

**RULES AND
REGULATIONS**

OF THE

**NEWBURYPORT
SCHOOL COMMITTEE**



**NEWBURYPORT
MASSACHUSETTS**

2007

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RULES AND REGULATIONS

of the

NEWBURYPORT

SCHOOL COMMITTEE

1. Authority

The School Committee shall have general charge of all of the public schools of the city, and shall set policy, consistent with the laws of the Commonwealth, for the management of the schools, and shall make rules and regulations to govern the business of the Committee.

2. Membership

a) The membership of the Committee consists of the Mayor, who shall be the Chairperson, and six members elected at-large for a term of four years, three of whom shall be elected at each biennial city election.

b) If a vacancy occurs in the Committee, the City Council and the remaining members of the Committee shall meet in joint convention and elect a suitable person to fill the vacancy until the first Monday in January following the next regular municipal election.

c) New members of the Committee shall, upon their election, be invited to attend all meetings of the Committee, and shall be briefed, if they so desire, by members of the Committee designated by the Chairperson, and/or by the Superintendent, and shall be furnished with appropriate background information they may request.

3. Organization

a) The Committee shall meet on the first Monday in January of each year for the purpose of organization. The Chairperson, or in his/her absence, the most senior member present in point of service on the Committee, shall call the meeting to order.

b) The Committee, by viva-voce vote, shall elect one member to serve as Vice-Chairperson.

c) The Committee, by viva-voce vote, shall adopt the rules and regulations for its proceedings.

d) The Committee, by viva-voce vote, shall designate one member to sign payrolls and vouchers. In the absence of the member so designated, payrolls and vouchers will be signed by the designated alternate chosen by the Committee.

e) The Vice-Chairperson shall preside at all meetings, if so requested by the Chairperson.

f) In the absence of the Chairperson and the Vice-Chairperson, the most senior member present in point of service shall preside.

4. Meetings

a) The School Committee will meet on the first Monday of each month from September through June. The Committee will meet on the third Monday of the month, except in the month of July. All meetings will begin with 30 minutes of public conversation and then continue with the formal agenda. The Committee shall set a standard time and location for these meetings during the first meeting of each new year. The Committee may, by a majority vote, and for good reason, change the date, place or time of the regular meeting.

b) The Chairperson or the Vice-Chairperson shall have the authority to call special meetings, and such meetings shall be called whenever requested in writing by two members of the Committee. The notice of the special meeting shall state the reason for the meeting and shall be transmitted to each member and to the City Clerk at least forty-eight hours prior to the time of the meeting.

c) The Committee may, by a majority vote of those present, there being a quorum, adjourn any meeting to another date and time, and such meeting shall be deemed a continuation of the present meeting.

d) The Committee may, by a majority vote, conduct a public hearing to ascertain public opinion on a subject that is before the Committee and shall, in any case, conduct a public hearing on the school budget in accordance with the law. The Committee shall set the date, time, and place of such public hearing and shall establish rules for the conduct of such hearing.

e) The Committee may meet from time to time for the purpose of receiving information and discussing matters pertaining to the educational program of the schools. Any such session shall be posted in the office of the City Clerk at least forty-eight hours prior to the time of the meeting.

f) No executive session shall be held until the Committee has first convened in open session for which notice has been given, a majority of the members have voted to go into executive session, and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer

has cited the purpose for the executive session, and has stated prior to the executive session whether or not the Committee will reconvene after the executive session. Executive sessions shall be held only for purposes permitted by the law.

According to Open Meeting Law, Chapter 39, Section 23B Executive Sessions may be held only for the following reasons:

1. To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual.
2. To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual. The individual may require the meeting to be open.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with non-union personnel, to conduct collective bargaining sessions or contract negotiations with non-union personnel.
4. To discuss the deployment of security personnel or devices.
5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm, or corporation.
7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.
8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a primary or preliminary screening.
9. To meet and confer with a mediator as defined in Section 23 C of Chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving any party, group, or body, provided that (a) any decision to participate in mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at any open meeting after such notice as may be required by this session.

g) Any duly-called meeting of the Committee may, for good and sufficient reason, be canceled or postponed by the Chairperson or the Vice-Chairperson. When the Chairperson or the Vice-Chairperson cancels or postpones a meeting, he/she shall inform the Superintendent, whose responsibility it shall be to notify the members.

