

**NATICK PUBLIC SCHOOLS**  
**School Committee Meeting**  
**April 11, 2024**  
**1:00 PM**  
**Policy Subcommittee Meeting - School Committee Room - 3rd flr, Town Hall**

**Posted Date: Thursday, April 4, 2024 @ 1:35 PM**

**Policy Subcommittee Meeting**

**Posted In Accordance with Provisions of M.G.L. Chapter 30A, Sections 18-25**

<b>OPEN SESSION</b>
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**PUBLIC SPEAK**

Public Speak is scheduled for a period of fifteen minutes. Each speaker will be permitted a maximum of three minutes during which time they can speak about topics within the scope of responsibility of the School Committee. All remarks will be addressed through the School Committee Chair. Public Speak is not a time for debate or response to comments by the School Committee.

Subcommittee Meeting Item

1. Approval of Policy Subcommittee Meeting Minutes dated 10.26.23, 11.16.23, and 12.21.23  
10.26.23 Minutes - [LINK](#)  
11.16.23 Minutes - [LINK](#)  
12.21.23 Minutes - [LINK](#)
2. Review Policy BEDH: Public Participation at School Committee Meetings
  - a. Current Policy BEDH: Public Participation at School Committee Meetings - [LINK](#)
  - b. MHTL Client Alerts - March and August of 2023 - [LINK](#)
  - c. MHTL Draft Policy BEDH: Public Participation at School Committee Meetings [LINK](#)
  - d. MASC Policy BEDH: Public Comment at School Committee Meetings - [LINK](#)
  - e. Town of Natick Charter - Article 7 - [LINK](#)
3. Review MASC December 2023 Policy Newsletters for Possible Policy Inclusion on Future Agendas  
MASC Policy Newsletter - December 2023 - [LINK](#)
4. Review Policy KEC: Public Complaints About the Curriculum or Instructional Materials  
KEC: Public Complaints About the Curriculum or Instructional Materials - [LINK](#)  
NOTE: No Similar MASC Policy
5. Review Policy IJR: Reconsideration of Instructional Resources
  - a. Natick IJR: Reconsideration of Instructional Resources - [LINK](#)
  - b. MASC: IJR - [LINK](#)
6. Review Policy IJ: Instructional Materials
  - a. Natick IJ: Instructional Materials - [LINK](#)
  - b. MASC: IJ - [LINK](#)
7. Review Policy: BDA, BDB, BDC, BDD: School Committee Organizational Meeting - Officers and Officials

Policy: BDA, BDB, BDC, BDD

*Agenda items will be addressed in an order determined by the chair. Times are approximate.*

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**ITEM TITLE:** Approval of Policy Subcommittee Meeting Minutes dated 10.26.23, 11.16.23, and 12.21.23

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:** 10.26.23 Minutes - LINK  
11.16.23 Minutes - LINK  
12.21.23 Minutes - LINK

**BACKGROUND  
INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
Approval of Policy Subcommittee Open Session Minutes on 10.26.23	10.26.23_Draft_Minutes_Policy_Subcommittee_10.26.23.docx.pdf	Cover Memo
Approval of Policy Subcommittee Open Session Minutes on 11.16.23	11.16.23_Draft_Minutes_Policy_Subcommittee_November_16__2023.docx.pdf	Cover Memo
Approval of Policy Subcommittee Open Session Minutes on 12.21.23	12.21.23_Draft_minutes_Policy_Subcommittee_12.21.23.docx.pdf	Cover Memo

Minutes – DRAFT  
Policy Subcommittee  
Natick Public Schools  
13 East Central Street, Natick MA 01760

October 26, 2023

Members Present: Matt Brand, Chair, Cathi Collins, Tim Luff, Ex-Officio

Others Present: Chris Therrian, Donna McKenzie, Lisa Tabenkin

The meeting was called to order at 1:01 pm with all members present.

Public Speak

- Chris Therrian expressed concern about Public Speak at recent School Committee meetings re: requests to opt-out of lessons concerning marginalized students. She hopes that policies would not permit this,
- Donna McKenzie said that the restorative justice policy had been discussed at previous subcommittee meetings and pointed out that DESE has encouraged the use of restorative justice as a first step but she doesn't believe that the Natick Police Department supports a restorative justice approach

New Business

A general discussion was had concerning policies that the subcommittee might review this year, including:

- Policy IHAMA (Sex Education Notification) – It was noted that this policy covered sex education as well as gender
- Policy JIC (Student Discipline) – This policy as contained in our policy book should be renumbered to Policy JK to agree with MASC and current policy JK (Student Conduct) may be better with a complete update, likely by adopting the MASC policy.
- Policy IMG (Service Animals (Guide or Assistance Dogs) – conflates service animals and pets on school property
- Policy IGD (Curriculum Adoption)
- Policy BEDH (Public Participation at School Committee Meetings)
- Policy IMB (Teaching About Controversial Issues/Controversial Speakers)
- Policy KJA (Relations with Booster Organizations)
- Policy JQ (Student fees, fines, and charges) – question has been asked about what our student athletes are being asked to pay for above and beyond the athletic fee including at least one situation where participants are asked to pay for their uniforms.
- Policy IJLA (Library Resources)

The conversation then shifted to how, if at all, MASC Policies can/should be adopted or incorporated.

