

## **SCHOOL COMMITTEE LEGAL STATUS**

The organization, management and control of the Southbridge School District is vested in the School Committee, which exercises the powers and discharges the duties imposed by Massachusetts statutes. It shall be the purpose of the School Committee to provide education of the best obtainable quality for residents of Southbridge School District, within the limitations imposed by the taxpayer's ability to pay and his/her willingness to support the educational program. The School Committee shall be the legal representative, not only of the citizens of Southbridge School District, but of the state board of education as well.

State law provides that:

Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law, choose by ballot from its registered voters the following town officers for the following terms of office:

. . . Three, five, six, seven or nine members of the School Committee for terms of three years . . .

The School Committee is the governing board of the town's public school system. Although it functions as a duly elected committee of town government, the School Committee has authority within limitations established by the Commonwealth of Massachusetts to carry out the educational policies of the state and guide the educational process.

The School Committee shall consist of seven members serving overlapping terms of three years, as required by the Southbridge Town Charter.

ADOPTED: OCTOBER, 2007

LEGAL REFS.: M.G.L. 41:1 and 71:37(amended by St.1993, c71.s.35) specifically, but powers and duties of School Committees are established throughout the General Laws of Massachusetts Relating to School Committees

SOURCE: SOUTHBIDGE

## **SCHOOL COMMITTEE POWERS AND DUTIES**

The School Committee has all the powers conferred upon it by state law and must perform those duties mandated by the state. These include the responsibility and right to determine policies and practices and to employ staff to implement its directions for the proper education of the children of the community.

The Committees functions are:

1. Legislative or policy making. The Committee is responsible for the development of policy as guides for administrative action and for employing a Superintendent who will implement its policies.
2. Appraisal. The Committee is responsible for evaluating the effectiveness of its policies and their implementation.
3. Provision of financial resources. The Committee is responsible for adoption of a budget that will enable the school system to carry out the Committee's policies.
4. Public relations. The Committee is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
5. Educational planning and evaluation. The Committee is responsible for establishing educational goals and policies that will guide the Committee and staff for the administration and continuing improvement of the educational programs.

ADOPTED: OCTOBER, 2007

LEGAL REF.: M.G.L. 71:37 (amended by St.1993, c71.s.35) specifically, but powers and duties of school committees are established throughout the Massachusetts General Laws.

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE MEMBER AUTHORITY**

### Authority

Members of the School Committee have authority only when acting as a committee legally in session.

The School Committee will not be bound in any way by any statement or action on the part of an individual member, except when such statement or action is a result of specific instructions of the Committee.

No member of the Committee, by virtue of his/her office, will exercise any administrative responsibility with respect to the schools, or command the services of any school employee.

The School Committee will function as a body and all policy decisions and other matters will be settled by an official vote of the Committee sitting in formal session.

### Duties

1. To become familiar with the General Laws of the Commonwealth relating to education and School Committee operations, regulations of the Massachusetts Board of Education, policies and procedures of this School Committee and school department.
2. To keep abreast of new laws and the latest trends in education.
3. To have a general knowledge of the goals, objectives, and programs of the town's public schools.
4. To respect the privileged communication that exists in executive sessions by maintaining strict confidentiality on matters discussed in these sessions, except that which becomes part of the public record, once it has been approved for release.
5. To refer questions and complaints to the proper school authorities and the Superintendent.
6. To comply with the accepted code of ethics for School Committee members.

ADOPTED: OCTOBER, 2007

CROSS REF.: [BCA](#), School Committee Member Ethics

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE**

In order to serve on the School Committee, an individual must be a registered voter in the town of Southbridge and must take an oath of office as required by law.

Each new member will present to the Committee secretary official certification of having sworn the oath before an officer duly qualified to administer oaths prior to entering on his/her official duties as a member of the Committee. From the town clerk, newly qualified Committee members-- by law--receive, and sign a receipt for, a copy of the Massachusetts open meeting law governing the conduct of Committee meetings in general and executive sessions in particular.

Membership on a school committee is not limited to race, color, sex, religion, national origin or sexual orientation.

