

*Ms. Mary A. Manning
Mr. James M. Fleming
Dr. Kristin Pangallo*



*Ms. Ana Nuncio
Mr. Manny Cruz
Ms. Amanda Campbell*

Mayor Kimberley Driscoll, Chair

“Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and City Ordinance Sections 2-2028 through 2-2033”

May 14, 2020 (Date Posted)

Salem School Committee Policy Subcommittee Meeting

Notice is hereby given that the **Salem School Committee will hold a Policy Subcommittee meeting on Monday, May 18, 2020 at 8:30 a.m.** The meeting will be held on-line through Zoom.

ZOOM LINK

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83809256410?pwd=NEcwc3RvQ3daRllobmtHU0tMeTA0QT09>

Password: 377166

Agenda

8:30 a.m.

1. Continue discussion and resolve the status of the following policies:
 - 3601 Transportation Policy
 - 6409 Public Participation at School Committee meetings
 - Continue review of policies in the 4000s and 5000s

Respectfully submitted by:

Jennifer Gariepy
Secretary to the School Committee

Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator as soon as possible and no less than 2 business days before the meeting, program, or event.

POLICY SUBCOMMITTEE MEETING 5/18/20

REVIEW AND APPROVE MINUTES

--Will need to put approval of minutes from 2/27/20 Policy Subcommittee meeting on next agenda (the 3/12 meeting was canceled and this item did not make it onto the 5/18 posting)

ACADEMIC POLICIES FOR REVIEW (KATE QUESTIONS OR WAITING FOR OTHER FOLLOW-UP)

- 5215.01 Directory Information Regarding Students – question - #4, do parents do this? What are the procedures? (sent to Colby for review – Colby said it's good to go. She suggested including this in the student handbooks as well)
- 5217 Student Publications (members wanted to follow up with the SAC – we did not finish this one at the last meeting;)
- 5221 Co-Curricular and Extra-Curricular Programs

UPDATE ON DISCUSSION ON BUS TRANSPORTATION POLICY # 3601

- Review suggested policy revisions/language
- Review and discuss draft procedures for invoking superintendent exception

OTHER ITEMS

- Continue discussion and review of Policy 6409 (Public Participation at School Committee meetings)
- Discuss possible formation of new policy for ALICE drills (to be numbered 3504.01)

POLICIES TO BE REVIEWED, BUT WAITING FOR ADMINISTRATIVE INPUT OR NEEDING OTHER TYPES OF FOLLOW-UP

- 4105 Staff Conduct with Students (*need Superintendent and team to review and determine whether a separate policy needed – pro's and con's of it*)
- 5213 Field Trips and Excursions – suggested revisions discussed, need to look at MASC recommendation (question about when a school uses outside transportation – Jill will ask Kristin)

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| FISCAL MANAGEMENT & NON-INSTRUCTIONAL OPERATIONS | 3000 |
| <u>TRANSPORTATION</u> | 3600 |
| STUDENT TRANSPORTATION SERVICES | 3601 |

1. Statement of Purpose & Scope of Policy

A. The purpose of school transportation is to get pupils who live an unreasonable walking distance from home to school and back in an efficient, safe, and economical manner. Other purposes consistent with this definition include the provision of transportation for academic field trips in direct support of the curriculum and transportation for the support of the co-curricular program (e.g., music, drama, athletics).

B. It is the intention of the School Committee to comply with the letter and spirit of the Massachusetts General Laws Chapter 71, Section 68 and other laws pertinent to the transportation of pupils, and these shall govern any questions not covered by specific declaration of policy herein.

MGL Ch. 71, section 68 states that “if the distance between a child’s residence and the school s/he is entitled to attend exceeds two (2) miles and the nearest school bus stop is more than one mile from such residence ..., the school committee (city) is responsible for providing transportation to students in grades K-6.

The school committee may assess fees to the transported students in grades 7-12 up to the amount sufficient to cover the costs incurred by the district; provided however, that no student eligible for free or reduced lunch, under the federal school lunch program, shall be required to pay the fee.

