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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.”

This Agreement (Somerset Berkley Regional Agreement) is entered into pursuant to Chapter 71 of the General Laws of the Commonwealth of Massachusetts between the towns of Somerset and Berkley, hereinafter sometimes referred to as “member towns”. The District shall be called the Somerset Berkley Regional School District, hereinafter referred to as “the District”.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part 11, Chapter V, Section 11  
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 communications with citizens of the communities. 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 communities 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

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 review policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, 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.

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 1992)  
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

NOTE: This category is for a general policy covering all types of nondiscrimination and relating to students, staff, and others,. Federal and state laws apply.

If a policy relates to staff only, to students only, or a particular form of non-discrimination, it is better filed elsewhere. Appropriate codes for such statements are indicated by the cross-references.

Regulations pertaining to all forms of nondiscrimination – or a procedure all persons can resort to for redress of grievances related to nondiscrimination – would follow under code AC-R

Law in most instances requires official School Committee approval of regulations in this area.

Somerset Berkley Regional School District

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***Adopted by the Somerset Berkley Regional School Committee September 27, 2012***

## NONDISCRIMINATION ON THE BASIS OF SEX

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

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

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

SOURCE: MASC

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)  
603 CMR 26:00

CROSS REFS.: AC, Nondiscrimination

Somerset Berkley Regional School District

*Adopted by the Somerset Berkley Regional School Committee September 27, 2012*

## **SEXUAL HARASSMENT**

Somerset Berkley Regional School District is committed to maintaining a learning environment that is free of harassment. Sexual harassment will not be tolerated in Somerset Berkley Regional School District. The School Committee prohibits the unlawful sexual harassment of any student or employee by any student, employee or other person at school or at any school-related function.

Persons found in violation of this policy will be subject to disciplinary sanctions as referenced below. This policy is implemented pursuant to the terms of state and federal law. It applies equally to all students and personnel.

### Definition

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

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

### Responsibility

- a. Any employee having knowledge of conduct by another employee, volunteer, student or individual in the school community, which may constitute sexual harassment of any person, is required to immediately report such conduct to any of the individuals specified in this policy.
- b. Employees are hereby placed on notice that if an employee engages in acts which the district determines to be acts of sexual harassment, such acts are outside of the course and scope of the employee's employment. Such conduct may result in the employee having to obtain his/her own legal counsel and sexual harassment may result in a judgement against the employee personally.
- c. Private, personal, consensual conduct may at some point become unwelcome. Any student advised that a fellow student, or any employee advised that a fellow employee believes certain conduct to be unwelcome shall cease such conduct immediately. Any conduct within the definition of sexual harassment as referenced above and following such notice may be considered to be sexual harassment.

NOTE: any persons, including students, who participate in a consensual relationship and who at some point wish to discontinue the relationship, should tell the other participant, either verbally or in writing, that the conduct is no longer consensual or welcome and therefore all such conduct must cease.

- d. All employees and students shall cooperate with any investigation conducted by the district of an alleged act of sexual harassment/discrimination. No employee of the district shall take any action to discourage a victim of sexual harassment from reporting such an instance.

Reporting

- a. Employees who believe that they have suffered sexual harassment shall report such matters to their supervisor and/or to the principal of the school to which they are assigned. The supervisor and/or Principal will then notify the Superintendent's Office. Claims regarding sexual harassment may also be reported by the employee to the Superintendent.
- b. Students who believe that they have suffered sexual harassment shall report such matters to the Principal in the school to which they are assigned. Any student or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint with the Principal or may file a complaint with the Superintendent in the central administration office.
- c. Complaints reported to a teacher, supervisor or administrator shall be addressed in a timely and confidential manner. Information regarding an investigation of sexual harassment shall be confidential and those individuals involved in the investigation shall not discuss information regarding the complaint outside the investigation.
- d. It shall be the responsibility of the Superintendent to determine what further action should be taken on a complaint of sexual harassment by a Principal or district administrator. The Superintendent may assign a designated member of the central administration office to investigate the allegations of sexual harassment further. Said investigation will include a report to the Superintendent regarding the matter.
- e. It shall be the responsibility of all students and employees of Somerset Berkley Regional School District and any other persons having business with or contact with the school district to act appropriately under this policy. It shall be the responsibility of Somerset Berkley Regional School District to inform and educate school district personnel about sexual harassment.