There appear to be three general approaches:

- 1) General Housekeeping including noting a policy is up to date and updating things such as dates and cross-postings
- 2) Substantive Changes including new policies such as, for example, defining “controversial issues”
- 3) New Policies

Finally, Mr. Luff suggested that language from Parker v. Hurley (2007) should be pulled into a policy.

MOTION: Adjourn at 2:03pm (Ms. Collins, seconded by Mr. Brand)

VOTED: 2-0-0

Minutes – DRAFT  
Policy Subcommittee  
Natick Public Schools  
13 East Central Street, Natick MA 01760

November 16, 2023

Members present: Matt Brand, Chair, Cathi Collins, Tim Luff, ex-officio member

Others present: NONE

Call to order at 1:02 pm, all members were present

New Business

**POLICY IMG (Service Animals (Guide or Assistance Dogs))**

**POLICY IMGA (Service Animals in School)**

The current policy (IMG) conflates service animals with pets on school grounds so it was observed that these needed to be separated to more clearly communicate the committee's intentions. Policy IMG was renamed "Animals on School Grounds" to make it clear it covered the grounds as well. It was amended to state "No animal shall be brought onto school property without prior permission of the building Principal, unless such animal is considered a service animal." This is proposed in light of requests from several principals' requests for such a prohibition for student safety reasons. It was also noted that in addition to children who are allergic and/or afraid of dogs, the failure of owners to properly clean up after their dogs potentially exposes kids to disease.

Policy IMGA was created specifically provide policy guidelines for the presence of service animals. Under Massachusetts General Law, NPS is required to make reasonable accommodations to allow a student's service animal to accompany them to school.

MOTION by Ms. Collins, Seconded by Mr. Brand: Recommend policy IMG as amended and policy IMMA to the full School Committee for a 1<sup>st</sup> reading.

VOTED: 2-0-0

**POLICY JIC (Student Conduct)**

**POLICY JK (Student Discipline)**

These policies were also discussed together. Policy JK (formerly Student Discipline) was re-named "Student Conduct" to align with MASC policy recommendations and the following was added at the beginning of the third paragraph: "The purpose of disciplinary action is to restore acceptable behavior." The references were also updated.

Policy JIC (formerly Student Conduct) was renamed “Student Discipline.” MASC recommends a new, updated policy. It was agreed that this version would be substituted for the Natick policy. MOTION by Ms. Collins, Seconded by Mr. Brand: Recommend the re-named and updated Policies JIC and JK to the full School Committee for a 1<sup>st</sup> reading.  
VOTED: 2-0-0

#### **POLICY KBE (Relations with Parent Organizations)**

Change the title to “Relations with Parents/Booster Organizations” to more appropriately reflect its intentions.

MOTION by Ms. Collins, Seconded by Mr. Brand: Recommend Policy KBE to the full School Committee for 1<sup>st</sup> reading,  
VOTED: 2-0-0

#### **POLICY JQ (Student Fees, Fines, and Charges)**

This policy was discussed briefly however as the discussion indicated a desire to review this policy while considering a potential athletic fee policy.

MOTION: Adjourn at 1:55 pm (Ms. Collins, Seconded by Mr. Brand)  
VOTED: 2-0-0

Minutes – DRAFT  
Policy Subcommittee  
Natick Public Schools  
13 East Central Street, Natick MA 01760

December 21, 2023

Members present: Matt Brand, Chair, Cathi Collins, Tim Luff, Ex-officio

Others present: Catherine Brunell

The meeting was called to order at 1:11pm with all members present

Public Speak: NONE

New Business

Policy BEDH (Public Participation at School Committee Meetings) – Discussion and possible modification of the policy to distinguish between Public Speak and speaking on an agenda item. Mr. Luff was going to have further discussion with Andy Waugh.

A discussion was had about the possibility that new technology policy changes may be needed.

MOTION: Adjourn at 2:13 pm (Ms. Collins, seconded by Mr. Brand)

VOTED: 2-0-0

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**ITEM TITLE:** Review Policy BEDH: Public Participation at School Committee Meetings

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:**

- a. Current Policy BEDH: Public Participation at School Committee Meetings - LINK
- b. MHTL Client Alerts - March and August of 2023 - LINK
- c. MHTL Draft Policy BEDH: Public Participation at School Committee Meetings LINK
- d. MASC Policy BEDH: Public Comment at School Committee Meetings - LINK
- e. Town of Natick Charter - Article 7 - LINK

**BACKGROUND INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
Natick Current BEDH	Natick_Current_BEDH_(1).pdf	Cover Memo
MHTL Client Alerts - March and August	MHTL_Client_Alerts_March_and_August_2023_(1).pdf	Cover Memo
MHTL Model Policy	MHTL_Model_Policy_BEDH_(1).pdf	Cover Memo
MASC Policy BEDH	MASC_BEDH_(1).pdf	Cover Memo
Town of Natick Charter - Article 7	Town_Charter_Article_7_(2).pdf	Cover Memo

## **PUBLIC PARTICIPATION 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 members of the Natick school community to attend its meetings so that they may become better acquainted with the operations and the programs of the Natick Public Schools. In addition, the Committee would like the opportunity to hear the wishes and ideas of members of the Natick school community on matters within the scope of their authority. These matters include the budget for the Natick Public Schools, the performance of the Superintendent, and the educational goals and policies of the Natick Public Schools.