ADOPTED: OCTOBER, 2007

LEGAL REFS.: M.G.L. 39:23B; 41:1; 41:107  
M.G.L. 76:5 Amended 1993

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE MEMBER RESIGNATION**

A current School Committee member who submits a resignation to the appropriate certifying authority terminates School Committee duties at the time of such resignation, unless a later date is stated in the resignation.

Should a School Committee member move out of town that member will be deemed to have vacated the office.

Established by law

ADOPTED: OCTOBER, 2007

LEGAL REFS.: M.G.L. 41:2; 41:109

SOURCE: SOUTHBRIDGE

## **UNEXPIRED TERM FULFILLMENT**

When a vacancy on the School Committee occurs, the town council and the remaining members of the Committee share the responsibility for filling it.

As provided in the law, the School Committee will notify the town council that a vacancy has been created within 30 days after it has occurred. After one week's notice has been given by the Committee to the town council, voters of the town may have the opportunity to state their candidacy. The two governing bodies will meet to fill the vacancy by roll-call vote unless a regular town election shall occur within 120 days.

The candidate will be elected based on a majority vote. The person so elected will fill the seat on the Committee until the next town election.

Established by law

ADOPTED: OCTOBER, 2007

LEGAL REF.: M.G.L. 41:11

SOURCE: SOUTHBRIDGE

**SCHOOL COMMITTEE MEMBER ETHICS**  
(Massachusetts Association of School Committees Code of Ethics)

Preamble

The acceptance of a code of ethics implies the understanding of the basic organization of School Committees under the Laws of the Commonwealth of Massachusetts. The oath of office of a School Committee member binds the individual member to adherence to those state laws which apply to school committees, since school committees are agencies of the state.

This code of ethics delineates three areas of responsibility of School Committee members in addition to that implied above: (1) community responsibility; (2) responsibility to school administration; and (3) relationships to fellow Committee members.

A School Committee member in his/her relations with his/her community should:

1. Realize that his/her primary responsibility is to the children
2. Recognize that his/her basic function is to be policy making and not administrative
3. Remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made
4. Be well-informed concerning the duties of a Committee member on both a local and state level
5. Remember that he/she represents the entire community at all times.
6. Accept the office as a Committee member as means of unselfish service with no intent to "play politics," in any sense of the word, or to benefit personally from his/her Committee activities

A School Committee member in his/her relations with his/her school administration should:

1. Endeavor to establish sound, clearly-defined policies which will direct and support the administration
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration
3. Give the chief administrator full responsibility for discharging his/her professional duties and hold him/her responsible for acceptable results
4. Refer all complaints to the administrative staff for solution and only discuss them at Committee meetings if such solutions fail

A School Committee in his/her relations with his/her fellow Committee members should:

1. Recognize that action at official meetings is binding and that he/she alone cannot bind the Committee outside of such meetings
2. Realize that he/she should not make statements or promises of how he/she will vote on matters that will come before the Committee
3. Uphold the intent of executive sessions and respect the privileged communications that exists in executive sessions
4. Not withhold pertinent information on school matters or personnel problems, either from members of his/her own Committee or from members of other committees who may be seeking help or information on school problems
5. Make decisions only after all facts on a question have been presented and discussed.

Adopted: OCTOBER, 2007

LEGAL REF.: M.G.L. 268A

CROSS REF.: BBAA, School Committee Member Authority

SOURCE: MASC

## **COMMITTEE MEMBER CONFLICT OF INTEREST**

No member of the School Committee shall directly or indirectly make a contract with the town, or receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person making or performing such contract, unless the member, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the School Committee in writing of the nature of his/her interest in such contract, and shall abstain from doing any official act on behalf of the school district.

ADOPTED: OCTOBER, 2007

LEGAL REFS.: MGL 268A; 43:27

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE ORGANIZATIONAL MEETING**

The School Committee, at its first regular meeting following the town's annual elections, will elect from its membership a chairman, a vice-chairman, and a secretary all of whom will hold their offices for a term of one year, or until a successor is elected.

A majority of the members will constitute a quorum. The election will proceed as follows:

1. Nominations for the office of chairman will be made from the floor. The chairman will be elected by a majority roll-call vote of the members present and voting. If no nominee receives a majority vote, the election will be declared null and void and nominations will be reopened.
2. Upon election, the new chairman will preside, calling for the election of a vice-chairman, secretary and recording secretary, in order. The procedure used for their election will be the same as that for electing the chairman.