- f. Any requirements stated and included in the current employment contracts between the Somerset Berkley Regional School Committee and district personnel shall be followed regarding all employment issues.

Notification

A copy of the district's sexual harassment policy and procedures shall:

- a. be included, by reference, in the Student/Parent Handbooks as published at each educational level of the district;
- b. be published in Somerset Berkley Regional School District policy book located in the school office of the district as well as in the policy book in the district central administration office and Town Libraries;
- c. be provided as part of any orientation program for new employees and students at the beginning of each school year; and
- d. appear in any school or district publication that sets forth the schools or districts comprehensive rules, regulations, procedures and standards of conduct.

Sanctions

- a. A substantiated charge against an employee of the district shall subject the employee to disciplinary action in accordance with any appropriate employee employment contract, up to and including discharge.
- b. A substantiated charge against a student shall subject that student to student-to-student disciplinary action including suspension or expulsion, consistent with the district's student disciplinary policy.

## **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.

### Excommunications

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, Braille 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. A written statement of the reasons for reaching that conclusion shall accompany the decision.

### Notice

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the projections against discrimination assured them by the ADA.

### Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in school community. Accordingly, employees of the school system will comply with the above requirements the law and policy statements of this Committee to ensure nondiscrimination on the basis of handicap.

LEGAL REFS.: Rehabilitation Act of 1973, Section 504 Education For All Handicapped Children Act of 1975  
M.G.L. 7 1 B: I et seq. (Chapter 766 of the Acts of 1972)  
Title II, Americans with Disabilities Act of 1992  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: IGB, Special Instructional Programs and Accommodations  
IGBA, Programs for Handicapped Students

## **MISSION STATEMENT**

The mission of Somerset Berkley Regional School District is to ensure that our students develop the knowledge and skills that prepare them to succeed in an increasingly global and technological society.

### District Guiding Principles

- The quality of our public schools is vital to the future of our community and nation.
- We will be constantly focused on promoting excellence with our students, faculty, and parents.
- Our students will need to respect and appreciate a wide diversity of people who have different racial, ethnic and cultural backgrounds.
- Parents, businesses and members of the community must be active partners with our schools in the education of our youth.
- We will promote lifelong learning and facilitate educational opportunities for all segments of the community.
- We owe it to our community to demonstrate a high return on the taxpayer's investment while exhibiting an ongoing sensitivity to the fiscal climate.
- Our schools will provide a safe and secure environment for maximum learning to take place.
- Our schools will effectively respond to the intellectual, social, and emotional needs of our students in order to improve student learning and achievement.

# SOMERSET BERKLEY REGIONAL SCHOOL DISTRICT

## “A PROFILE IN EXCELLENCE”

### MISSION STATEMENT

**THE MISSION OF SOMERSET BERKLEY REGIONAL SCHOOL DISTRICT IS TO ENSURE THAT OUR STUDENTS DEVELOP THE 21<sup>st</sup> CENTURY KNOWLEDGE AND SKILLS THAT PREPARE THEM TO SUCCEED IN AN INCREASINGLY GLOBAL AND TECHNOLOGICAL SOCIETY.**

### GUIDING PRINCIPLES

- The quality of our public schools is vital to the future of community, state, and nation.
- Teachers are central to the learning process; therefore, their work must be satisfying, rewarding, and challenging. Students, in turn, must be held accountable for their own progress.
- The achievement of our educational goals is dependent upon the development of an active and dynamic partnership between our schools, students, and parents, along with the community and local businesses.
- Our schools must effectively respond to the intellectual, social, physical, and emotional needs of our students in order to improve student learning and achievement.
- Student learning and achievement is enhanced when all members of the Somerset community consistently strive for educational excellence.
- Respect and appreciation for all people is essential to the success of our school system and society.
- Community support for our public schools is enhanced when we encourage life-long learning through facilitating educational opportunities for other segments of our community.
- We have a responsibility to our community to demonstrate the highest return on the taxpayers' investment in our school system.
- It is essential that our schools are safe and secure environments in order to ensure that maximum learning can take place.
- The creative and performing arts are important to the development, learning, and achievement of our students.

