

INSTRUCTIONAL GOALS

The primary function of a school program is the instruction of students. All staff activities and efforts shall be directed toward providing a high quality, effective, and ever-improving instructional program.

There are primarily three functions involved in carrying out the instructional program:

- Operating Function
- Coordinating and Developing Function
- Evaluating and Assessment Function

The operating function involves classroom instruction and building program management. The coordinating and developing function includes monitoring activities (curriculum development), in-service education, and special services. The evaluation and assessment function involves data collection and synthesis and establishing future direction.

LEGAL REFS.: 603 CMR 26:00

CROSS REF.: AD, Educational Philosophy
 ADA, School District Goals and Objectives

ACADEMIC FREEDOM

The School Committee seeks to educate students in the democratic tradition, to foster recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate example the basic objectives of a democratic society as set forth in the Constitutions of the United States and the State.

LEGAL REF.: Constitution of the Commonwealth of Massachusetts

SCHOOL YEAR/SCHOOL CALENDAR

The school calendar for the ensuing year will be prepared by the Superintendent and submitted to the School Committee for approval by May 1st of each year. The number of days or instructional hours scheduled for the school year will be determined in accordance with the following standards set by the Massachusetts Board of Education:

1. Elementary school will operate for a minimum of 180 days. Schools shall ensure that every elementary school student is scheduled to receive a minimum of 900 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.
2. Secondary schools will operate for a minimum of 180 days. Schools shall ensure that every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

For the information of staff, students, and parents, the calendar will set forth the days schools will be in session; holidays and vacation periods; in service days; and parent conferences.

LEGAL REFS.: M.G.L. 4:7; 15:1G; 71:1; 71:4; 71:4A; 71:73; 136:12
Board of Education Regulations for School Year and School Day, effective 9/1/75
Board of Education, Student Learning Time Regulations
603 CMR 27.00, Adopted 12/20/94

SCHOOL DAY

The length of the school day is established in the collective bargaining agreements with the various school unions. The specific opening and closing times of the schools will be recommended by the Superintendent and set by the Committee.

The Superintendent is authorized to make minor changes in opening and closing times to simplify transportation scheduling; however, major changes in schedules will be subject to Committee approval.

Parents and guardians will be informed of the opening and closing times set by the Committee. To help insure the safety of all children, parents will also be notified that students will not be admitted into the school building until 15 minutes prior to the start of the official day unless bus schedules require earlier admittance.

LEGAL REFS.: M.G.L. 15:1G; 71:1; 71:59
 Board of Education Regulations for School Year and Day, effective 9/1/75

CURRICULUM DEVELOPMENT

Constant adaptation and development of the curriculum is necessary if the District is to meet the needs of the students in its schools. To be successful, curriculum development must be a collaborative enterprise involving staff and administrators utilizing their professional expertise, and gathering input from parents and community.

The Committee expects its faculty and administration to regularly evaluate the education program and to recommend modifications of practice and changes in curriculum content as well as the addition or deletion of courses to the instructional program.

LEGAL REF.: M.G.L. 69:1E
 603 CMR 26:05

SUPPORT SERVICES PROGRAMS

To support the classroom activities and other instructional needs of the District, various educational services as listed shall be provided. The Support Services staff will work in cooperation with building staff and the administration of the District in (1) the coordination and the supervision of the curriculum implementation of the instructional program, and (2) support services programs.

Curricular Supervision and Coordination

Coordinating personnel for specific curricular areas shall be assigned by the administration. These coordinators shall assist in the organization, supervision, and coordination of subject material and activities in the schools.

Support Services

The Assistant Superintendent for Instruction shall be responsible for all programs for educationally handicapped and gifted students' psychological services, speech correction, homebound and hospital teaching and such other programs as may be assigned to the Support Services.

CROSS REF.: ACE, Nondiscrimination on the Basis of Handicap

REMEDIAL INSTRUCTION

Remedial Reading

Remedial reading teachers and/or remedial reading tutors shall be assigned to assist those students accepted into a remedial reading program. Standard procedures will be established for entry into and exit from the remedial reading program. The procedures will be reviewed annually.

CURRICULUM ADOPTION

The School Committee will rely on its professional staff to design and implement instructional programs and courses of study that will forward the educational goals of the school system.

The Superintendent will have authority to approve new programs and courses of study after they have been thoroughly studied and found to support educational goals. The Committee itself will consider, and officially adopt, new programs and courses when they constitute an extensive alteration in instructional content or approach.

