

Arlington School Committee
Standing Subcommittee: Policies and Procedures Subcommittee
Thursday, August 6, 2020

5:30 p.m.

Meeting conducted by remote participation.

https://us02web.zoom.us/webinar/register/WN_VOGLurwBT66ONXPeSWE4OQ

The meeting was recorded.

Draft Minutes

The meeting was called to order at 5:35 p.m.

Dr. Allison Ampe read the governor's executive order suspending certain provisions of the Open Meeting Law, providing for remote meetings due to the pandemic.

A roll call was taken to establish remote presence in the meeting.

Kirsi Allison-Ampe	Present	Bill Hayner	Present
Paul Schlichtman, Chair	Present		

Public Comment: None

Approval of minutes June 2, 2020

On a **motion** by Mr. Hayner, **seconded** by Dr. Allison-Ampe, it was **voted** to approve the minutes of May 6, 2020. **Roll Call:**

Kirsi Allison-Ampe	Yes	Bill Hayner	Yes
Paul Schlichtman	Yes		(3-0)

File EBC Supplemental: Policy Issues for the Pandemic

The subcommittee reviewed the policy recommended by the Massachusetts Association of School Committees (MASC).

Dr. Allison-Ampe and Mr. Hayner described the language pertaining to File JH: Attendance as confusing. Mr. Schlichtman said he would check in with MASC

Dr. Allison-Ampe and Mr. Hayner asked if the provisions for Privacy of Students (JRA) and Illness and Contact Tracing (JLCC) were in conflict. . Mr. Schlichtman said he would check with counsel.

On a **motion** by Mr. Hayner, **seconded** by Dr. Allison-Ampe, it was **voted** to advance to first reading, with the understanding of the need to get advice from counsel regarding privacy, health data, and contact tracing. **Roll Call:**

Kirsi Allison-Ampe	Yes	Bill Hayner	Yes
Paul Schlichtman	Yes		(3-0)

File KDAB: Temporary Signs and Banners

The subcommittee discussed the need for a policy regarding signs and banners. Mr. Schlichtman shared a draft policy that he wrote after consulting with town counsel. Dr. Allison-Ampe said she requested an explanation of counsel’s thinking, but he is on vacation this week. Mr. Hayner stated that permitting residents to post banners on school property, without any regulation, would create a public forum. Mr. Schlichtman described his discussion with counsel in which Mr. Heim discussed the right of the committee to engage in governmental speech.

The discussion concluded with the recommendation that the proposed File KDAB be shared with the full committee, with the understanding that the school department should not permit banners on school policy until we are able to adopt a satisfactory policy supported by counsel.

File BEDH and BEDH-E: Public Comment at School Committee Meetings

Mr. Schlichtman noted the subcommittee recommended some revisions to BEDH and BEDH-E, but the revised policies were put aside as provision 6 in BEDH appeared to conflict with the court ruling in Spaulding v. Town of Natick School Committee.

Dr, Allison-Ampe provided a link to a Boston Bar Journal article describing the ruling. <https://bostonbarjournal.com/2019/06/06/spaulding-v-town-of-natick-school-committee-allowing-free-speech-while-accomplishing-municipal-work/>

Mr. Schlichtman recommended new language to cure the flaw in provision 6. The subcommittee agreed to continue discussing the policy after a review and explanation by counsel.

File BEDB: Agenda Format/Preparation and Dissemination

Mr. Schlichtman began a discussion of File BEDB, with the intent of adding an agenda category for action items, and advancing this item in the order of meetings. He proposed language to tighten requirements for posting items two days before the scheduled meeting. Mr. Hayner suggested changing the deadline for posting materials for public viewing to 24 hours before the committee meeting.

Dr. Allison-Ampe said she didn’t think amending the policy would produce the changes we desire, and the current policy could provide the results we are seeking. Mr. Schlichtman said the revised policy would fortify the chair’s ability to align meetings to the expectations of the committee.