### STRATEGIC PLAN GOALS 2009– 2014

- Goal 1:** Review and maintain criteria to ensure that all students qualify to advance to the next grade level. Continue to work towards all children being at the proficient or advanced levels in regards to MCAS performance.
- Goal 2:** Integrate system-wide guidelines as established by the Massachusetts state curriculum for each grade level(s), while continuing to recruit and retain quality teaching staff that will be provided professional development in the area of differentiated instruction and using research-based practices.
- Goal 3:** Support student education by addressing social emotional needs, celebrating diversity and focusing on citizenship.
- Goal 4:** Maintain a high level of fiscal support and credibility in our community and address the significant infrastructure and organizational issues that require immediate attention with appropriate funding.
- Goal 5:** Implement and provide training that is consistent with the district technology plan to support student learning and prepare students to live in a technological world.

## **ACADEMIC ACHIEVEMENT**

The Somerset Berkley Regional School Committee values academic achievement for students as the district's highest goal. The Committee expects the school staff to maintain as their primary focus that of academic achievement. Furthermore, in the expenditure of all resources, the prioritization decision will favor academic achievement.

## **USE OF TOBACCO PRODUCTS ON SCHOOL PREMISES**

The Somerset Berkley Regional School Committee is dedicated to providing a healthy, comfortable, and productive environment for staff, students and citizens. The School Committee believes that education has a central role in establishing patterns of behavior related to good health and shall take measures to help its students to resist tobacco use. The School Committee is concerned about the health of its employees and also recognizes the importance of adult role modeling for students during formative years. Therefore, the Committee shall promote non-tobacco product use among its staff and students. Cessation programs designed to address the use of tobacco products will be made available to staff and students on a periodic basis.

The use of tobacco products is prohibited in school district buildings, on school district grounds, or on school buses by any individual including school personnel. This policy complies with M.G.L. Chapter 71 Section 37H of the Education Reform Act.

### Assistance for Tobacco Products

Somerset Berkley Regional School District shall work cooperatively with external agencies in order to provide cessation programs for both staff and students to address the use of tobacco products.

A committee including a representative of the Somerset Berkley Regional School Committee, administration, and union representation will be organized to plan tobacco use cessation activities on an as needed basis.

### Enforcement

It is the intent of the School Committee that a positive and supportive approach be taken-toward the enforcement of the tobacco use policy. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of users and non-users. All individuals on the school premises share in the responsibility for adhering to and enforcing this policy. Any conflict should be brought to the attention of the appropriate supervisor for the purpose of resolution. In any dispute arising from a Tobacco Use Policy, the health concerns of non-users shall be included in the prescriptive approach to enforcement of the policy for the staff.

### Students

Any violation of this policy by students shall be referred to the building principal. Students who violate provisions of this policy shall be subject to student discipline procedures.

### Staff

Any violation of this policy by staff shall be referred to the appropriate supervisor. It is every staff member's responsibility to comply with this policy and violations of the policy will be handled through the usual administrative procedures.

The immediate supervisor will initially handle any violation of the policy. Any subsequent violations of the policy will be handled by the following individuals in the following order: 2nd violation - building Principal; 3rd violation - Superintendent of Schools.

The School Committee recognizes that use of tobacco products has been declared to be an "addiction" by the Surgeon General. The Committee will assist and help coordinate treatment for those employees who repeatedly violate the policy prior to taking disciplinary steps.

### Citizens

Citizens who are observed using tobacco products on school district property shall be asked to refrain from use in school facilities. If the individual fails to comply with the request, his or her violation of policy will be referred to the building principal or other school district supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision on further action that may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent of Schools to prohibit the individual from entering school district property for a specified period of time. The Somerset Police Department shall be the principal enforcer of this policy.

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.

## BACKGROUND CHECKS

It shall be the policy of the Somerset Berkley Regional School District that, as required by law, a state and national fingerprint criminal background check must be obtained 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, school committee member acting as a 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 to the state CORI checks.

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 (DCJIS) 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.

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 checks

Fingerprint-based Criminal History Record Information (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 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 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

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely 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 proceedings 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.

#### 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 Statewide Automated Fingerprint Information System (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. A record of the suitability determination will be retained. The following information will be included in the determination:

- 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 suitability 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 suitability 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 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

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 his/her 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 his/her 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.

### 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 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 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 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 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 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 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 DCJIS. 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

FAO-Background Checks

SOURCE: MASC 2014

*Adopted by the Somerset Berkley Regional School Committee September 24, 2014*

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

CROSS REF.: IJOC, School Volunteers

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

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

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

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

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

Where CORI and other criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants 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 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.