In order that all 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 consistent with state and federal free speech laws:

1. At the start of each regularly scheduled School Committee meeting, individuals or group representatives who have signed up to speak will be invited to address the Committee during its 15-minute public comment period, which shall be known as Public Speak. Public Speak shall occur prior to discussion of Agenda items, unless the Chair determines that there is a good reason for rearranging the order at a public meeting that is unrelated to deterring participation in Public Speak.
2. All speakers are encouraged to present their remarks in a respectful manner.
3. Speakers must begin their remarks by stating their name, town or city of residence, and affiliation. All remarks will be addressed through the Chair of the meeting.
4. Public Speak shall concern items that are not on the School Committee's agenda, but which are within the scope of the School Committee's authority. Therefore, any comments involving staff members or students must concern the educational goals, policies, or budget of the Natick Public Schools, or the performance of the Superintendent.
5. Assuming that four (4) or fewer speakers sign up to engage in public comment, each speaker will be allowed three (3) minutes each to present their material. If five (5) or more speakers sign up to engage in public comment, then each speaker will be allowed two (2) minutes each to present their material. No more than six (6) speakers will be accommodated at any individual meeting.
6. Large groups addressing the same topic are encouraged to consolidate their remarks and/ or select a spokesperson to comment at Public Speak.
7. Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted. However, speakers who require reasonable accommodations on the basis

of a speech-related disability or who require language interpretation services may be allotted a total of five (5) minutes to present their material. Speakers must notify the School Committee by telephone or email at least 48 hours in advance of the meeting if they wish to request an extension of time for one of these reasons.

8. The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not Constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/ or sexually explicit comments made to appeal to prurient interests. Verbal comments will also be curtailed once they exceed the time limits outlined in paragraphs 5 and 7 of this policy and/ or to the extent they exceed the scope of the School Committee's authority.
9. Disclaimer: Public Speak is not a time for debate or response to comments by the School Committee. Comments made at Public Speak do not reflect the views or the positions of the School Committee. Because of constitutional free speech principles, the School Committee does not have the authority to prevent all speech that may be upsetting and/ or offensive at Public Speak.

Adopted and approved by the Natick School Committee on January 28, 2019.

**Municipal Alert**  
**March 16, 2023**

**CIVILITY IS DEAD – THE SUPREME JUDICIAL COURT RULES MUNICIPAL  
CONTROL OF PUBLIC SPEAK LIMITED TO REASONABLE  
TIME/PLACE/MANNER RESTRICTIONS**

On March 7, 2023, the Supreme Judicial Court ruled in the highly anticipated Barron v. Kolenda and the Town of Southborough (SJC-13284) case. The case brought a constitutional challenge to the Town of Southborough's ("Southborough") public comment policy (the "policy"), which imposed a code of civility on members of the public who participated in so-called "public speak" before Southborough boards and committees. In its decision, the Court ruled that Southborough's policy violated Articles 16 and 19 of the Massachusetts Declaration of Rights.

At the heart of the Barron<sup>1</sup> case was a select board meeting chaired by Kolenda and attended by Barron, and participation in the public comment part of the select board meeting. At the start of that part of the meeting, Kolenda reminded the public of the policy, which included the requirement that "....All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal or slanderous remarks." Later, Barron spoke, while holding a sign that said: "Stop Spending" and "Stop Breaking Open Meeting Law." Barron also critiqued the select board for its prior Open Meeting Law violations. Kolenda and Barron then entered into a colloquy where Kolenda threatened to stop public comment and go into recess, and Barron called Kolenda a particular name. After the second reference to that name, Kolenda ended the meeting and the video of the meeting ceased. Kolenda allegedly screamed at Barron and threatened to have her escorted out of the meeting. Barron left, believing he would act on that threat.

The Court's opinion reviewed the history of Articles 16 and 19 of the Declaration of Rights, and the long history of freedom of assembly and speech in Massachusetts. The Court noted that long standing Massachusetts cases have stood for "the fullest and freest discussion" which is "sanctioned and encouraged by the admirable passage in the constitution," where that right is "exercised in 'an orderly and peaceable manner.'" The Court also noted that more recent Massachusetts cases have drawn from "well-understood First Amendment principles and provided for reasonable time, place and manner restrictions" to public speech.

In the context of full and fierce discussion, the Court determined that governmental criticism is subject to reasonable time, place and manner restrictions. Such speech, while required to be

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<sup>1</sup>In her Complaint, Plaintiff sought a declaration that a portion of the public comment policy requiring civility was unconstitutional under the Massachusetts Declaration of Rights because it disallows criticism of board members and decisions. Plaintiff also brought a claim under the Massachusetts Civil Rights Act ("MCRA") against Kolenda individually. The Superior Court granted the Defendants motion for judgment on the pleadings and Barron appealed. The SJC transferred the case to itself, on its own motion.