The Committee wishes to be informed of all new courses and substantive revisions in curriculum. It will receive reports on changes under consideration. Its acceptance of these reports, including a listing of the high school program of studies, will constitute its adoption of the curriculum for official purposes.

LEGAL REF.: M.G.L. 71:1; 69:1E

BASIC INSTRUCTIONAL PROGRAM

State law requires that schools:

. . . shall give instruction and training in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and Constitution of the United States, the duties of citizenship, health education, physical education and good behavior...

The law further states that American history and civics, including the Constitution of the United States, the Declaration of Independence, the Bill of Rights, local history and government will be taught as required subjects in the public schools.

Physical education is compulsory for all students, except that no student will be required to take part in physical education exercises if a physician certifies in writing that such exercises would be injurious to the student.

The Fundamental Skills

The business of the schools is to equip all children with the skills, tools, and attitudes that will lay the basis for learning now and in the future. This means giving highest priority to developing skills in reading, writing, speaking, listening, and solving numerical problems.

The first claim of the community's resources will be made for the realization of these priorities. School dollars, school talent, school time, and whatever innovation in program is required must be concentrated on these top-ranking goals. No student should be bypassed or left out of the school's efforts to teach the fundamental skills. Schooling for basic literacy must reach all students, in all neighborhoods, and from all homes.

LEGAL REFS.: M.G.L. 71:1,2,3; 71:13
603 CMR 26:05

BASIC INSTRUCTIONAL PROGRAM

Curricula

- (1) The curricula of all public school systems shall present in fair perspective the culture, history, activities, and contributions of persons and groups of different races, nationalities, sexes, and colors.
- (2) All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping. Appropriate activities, discussions and/or supplementary materials shall be used to counteract the stereotypes depicted in such materials.
- (3) School books, instructional and educational materials purchased after the date of 603 CMR 26.00 shall in the aggregate, include characterizations and situations which depict individuals of both sexes and of minority groups in a broad variety of positive roles.
- (4) Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex nor designed to have an adverse impact on members of either sex.

LEGAL REFS.: M.G.L. 71:1, 2, 3; 71:13
603 CMR 26:05

PHYSICAL EDUCATION

The School Committee will attempt to provide every student with an opportunity for wholesome and enriched educational experiences. It is the Committee's belief that the following basic aims and objectives of the physical education program will contribute to this goal:

1. To aid the development of the entire student so that a well trained mind may function properly in a healthy body.
2. To encourage student participation in vigorous physical activity while in school, and to teach the skills of those activities so that they will have a carry-over value for later activities in every day life.
3. To increase appreciation of physical fitness and its importance in regard to good health.
4. To impress upon students the importance of integrating one's mind, body and attitude in preparing to face the obligations of a complex society.

LEGAL REFS.: M.G.L. 71:1; 71:3
Board of Education Regulations Pertaining to Physical Education, adopted
4/25/78, effective 9/1/78
603 CMR 26:05

HEALTH EDUCATION

Good health depends upon continuous life-long attention to scientific advances and the acquisition of new knowledge.

The School Committee believes that the greatest opportunity for effective health education lies within the public schools because of their potential to reach children at the age when positive, lifelong health habits are best engendered and because the schools are equipped to provide qualified personnel to conduct health education programs.

The School Committee is committed to a sound, comprehensive health education program as an integral part of each student's general education. Health education will be taught as a separate academic discipline in grades K through 6 and as a separate class in grade 7.

The health education program will emphasize a contemporary approach to the presentation of health information, skills, and the knowledge necessary for students to understand and appreciate the functioning and proper care of the human body. Students also will be presented with information regarding complex social, physical and mental health problems, which they might encounter in society. In an effort to help students make intelligent choices on alternative behavior of serious personal consequence, health education will examine the potential health hazards of social, physical and mental problems existing in the larger school-community environment.

In order to promote a relevant, dynamic approach to the instruction of health education, the School Committee will continue to stress the need for curricular, personnel, and financial commitments that are necessary to assure the high quality of the system's health education program.

LEGAL REF.: M.G.L. 71:1

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

In accordance with General Laws Chapter 71, Section 32A, the Uxbridge School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual or human sexuality issues. The Superintendent of Schools will determine the administrator(s) responsible for sending the notice(s). Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If planned curricula change during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely manner before implementation.