On a **motion** by Mr. Hayner, **seconded** by Dr. Allison-Ampe, it was **voted** to bring forward File BEDB, as amended, for discussion and first read. **Roll Call:**

Kirsi Allison-Ampe	No	Bill Hayner	Yes
Paul Schlichtman	Yes		(2-1)

File ACAB: Harassment

The subcommittee considered a replacement to File ACAB published by MASC. According to MASC:

The June MASC Bulletin contained an article relative to the US DOE changes to Title IX Regulations. We have been working with MASC General Counsel Stephen Finnegan to create a

model policy that addresses the issues created by these changes. While it appears this action was taken to force colleges to comply with due process requirements, it also applies to K-12 education. Effective August 14, 2020, school committees are required to adopt an evidentiary standard of either preponderance of the evidence (greater than 50% chance that the claim is true) or beyond reasonable doubt standard (proof that is close to reasonable certainty).

There are certain conditions that are referenced in the policy concerning the adoption of the evidentiary standard. MASC strongly urges School Committees to consult with legal counsel concerning the adoption of the evidentiary standard and the policy itself. <https://masc.us8.list-manage.com/track/click?u=9bb314415bc62a896bc733a76&id=77df80ff17&e=4aead344f6>

Citing the complexity of MASC’s proposed replacement, and their advice to consult with counsel before moving forward, the subcommittee chose to postpone discussion to the next meeting.

File FAB: Athletic Facilities Improvement Needs

Last year, the subcommittee previously recommended the deletion of File FAB, but the school committee declined to delete the policy. Dr. Allison-Ampe said she would like to think about amending it, rather than deleting it. The subcommittee chose to postpone discussion to the next meeting.

File JJK: School Logos and Trademarks

The subcommittee discussed the need to amend this policy, as Arlington High School Principal Matthew Janger is working with students to select a new logo for the school. The subcommittee recommends inserting a new provision 2, requiring a vote of the school committee to approve slogans and logos. The subcommittee also recommends providing the superintendent with the ability to approve variations, as teams and clubs might want to customize the official logos or slogans.

On a **motion** by Mr. Hayner, **seconded** by Dr. Allison-Ampe, it was **voted** to recommend File JJK, as amended, for first read. **Roll Call:**

Kirsi Allison-Ampe	Yes	Bill Hayner	Yes
Paul Schlichtman	Yes		(3-0)

File EBCFA: Face Coverings

On August 5, MASC sent a recommend Face Coverings policy to school committees. Members of the subcommittee viewed the proposed policy as duplicative of emergency declarations, and potentially unnecessary. The committee chose to defer action to a future meeting.

Future Agenda Items

Mr. Schlichtman said he would accept future agenda items by request.

Adjourn

On a **motion** by Dr. Allison-Ampe, **seconded** by Mr. Hayner, it was **voted** to adjourn at 7:15 p.m. **Roll Call:**

Kirsi Allison-Ampe	Yes	Bill Hayner	Yes
Paul Schlichtman	Yes		(3-0)

File: EBC Supplemental. General (Interim) Policy on COVID-Related Issues

The Arlington School Committee takes note of the COVID-19 emergency; resulting disruption of the traditional school day and year; growing concerns of students, families and the community; and the growing number of issues that will affect public education.

Therefore, the school committee establishes an emergency, interim policy to:

- promote public safety and safety of students and faculty,
- maintain to the extent possible the high and efficient level of educational services,
- ensure support for students in general and in particular for those at highest risk educationally as well as those at social and economic risk, and
- comply with the emergency orders of the governor and adhere to the extent possible, to the guidance of the Department of Elementary and Secondary Education and other agencies of state and federal government, and expedite the safest strategy for returning students to school.

The school committee will approve the final plan submitted to DESE which will outline its strategy for returning students to school and will, in collaboration with the superintendent, make such modifications to the “back to school plan,” and district policy, and will authorize the superintendent to suspend, revise or create protocols to facilitate the safe return to school.

The superintendent will designate the appropriate staff members to oversee the safe administration of COVID-related policies during the period of the pandemic emergency and shall make such recommendations to the school committee as needed.

The school committee will authorize the superintendent to act expeditiously in executing the “back to school” plan in accordance with current law and regulation and will, where noted, authorize the superintendent to suspend, revise, or recommend policies, rules and protocols as needed to serve the best interests and safety of students, their families, and the community. **The superintendent shall notify the school committee of such actions.**

The “back to school” plan shall constitute the policy of the school district during the pandemic emergency, and the superintendent shall exercise the authority provided in law to carry out the plan as needed.

- General district goals affected by the pandemic.

The superintendent, with the advice and consent of the school committee, may suspend or modify individual district policies to address the COVID-19 emergency as declared by the governor. Such suspension of policy shall expire upon the end of the emergency as declared by the governor.