**Municipal Alert**  
**March 16, 2023**

peaceable and orderly, was not required to be “respectful and courteous.” The Court noted that even “rude and insulting” speech referencing a particular name is still protected speech.<sup>2</sup>

The Court also found that the civility code portion of the policy regulated the content of public speech and was “extraordinarily broad.” Where the policy required that speech directed at government be “respectful and courteous, free of rude remarks,” the Court determined it constituted viewpoint discrimination, since it allowed praise, but disallowed criticism.

Finally, the Court found that Kolenda, by allegedly screaming at Barron and threatening to remove her while she was engaging in protected speech, could be subject to a claim under the MCRA, which protects against violations of rights by threats, intimidation, or coercion.

Based on this opinion, and the Court’s description of reasonable time, place and manner restrictions, it is important that municipalities, in consultation with their counsel, take a hard look at their public speak or public comment policies, and consider revising them so that they are limited to designations of:

- when and where a public comment session may occur;
- how long a public comment session may last;
- time limits for each person speaking during public comment session; and,
- establishment of rules preventing speakers from disrupting others and removing those who do.

The Court did not address any portion of the Open Meeting Law or, under that law, the rights of the Chair of a public body to direct speakers at a public meeting. However, the designations listed above that could serve as reasonable time, place and manner, content-neutral limitations on speech are the types of rules which appear to be enforceable by the Chair of a public body, consistent with a Chair’s rights and obligations under the Open Meeting Law.

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<sup>2</sup> Subject to a carve out related to the doctrine of “fighting words” which is not protected speech.

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***This Client Alert was prepared by Karis North and reviewed with Andy Waugh, Michael Maccaro, and Kevin Freytag. If you have any questions about this issue, please contact Karis North, Kevin Freytag, or the attorney responsible for your account, or call (617) 479-5000.***

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**Client Alert**  
**August 7, 2023**

**New Features of Public Participation at School Committee Meetings**

Following our Alert from March 16, 2023, *Civility is Dead – The Supreme Court Rules Municipal Control of Public Speak Limited to Reasonable Time/Place/Manner Restrictions*, which discussed the holding to the Supreme Judicial Court's decision in Barron v. Kolenda and the Town of Southborough (SJC-13284), we promised to bring you more detailed guidance on developing a Public Speak policy for your public body or municipality. The Barron case involved a constitutional challenge to the Town of Southborough's public comment policy, which attempted to impose a code of civility on members of the public who participated in public comment before public bodies. In Barron, the court interpreted the state constitution to mean that public bodies may request, *but not require*, that public commentators be respectful and courteous. Instead, a public body may set restrictions on reasonable time, place, and manner comments to ensure that the meeting retains an orderly and peaceable manner.

We provide a sample "Public Speak" policy in the attached link. The key takeaways from the court's decision are:

1. Public comment can be for a reasonably limited time, generally 15 minutes, and scheduled whenever the chair chooses, either before or after the meeting's agenda.
2. Only speakers recognized by the chair may speak, and all other persons must remain silent.
3. Board members should refrain from interrupting speakers that have been recognized unless a speaker makes a true threat of violence or incites imminent lawless conduct by others.
4. Speakers can be required to address matters within the board's jurisdiction. Whether topics concerning items not on the agenda or agenda items only can be addressed is up to each public body or municipality.
5. Individual speakers may be limited to a certain number of minutes per person. For example, assuming five or fewer speakers sign up to engage in public comment, each speaker may be allowed 3 minutes each.
6. Neither the chair nor a committee/board can require a speaker to present their remarks in a respectful manner, but they may require that a speaker conduct themselves in a peaceable and orderly manner.

***This Client Alert was prepared by Etty Singer. This Alert was reviewed by Karis North and Andrew Waugh. If you have any questions about this issue, please contact the attorney responsible for your account, or call (617) 479-5000.***

**Client Alert**  
**August 7, 2023**

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## PUBLIC PARTICIPATION 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 members of the [SCHOOL NAME] school community to attend its meetings so that they may become better acquainted with the operations and the programs of the [SCHOOL NAME] Public Schools. In addition, the Committee would like the opportunity to hear the wishes and ideas of members of the [SCHOOL NAME] school community on matters within the scope of their authority. These matters include the budget for the [SCHOOL NAME] Public Schools, the performance of the Superintendent, and the educational goals and policies of the [SCHOOL NAME] Public Schools.

In order that all 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 consistent with state and federal free speech and assembly laws:

1. At the start of each regularly scheduled School Committee meeting, individuals or group representatives who have signed up to speak will be invited to address the Committee during its 15-minute public comment period, which shall be known as Public Speak. Public Speak shall occur prior to discussion of Agenda items, unless the Chair determines that there is a good reason for rearranging the order at a public meeting that is unrelated to deterring participation in Public Speak.
2. All speakers must conduct themselves in a peaceable and orderly manner. In addition, they are encouraged, but not required, to present their remarks in a respectful manner.
3. Speakers must begin their remarks by stating their name, town or city of residence, and affiliation. All remarks will be addressed through the Chair of the meeting.
4. Public Speak may concern items that are not on the School Committee's agenda, but which are within the scope of the School Committee's authority. Therefore, any comments involving staff members or students must concern the educational goals, policies, or budget of the [SCHOOL NAME] Public Schools, or the performance of the Superintendent.
5. Assuming that five (5) or fewer speakers sign up to engage in Public Speak each speaker will be allowed three (3) minutes each to present their material. If six (6) or more speakers sign up, then each speaker will be allowed two (2) minutes each. No more than six (6) speakers will be accommodated at any individual meeting.
6. Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted. However, speakers who require reasonable accommodations on the basis of a speech-related disability or who require language

## PUBLIC PARTICIPATION AT SCHOOL COMMITTEE MEETINGS

interpretation services may be allotted a total of five (5) minutes to present their material. Speakers must notify the School Committee by telephone or email at least 48 hours in advance of the meeting if they wish to request an extension of time for one of these reasons.