Each such notice to parents/guardians will include a brief description of the curriculum covered by this policy, and will inform parents/guardians that they may:

1. Exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexual issues, without penalty to the student, by sending a letter to the school Principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
2. Inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the Principal to review the materials at the school and may also review them at other locations that may be determined by the Superintendent of Schools.

A parent/guardian who is dissatisfied with a decision of the Principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the Superintendent for review of the issue. The Superintendent or designee will review the issue and give the parent/guardian a timely written decision, preferably within two weeks of the request. A parent/guardian who is dissatisfied with the Superintendent's decision may send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent/guardian a timely written decision, preferably within four weeks of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the Commissioner of Education for review of the issue in the dispute.

The Superintendent of Schools will distribute a copy of this policy to each Principal by September 1 of each year.

REF.: Department of Education

SAMPLE NOTICE TO PARENT/GUARDIAN

[Date]

Dear Parent/Guardian:

Enclosed is an outline of our school's grade 7 and 8 comprehensive health education curriculum. This program has been developed by our professional staff under the guidance of the community health education advisory council. The overall goal of the course is to continue efforts begun in earlier grades to promote the health and well-being of our students, and to help them make wise and informed decisions during their teen-age years and beyond.

Sex education is part of the health education curriculum in grades 7 and 8, including topics such as puberty; dating; relationships and communication skills; pregnancy; birth control; abortion; homosexuality; prevention of HIV/AIDS and other sexually transmitted diseases; and prevention of sexual abuse. The instructional materials we use for the course include a curriculum package and a video, listed on the enclosed outline. If you would like to review these materials at the school, you are welcome to do so. Please call me to arrange a convenient time.

During the course, students will be able to ask questions, which will be answered factually and in an age-appropriate manner. Each student's privacy will be respected, and no one will be put on the spot to ask or answer questions or reveal personal information. Material will be presented in a balanced, factual way that makes clear that people may have strong religious and moral beliefs about issues such as birth control and abortion, and that these beliefs must be respected.

Under Massachusetts law and School Committee policy, you may exempt your child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues. To receive an exemption, simply send me a letter requesting an exemption for your child. No student who is exempted from this portion of the curriculum will be penalized. We may provide an alternative assignment to students who are exempted.

We look forward to working with you to ensure that your child has a positive and educationally enriching experience this school year. If you have any questions about sex education or any other matter concerning your child's education, please call me.

Sincerely,

Principal
[Phone Number]

Enclosure: [course outline; list of curriculum materials for sex education]

**HEALTH EDUCATION
(Exemption Procedure)**

Exemption will be granted from a specific portion of health education curriculum on the grounds that the material taught is contrary to the religious beliefs and/or teachings of the student or the student's parent/guardian.

A request for exemption must be submitted in writing to the Principal in advance of instruction in that portion of the curriculum for which the exemption is requested. The request must state the particular conflict involved.

The Principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.

The Principal will inform the parent/guardian of disposition of the request within a reasonable number of school days of receipt of the request.

LEGAL REF.: M.G.L. 71:1

TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

In accordance with state and federal law, the District shall provide age-appropriate, developmentally based drug and alcohol education and prevention programs in grades K-12.

The drug and alcohol education program shall address the legal, social, and health consequences of drug and alcohol use. It shall include special instruction as to the effects upon the human system; the emotional, psychological and social dangers of such use with emphasis on nonuse by school age children and the illegal aspects of such use. The program also shall include information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of each individual to the dangers of drugs, alcohol, and tobacco.

To create an awareness of the total drug problem--prevention, education, treatment, rehabilitation, and law enforcement on the local, state, national and international levels.

To relate the use of drugs and alcohol to physical, mental, social and emotional practices.

To develop the student's ability to make intelligent choices based on facts and to develop the courage to stand by one's own convictions.

To understand the personal, social and economic problems causing the misuse of drugs and alcohol.

To develop an interest in preventing illegal use of drugs in the community.

The curriculum, instructional materials and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

LEGAL REFS.: M.G.L. 71:1

**SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS
(PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS)**

The goals of this school system's special education program are to allow each child to grow and achieve at his own level, to gain independence and self-reliance, and to return to the mainstream of school society as soon as possible.

The requirements of Chapter 71B and the Massachusetts General Laws (known as Chapter 766 of the Acts of 1972) and state regulations will be followed in the identification of children with special needs, in referrals for their evaluation, in prescribing for them suitable programs and in assessing their educational progress. In keeping with state requirements, all children with special needs between the ages of three through 21 who have not attained a high school diploma or its equivalent will be eligible for special education.