2. Mileage Limits for Entitlement to District-Provided Transportation

A. The Salem School Committee has determined that student bus transportation shall be provided at no cost for students in grades K-6 in accordance with MGL CH. 71, section 68. The School Committee shall review and consider changes in these mileage limits on an annual basis as the transportation system and budget allow.

B. The School Committee, at its discretion and to the extent permitted by Massachusetts’ law, shall authorize transportation for a fee to students who are not entitled to District-provided transportation to and from school as stated above.

C. No mileage restrictions nor any fees, shall apply to the transportation of a student whose individualized education program (IEP) or Section 504 plan includes entitlement to school transportation. Any student who moves to Salem from another community after November 1st who is eligible for paid transportation (or who qualifies for FRL ride privileges), will be provided transportation from at least November 1st until the end of that school year. Following that initial school year, the standing transportation policy will apply.

D. A bus pass shall be required for each student who is transported by the Salem Public School District, and will be issued to each eligible student. The bus pass is a valuable document and must be retained in order for students to ride the bus.

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Commented [JC1]: Kristin will look at implications for transportation. Jill will check with RW about the newcomper proximity data

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Commented [JC2]: Issue of whether or not the newcomer provision should or should not include those living within 1 mile is still being discussed – if not applying to those within mile, the newly proposed language should go elsewhere in the policy

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| FISCAL MANAGEMENT & NON-INSTRUCTIONAL OPERATIONS | 3000 |
| <u>TRANSPORTATION</u> | 3600 |
| STUDENT TRANSPORTATION SERVICES | 3601 |

E. Neither rerouting an established bus route when said bus is at capacity ridership, nor the addition of a bus to create a new route, shall be required to accommodate a request for transportation for a fee. When either rerouting or adding a bus is the only way to accommodate a request for paid transportation, that request will be denied. The last student who purchased transportation (or receives FRL ride privileges) on a given route would be the first student to be denied transportation if that route should exceed capacity. Prorated fees would be refunded.

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F. When a student transported for a fee is suspended from school, due to a violation of her or her school’s code of conduct, or is denied transportation due to violation of the transportation code of conduct for students, neither the student nor his or her parent or guardian shall be entitled to reimbursement of any part of the fee paid for transportation, except when the suspension is for the remainder of the school year. Reimbursement shall be made pro rata, based on division of the fee by the number of months in the school year.

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G. Eligibility for Transportation and Controlled Choice.
 Under the Salem School Committee’s student assignment policy, parents have the opportunity to select a school other than their neighborhood school. Busing will be provided for those children who enroll in a school other than their neighborhood school only if they meet the distance eligibility requirements detailed above and are consistent with the objectives of policy 5103 “Controlled Choice Student Assignment Policy.” For all others, transportation is the responsibility of the parent.

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H. Late Bus Transportation
 “Late bus” transportation is for those students who stay past the normal dismissal times for school-related purposes at the middle school and high school. On occasion, when funds allow, “late bus” service will be provided to students at the elementary school level in conjunction with academic support programs.

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I. Rider Eligibility
 Any persons who are not employees and/or Salem students are not entitled to District transportation and are prohibited from Salem School District busses.

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3. Superintendent Exception and Annual Review
In special circumstances, and in a limited number of cases, the Superintendent shall have the authority to make exceptions to this policy when a students’ or families’ circumstances may require additional supports. The School Committee shall review this policy annually.

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Legal Reference: Policy 5103, “Student Assignment”
 M.G.L. c. 71 §§ 7A, 68
 29 U.S.C. §794 (Sec. 504 of the Rehabilitation Act of 1973)
 34 C.F.R. Part 104

Approved by School Committee June 15, 2015
 Reviewed by the Policy Subcommittee on 11/26/19, 12/10/19, and 2/27/20,

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Procedures for Invoking Superintendent Exception to SC Policy 3601, Section J.

DRAFT

Types of special circumstances may include:

- Cases of homelessness where family circumstances prohibit their ability to safely get students to school
- Newcomer proximity to school in harsh weather conditions
- Significant family health concerns that prohibit a family member from escorting a student

School staff may refer cases to the Transportation Department to seek this exception. Transportation will then convene a review team consisting of Director of Student and Family Supports, ELL Director, ED of PPS, or other staff as appropriate. This team will prepare the case for the Superintendent's review. The Superintendent will review the case and make the determination.