7. The Chair of the meeting will not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not Constitutionally protected because it constitutes a true threat of violence or incites imminent lawless conduct by others. Verbal comments will also be curtailed once they exceed the time limits outlined in paragraphs 5 and 7 of this policy and/ or to the extent they exceed the scope of the School Committee's authority.
8. In order to allow a peaceable and orderly meeting, no person may offer comment without permission of the Chair, and all persons shall, at the request of the Chair, be silent.
9. Disclaimer: Public Speak is not a time for debate or response to comments by the School Committee. Comments made at Public Speak do not reflect the views or the positions of the School Committee. Because of constitutional free speech principles, the School Committee does not have the authority to prevent all speech that may be upsetting and/ or offensive at Public Speak.

Revised Date: June 29, 2023  
March 26, 2019  
October 6, 2015

REFERENCES: Barron v. Southborough, Natick Public Schools, ACLU letter to the Mass. Municipal Lawyers Assoc. and Mass. Assoc. of School Committees

LEGAL REFS: M.G.L. 30A:18-25, Open Meeting Law  
940 CMR 29 Open Meeting Regulations

CROSS REF: BEC, Executive Sessions

**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 individuals 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 public comment.

Public comment is not a discussion, debate, or dialogue between individuals and the School Committee. It is an individual's opportunity to express an opinion on issues within the School Committee's authority.

To ensure the ability of the School 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 will sign in for an opportunity to speak during public comment. The public comment segment shall not exceed 15 minutes. All speakers are encouraged to present their remarks in a respectful manner
2. Speakers will be allowed up to three (3) minutes to present their material and must begin their comments by stating their name and city/town. The presiding Chair may permit extension of this time limit, in extenuating circumstances.
3. Topics for discussion should be limited to those items within the School Committee's scope of authority. The authority of the School Committee primarily concerns the review and approval of the budget of the district's public schools, the performance of the Superintendent, and the educational goals and policies of the district's public schools. Comments and complaints regarding school personnel (apart from the Superintendent) or students are generally prohibited unless those comments and complaints concern matters within the scope of School Committee authority.
4. The Chair of the meeting, after a warning, reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats that are likely to provoke a violent reaction and cause a breach of the peace, or incitement to imminent lawless conduct.
5. Written comments longer than three (3) minutes may be presented to the presiding Chair before or after the meeting. All remarks will be addressed through the Chair of the meeting. Comments made during the public comment portion of the meeting do not necessarily reflect the views or positions of the \_\_\_\_\_ School Committee.
6. Sign up instructions will be provided for those who wish to participate in Public Comment.

LEGAL REFS.: M.G.L. [30A: 18-25](#)

CROSS REFS: [BE](#), SCHOOL COMMITTEE MEETINGS

[BEC](#), EXECUTIVE SESSIONS

[BEDA](#), NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

SOURCE: MASC - Updated 2023

## **Section 7-8      Loss of Office, Excessive Absence**

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or one half, or more of all meetings held during one calendar year, the remaining members of the multiple member body may by vote petition the appointing authority to remove such person in accordance with the procedures established in Section 7-11.

## **Section 7-9      Procedure Governing Multiple Member Bodies**

- (a) **Meetings** - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly. All meeting of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.
- (b) **Rules and Minutes** - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of its meetings for members of the public who are present to ask questions, state opinions and exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes shall be a public record.
- (c) **Voting** - If requested by any member, any vote of a multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.
- (d) **Quorum** - A majority of the full membership of a multiple member body shall constitute a quorum. A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.
- (e) **Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of ninety days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

## **Section 7-10      Notice of Vacancies**

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such

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**ITEM TITLE:** Review MASC December 2023 Policy Newsletters for Possible Policy Inclusion on Future Agendas

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:** MASC Policy Newsletter - December 2023 - LINK

**BACKGROUND**

**INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
MASC Policy Newsletter	MASC_Policy_Newsletter_December_2023_(2).pdf	Cover Memo



# MASC Policy Newsletter – December 2023

## MASC Policy Update – December 2023

In MASC's ongoing review of existing policies, we have found that the policies regarding technology are in need of additions and updates. Many of these changes reflect the expanded use of technology both inside and outside the classroom. Several better align policies with their appropriate coding. As part of the review process, we consulted legal counsel so as to ensure the policies were in line with recent legal decisions and direction.

Additionally, MASC has updated two policies (EFC and EFD) to reflect changes in Massachusetts School Meals Programs as a result of Chapter 28 of the Acts of 2023.