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.

*Adopted by the Somerset Berkley Regional School Committee September 24, 2014*

**C.O.R.I. REQUIREMENTS****Employers may ask the following series of questions:**

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is “yes” please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

**It is unlawful for an employer to make any inquiry of an applicant or employee regarding:**

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

## SCHOOL DISTRICT WELLNESS PROGRAM

The Somerset Berkley Regional School District is committed to providing a school environment that promotes and protects children's health, well-being and ability to learn by supporting healthy eating and physical activity, while enhancing the development of lifelong wellness practices.

Thus, the Somerset Berkley Regional School District is committed to promoting and protecting children's health and well being, and ability to learn by supporting healthy eating and physical activity, by addressing the following requirements in the local wellness policy, as established by Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004:

- *Goals for nutrition education, physical activity and other school based activities (Refer to Appendix, Sections 1,2,3).*
- *Nutrition Guidelines selected by the Somerset Berkley Regional School District for all foods available on school campus under the district's objectives of promoting student health and reducing childhood obesity (Refer to Appendix, Section 4).*
- *Guidelines for reimbursable school meals, which are no less restrictive than regulations and guidance issued by the Secretary of Agriculture (Refer to Appendix, Section 5).*
- *A plan for measuring implementation of the local wellness policy (Refer to Appendix, Section 6).*
- *Community Involvement, including parents, students and representatives of the school food authority, the school board, school administrators and the public in the development of the school wellness policy (Refer to Appendix, Section 7)*

### **Guiding Principles: A Vision for Wellness**

- Recent passage of Public Law 108: Section 204 requires each LEA to have a local wellness policy in place
- The district's child nutrition programs comply with federal, state and local requirements, and are accessible to all children.
- The school district will engage students, parents, teachers, food service professionals and health educators in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- Adults serve as role models and school and community members are informed of the policies that improve the long-term health and well being of students.

- The school will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.
- Sequential and interdisciplinary nutrition education is provided and promoted.
- To the maximum extent practicable, all schools in the district will participate in available federal school meal programs, and provide assurances that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture.
- Phase in policies that all foods and beverages made available in schools (including vending, concessions, a la carte, student stores, parties and fundraising) during the school-day are consistent with current dietary guidelines.
- All foods made available in school adhere to food safety and security guidelines.
- Qualified child nutrition and food service professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; and will accommodate the religious, ethnic and cultural diversity of the student body.
- The school environment is safe, comfortable, pleasing and allows ample time and space for eating meals. Food and/or physical activity is not used as a punishment.
- All students in grades 9-12 will have opportunities, support, and encouragement to be physically active on a regular basis
- Patterns of meaningful physical activity connect to student's lives outside of physical education
- All school-based activities are consistent with Local Wellness Policy principles/goals.
- Somerset Berkley Regional School District has a strategic role to play in implementing, monitoring and evaluating the Wellness policy, with oversight provided by the Safe and Drug Free Schools and Wellness Advisory Council, and Wellness-Subcommittee.

### **Implications for Students and their Overall Well-Being:**

- *A healthy lifestyle and maintaining a healthy weight requires a combination of healthy food choices and appropriate amount of physical activity.*
- *Children need access to healthful foods and opportunities to be physically active in order to grow, learn and thrive.*

- *Good health fosters student's attendance and education.*
- *The healthy, physically active child is more likely to be academically successful.*

Policy and Appendix excerpted/cited from: School Nutrition Association—Local School Wellness Policies; National Alliance for Nutrition and Activity-Model Local School Wellness Policies; Massachusetts A La Carte Food and Beverage Standards to Promote a Healthier School Environment; Local Wellness Policy: A Guide for Development—Minnesota Department of Education; Local Wellness Policy Requirements: United States Department of Agriculture (USDA). Food and Nutrition Service; USDA, Food and Nutrition Service, Chapter II, Part 210—National School Lunch Program; Inside the Food Pyramid—USDA; Massachusetts Association of School Committees—Local Wellness Policy (Specific citations to follow)