The School Committee believes that most children with special needs can be educated in the regular school program if they are given special instruction, accommodations and the support they need. These children should also be given the opportunity to participate in the school system's non-academic and extracurricular activities.

The Committee recognizes that the needs of certain children are so great that special programs, special classes or special schools may be necessary. When appropriate programs, services, or facilities are not available within the public schools, the Committee will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the Committee that the schools work closely with parents in designing and providing programs and services to children with special needs. Parents will be informed, and conferred with, whenever a child is referred for evaluation. In event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents will be accorded the right of due process.

The Committee will secure properly trained personnel to work with the children with special needs. Since the financial commitment necessary to meet the needs of all of these children is extensive, the Committee will make every effort to obtain financial assistance from all sources.

LEGAL REFS.: The Individuals with Disabilities Ed. Act (PL 94-142 adopted 1/1/91)
 Rehabilitation Act of 1973
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended through
 7/1/81
 603 CMR 28:00 inclusive

PROGRAMS FOR STUDENTS WITH DISABILITIES

In keeping with the intention of the state of Massachusetts to offer educational opportunities to all students that will enable them to lead fulfilling and productive lives, the District shall provide appropriate educational opportunities to all resident students in accordance with the requirements of state and federal statutes.

GIFTED AND TALENTED EDUCATION

"Gifted and talented" students are those students who demonstrate outstanding performance or the assessed potential for such performance or whose abilities, talents and potential for accomplishment in one or more areas of endeavor are so outstanding that they require special provisions to meet their educational needs.

A gifted and talented educational program shall be identified and provided for students in grades kindergarten through twelve who are intellectually and creatively gifted.

The program shall be flexible, responsive to individual student needs and provide a variety of options for gifted students. These options should include higher level learning activities and experiences, opportunity for independent study, access to multiple resources and intellectual peer interaction.

The program shall provide gifted and talented students, families and educators an atmosphere of support and guidance.

**COMPENSATORY EDUCATION
(Title 1)**

Title 1 funds shall be used to provide educational services that are in addition to the regular services provided for District students. By adoption of this policy, the School Committee ensures equivalence in the provision of curriculum materials and supplies.

ENGLISH LANGUAGE LEARNERS

The District shall provide suitable research-based language instructional programs for all identified English language learners in grades Kindergarten through 12 in accordance with the requirements of state and federal statutes and Massachusetts Department of Education regulations and guidance.

The District shall identify students whose dominant language may not be English through home language surveys that identify a primary home language is other than English (PHLOTE), observations, intake assessments, and recommendations of parents, teachers and other persons. Identified students shall be assessed annually to determine their level of proficiency in the English language.

The District shall certify to the Massachusetts Department of Education each year those students whose dominant language is not English, including specification of the number of non-English languages identified as dominant languages and the number and percent of students who speak each non-English language as their dominant language.

The District shall provide additional information as required by the Massachusetts Department of Education to comply with the No Child Left Behind Act.

LEGAL REFS.: 20 U.S.C. 3001 et seq. (language instruction for limited English proficient and
immigrant students contained in No Child Left Behind Act of 2001)
42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)
603 CMR 14.00

HOMEBOUND INSTRUCTION

The schools may furnish homebound instruction to those students who are unable to attend classes for at least four consecutive weeks due to a physical injury, medical situation, or a severe emotional problem. The instruction is designed to provide maintenance in the basic academic courses so that when a student returns to school he/she will not be at a disadvantage because of the illness or the hospitalization.

To qualify for the program the student needs a written statement from a medical doctor requesting the homebound instruction, stating the reasons why, and estimating the time the student will be out of school. This statement needs to be sent to the Director of Pupil Services.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Director of Pupil Services with the approval of the Superintendent.

HOME SCHOOLING

The Massachusetts General Law requires the School Committee to determine that a Home Schooling program meet with the minimum standards established for public schools in the Commonwealth prior to approving such a program.

When a parent or guardian of a student below the age of 16 wants to establish a home-based educational program for his/her child, the following procedures shall be followed in accordance with the law:

Prior to removing the child from public school:

The parent/guardian must submit written notification of establishment of the home-based program to the appropriate administrator 14 days before the program is established, and resubmit notification on an annual basis as long as the child or children are being educated in a home-based environment.