Please see specifics for each policy below. As always, should you have questions, please get in touch with your field director or other MASC staff.

### Policies you should review

MASC has made changes to the following policies. Some of these changes are a result of legal changes, changes in practice, or simply an updating of language to reflect more modern needs. Some of these changes are very minor and will not require a change at the local level.

#### Tech Policies

- **BHE** (<https://www.masc.org/wp-content/uploads/2023/12/BHE-.docx>): **USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS** – This policy has been updated to reflect best practice that all committee members have and use district email addresses, which are required to be archived as public records. We have also eliminated archaic language, and updated the cross reference.
- **EHAA** (<https://www.masc.org/wp-content/uploads/2023/12/EHAA.docx>): **DISTRICT SECURITY RELATING TO TECHNOLOGY (new policy)** – This new policy provides a foundation for administrative procedure and practice so as to ensure information which is stored and accessed on district technology is appropriately protected.
- **EHB** (<https://www.masc.org/wp-content/uploads/2023/12/EHB.docx>): **DATA AND RECORDS RETENTION (new policy)** – This new policy addresses a gap in recommended policy regarding retention of records, including electronic communication by public officials.
- **GBEE** (<https://www.masc.org/wp-content/uploads/2023/12/GBEE.docx>): **PERSONNEL USE OF TECHNOLOGY (new policy)** – This new policy outlines the responsibilities of district personnel in their use of technology; it is expected that this will provide a foundation for further administrative procedure.
- **IJND** (<https://www.masc.org/wp-content/uploads/2023/12/IJND.docx>): **ACCESS TO DIGITAL RESOURCES** – This redrafted policy moves much of the language to more appropriate locations within section of IJN-coded policies.
- **IJNDB** (<https://www.masc.org/wp-content/uploads/2023/12/IJNDB.docx>): **(renamed) USE OF TECHNOLOGY IN INSTRUCTION** – This redrafted policy moves much of the language to more appropriate locations within IJ, and refocuses the policy on instruction.



- **IJNDC** (<https://www.masc.org/wp-content/uploads/2023/12/IJNDC.docx>): **(renamed) ACCEPTABLE USE OF DIGITAL RESOURCES** – This redrafted policy provides the appropriate location for language from the above policies that is still necessary, while removing outdated language.
- **JICJ** (<https://www.masc.org/wp-content/uploads/2023/12/JICJ.docx>): **STUDENT USE OF TECHNOLOGY IN SCHOOL (new policy)** – This new policy outlines the vision and responsibilities of student use of technology; it is expected that this will be the foundation of further administrative procedure.
- **KCD** (<https://www.masc.org/wp-content/uploads/2023/12/KDC.docx>): **COMMUNITY USE OF DIGITAL RESOURCES (new policy)** – This new policy recognizes that digital resources, most notably public wifi, are now a common public resource of school, outlining appropriate considerations.
- **KDCB** (<https://www.masc.org/wp-content/uploads/2023/12/KDCB.docx>): **DISTRICT WEBSITE AND SOCIAL MEDIA (new policy)** – This new policy recognizes that districts and schools commonly have both websites and social media pages, and outlines best practice, including public comments on such sites.

#### School Meal Policies

- **EFC** (<https://www.masc.org/wp-content/uploads/2023/12/EFC-2023.docx>): **UNIVERSAL FREE SCHOOL MEALS**
- **EFD** (<https://www.masc.org/wp-content/uploads/2023/12/EFD-2023.docx>): **SCHOOL NUTRITION PROGRAM CHARGE POLICY**

## Recent Posts:



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**ITEM TITLE:** Review Policy KEC: Public Complaints About the Curriculum or Instructional Materials

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:** KEC: Public Complaints About the Curriculum or Instructional Materials  
- LINK  
NOTE: No Similar MASC Policy

**BACKGROUND INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
KEC: Public Complaints	Public_Complaints_About_the_Curriculum.pdf	Cover Memo

## **PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS**

The School Committee, though it is ultimately responsible for all curriculum and instructional materials (including library books), recognizes the need and right of students to free access to many different types of books and materials. It also recognizes the right of the professional staff to select books and other materials supportive of the school system's educational philosophy and goals.

Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. If a parent requests that his/her own child not read a given book, the teacher and/or school administrator should resolve the situation, perhaps by arranging for use of alternative material meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and materials that the Committee has adopted.
2. The Committee will not permit any individual or group to exercise censorship over instructional materials and library collections, but recognizes that at times a reevaluation of certain material may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use:
  - a. The person who objects to the book or other material will be asked to sign a complaint on a standard form on which he/she will document his criticism.
  - b. Following receipt of the formal complaint, the Superintendent will provide for a reevaluation of the material in question, he/she will arrange for the appointment of a review committee from among the faculty to consider the complaint.
  - c. The Superintendent will review the complaint and the committee's reevaluation and will render a decision in the matter. Should the decision be unsatisfactory to the complainant, he/she may appeal it to the Committee.

In summary, the Committee assumes final responsibility for all books and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parents/guardians with respect to controversial materials used by their own children; it will provide for the reevaluation of materials in library collections upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach will be respected.