## SOMERSET BERKLEY REGIONAL SCHOOL DISTRICT WELLNESS PROGRAM

### **Nutrition Education-Section 1**

- Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health.
- Includes engaging, developmentally appropriate, and culturally relevant participatory activities.
- Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices.
- Emphasizes caloric balance between food intake and energy expenditure.
- Provides integration with 9-12 health education, school meal programs and nutrition-related community services and programs.
- Includes training for teachers and other staff, including food service.
- The staff responsible for nutrition education will be adequately prepared and participate regularly in professional development activities to effectively deliver an effective nutrition education program as planned. Preparation and professional development will provide basic knowledge of nutrition, combined with skill practice in program-specific activities and instructional strategies designed to promote healthy eating habits.
- Nutrition education information will be reviewed by a qualified, credentialed health educator/nutrition professional.
- Nutrition education will involve sharing information with families and the broader community to positively impact student's health and the community.
- School district will provide information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals for their families.
- Students will be encouraged to start each day with a healthy breakfast.

### **Physical Activity-Section 2**

- Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically active lifestyle and to reduce time spent on sedentary activities.

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- Is integrated at each grade level as part of a sequential, comprehensive standards-based physical education program designed to provide students with the knowledge and skills necessary to be physically active.
- Physical education provides an environment where students learn, practice and are assessed on developmentally appropriate physical activity/motor skills, social skills and knowledge.
- Physical education includes the instruction of individual activities as well as competitive and non-competitive team sports to encourage life-long physical activity and wellness.
- Physical activity participation will take into account the “balancing equation” of food intake and physical activity.
- Adequate equipment is available for all students to participate in physical activity. Physical education facilities on school grounds will be safe.
- The school provides a physical and social environment that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.
- Policies ensure that state-certified physical education instructors teach in all physical education classes.
- Time allotted for physical activity will be consistent with research, national and state standards. Children should have opportunities for physical activity during the school day (i.e. recess at the elementary level).
- Continue to provide a daily recess period at the elementary level, which is not used as a punishment or reward.
- Information will be provided to families to help them incorporate physical activity into their student’s lives.
- The school encourages families and community members to institute programs that support physical activity.

<b>Other School Based Activities to Promote Student Wellness-Section 3</b>
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- Conduct a student survey to assess needs as they relate to physical activity, nutrition, and personal wellness/fitness.
- Local Wellness Policy vision and goals will be considered in planning all-school based activities (including field trips, school events, dances, and assemblies, fundraising).

- Support for health of all students is demonstrated by access to health educators, guidance/social adjustment counselors and nursing staff.
- Provide consistent nutrition messages throughout the school (in classrooms, cafeteria, hallways etc).
- Consider implementing programs that encourage physical activity beyond the school-day (i.e. after-school programs; increasing access to the gym).
- Consider sponsoring/hosting various health-related events and activities (i.e. wellness/health fair; parent workshops).
- Provide a coordinated approach to health and wellness education through 9-12 health/physical education curriculum development, state and federal grant programs, and the district's Safe and Drug Free Schools and Wellness Advisory Council and Wellness Sub-Committee.

#### **Nutrition Guidelines for All Foods in Schools-Section 4**

- All schools will meet Federal nutrition requirements. Schools will provide students with healthy foods consistent with the recommendations of the USDA *Dietary Guidelines for Americans*, as follows: [Re: School Lunch Program]
- No more than 30% of an individual's calories come from fat.
- No more than 10% from saturated fat.
- School meals provide one-third of the *Recommended Daily Allowance* of protein, Vitamin A, Vitamin C, iron, calcium and calories.
- District menu planning is based on a traditional food-based nutritional analysis of the week's menu, which includes minimum component quantities of meat or meat alternate; vegetables and fruits; grains or breads; and milk (See Attachment 1—*Minimum Nutrient and Calorie Levels for School Lunches-Traditional Food-Based Menu Planning Approach—School Week Averages*; Food and Nutrition Service, USDA; Section 210.10, 7 CFR Ch. II (1-1-05 Edition)—On File with Food Service Director.
- Food providers will take every measure to ensure that student access to food and beverages meets federal, state and local laws and guidelines. Food providers will offer a variety of age appropriate healthy food and beverage selections for students at the elementary, middle and high school levels.