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| Students and Instruction | 5000 |
| Student Records | 5215 |
| DIRECTORY INFORMATION REGARDING STUDENTS | 5215.01 |

1. Authorization to Release Directory Information. The Salem School Committee establishes that, in conformity with federal and Massachusetts law governing the privacy of student information, school district administrators or others acting under the authorization of the Superintendent of Schools may, without the prior written consent of a student’s parent or guardian, release directory information on any student attending the Salem Public Schools. As used herein, “directory information” shall mean personally identifiable information about a student that is generally not considered harmful or an invasion of privacy if released. Directory information shall include the following personally identifiable student information: (1) name, (2) address, (3) telephone listing, if published, (4) photograph, (5) date and place of birth, (6) dates of attendance, (7) grade level, (8) participation in officially recognized activities and sports, (9) weight and height of members of athletic teams. (10) honors and awards received, and (11) the most recent educational agency or institution attended.

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2. Specific Requirements for Release of Directory Information. Except as provided in section 3, below, the Salem Public Schools and its agents shall release to military recruiters, upon request, the following directory information on students who are in their third and fourth years of high school: (1) student’s name; (2) student’s address; and (3) student’s telephone listing.

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3. Parental Advisement to Withhold Release of Directory Information. A parent or guardian who does not wish directory information on her/his child to be released pursuant to either Section 1 or Section 2, above, or both, may prevent release of that information by providing an annual written notification to the Superintendent of Schools or the principal of her/his child’s school. Said written notification shall be postmarked or delivered in person by the parent or guardian by not later than the thirtieth (30th) calendar day after the start of the school year for which the denial of permission shall be effective, or, in the case of a child who enters the Salem Public Schools after the first day of the school year, by not later than the thirtieth (30th) calendar day after the student is enrolled.

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4. Notification to Parents of Right to Withhold Consent to Disclosure of Personally Identifiable Student Information. The Salem Public Schools shall comply with all requirements of federal or Massachusetts law regarding notice to parents or guardians of the release of directory information and the right of parents or guardians to opt not to permit release of such information.

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| Students and Instruction | 5000 |
| <u>Student Records</u> | 5215 |
| DIRECTORY INFORMATION REGARDING STUDENTS | 5215.01 |

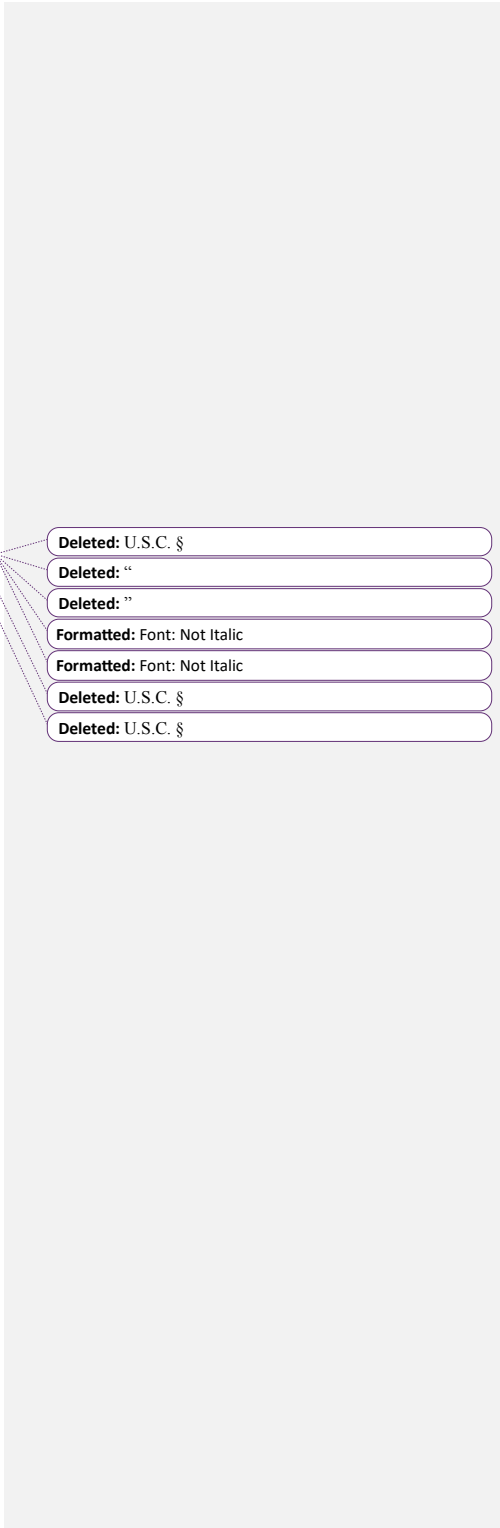
5. Regulations Authorized. The Superintendent shall issue such regulations as may be necessary to effectuate the purposes of this policy and to comply with all pertinent laws and regulations.