The goal of emergency pandemic policies shall be to:

- ensure the safety and health of students, faculty, staff, and all persons who may come in contact with them;
- provide the most effective educational services as possible to students under the circumstances;
- authorize changes to operating protocols as needed to open and operate schools effectively from various venues or platforms;
- conduct the district business and operational functions of the district as efficiently as possible;
- allow the superintendent and staff to act quickly to carry out a “back to school” plan and,
- facilitate the re-establishment of a safe and productive school day and year.

- Student assignment to schools (File JCA)

Subject to the guidance from the Department of Elementary and Secondary Education, the superintendent may suspend or revise the assignment of students to schools, including the assignment of new students for such a period as the emergency declaration is in force.

- School calendar (File IC/ICA)

Subject to the guidance from the Department of Elementary and Secondary Education and the provisions of collective bargaining agreements, the superintendent may suspend or revise the school calendar with the approval of the school committee.

- Class size (File IIB)

In order to maintain healthy, safe, and effective classrooms, the superintendent may suspend district policy on class size, subject to the provisions of the collective bargaining agreements where applicable.

- Attendance (File JH)

Subject to operative law and regulations, suspend, modify or adapt policies related to student attendance including the link between ~~and~~ absences (when appropriate, including the link between attendance and grades) and, chronic absence policies, and accommodations for students requiring special placements.

- Time on learning (File IC/ICA and ID)

Subject to the guidance from the Department of Elementary and Secondary Education and the provisions of collective bargaining agreements, the

superintendent may suspend or amend requirements for time on learning for the duration of the COVID pandemic.

- Grading and retention (File IKE)

In accordance with guidance from the Department of Elementary and Secondary Education, the superintendent may propose, subject to the approval of the school committee, modifications to the policy of the district for grading and retention of students.

- Local graduation requirements (File IKF)

In accordance with guidance from the Department of Elementary and Secondary Education and modifications to current regulation or law, the superintendent may propose, subject to the approval of the school committee, modifications to the policy of the district regarding graduation requirements. ~~DUPLICATE STATEMENT IN SPECIAL EDUCATION~~

- Special education (File IHB, IHBA, IHBAA, IHBF)

The superintendent and school committee should be mindful that attainment of a high school diploma may render certain students ineligible for further services.

- Discipline and Suspension/Expulsion with home schooling rights (File JIC, JK)

The “back to school” plan recommended by the superintendent and subject to the approval of the school committee shall contain protocols for serving students who are disciplined or suspended during the pandemic emergency.

Further, the superintendent shall provide in these “back to school” plans provisions for students **who** were disciplined or suspended ~~or who may elect to remain at home under the provisions of the policies related to home schooling,~~ or who may elect remote learning in the interests of safety or health concerns.

- Exemptions for particular groups of students (i.e., use of masks for youngest children, high risk students) (File JL)

The superintendent shall provide protocols to principals and teachers regarding students who may require special exemptions from health and safety standards during the pandemic emergency. Such protocols may address exemption for utilizing support animals.

- Job descriptions (File GCA)

The superintendent may revise job descriptions for district staff, considering the provisions of current collective bargaining agreements, in order to secure the safety and health of students and staff, establish effective communications between school and community, maintain facilities, transport students as needed,

provide food services, and acquire necessary materials to operate schools safely and securely during the pandemic. The superintendent will inform the school committee of any such changes. Any changes to job descriptions shall expire at the end of the declared emergency situation.

- STUDENTS AT RISK (JIE, JL, JLC, JLCC)

During the COVID pandemic, the superintendent or principal of a school may revise or suspend provisions of policy to facilitate the education of students at risk or with special physical needs or their family caregivers, including, but not limited to caring for or educating students with disabilities, illness, pregnancy, childrearing responsibilities, or special education needs consistent with law and regulation.

- Privacy of Students. (File JRA)

During the pandemic, the rights to privacy held by students and their families shall not be abridged by the public schools. Such rights extend to the confidentiality of student academic records, **health data**, economic status, and other such information as may be considered confidential by law.

Massachusetts law prohibits the recording of individuals without their permission. Similarly, students may not be recorded in classrooms by audio, visual, or remote means without the permission of parents or, if of age, by individual students. During periods of remote learning, the privacy of students participating in on-line classes shall not be violated by recording them without appropriate permissions.

