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SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Cohasset structurally is a department of the town operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Cohasset Public Schools is coterminous with the Town of Cohasset.

Established by law

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

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

THE PEOPLE AND THEIR SCHOOL DISTRICT

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

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

NONDISCRIMINATION

The Cohasset Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability, gender identity or sexual orientation in admission to, access to treatment in or employment in its programs or activities. Consistent with M.G.L. Chapter 76, Section 5, the Cohasset School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, gender identity or sexual orientation will not be tolerated and will be punishable to the full extent of the law.

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

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

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to the Cohasset Public Schools 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 or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

If you should have any questions about the district's policy, please feel free to contact the Director of Student Services. The Director of Student Services has been designated to respond to your inquiries and to be the district's Equal Opportunity, Title IX, Section 504, and Americans with Disabilities (ADA) Coordinator. The Director of Student Services can be reached at (781) 383-6104.

If you should have a complaint or concern that there has been discrimination, you may also utilize the following procedure:

1. Report the violations to any staff member in the Cohasset Public Schools. He/she will notify the building principal or grievance coordinator. The building principal will meet with you and other persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be commenced by the school district investigators in each area, within a reasonable period of time. The building principal will issue his/her decision in writing to you within ten (10) days of the conclusion of the investigation.
2. If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity, Title IX, Section 504, ADA Coordinator. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be taken within one week after receipt of the principal's decision.
3. The Equal Opportunity, Title IX, Section 504, ADA Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the Principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquires concerning the application of nondiscrimination policies may also be referred to the Superintendent of Schools or the Regional Director, Office of Civil Rights, U.S. Department of Education, J.W., McCormack POICH, Room 222, Boston, MA 02109-4557.

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 1993
M.G.L.76:16 (Chapter 622 of the Acts of 1971)
BESE regulations 603 CMR 26:00 Amended 2012
BESE regulations 603 CMR 28.00

Educational Opportunity, adopted 6/24/75, as amended 10/24/78
Board of Education Chapter 766 Regulations, adopted 10/74, as amended
through 3/28/78

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination
GBA, Equal Employment Opportunity
JB, Equal Educational Opportunities
JFABD, Homeless Students: Enrollment Rights and Services

Updated: August 2016

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 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.

If you should have any questions about the district's policy, please feel free to contact the Director of Student Services. The Director of Student Services has been designated to respond to your inquiries and to be the district's Equal Opportunity, Title IX, Section 504, and Americans with Disabilities (ADA) Coordinator. The Director of Student Services can be reached at (781) 383-6104.

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)
Board of Education Chapter 622 Regulations Pertaining to Access to Equal
Educational Opportunity, adopted 6/24/75, amended 10/24/78
BESE 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

Adopted: June 2016

SEXUAL HARASSMENT

All persons associated with the Cohasset public schools including, but not necessarily limited to, the committee, the administration, the staff, and the student, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in a investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Cohasset School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such in appropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such correction action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and school 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 workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment:

Unwelcome sexual advances or touching; requests for sexual favors or discussions; off color remarks or other verbal or physical conduct of a sexual nature (such as leering) may constitute sexual harassment where:

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

Grievance Officer

The Superintendent shall appoint two grievance officers (one male, one female – Linda Gill and Dave DeGennaro; 143 Pond St., Cohasset, MA 02025). The Grievance Officers are responsible for processing all sexual harassment complaints following the procedure outlined below. The Grievance Officers will be provided with training for handling sexual harassment cases and each year will be responsible for informing all staff and students of their rights and responsibilities under this policy.

Procedure for sexual harassment complaints:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident(s) to one of the Grievance Officers.
2. The Grievance Officer will attempt to resolve the problem through the following process:

- a. The Grievance Officer will meet with the individual to obtain a clear understanding of that individual's statement of facts. After meeting with the aggrieved person, the aggrieved person or the Grievance Officer shall put the complaint of sexual harassment in writing. In the event that the Grievance Officer puts the complaint in writing, the aggrieved person will review the written grievance for its accuracy and sign it. In the event that the aggrieved person does not feel comfortable making the grievance as outlined above, he/she is free to file the grievance with any other administrator. That administrator will then coordinate the processing of the grievance with the Grievance Officer.
 - b. The Grievance Officer will meet with the alleged harasser to obtain his or her response to the complaint.
 - c. The Grievance Officer may hold as many meetings with the parties as is necessary to gather facts.
 - d. The Grievance Officer will meet with other individuals who may have pertinent information.
 - e. The Grievance Officer will review any pertinent documents.
3. The investigation will be processed expeditiously with a completion time goal of two weeks. Upon completion of the investigation, the Grievance Officer shall prepare a report outlining the findings. If sexual harassment is found to have occurred, the Grievance Officer will meet with the Superintendent of Schools to plan appropriate disciplinary or other action. The disciplinary action may include an oral warning or reprimand, a written warning or reprimand to be placed in a personnel file, a suspension, a demotion, a termination, or a combination of the above.
 4. The Grievance Officer will write a summary of the investigation and the disciplinary or other action decided upon by the Superintendent of Schools. Both the complainant and the harasser shall receive the summary. If a complaint is substantiated, the summary shall be placed in the personnel file of the harasser. If the complaint is unsubstantiated, a summary shall be kept in the Grievance Officer's confidential files for one (1) year.
 5. Aggrieved persons are not limited to a formal grievance procedure but may seek relief from other agencies including the Equal Employment Opportunity Commission, the Massachusetts Commission Against Discrimination, or the Office of Civil Rights of the Department of Education.
 6. Any retaliatory action taken by an employee or student in connection with a harassment complaint is considered sexual harassment and will be regarded as a separate and distinct matter under this procedure.

OTHER FORMS OF HARASSMENT

All employees, volunteers and students of the Cohasset School District have the right to be treated with respect and dignity. Harassment is illegal when it is based on age, color, disability, gender, national origin, political affiliation, socio-economic, legal, veteran status, race, religion, ancestry as well as sexual orientation (or that of his or her relatives, friends or associates). Conduct is prohibited that denigrates or shows hostility or aversion toward an individual for the aforementioned reasons. This includes conduct that has the purpose or effect of (1) creating an intimidating, hostile, or offensive working environment; (2) unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

NONDISCRIMINATION ON THE BASIS OF HANDICAP

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

Definition

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

Reasonable Modification

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

Communications

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

Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification

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

PHILOSOPHY

As we enter the 21st century, the Cohasset Schools share a common vision for their students, faculty and community. Cohasset Schools shall enable each student to understand the past, examine the present and prepare for the future.

Cohasset Schools seek to graduate students who will recognize their abilities, develop a love of learning, fulfill their potential and use their talents to meet post-high school goals. We believe Cohasset students should be confident enough to explore, discover, create, think critically, and communicate effectively. We believe that Cohasset Students, by developing a strong sense of honor and integrity, will behave ethically, act responsibly in the community, and demonstrate concern for global issues.

Cohasset Schools believe that excellent schools require excellent teachers who possess a high degree of knowledge, sensitivity, creativity, and dedication to both their students and their own professional development. Excellent schools also require an excellent and committed staff of trained specialists, counselors, technicians, administrators, and a School Committee sensitive to educational needs.

Cohasset Schools recognize that quality education is best accomplished in partnership with the parents and the community. As partners in this total school-community compact, we endeavor to create an environment that promotes life long learning. Further, Cohasset Schools recognize their unique responsibility as the town's major educational institution and facility.

The philosophy of the Cohasset Schools states that our education goals and objectives are to:

- contribute to each student's sense of intellectual, physical and emotional well-being
- develop communication skills
- provide knowledge of citizenship in a democratic society
- develop and foster values and mutual respect
- expose students to arts appreciation and creativity
- provide a understanding of history, humanities, math, sciences and foreign languages
- provide occupational skills to the extent practical
- provide technology support and training to assist learning and research
- develop an awareness of our environment
- foster the capacity and desire for lifelong learning.