- The district will conduct a review of nutritional guidelines established by the USDA *Dietary Guidelines for Americans* (2005) and *Massachusetts A La Carte, Food, Beverage Standards* (2004). The district will establish a nutrition policy for eventual implementation based on this review, as it relates to the following areas:
  - General Foods
  - Meat/Beans/Nuts
  - Fruits and Vegetables
  - Dairy
  - Juice
  - Grains/Carbohydrates
  - A La Carte/Competitive Foods
  - Beverage contracts
  - Fundraisers
  - Concession Stands
  - Student Stores
  - School parties/celebrations
- The district will incorporate food choices from the USDA Food Pyramid (MyPyramid.gov) into 9-12 nutrition education and nutritional guidelines for school lunch, school day and extended-day snack programs and other school-based activities.
- School fundraising involving any foods should support a healthy school environment and be free from solicitation of foods that do not meet established nutritional guidelines [*To be phased in once nutritional guidelines are established*].
- A healthy diet can include all foods, as long as snacks, desserts, side dishes and entrees are appropriately portioned. Competitive foods should not take the place of a nutritionally balanced meal [*Refer to Massachusetts A La Carte, Food, Beverage Standards (2004) for guidance*].
- The school should reinforce healthy messages by teaching proper nutrition and healthy eating habits in the classroom.
- The school environment should be a place where students can learn to make healthy choices. Marketing or advertising aimed at children that promotes consumption of foods of low nutritional quality (High calorie/high saturated and/or trans fat) should be phased out throughout the school environment. Advertising messages should be consistent with and reinforce the educational and nutritional goals of the district.
- Nutrition education/healthy messages are incorporated during snack time, extended-day programs and other activities during the school day, and not just during meals. Food and beverages sold at fundraisers, concessions and school stores should include healthy choices/options and provide age appropriate selections for elementary, middle and high school students [*To be phased in once nutritional guidelines are established*].

- The district will conduct periodic parent workshops and staff training related to healthy nutrition.
- The school should promote health and nutrition messages consistent with those taught by parents, teachers, health educators, nurses and nutritionists.

#### **Guidelines for Reimbursable School Meals-Section 5**

- The District will provide an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9 (f) (1) and 17 (a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758 (f) (1), 1766 (a) 0, as those regulations and guidance apply to schools.
- District menu planning for reimbursable school lunches is based on a traditional food-based nutritional analysis of the week's menu, which includes minimum component quantities of meat or meat alternate; vegetables and fruits; grains or breads; and milk (See Attachment 1—*Minimum Nutrient and Calorie Levels for School Lunches-Traditional Food-Based Menu Planning Approach—School Week Averages*)—On File with Food Service Director.
- Such reimbursable school lunches shall meet the established nutrition standards as specified by the USDA Food and Nutrition Service, Federal Regulation 210.10 (7 CFR Ch. II; 1-1-05 edition)—On File with Food Service Director.
- As a participant in the *National School Lunch Program*, the District adheres to the guidelines established by the United States Department of Agriculture (USDA), Food and Nutrition Service for reimbursable school meals.
- School meals are consistent with USDA *Dietary Guidelines for Americans* (1995), as follows:
  - Eat a variety of foods.
  - Limit total fat to 30% of total calories.
  - Limit saturated fat to less than 10% of total calories
  - Choose a diet low in cholesterol.
  - Choose a diet with plenty of grain products, vegetables and fruit.
  - Choose a diet moderate in salt and sodium.
- Lunches provide, on average over each school week, at least 1/3 of the Recommended Daily Allowance for protein, iron, calcium, and vitamins A and C in the appropriate levels for ages/grades, depending on menu planning approach used (Food and Nutrition Service, USDA, Section 210.10, 7 CFR Ch. II (1-1-05 Edition)—On File with Food Service Director.

- The contents of a reimbursable school lunch is as follows:
  - Includes at least three menu items. One of those menu items must be an entrée, and one must be fluid milk as a beverage. An entrée is a combination of foods or is a single food item offered as the main course. All menu items or foods offered in a reimbursable lunch contribute to nutrition standards established in section 210.10, Paragraph b, Food and Nutrition Service, USDA, 7 CFR Ch. II (1-1-05)—On File with Food Service Director
  - The district shall adhere to following requirements for reimbursable school lunches as established by the Food and Nutrition Service, USDA, Sections 210.7 and 210.8 in 7 CFR Ch. II (1-1-05 Edition)—On File with Food Service Director
  - Reimbursement for school food authorities
  - Claims for reimbursement