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.

ADOPTED: OCTOBER, 2007

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE OFFICERS**

### Duties of the Chairman

The chairman 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/she will perform those duties that are consistent with his/her office and those required by law, state regulations, and this Committee. In carrying out these responsibilities, the chairman will:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Committee.
2. Consult with the Superintendent in the planning of the Committee's agendas.
3. Confer with the Superintendent on crucial matters that may occur between Committee meetings.
4. Appoint subcommittees, subject to Committee approval.
5. Call special meetings of the Committee.
6. Be the public spokesman for the Committee at all times except as this responsibility is specifically delegated to others.
7. Be responsible for the orderly conduct of all Committee meetings.

As presiding officer at all meetings of the Committee, the chairman will:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Committee in its proper order.
3. Enforce the Committee's policies relating to the order of business and the conduct of meetings.
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.
5. Explain what the effect of a motion would be if this is not clear to members.
6. Restrict discussion to the question when a motion is before the Committee.
7. Answer all parliamentary inquiries.
8. Put motions to a vote, stating the vote and result thereof.

Duties of the Vice-Chairman

The vice-chairman of the Committee will act in the absence of the chairman as presiding officer of the Committee and will perform such other duties as may be delegated or assigned.

Secretary

The secretary will keep or cause to be kept an accurate journal of all Committee meetings; will comply with state law and Committee policy regarding notification of meetings; and will render such reports as may be required by the state or the town.

ADOPTED: OCTOBER, 2007

LEGAL REF.: M.G.L. 71:36

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE-SUPERINTENDENT RELATIONSHIP**

The Committee will leave to the Superintendent all matters of decision and administration that come within his/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:

1. If it is necessary to make exceptions to an established policy, the Superintendent will submit the matter to the Committee for consideration and approval.
2. The Superintendent will place before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed.

ADOPTED: OCTOBER, 2007

SOURCE: MASC

## **SUBCOMMITTEES OF THE SCHOOL COMMITTEE**

Subcommittees may be created for a specific purpose for Committee action.

1. The subcommittee will be established through action of the Committee.
2. Subcommittee chair and members will be appointed by the Committee chair, subject to approval by the Committee.
3. The subcommittee may make recommendations for Committee action.
4. The Committee chairman and Superintendent will be ex-officio members of all special subcommittees.
5. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee.

ADOPTED: OCTOBER, 2007

SOURCE: SOUTHBRIDGE

## **ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE**

Advisory Committees may be created by the School Committee.

1. Advisory committees will serve as task forces to provide consultation in a particular area of activity. There will be no standing overall advisory committee.
2. If required by state or federal law, the committee's composition and appointment will meet all the established guidelines.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff as well as community members may be appointed to the committee as members or consultants, as found desirable.
4. Appointment of staff members to such committees will be made by the Committee, upon recommendation of the Superintendent.
5. Unless reappointed, the tenure of committee members shall be one year.
6. Each committee will be instructed as to:
  - a. The length of time each member is to serve.
  - b. The assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities.
  - c. The resources the School Committee will provide.
  - d. The approximate dates on which the School Committee wishes to receive major reports.
  - e. Compliance with School Committee policies.
7. Recommendations of an advisory committee must be submitted to the School Committee.

The Committee will have the sole power to dissolve any of its advisory committees and to exercise this power at any time during the life of any committee.

ADOPTED: OCTOBER, 2007

CROSS REF.: KCB, Community Involvement in Decision Making

SOURCE: SOUTHBRIDGE

## **SCHOOL COUNCILS**

Principals shall have primary responsibility for the management of the schools. Decisions must be aligned with the budget, policies, curriculum, and long-range and short-range goals adopted by the School Committee. Decisions must comply with any state and federal laws and regulations and with any negotiated agreements of the school district.

A school council shall be established in each school to advise the Principal in specific areas of school operation. The Principal, except as specifically defined in the law, shall have the responsibility for defining the composition of and forming the group pursuant to a representative process approved by the Superintendent and School Committee.