LEGAL REFS.: M.G.L. 76:5

CROSS REFS.: IJ, Instructional Materials  
IJ-R, Reconsideration of Instructional Material  
IJL, Selection and Adoption of Library Materials

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**ITEM TITLE:** Review Policy IJR: Reconsideration of Instructional Resources

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:** a. Natick IJR: Reconsideration of Instructional Resources - LINK  
b. MASC: IJR - LINK

**BACKGROUND INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
IJR: Reconsideration of Instructional Resources	Reconsideration_of_Instructional_Materials.pdf	Cover Memo
MASSC: IJ-R	MASC_IJ-R.pdf	Cover Memo

## **RECONSIDERATION OF INSTRUCTIONAL RESOURCES**

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

**Religion -- Factual, unbiased material on religions has a place in school libraries.**

**Ideologies -- Libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics, education and other phases of life.**

**Profanity/obscenity -- Materials shall be subjected to a test of literary merit and reality in context using the criteria established.**

When a problem concerning instructional resources in a school arises, the disposition of the problem will be made in a reasonable period of time using District adopted procedures.

In accordance with the statement of philosophy, no questioned materials shall be removed from the school pending a final decision. Pending the outcome of the request for reconsideration, however, access to questioned materials can be denied to the students of the parents making the complaint, if they so desire.

If the decision of the School Committee is that the questioned instructional resource be retained, the District will not convene a Review Committee relative to the same complaint for a period of three years. If a substantially different point of view is advanced, it will be investigated. (The period of three years does not apply in this instance).

If an individual or a group undertakes action to keep material from the shelves by checking it out and failing to return it, or by taking turns in keeping it checked out so that it is not available for student use, the Superintendent shall request, in writing, the return of the material. If it is not returned within thirty (30) days, a bill for the current replacement cost of the item shall be rendered to the party holding the item.

After the School Committee has adopted new materials or approved certain methods, that decision will not be reconsidered for a period of three years beginning with the end of the school year when the adoption is made.

**File: IJ-R - RECONSIDERATION OF INSTRUCTIONAL RESOURCES**

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- **Ideologies -- Libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics, education and other phases of life.**
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SOURCE: MASC - Formatting Update 2023

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**ITEM TITLE:** Review Policy IJ: Instructional Materials  
**DATE:**  
**ITEM TYPE:**  
**ITEM SUMMARY:** a. Natick IJ: Instructional Materials - LINK  
b. MASC: IJ - LINK  
**BACKGROUND INFORMATION:**  
**RECOMMENDATION:**

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**ATTACHMENTS:**

<b>Description</b>	<b>File Name</b>	<b>Type</b>
Instructional Materials	Instructional_Materials.pdf	Cover Memo
MASC: IJ	MASC_IJ.pdf	Cover Memo

## INSTRUCTIONAL MATERIALS

The School Committee believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the School Committee subject to budgetary constraints.

The task of selecting instructional materials for programs will be delegated to the professional staff of the school system. Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the Committee:

1. They must present balanced views of international, national, and local issues and problems of the past, present and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic and ethical values.
3. They must help students develop abilities in critical reading and thinking.
4. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, physical disabilities, gender identity, or sexual preference.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.
7. They must follow the standards established by the Department of Elementary and Secondary Education.

LEGAL REFS.: M.G.L. 71:48; 71:49; 71:50

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

**File: IJ - INSTRUCTIONAL MATERIALS**

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5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, gender identity, physical disabilities or sexual orientation.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.

SOURCE: MASC - Cross Reference Update 2023

LEGAL REFS.: M.G.L. [30B:7](#); [71:48](#); [71:49](#); [71:50](#)

BESE regulations 603 CMR [26.00](#)

CROSS REF.: [KE](#), Public Complaints

IGA/IGD, Curriculum Development and Adoption

**NOTE: A broad policy, such as the sample above, can establish the framework for the selection and adoption of all instructional materials used in the school district. Regulations, however, might be needed to cover procedures for selection of textbooks and supplementary and library materials.**

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**ITEM TITLE:** Review Policy: BDA, BDB, BDC, BDD: School Committee Organizational Meeting - Officers and Officials

**DATE:**

**ITEM TYPE:**

**ITEM SUMMARY:** Policy: BDA, BDB, BDC, BDD

**BACKGROUND INFORMATION:**

**RECOMMENDATION:**

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**ATTACHMENTS:**

Description	File Name	Type
policy: bda, bdb, bdc, bdd	organizational_meeting_policy_(1).pdf	Cover Memo

**SCHOOL COMMITTEE ORGANIZATIONAL MEETING,  
OFFICERS AND OFFICIALS**

A. PURPOSE:

To define the duties of the various officers of the School Committee and their manner of election.

B. POLICY:

1. Organizational Meeting

For the purpose of organizing, the School Committee, at an organizational meeting, held only for the purposes listed below, shall be scheduled for a date and time following the Annual Town Election and prior to the first regular meeting will elect from its membership a Chairperson, a Vice-Chairperson, and a Clerk all of whom will hold their respective offices for a term of one year or until a successor is elected.