5. Procedures

- a) The conduct of meetings of the Committee shall be in accordance with the parliamentary rules contained in Robert's Rules of Order, as most recently revised, except that open discussion will be allowed at the discretion of the Committee.
- b) A majority of the Committee shall constitute a quorum for the transaction of business.
- c) Any action taken by the Committee shall proceed from a motion duly made and seconded and approved by a majority of those present, unless otherwise provided by law or the rules of the Committee.
- d) Unless otherwise provided by law or these rules, voting shall be by viva-voce vote, except that any member may request a roll call and in such case the Chairperson shall direct the Secretary to call the roll.
- e) The Chairperson or Vice-Chairperson shall, in collaboration with the Superintendent, set an agenda for each meeting of the Committee and such agenda shall be prepared by the Superintendent. Any member of the Committee may cause an item to be placed on the agenda by advising the Chairperson or Vice-Chairperson at least two full working days prior to the meeting. Any citizen of the city who wishes to place an item on the agenda should make a request of the Chairperson or Vice-Chairperson at least one week prior to the meeting.
- f) The Chairperson may change the order of items on the agenda.
- g) The Committee shall dispose of all items on the agenda by voting or by tabling until a future meeting.
- h) At least seventy-two hours prior to each meeting of the Committee, the Secretary shall provide each member with a copy of the minutes of the prior meeting. After approval of the School Committee, the Secretary will enter the minutes in the record.
- i) The Chairperson may, without objection by any member of the Committee, and subject to any rules which the Committee may establish, allow members of the public to address the Committee, provided that such members of the public state their names and addresses.

6. Use of Electronic Messaging by School Committee Members

As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to electronic mail (e-mail), internet web forums,

and internet chat rooms.

Under the Open Meeting Law deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including but not limited to the sharing of an opinion regarding business over which the committee has supervision, control, or jurisdiction. No quorum may be arrived at sequentially using electronic messaging.

School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates; or for providing third-party information on topics affecting schools, education and the greater community. All such communications should include a stipulation and reflect the understanding that provision of this information does not constitute the sharing of opinion between committee members, under the law. Electronic messaging should not be used to discuss committee matters that require public discussion under the Open Meeting Law.

It is the responsibility of the e-mail initiator to provide a hard copy of any e-mail sent to the School Committee membership to those without e-mail within 48 hours. Under the Public Records Law electronic messages between public officials may be considered public records. Therefore, in order to ensure compliance, the School Committee chairperson in consultation with the Superintendent of Schools, shall annually designate a member of the central office staff who shall be copied on all electronic correspondence between and among members of the School Committee. These records shall be retained and accessible in the central office.

7. Flow Chart of School Committee E-mail Response Protocol

1. E-mail received in School Committee mailbox from public
2. E-mail distributed to each School Committee member
3. The Chairperson, Vice-Chairperson, or designee, will reply to the sender as follows:

Your message has been received and distributed to each School committee member. Members may respond to you as individual Committee members. Such a response should not be construed as the opinion of the full Committee. A response from the full School Committee requires input from all members. For this reason there will be a delay until our next regularly scheduled meeting. in providing a reply from the full School Committee.

8. Unit Action

All questions of general policy shall be settled by a vote of the Committee.

9. Superintendent of Schools

- a) The Committee shall elect by a majority of the full membership a Superintendent of Schools who shall enter upon his/her duties on a date decided by the Committee.
- b) The Superintendent shall be the chief executive officer and shall serve as or

designate a person to serve as Secretary of the Committee. He/she shall exercise general supervision over the schools in accordance with the policies of the Committee and subject to its direction.

c) The Superintendent shall carry out all duties imposed upon him/her by the laws of the Commonwealth of Massachusetts.

d) The Superintendent shall attend all meetings of the Committee, unless excused, and shall have the right to be heard on any question before the Committee.

e) The Superintendent shall notify members of all meetings of the Committee and shall record the minutes.

f) The Superintendent shall report to the Committee whatever in his/her judgment should be brought to the attention of the members and shall render any reports requested by the Committee.

g) The Superintendent shall keep himself/herself informed about the progress of education in general, and of the Newburyport schools in particular, and shall from time to time make recommendations to the Committee for the improvement of the schools.