SOURCE: Cohasset

**GOALS & OBJECTIVES –
CONTINUING THE COMMITMENT TO EXCELLENCE**

1. TO IMPROVE COMMUNICATION AMONG PARENTS, COMMUNITY, STAFF AND TOWN GOVERNMENT
 - To create effective means of improving communication with the community.
 - To build a strong working partnership with town government to address educational needs.
 - To promote the use of the media to communicate positive activities, programs, and individual accomplishments.
2. TO SET AND ARTICULATE HIGH EXPECTATIONS FOR ALL STUDENTS AND STAFF
 - To establish a process for curriculum renewal, K-12, in order to ensure currency in the curriculum at all levels.
 - To expand Cohasset's Pre-Kindergarten program; to pilot a full day Kindergarten Program and measure its effectiveness to improve student readiness for first grade.
 - To provide enrichment opportunities and challenging activities for all students.
 - To establish and maintain class size, K-12, at levels that are supported by research recommendations.
 - To provide professional development opportunities and to support teacher efforts to build Professional Learning Communities.
 - To create a measurement system to assess program effectiveness.
3. TO PROVIDE A SAFE, RESPECTFUL AND POSITIVE LEARNING ENVIRONMENT FOR STUDENTS, STAFF AND THE COMMUNITY
 - To publish and disseminate a district wide Safe School Plan to include procedures and protocols for dealing with emergencies.
 - To promote a sense of social responsibility, good citizenship and life-long learning within the students.
 - To establish a Memorandum of Understanding between the School Department and the Police Department that will include reportable acts and consequences for behavior.
 - To professionalize the maintenance of all buildings and grounds; to study the feasibility of increasing the client base and expanding building use.
4. TO DEVELOP AND IMPLEMENT A PLAN TO MEET PRESENT AND FUTURE NEEDS OF COHASSET'S STUDENT POPULATION
 - To project population growth and identify staff, program, and resources needed in the next five years.
 - To clearly define administrative roles made necessary by district wide reorganization of students and staff.
 - To create and publish a true school department budget that accurately reflects the needs of the district.
 - To develop a working technology plan for the maintenance and replacement of equipment.

DRUG AND ALCOHOL ABUSE

The Cohasset School Committee recognizes its responsibility for ensuring the safety of all members of the staff and student body and for support and assisting in the enforcement of current law. It is illegal, and physically and psychologically harmful for individuals to use, possess and/or distribute any drugs or alcohol in any facility/real property or during school sponsored functions that are under the purview of the Cohasset School District. The Committee will support substance abuse educational program and strict enforcement policies. The Superintendent will maintain a Memorandum of Understanding (MOU) with the Cohasset Police Department and that MOU will be reviewed and approved annually. Likewise, substance abuse enforcement policies contained in Student Handbooks will be given particular emphasis during the School Committee annual review and approval process.

In addition, the Committee will:

1. Recognize its responsibility to educate all students to the dangers of drug and alcohol abuse.
2. Direct the administration to disseminate to the students, to the entire staff and community such rules and regulations established by the administration to support the implementation of this policy.
3. Encourage rehabilitation of drug and alcohol offenders through referrals to appropriate agencies.
4. Cooperate with the law enforcement agencies in fulfilling the legal responsibilities connected with criminal offenses according to Massachusetts statutes.
5. Develop an understanding of and respect for current law by all students, school personnel and the community.

SMOKING ON SCHOOL PREMISES

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

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

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

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

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

LEGAL REF: M.G.L. 71:37H

BACKGROUND CHECKS

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

The following persons will also be required to obtain a state and national fingerprint criminal background check:

All paid Coaches

All students completing an internship, practicum, and/or observations

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available criminal offender record information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

The district will not permit any hardship waivers for the fees associated with this policy.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable

federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI (Criminal History Record Information) checks

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to CHRI

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

Storage of CHRI

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

Retention and Destruction of CHRI

The Cohasset Public Schools shall adhere to the following standards regarding the confidentiality, storage and destruction of national criminal history check results:

The school district may not receive an individual's national criminal history check results unless the individual has authorized the employer to receive the results through a CHRI consent form;

While employment decisions are pending, the school district shall store the national criminal history check results pursuant to the restrictions regarding CHRI storage as follows:

Hard copies shall be stored in a separate locked and secure location, such as a file cabinet. The employer shall limit access to the locked and secured location to employees who have been approved to access CHRI.

Electronically stored CHRI shall be password protected and encrypted. The Employer shall limit password access only to those employees who have been approved to access CHRI.

CHRI shall not be stored using public cloud storage methods.

Once employment decisions are complete and the requirements set forth in 603 CMR 51.06 and 51.07, if applicable, are met, the district shall destroy national criminal history check results.

The district shall destroy hard copies of CHRI by shredding or otherwise before disposing of CHRI. The district shall destroy electronic copies of CHRI by deleting them from the hard drive on which they are stored and from any system used to back up the information before disposing of CHRI. The district shall appropriately clean all information by electronic or mechanical means before disposing of or repurposing a computer used to store CHRI.