- a) The meeting shall be called to order by the Executive Secretary of the Committee (the Superintendent), who shall preside during and until the election of the Chairperson.
- b) Nominations for the office of Chairperson will be made from the floor. The Chairperson shall be elected by voice vote of the members participating either remotely or in-person and voting. If no nominee receives a majority vote, the election will be declared null and void and nominations will be reopened.
- c) No member may serve as Chairperson for more than two consecutive years except by a separate 2/3 vote of the Committee to permit the then Chairperson to be considered a candidate in (b., above). No member shall serve more than three consecutive years.
- d) Upon election, the new Chairperson will preside, calling for the election of a Vice-Chairperson and Clerk, in order. The procedure used for their election will be the same as that for electing the Chairperson.
- e) Following the election of the Chairperson, Vice-Chairperson and Clerk, the Recording Secretary, who shall not be a member of the School Committee, shall be appointed by the Committee.
- f) The Committee shall review subcommittee and liaison assignments and vacancies. To give members an opportunity to understand the commitment involved and/or express interest in an assignment, appointments to subcommittee and liaison positions shall occur at the next regular meeting.
- g) Any vacancy among the officers occurring between organizational meetings will be filled by a member elected by the School Committee. The election will be conducted as described above.
- h) Following election of officers at its organizational meeting, the School Committee may proceed into such special business as scheduled on the agenda.
- i) The Student Representative (elected in accordance with Chapter 71, Section 38M) will begin his/her term at the beginning of the next school year.
- j) The retention of School Committee counsel shall be reaffirmed at each organizational meeting and reviewed at such time if the Committee feels appropriate.

2. Duties of the Chairperson: The Chairperson of the School Committee has the same powers as any other member of the Committee to vote upon all measures coming before it, to offer resolutions and to discuss questions. He or she will perform those duties that are consistent with their office and those required by law, state regulations, and this Committee. In carrying out these responsibilities, the Chairperson will:

- a. Sign the instruments, acts, and orders approved by the Committee in its name and behalf.
- b. Consult with the Superintendent in the planning of the Committee's agendas.
- c. Confer with the Superintendent on matters that may occur between Committee meetings.

- d. Appoint subcommittees, subject to Committee approval.
- e. Call special meetings of the Committee as found necessary or requested in writing by members of the Committee.
- f. Be public spokesperson for the Committee at all times except as this responsibility is specifically delegated to others.
- g. Preside at all Committee meetings.
- h. Verify with the Superintendent annually that the Superintendent has completed reviews of direct reports.

If the Chairperson is unable to carry on the duties for an extended period of time, the School Committee will hold an organizational meeting and vote for a new Chairperson and a Vice Chairperson.

3. Duties of the Vice-Chairperson of Policy and Operations

The Vice-Chairperson of Policy and Operations will assume the duties of the Chairperson when the Chairperson is absent or incapacitated. In the absence of the Chairperson and the Vice Chairperson at any School Committee meeting, the Executive Secretary (Superintendent) shall call for the election of a Chairperson pro tem by the members present.

4. Duties of the Clerk

The Clerk will be responsible for a record of the meetings being prepared in accordance with by-law and supervise the Recording Secretary, who takes the notes and review them prior to their acceptance by the School Committee. The Clerk is to attest to the minutes and sign on the line for this purpose in the official book in which they are entered.

5. Duties of the Executive Secretary

The Superintendent shall be elected by the Committee as provided by law and shall serve as Executive Secretary and perform all the duties that are prescribed by law and such other duties, not inconsistent there to, as the majority of the Committee may direct.

As Executive Secretary of the School Committee the Superintendent shall cause to be kept and accessible a record of the proceedings of the Committee and shall keep on file all reports, communications, papers, and documents relating to the business of the Committee or belonging to it.

He or she shall issue notices of Committee meetings; shall furnish each member, in advance, an agenda for the forthcoming meeting which he or she shall have prepared with the Chairperson; shall provide a copy of the record of previous meetings as soon as possible; and shall perform such other duties as may be required by the Committee.

6. School Committee-Superintendent Relationship

The Committee will leave to the Superintendent all matters of decision and administration that come within his or her scope as executive officer or as professional leader of the school system. While the Committee reserves to itself the ultimate decision of all matters concerning general policy or expenditures of funds, it will normally proceed in these areas after receiving recommendations from its executive officer. Further:

- a. The Superintendent will have the privilege of asking guidance from the Committee with respect to matters of operation whenever appropriate. If it is necessary to make exceptions to an established policy, he or she will submit the matter to the Committee for advice and direction.

- b. The Superintendent will assist the Committee in reaching sound judgments and establishing policies, and will place before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed of situations or business at hand.
- c. The Superintendent, after conferring with the Chairperson, shall notify members of the School Committee regarding any meetings between the Superintendent and the Chairperson touching on substantive matters, in a timely fashion.

7. Duties of the Recording Secretary (*Part of MASC Policy BDB*)

The Recording Secretary shall keep the minutes of School Committee meeting and shall have such other duties as the Committee and the Superintendent may determine.

REFERENCES:

71M.G.L.sec.36,38G,41,42.  
MASC, School Committee Policy Manual  
41 M.G.L. sec: 1,41. 107.  
Town of Natick Charter

Note: The treasurer of the town serves as treasurer of the School Committee (*Part of Policy BDB*)

Revised by the Natick School Committee: April 212, 2021