10. Policies

The Committee shall adopt policies for the governance of the schools and shall cause such policies to be placed in writing and recorded in the minutes. Such policies, duly adopted and recorded, shall be binding on all school employees. It shall be the responsibility of the Superintendent to execute the policies of the Committee and he/she shall have the authority to make all reasonable School System guidelines and procedures for this purpose. In the absence of policy the Superintendent shall have the authority to act subject to the approval of the Committee.

11. Subcommittees

The Committee may establish subcommittees whenever it deems it advisable. The members of such subcommittees shall be designated by the Chairperson.

12. Advisory Committees

The Committee may establish advisory committees as it sees fit and may establish guidelines for their work. Such advisory committees shall serve at the pleasure of the Committee.

13. Compensation of Members

Members of the Committee may be compensated for their services by a majority vote of the City Council, the amount of such compensation to be set by the City.

14. Reimbursement for Expenses

The Committee may pay the actual and necessary expenses incurred by its members in the discharge of official duties or in the performance of functions authorized by the Committee.

15. Legal Counsel

The Committee may employ legal counsel in connection with collective bargaining with employee organizations and for the general purposes of the Committee.

16. Budget

The Committee shall prepare an annual budget estimating the amount of money sufficient for the operation of the schools and shall submit the budget to the Mayor in accordance with the law.

17. Membership in Associations

The Committee shall be affiliated with the Massachusetts Association of School Committees, the National School Board Association and may affiliate with other associations and organizations with similar interests and concerns.

18. Annual Report

The Committee shall publish an annual report on the needs of the schools and the condition of the schools and the school buildings.

19. Ethics

The code of ethics, known as the MASC Code of Ethics, adopted by the Massachusetts Association of School Committees, on May 22, 1964, shall be part of these rules.

20. Amendment of Rules

These rules may be amended at any regular meeting of the Committee by a two-thirds vote of those voting, a quorum being present, provided that notice of such amendment shall have been given at the previous regular meeting.

Adopted: January 30, 1985

Revised: April 30, 1986

Revised January, 1996

Amended. Sept. 15, 2003

Revised January 31, 2001

Revised January 7, 2002

Revised January, 2005

Revised January, 2006

Revised January, 2007

Revised August, 2007

**MASSACHUSETTS ASSOCIATION OF
SCHOOL COMMITTEES, INC.
CODE OF ETHICS**

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:

1. community responsibility; **2.** responsibility to school administration; and **3.** relationship to fellow committee members.

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

- a) Realize that his/her primary responsibility is to the children.
- b) Recognize that his/her basic function is to the policy-making and not administrative.
- c) Remember that he/she is one of a team and must abide by, and carry out, all committee decisions once they are made.
- d) Be well informed concerning the duties of a committee member on both a local and state level.
- e) Remember that he/she represents the entire community at all times.
- f) Accept the office as a committee member as a 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.

List Serve E-mil Response

Narrow range of authority for communications. Subcommittee to generate time sensitive information limited to lobbying/advocacy, with an opportunity for all members to review prior to distribution

Individual Response

Option for individual members to respond with qualifier that response is from individual member.

In a very limited scope, if communication is related to public record, SC designates Supt. to respond.

Full Committee Response

If full Committee response is indicated, communication is brought to next regularly scheduled meeting.

Full Committee will response to e-mails at the following times:

Business Meeting — Public conversation
scheduled prior to meeting

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

- a) Endeavor to establish sound, clearly-defined policies which will direct and support administration.
- b) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.

- c) Act only on the recommendations of the chief administrator in all matters of employment or dismissal of school personnel.
 - d) Give the chief administrator full responsibility for discharging his professional duties and hold him/her responsible for acceptable results.
 - e) Refer all complaints to the administrative staff for solution and only discuss them at committee meetings if such solutions fail.
- 3.** A School Committee member in his/her relations to his/ her fellow committee members should:
- a) Recognize that action at official meetings is binding and that he/she alone cannot bind the committee outside of such meetings.
 - b) Realize that statements or promises should not be made regarding how they will vote on matters that will come before the committee.
 - c) Uphold the intent of Executive Sessions and respect the privileged communication that exists in executive sessions.
 - d) 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 and information on school problems.
 - e) Make decisions only after all facts on a question have been presented and discussed

Central Office Directory

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