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 (Statewide Applicant Fingerprint Identification Services) and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

Determining Suitability

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

- (a) The name and date of birth of the employee or applicant;
- (b) The date on which the school employer received the national criminal history check results; and, The suitability determination (either "suitable" or "unsuitable").
- (c) Relevance of the record to the position sought;
- (d) Whether the applicant has pending charges;

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

Relying on Previous Suitability Determination

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

The suitability determination was made within the last three years; and

The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

Adverse Decisions Based on CHRI

Before taking any adverse action based on CHRI, the Cohasset Public Schools shall:

- (a) comply with applicable federal and state laws and regulations, which may include, but are not limited to, M.G.L. c. 71, §§ 42 and 42D, and c. 150E, if applicable;
- (b) notify the individual in person, by telephone, fax, or electronic or hard copy correspondence of the potential determination;
- (c) provide a copy of the individual's CHRI to the individual;
- (d) provide a copy of the employer's CHRI policy to the individual;
- (e) identify the information in the individual's CHRI that is the basis for the potential determination;
- (f) provide the individual with the opportunity to dispute the accuracy of the information contained in the CHRI;
- (g) provide the individual with a copy of state and FBI information regarding the process for correcting CHRI; and
- (h) document all steps taken to comply with 603 CMR 51.04.

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 DCJIS or any other source, prior to questioning the subject

about his or her criminal history. The source(s) of the record shall also be disclosed to the subject.

Secondary Dissemination of CHRI

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

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

Reporting to Commissioner of Elementary and Secondary Education

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

Pursuant to state law and regulation, if the Cohasset Public School district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The Cohasset Public Schools 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 Cohasset Public School district to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school

districts obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the department of criminal justice 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 students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. “Contact” refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The Cohasset Public Schools may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.”

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

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice 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 applications to include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: “An applicant for employment with a sealed record on file with the 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

SOURCE: MASC 2014

NOTE: The Department of Criminal Justice Information Services (DCJIS) has adopted regulations requiring that it maintain a model CORI policy and that any written policy must meet the minimum standards as found in the model. Therefore, MASC recommends that school districts retain both the school district specific policy incorporated here and the DCJIS model policy attached as ADDA-R.

Adopted: June 2016

DCJIS MODEL CORI POLICY

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

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 a CORI Screening

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS), state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

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

Access to CORI

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

CORI Training

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

Use of Criminal History in Background Screening

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

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

Verifying a Subject's Identity

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

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

Inquiring About Criminal History

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

Determining Suitability

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

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

Adopted: June 2016

WELLNESS POLICY

The Cohasset Public Schools recognize the relationship between student well-being and student achievement as well as the importance of a comprehensive district health education and wellness program. Therefore the school district will provide developmentally appropriate and sequential nutrition education and physical education as well as opportunities for healthy food choices and physical activity. The health education and wellness program will be implemented in a multidisciplinary fashion and will be evidence-based.

The Superintendent of Schools will establish a plan and procedures to guide the implementation of the wellness policy. Each principal or a designee will be responsible for ensuring that the school meets the goals of the Wellness Policy.

The health education and wellness program that this policy addresses supports a healthy school environment that enhances learning and development of lifelong wellness practices. To accomplish this, the Cohasset Schools have set forth the following goals:

NUTRITION GUIDELINES FOR ALL FOODS AND BEVERAGES AVAILABLE ON SCHOOL CAMPUSES DURING THE SCHOOL DAY

Students' lifelong eating habits are greatly influenced by the types of foods and beverages available in their daily environment. All foods and beverages sold or served to students, including reimbursable school meals and those available outside of the school meals program, must meet program requirements and nutrition standards

The Cohasset Public Schools will comply with the district guidelines as outlined in this policy:

- Foods and beverages sold a la carte on school campuses during lunch periods.
- Foods and beverages sold in vending machines, snack bars, school stores and concession stands on school campuses.
- Foods and beverages sold as part of school-sponsored fundraising activities.
- Refreshments served at parties, celebrations, and meetings during the school day.

The Cohasset Public Schools will make decisions on these guidelines based on nutritional goals, not on profit making.

The advertisement of food or beverages on school grounds must be approved by school administration and/or Cohasset School Committee.