- Pivoting back to remote learning, or back to in-school instruction

The superintendent shall incorporate into the “back to school” plan protocols for modifying these plans including addressing the needs of students who may require reversion from in-school to remote learning modalities because of the pandemic emergency.

- Home schooling File IHBG (temporary), home-bound instruction File IHBF (e.g., students with physical disabilities) and remote instruction for students in quarantine

The “back to school” plan shall provide for students who are temporarily homebound due to illness, quarantine, or disability.

- Public Safety Officers, including the school resource officer (~~MOA with the local police.~~)

Subject to current law or regulation, the superintendent shall report to the school committee of any change in status of the school resource officer. (~~If the district eliminates visitors to school during the school day, the SRO may be impacted.~~)

- Eligibility for participation in extra-curricular activities, including sports (File JJ)

Subject to law, regulation and standards established by the appropriate and legitimate regulatory body, the superintendent may propose changes to district protocols for participation in extracurricular activities including sports subject to the rules established by the Massachusetts Interscholastic Athletic Association.

- Attendance vs. participation in events (File JH and Student/Athletic Handbooks)

Subject to law, regulation or emergency declaration, the superintendent may propose protocols or modifications or suspensions of district policies regarding attendance by students or the public in school events including, but not limited to assemblies, sports events, large gatherings, or other programs.

- Visitors in schools and buildings (File KI)

Subject to current emergency declarations, the superintendent may propose suspension or modification to district policies regarding visitors to school buildings during the school day and after school hours.

- Illness and contact tracing (File JLCC)

Subject to the provisions of the “back to school” plan, the superintendent may establish protocols for tracking student contacts as a means of locating others from whom students may contract or expose other persons to the COVID-19. Such protocols will be consistent with law and regulation and be consistent with standards to protect the privacy of students, their families, and other persons. (conflict with student privacy rights)

- Transportation and busing (File EEA, EEAA, EEAEC, EEAG)

Subject to current law and regulation, the superintendent may suspend or modify policies related to the transportation of students by the school district. Legal requirements relating to IEPs that contain transportation for students shall not be altered without the appropriate family consent. These modifications shall be consistent with the district “back to school” plan.

- Operations and plant maintenance (File EC, ECA)

Subject to the provisions of law, regulation and collective bargaining agreements, the superintendent may suspend or amend current policy to ensure the efficient operation of business functions and maintenance of school buildings and other such offices as the district maintains.

- **Notification:** The superintendent will inform the school committee if and when any of the above mentioned policies are suspended, amended, or changed by law or regulation.

File KDAB: Temporary Signs and Banners (draft proposal)

The Arlington School Committee recognizes that temporary signs or banners on school department property can be effective tools in which to communicate with the public. This policy establishes guidelines for approving and posting temporary signs or banners, with the understanding that the school committee is not establishing a public forum.

A building principal, or the superintendent of schools, may authorize the posting of a banner or temporary sign on school department property, provided:

- The sign or banner promotes a school sponsored event, such as an open house, athletic contest, or student performance.
- The sign or banner is an expression of civic engagement by a recognized student organization.
- The sign or banner supports a fundraising effort by a recognized student organization or parent organization (such as a PTO).

The school committee, by majority vote, may exercise its right to governmental speech by directing the superintendent to erect a temporary sign or display a banner on school grounds.

Any sign or banner must display the name of the school-based organization sponsoring the sign or banner.

Signs or banners may not be posted by individuals, or organizations not directly associated with the Arlington Public Schools. Organizations renting school department facilities for an event may not post temporary signs or banners without the authorization of the school committee.

Temporary signs or banners in support of, or in opposition to, a political candidate or ballot question, or any political purpose as defined by the Massachusetts Office of Campaign and Political Finance, shall not be posted on school department property.

File: BEDH - PUBLIC COMMENT AT SCHOOL COMMITTEE MEETINGS

All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.

The School Committee desires ~~citizens~~ **residents** of the ~~District~~ **town** 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 the wishes and ideas of the public.

