including the goals and objectives for the coming year, on an annual basis. This summary, along with information on how community members can get involved in wellness-related initiatives, will be made available to the public.

Triennial Progress Assessments

At least once every three years, the District will evaluate compliance with this policy to assess the implementation of the policy and will include:

- Compliance to the wellness policy;
- How the wellness policy compares to the Alliance for a Healthier Generation’s model wellness policy and progress made in attaining the goals of the wellness policy.

Revisions and Updating the Policy

The Wellness Advisory Committee will update or modify this policy based on the results of the MetroWest Adolescent Health Survey, triennial assessments and/or as District priorities change; community needs change; new health science information emerges; wellness goals are met and/or new federal or state guidelines or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

CROSS REF.: Medway Public Schools Policies - Harassment, Anti-Bullying, Life Threatening Allergies