GUIDELINES FOR FOOD AND BEVERAGES

1. National School Lunch and Breakfast Program
 - Meet, at a minimum, nutrition requirements established by federal, state, and local statutes and regulations.
2. A la carte sales in the food service program
 - Meet, at a minimum, nutrition requirements established by federal, state, and local statutes and regulations.
 - Offer a variety of fruits and vegetables.
 - Offer low-fat and fat-free milk and nutritionally-equivalent non-dairy alternatives (to be defined by USDA).
 - Ensure that half of the served grains are whole grain.

3. Foods and beverages sold in vending machines and concession stands
 - Offer for sale at any location on the school site where foods are sold, healthy and nutritious choices.
 - Only milk, water and fruit juices may be sold on school grounds.
 - Vending and non-vending sales of candy will not be permitted on school grounds.
4. Foods and beverages sold as part of school-sponsored fundraising activities
 - All fundraising projects are required to follow the Wellness Policy.
 - All fundraising projects for sales and consumption within, prior to, and after the instructional day will follow the District's Guidelines when determining the items to be sold.
5. Refreshments served at parties, celebrations, and meetings during the school day
 - Cohasset Public Schools should limit celebrations that involve food during the school day.
 - Each party where food is served should comply with the standards articulated in the Guidelines for Food and Beverages listed above.

GOALS FOR OTHER SCHOOL-BASED ACTIVITIES DESIGNED TO PROMOTE STUDENT WELLNESS

The goal is to create a total school environment that is conducive to healthy eating and being physically active.

Eating Environment

The Cohasset Public Schools will:

- Provide a clean, safe, enjoyable eating environment for students.
- Provide enough space and serving areas to ensure all students have access to school meals with minimum wait time.
- Make water available in all schools, so that students can drink water at meals and throughout the day.
- Protect the identity of students who eat free and reduced price meals.
- Be sensitive to students' food allergies.

Time to Eat

The Cohasset Public Schools will:

- Ensure adequate time for students to enjoy eating healthy foods with friends in schools.
- Schedule lunch time as near the middle of the school day possible.
- Provide healthy breakfast choices.

Food as a Reward

The Cohasset Public Schools will:

- Prohibit the use of candy as a reward.
- Discourage the use of food as a reward. If food is offered as a reward or incentive, approval must be obtained at least 24 hours in advance from the school Principal or designee responsible for ensuring the goals of the Wellness Policy.

NUTRITION EDUCATION GUIDELINES AND GOALS

The Cohasset Public School District will provide nutrition education instruction aligned with standards established by the USDA's National School Lunch Program, the School Breakfast Program and the Massachusetts Health Education Frameworks. The nutrition education that is provided is

developmentally appropriate. The building principals and assistant principals, in consultation with the Cohasset Health and Wellness Advisory Council, will be in charge of implementation and evaluation of this policy.

- Cohasset students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.
- Nutrition education is provided in Cohasset classrooms as well as in the school cafeteria and throughout our school buildings by promoting healthy food and beverage choices.
- Cohasset students receive consistent nutrition messages from all aspects of the school environment.
- Health education curriculum standards and guidelines address both nutrition and physical education.
- Cohasset teachers who provide nutrition education have appropriate training.
- Cohasset students receive nutrition instruction that promotes healthy eating, an opportunity to practice skills and adopt a pattern of lifelong healthy eating.

PHYSICAL ACTIVITY GUIDELINES AND GOALS

The Cohasset Public School District will provide opportunities for physical activity that are aligned with standards established by NASPE (National Association of School Physical Education) and the Massachusetts Health Education Frameworks. The physical education that is provided is developmentally appropriate. The building principals and assistant principals, in consultation with the Health and Wellness Advisory Council, will be in charge of implementation and evaluation of this policy.

The primary goals for physical activity are: to provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain students' physical fitness, to ensure students' participation in physical activity, and to teach students the short-term and long-term benefits of a physically active and healthful lifestyle.

- At the elementary school level, Cohasset students are given opportunities for physical activity through weekly physical education classes, daily recess, and through the integration of physical activity into the academic curriculum where appropriate. At the middle-high school levels, students are provided varied opportunities for physical education instruction as the schedule permits. All students at the Middle-High School will be scheduled for instructional units in health education and/or physical education each school year.
- Cohasset students are given opportunities for physical activity through a range of before and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- The Cohasset schools encourage parents and guardians to support their children's participation in physical activity.
- The Cohasset schools provide opportunities that enable staff to participate in enjoyable, lifelong physical activity.

COMMITMENT TO ACCOMPLISHMENT

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

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

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