The parent/guardian must certify in writing, on a form provided by the District, the name, age, place of residence, and number of hours of attendance of each child in the program.

The Superintendent shall give the notice to produce records required by law if there is probable cause to believe the program is not in compliance with the law. Factors to be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal may be:

1. The proposed curriculum and the number of hours of instruction in each of the proposed subjects.
2. The competency of the parents to teach the children,
3. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents.
4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.

A student being educated in a home-based program within the District may have access to public school activities of either a curricular or extracurricular nature upon approval of the Superintendent.

A student, with the approval of the School Committee, may be awarded a high school diploma if he/she or she has satisfied the Department of Education's competency requirements and has met the District's educational standards for graduation.

LEGAL REFS.: M.G.L. 69:1D; 76:1, Care and Protection of Charles
Care and Protections of Charles - MASS. Supreme Judicial Court 399 Mass. 324
(1987)

HOME SCHOOLING

1. Requirements for approval of home instruction will include:
 - a. The parent or legal guardian must request permission to hold home instruction on an annual basis.
 - b. A home instruction application form will be provided to the parents or legal guardian. This form must be completed and returned to the Superintendent before approval may be granted.
 - c. The Committee delegates the approval of home instruction to the Superintendent. Any approval or rejection of an application by the Superintendent is subject to review by the Committee.
2. Children in home instruction may, at the discretion of parents or guardian, attend the public schools on a part-time basis. It may be an advantage for a home-taught child to attend specialized classes in the public school.
3. Parents or a legal guardian in charge of home instruction should make provision for regular testing or use of other indicators of student progress such as standardized achievement tests. As an alternative to home testing and at the request of those in charge of the home instruction, the School District will make provision for inclusion of home-taught children in the annual achievement test battery, which is usually administered in February or March of each school year. The home instruction summary form must include either a summary of home testing results for each required subject for each child or the results of the achievement test that is administered through the School District.
4. Auditing functions of the Committee for the home instruction will include:
 - a. The Committee at any time may request a review by the Superintendent of the attendance rolls, records of test scores or other achievement indicators in each required subject for any child in home instruction.
 - b. The Committee may request at any time that the Superintendent review the instructional materials and methods used by the person(s) responsible for the home instruction.
 - c. The Superintendent will prepare for the Committee an annual summary of the children included in home instruction. This report will also summarize, in general, the appropriateness or possible deficiencies of home education situations.
5. Within one week of the ending date of the home instruction, as indicated on the home instruction application form, the School District will mail the parents or legal guardian a home instruction summary form. The completed form should be returned to the School District within 30 days. This summary form must be returned to the School District office before annual approval of home instruction can be made for any succeeding years.

6. The Committee will act in a responsible, cooperative manner to ensure that all children in the School District receive competent, adequate instruction. This concern includes children in home education. If the Committee determines that a home instruction situation is inadequate, a conference between the parents or legal guardian and the Superintendent will be scheduled to find mutually acceptable ways to correct any deficiency.
7. If deficiencies in a home education situation are not corrected or the proper annual application or summary is not completed by the parents or legal guardian, an appropriate referral will be made.

HOME SCHOOLING

In March 1987, the Massachusetts Supreme Judicial Court decided the case entitled Care and Protection of Charles, 399 Mass. 324 (1987). The decision sets forth the legal standards for approval of home education programs for children of compulsory school age in Massachusetts. This advisory opinion, prepared by Rhoda E. Schneider, General Counsel of the Department of Education, is intended to inform public school officials and other interested parties of the standards set forth in the decision. It supersedes the department's January 4, 1980 Advisory Opinion on Home Education, although the approval guidelines established by the court are very similar to those in the 1980 advisory.

There are four main components to the decision, which may be summarized as follows:

I. **The School Committee may enforce the compulsory school attendance law through a care and protection proceeding.**

The court held that the Canton School Committee had authority to file a petition for care and protection (pursuant to General Laws Chapter 119, Section 24) with respect to three school-age children whose parents had not enrolled them in public school or an approved private school, and who had not been granted permission to educate them at home. The court noted that the compulsory school attendance law (General Laws Chapter 76, Section I) states that "the School Committee of each town shall provide for and enforce the school attendance of all children (ages 6-16) actually residing therein in accordance here-with," and concluded that one appropriate way for the School Committee to do so is a petition to find the children in need of care and protection with respect to their educational care.