In order that ~~all citizens~~ **individuals** who wish to be heard before the Committee have a chance and to ensure the ability of the Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled School Committee meeting, individuals or group representatives will be invited to address the Committee. The length of the public comment period shall ~~be~~ **extend to but shall not exceed** 20 minutes unless the Chair chooses to extend the time
2. Speakers shall identify themselves and will be allowed three (3) minutes to present their material. The presiding Chair may permit extension of this time limit.
- ~~3. Topics for discussion must be limited to those items listed on the School Committee meeting agenda for that evening.~~
- 3. Although a public body may consider an unanticipated topic that was not listed in the meeting notice, the Attorney General strongly encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if those topics were not listed in the meeting notice. Committee members may ask clarifying questions through the chair, but discussion or action should be facilitated by using a motion to refer a topic to the appropriate subcommittee, or requesting a topic to be placed on a subsequent agenda.**
4. Improper conduct and remarks will not be allowed. Defamatory or abusive remarks are always out of order. If a speaker persists in improper conduct or remarks, the Chair may terminate that individual's privilege of address.
5. All remarks will be addressed through the Chair of the meeting.
6. Speakers may offer such objective criticisms of the school operations and programs as concern them. ~~but in public session~~ The Committee ~~will not hear~~ **requests that** personal complaints of school personnel, ~~or nor~~ against any member of the school community, ~~Under most circumstances,~~ **should be addressed through** administrative channels, **as they** are the proper means for disposition of legitimate complaints involving staff members.

7. Written comments longer than three (3) minutes may be presented to the Committee before or after the meeting for the Committee members' review and consideration at an appropriate time. **Written comments presented to the Committee shall be included in the official record of the meeting.**

File: BEDH-E - GUIDELINES FOR PUBLIC COMMENT

A School Committee Meeting is a meeting of a government body at which members of the body deliberate over public business. We welcome the attendance of members of the school district community to view your School Committee as it conducts its regular business meeting.

Massachusetts General Laws Chapter [30A Section 20](#)(f) governs public participation at open meetings covering all public bodies.

Chapter [30A:20](#) [Notice, Remote Participation, Public Participation, Certification]

(f) No person shall address a 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.

The School Committee believes that the school district community should have an opportunity to comment to the Committee 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. In addition, if the Committee believes that an issue requires a dialogue with the school district community, the Committee may schedule a separate public hearing on that issue.

Any ~~citizen~~ **person** who wishes to make a presentation to the School Committee on an item which is of interest to him/her and within the scope of the Committee's responsibilities may request to be placed on the agenda for a particular meeting. Such request should be in writing and should be received by the Superintendent of Schools at least one week prior to the date of the meeting. Such request should contain background statements which would explain the scope and intent of the agenda item. The Chair of the Committee works with the Superintendent to formulate the meeting agendas. Together they will determine whether or not to place an item on the agenda and if the item is to be taken up. They will also determine when to place an item on the agenda and all parameters to be required of the presenter.

Here are the general rules for the Committee's public comment period:

1. Public Comment ~~shall be for a period of 20 minutes and~~ shall generally follow the opening of the meeting. The Committee reserves the right to rearrange its agenda to accommodate scheduled presenters.
2. Any ~~citizen~~ **person** wishing to speak before the Committee shall identify themselves by name and address and shall speak for no longer than 3 minutes. No ~~citizen~~ **person** may speak more than once without permission of the Chair. All ~~citizen~~ **persons** shall speak to the full Committee through the Chair and shall not address individual members or administrators. ` 11

3. Individuals may address topics on the agenda, items specified for public comment, or items within the scope of responsibility of the School Committee. The Chair shall rule out of order any individual who fails to honor the guidelines or who addresses a matter inappropriate for public comment.

4. Any Committee member may direct questions to the speaker through the Chair in order to clarify comments of the speaker.

File: JJK - SCHOOL LOGOS AND TRADEMARKS

The Arlington School Committee believes that sports teams and other school based activities play an important role in projecting a positive image of the Arlington Public Schools and the community as a whole.

In order to ensure a positive and consistent representation of the school system to the community, it is incumbent upon the school administration to communicate to staff the expectation that:

1. ~~Only~~ Official slogans or logos shall be ~~Whenever a slogan or logo is used in connection with a school activity. it will be the officially designated slogan or logo.~~
Variations may be permitted if authorized by the superintendent or their designee;

2. Official slogans and logos shall be adopted by the Arlington School Committee, upon recommendation of the superintendent;

~~2.~~ 3. Any and all slogans and logos used in connection with school activities will be consistent with a standard of good taste; and

~~3.~~ 4. Staff members will exercise good judgment and use their best efforts to insure that use of slogans and logos meets these criteria.

The Superintendent may adopt appropriate procedures to carry out the intent of this policy.