The School Council shall:

1. Adopt educational goals for the school that are consistent with state and local policies and standards.
2. Identify educational needs of the students attending the school.
3. Review and make recommendations pertinent to the school building budget.
4. Formulate a school improvement plan that may be implemented after review and approval of the Superintendent.

ADOPTED: OCTOBER, 2007

LEGAL REF.: M.G.L. 71:38Q, 71:59C

SOURCE: SOUTHBRIDGE

## **SUBMISSION AND APPROVAL OF THE SCHOOL IMPROVEMENT PLAN**

The written school improvement plan shall be submitted by the Principals to the Superintendent and the School Committee for review by June 1 of each year.

The school improvement plan should:

1. Focus on improvement of student learning.
2. Specify expected student outcomes and measurable/observable results.
3. Align with the Mission of the school district and any goals and policies of the school district.
4. Be consistent with state and federal law, school district policy, established curriculum and negotiated agreements.
5. Identify actions to be taken on how changes will be implemented.
6. Include strategies on how to solicit community support for the changes being developed.
7. Indicate anticipated costs and available funding sources.
8. Delineate the method of evaluating and reporting progress and results.

ADOPTED: OCTOBER, 2007

SOURCE: SOUTHBRIDGE

## CONDUCT OF SCHOOL COUNCIL BUSINESS

The Principal shall, by law, serve as co-chair of the council. The second co-chair will be elected annually by the council members at its first meeting of the school year subsequent to the elections of new council members. The co-chairs will be responsible for the preparation of the agenda for the council meetings.

The school council shall meet at least once monthly during the school year. Meetings will be held outside of school hours. At its first meeting of the school year, the council will set its calendar of regular meetings for the year. Where circumstances warrant, the council may choose to call additional meetings.

Consensus shall be used by school councils as the primary method to resolve issues and to formulate recommendations. Votes by majority may be taken at the discretion of the Principal and Roberts Rules of Order shall prevail if there are questions of procedure.

All meetings of the school council shall conform to the Open Meeting Law, Sections 23 A, B, and C, which stipulate that all meetings be open to the public, that meetings be posted at least 48 hours in advance, and that minutes of the meeting shall be maintained as required. The school council does not qualify for executive session.

The Superintendent shall receive agendas and minutes of all school council meetings, and provide copies to the School Committee.

ADOPTED: OCTOBER, 2007

LEGAL REF.: MGL 71; 59C 38Q ½

SOURCE: SOUTHBRIDGE

## **SCHOOL ATTORNEY**

The School Committee may use the services provided by the town's counsel. The Committee may also retain an attorney or law firm to provide additional legal services.

A decision to seek legal advice or assistance on behalf of the school system will be made by the Committee. The Superintendent may also take such action at the direction of the Committee.

Routine legal assistance does not require specific Committee approval or prior notice. When the Superintendent concludes that unusual types or amounts of professional legal service may be required, the Committee will be advised and initial or continuing authorization will be sought for such service.

ADOPTED: OCTOBER, 2007

LEGAL REFS.: M.G.L. 71:37E; 71:37F

SOURCE: SOUTHBRIDGE

## **SCHOOL COMMITTEE MEETINGS**

The School Committee will conduct all business at official meetings of the Committee. These may be either regular or special meetings, defined as follows:

1. Regular meeting: the usual official legal action meeting,

The schedule of regular bimonthly meetings of the School Committee shall be established at the annual organizational meeting of the Committee. During July and August meetings will be held once a month unless additional meetings are called by the secretary, who shall have first conferred with the chairperson or, in his/her absence with the vice-chairperson. Every meeting of the School Committee, regular or special, will be open to the public unless an executive session is held in accordance with state law.

2. Special meeting: an official legal action meeting called between scheduled regular meetings to consider specific topics.

Special meetings shall be called by the secretary at the request of the chairman or at the request of four members. No business shall be transacted at any special meeting of the School Committee which does not come within the purpose set forth in the call for the meeting unless all members of the School Committee are present and agree to the consideration of the additional items.

ADOPTED: OCTOBER, 2007

LEGAL REFS.: M.G.L. 39:23A; 39:23B; 39:23C

SOURCE: SOUTHBRIDGE