#### **Plan for Measuring Implementation of the Local Wellness Policy-Section 6**

- The district has established a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the Somerset Berkley Regional School District (*Director of Curriculum, Director of Business, Food Service Manager and K-12 Health/Physical Education Content Coordinator*), charged with operational responsibility for ensuring that the schools meet the Local Wellness Policy.
- *Components of the Implementation Policy*
  - Form District Wellness Sub-Committee (March 2006)
  - Conduct Initial Needs Assessment—survey students in grades 4, 7 and 11 regarding nutrition, physical activity and general wellness; survey principals regarding current status of vending, snacks/refreshments, fundraisers, and school stores involving food/snack items (April-June 2006).
  - Results will be compiled at the district level to identify and prioritize needs (April-August 2006).
  - Review K-12 Health and Physical Education curriculum as it relates to the *Local Wellness Policy* (April-June 2006; on-going 2006-2007)
  - The district will continue to assess education curricula and materials pertaining to wellness for accuracy, completeness, balance and consistency with the state and district's educational goals and learning standards (Massachusetts Association of School Committees).

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- Review anecdotal data (surveys, observations, informal interviews, curriculum review etc.) to provide a baseline assessment of the district's existing nutrition, physical activity and wellness environments and policies (April-June 2006; on-going 2006-2007).
- Identify priority needs/areas for improvement for the initial Local Wellness Policy; April-June 2006; on-going 2006-2007)
- Draft policy language that addresses each component of the Local Wellness Policy, as required by federal law. (April-June 2006).
- Submit Local Wellness Policy to Somerset Berkley Regional School Committee for formal review and approval for implementation not later than during the first day of the school year beginning after June 30, 2006 (July-August 2006).
- Identify key indicators for various components of the Local Wellness Policy to determine the level of successful implementation; collect and evaluate data (ongoing through 2006-2007).
- Review and evaluate the Local Wellness Policy and make revisions, as needed (2007-2008 school year).
- Identify a coordinator who will ensure that the district implements the Local Wellness Policy and will collect and summarize the evaluation results (March 2006-August 2006; on-going 2006-2007)

<b>School and Community Involvement-Section 7</b>
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- As required by law, parents, students, representatives of the school food authority, the school committee, school administrators and community representatives were involved in the initial planning and development of the Local Wellness Policy. Collaborative input was provided through meetings, surveys, informal interviews, observations, curriculum review and discussions involving various stakeholders in the local wellness initiative.
- The District's Safe and Drug-Free Schools Advisory Council and Wellness Sub-Committee were involved in the initial planning and development of the Local Wellness Policy. This Advisory Council and Sub-Committee includes parents, students, health educators, guidance staff, food service director, administrators, community representatives and a member of the Somerset Berkley Regional School Committee.

- Next Steps for Community Involvement:
  - *Build upon existing efforts and initiatives* (K-12 Health/Physical Education curriculum development; Nutrition education and awareness; expand parent workshops/trainings on nutrition education/awareness; partner with local wellness organizations and universities—Southeast Center for Healthy Communities, Brockton; Johnson and Wales University; UMASS/Dartmouth)
  - *Build support from existing groups* (i.e. Safe and Drug Free Schools and Wellness Advisory Council; Parent Organizations (PTO); School Improvement Councils; Student Councils)
  - *Publicize the vision and goals of the Local Wellness Policy* (announcements in school newsletters; Wellness link on district-website; parent workshops/trainings; press releases to news media; encourage wellness stakeholders—parents, teachers, students, community representatives—to speak at each other’s meetings).
  - *Continue to Build Capacity* (support wellness programs and activities with grant funds; solicit small business partnerships; provide program feedback through variety of mediums (i.e. district website, surveys, focus groups); parent trainings/workshops; establish partnerships with local health/wellness organizations; support wellness events and activities at the district and school level.

Excerpted/Cited from: School Nutrition Association—Local School Wellness Policies; National Alliance for Nutrition and Activity-Model Local School Wellness Policies; Massachusetts A La Carte Food and Beverage Standards to Promote a Healthier School Environment; Local Wellness Policy: A Guide for Development—Minnesota Department of Education; Local Wellness Policy Requirements: United States Department of Agriculture (USDA). Food and Nutrition Service; USDA, Food and Nutrition Service, Chapter II, Part 210—National School Lunch Program; Inside the Food Pyramid—USDA; Massachusetts Association of School Committees—Local Wellness Policy (Specific citations to follow)

## **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 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.