REFERENCES

- [20 USC 1232g \(Family Educational Rights & Privacy Act\)](#)
- [20 USC 7908](#)
- [10 USC 503\(c\)](#)
- [34 CFR Part 99](#)
- [603 CMR 23.00](#)

Approved: April 5, 2010

Reviewed: October 2015



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STUDENTS AND INSTRUCTION

5000

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INSTRUCTIONAL PROGRAM

5200

STUDENT PUBLICATIONS

5217

Commented [JC2]: See other sample policies from MASC – policy JICE

The School Committee commits to insuring freedom of expression by its students and will encourage student publications for their educational benefit and as a means for students to express responsibly their views.

The right of students to freedom of expression in the Salem Public Schools shall not be abridged, provided that such right shall not cause any disruption or disorder within the school, as defined by MGL Chapter 71, Section 82. Disagreement with, or offense taken at, the views expressed by a student shall not amount to a “disruption or disorder” within the meaning of this policy. Freedom of expression shall include without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish and disseminate their views, (c) to assemble peaceably on school property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the school principal or his/her designee.

The School Committee recognizes that in order to achieve the goal of determining whether or not a student publication will cause disruption or disorder within the school, as defined by Section 82 of Chapter 71 of the general laws, prior review of the student publication by the administration is necessary. The faculty advisor shall deliver the student publication with time and date stamped upon it for review by the school administrator designated by the superintendent for the sole purpose of determining whether or not such publication will cause disruption or disorder within the school as defined by the statute before print or online publication. The designated administrator shall not delay or prevent such publication unless he/she finds that such publication will cause disruption or disorder within the school as defined by the statute. Such a determination by the designated administrator shall be made in writing to the superintendent, faculty advisor, and student editors of the publication within five (5) school days after receiving such publication, exclusive of Saturdays, Sundays, and legal holidays. After receipt of the publication from the faculty advisor, a failure to respond in writing by the designated administrator within the prescribed timeframes shall operate as a determination that such publication will not cause disruption or disorder within the school as defined by the statute and the publication may be published and distributed without further review or delay.

Commented [JC4]: Policy SC wants to discuss with Student Advisory Council and SHS school leaders to better understand how this works now in practice.

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| STUDENTS AND INSTRUCTION | 5000 |
| <u>INSTRUCTIONAL PROGRAM</u> | 5200 |
| STUDENT PUBLICATIONS | 5217 |

Regardless of such review by the school administrator designated by the superintendent, no expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students.

Legal Reference: MGL 71:82

Approved: 5/3/04

APPROVED: 1/9/06

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Reviewed: October 2015

Reviewed by Policy Subcommittee on 2/6/20 – seek input from SAC and SHS and bring back to 2/13 meeting

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| STUDENTS AND INSTRUCTION | 5000 |
| <u>INSTRUCTIONAL PROGRAM</u> | 5200 |
| CO-CURRICULAR AND EXTRA-CURRICULAR PROGRAMS | 5221 |

The School Committee endorses the following guidelines:

Each student activity must be clear in the contribution it can make to the learning and development of youth;

The student activity program must be continually changing. It must adjust to the needs and interests of students in the same way as the academic program;

Participation should be equally available to all students with restrictions related only to competency and interest in the given activity. There must be no secret balloting for admission.

Reviewed by Policy Subcommittee: October 2015

SCHOOL COMMITTEE

6000

SCHOOL COMMITTEE MEETINGS

6400

PUBLIC PARTICIPATION AT SCHOOL COMMITTEE MEETINGS/PUBLIC HEARINGS

6409

All regular and special meetings of the School Committee shall be open to the public. School Committee meetings, including executive sessions, are conducted in accordance with the Massachusetts Open Meeting Law.

The School Committee desires and encourages citizens of the district to attend its meetings so that they may become better acquainted with the operations and the programs of our local public schools. In addition, the Committee would like the opportunity to hear from the public on issues that affect the school district and are within the scope of the Committee's responsibilities. Therefore, the Committee has set aside a period of time at each School Committee meeting to hear from the public. Since Spanish is the second-most prevalent language in the city, interpreters will be available at regular school committee meetings should members of the public choose to address the committee in Spanish.

Public comment is intended to offer citizens an opportunity to express their opinion on issues of School Committee business. Should the Chair believe that an issue or question falls outside the purview of the School Committee, he/she may request that citizens direct it to the appropriate person or body so that the matter is given proper consideration.

The following process will govern public comment and participation at School Committee meetings:

1. A summary of this policy shall be read aloud at the beginning of each meeting in both English and Spanish.
2. The School Committee will have one section for public comment at each School Committee meeting, which shall generally follow the opening of the meeting.
3. A sign-up sheet will be available as people enter the meeting, and people will speak in the order in which they sign up, unless more than one person wishes to speak on a single topic, in which case the Chair may call them together. People who arrive after the sign-in sheet has been removed may speak at the Chair's discretion. The sheet will be handed to the chair just prior to the meeting being called to order.
4. Individuals wishing to speak must identify themselves by name and address and indicate the specific topic they wish to address.
5. Speakers will be allowed up to 5 (five) minutes to present their material. Extension of this time limit is at the discretion of the chair.
6. Copies of comments may be presented in writing, but not required, to the Committee before or after the meeting for Committee members to review or to consider at an appropriate time, and for inclusion in the meeting minutes.
7. Topics raised during the public comment period shall be limited to items that are within the School Committee's authority.
8. All speakers are encouraged and expected to present their remarks in a respectful manner.

Commented [JC1]: Additional revisions adopted by the Policy Subcommittee on 1.29.20 are highlighted, below. The updated proposed policy was re-referred to SC for 2nd reading.

Deleted: ¶ It is the policy of the School Committee that the agenda shall include a provision for community and staff to address the School Committee on topics or issues that would be reflective of the public interest, but for a period of no longer than a 5 minute duration. ¶

Commented [JC2]: Changed word to "summary" instead of precis as appeared in the 1st reading

Commented [JC3]: Added by Policy Subcommittee on 1/29/20 and re-referred for 2nd reading

Commented [JC4]: Revised wording by Policy Subcommittee on 1/29/20 and re-referred for 2nd reading (1st reading said: "Any person wishing to speak must identify him or herself"

Commented [JC5]: Changed from "interest to which they wish to speak" to "topic they wish to address."

Commented [JC6]: Added by Policy Subcommittee 1.29.20

9. All remarks will be addressed to the Chair of the School Committee. Responses to concerns will be made only by the Superintendent or Chair of the meeting, or other members at the Chair's discretion should a member request to speak. While the Committee and/or administration will not typically respond to citizen comments or questions posed at public comment, the Chair, as presiding officer of the meeting, may answer or request an answer to a question if he/she deems it expeditious.

State law also provides that,

No person shall address a public meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If after clear warning from the Chair, a person continues to disrupt the proceedings, the Chair may order the person to withdraw from the meeting and if the person does not withdraw, the Chair may authorize a constable or other officer to remove the person from the meeting.

Legal Reference: 30A:20(g)

Referred by the Policy Subcommittee on 1/16/20

First reading on 1/21/20

Revised and re-referred by Policy Subcommittee on 1/29/20

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Deleted: that all committee meetings shall be open to the public and to the press unless the committee shall vote to go into executive session. Further:

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