II. **The compulsory school attendance law provides adequate standards to determine a child's need for educational care and to withstand constitutional challenge.**

The court held that General Laws Chapter 76, Section 1, the compulsory school attendance law, provides the standards by which a judge may determine that a child is in need of educational care, and is neither void for vagueness nor an unlawful delegation of legislative authority. In pertinent part, the statute provides:

Every child between the minimum and maximum ages established for school attendance by the board of education (6-16) . . . shall . . . attend a public day school . . . or some other day school approved by the School Committee . . . unless the child attends school in another town . . . **but such attendance shall not be required of a child . . . who is being otherwise instructed in a manner approved in advance by the Superintendent or the School Committee.** (Emphasis added.)

The court concluded that this grant of authority to the Superintendent or School Committee to approve an alternative manner of instruction for a child (specifically, home instruction) is not unconstitutionally vague, because the school officials may draw approval criteria from three sources. First, the legislatures established a general framework for public education, by mandating the subjects that must be taught in public schools and qualifications public school teachers must meet. (See General Laws Chapter 71, Sections 1, 2, 3 and 38G.) Second, the court stated that proposed home education programs are subject to the same standard of approval as private schools under General Laws Chapter 76, Section 1:

“For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching.... “

Third, the court set forth specific procedures and approval guidelines for home education programs, which are discussed in section IV of this advisory. In light of all these factors, the court concluded that the law provides reasonable standards for reviewing and approving home education programs, and therefore meets constitutional requirements.

III. Parents have a basic right to direct their children's education, but that right is subject to reasonable regulation to promote the state's substantial interest in the education of its citizens.

Several United States Supreme Court decisions, cited by the court, have affirmed substantial state interest in the education of its citizenry, with which parents' basic right to direct children's education must be reconciled. The court agreed with the parents: "the state interest in this regard lies in ensuring that the children residing within the state receive an education, not that the educational process be dictated in its minutest detail." However, the court concluded that the approval process required under General Laws Chapter 76, Section 1 "is necessary to promote effectively the state's substantial interest," and that the School Committee may use that statutory approval process to impose on home education programs "certain reasonable educational requirements similar to those required for public and private schools."

IV. Guidelines for approval of home education plans.

Having concluded that the approval process under General Laws Chapter 76, Section 1 is constitutionally permissible the court set forth guidelines for parents and school officials to follow in considering home education plans. They may be summarized as follows:

A. Procedures.

1. Parents must obtain approval **prior** to removing the children from the public school and beginning the home education program.
2. The Superintendent or School Committee must provide the parents with an opportunity to explain their proposed plan and present witnesses on their behalf. A hearing during a School Committee meeting is sufficient to meet this requirement.
3. In obtaining approval from the Superintendent or School Committee, the parents must demonstrate that the home education proposal meets the requirements of General Laws Chapter 76, Section 1, in that the instruction will equal "in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town."

4. If the home education plan is rejected, the Superintendent or School Committee must detail the reasons for the decision, and allow the parents to revise their proposal to remedy its inadequacies. If they begin the home education program without the necessary approval, the School Committee may initiate a truancy proceeding or a care and protection petition, in which it would have to show that the instruction in the home does not meet the statutory standard for thoroughness, efficiency and educational progress.

B. Approval factors.

The court listed the following factors that may be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal:

1. **The proposed curriculum and the number of hours of instruction in each of the proposed subjects.**

General Laws Chapter 71, Section 1, 2 and 3 list the subjects of instruction that must be taught in the public schools. Section 1 allows the School Committee also to require such other subjects, as it may deem expedient. In addition, the Superintendent or School Committee "may properly consider the length of the proposed home school year and the hours of instruction in each subject," noting that state law requires public schools to operate for a minimum of 180 days.

2. **The competency of the parents to teach the children.**

General Laws Chapter 71, Section 1 provides that teachers shall be "of competent ability and good morals." The court noted that parents providing education at home need not be certified, nor must they have college or advanced academic degrees. However, "the Superintendent or School Committee may properly inquire as to the academic credentials or other qualifications of the parent or parents who will be instructing the children."

3. **The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents.**

The Superintendent or School Committee need access to this material "to determine the type of subjects to be taught and the grade level of instruction for comparison purposes with the curriculum of the public schools," but they "may not use this access to dictate the manner in which the subjects will be taught."

4. **Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.**

The Superintendent or School Committee may properly require such testing, and in consultation with the parents may decide where the testing will occur and the type of testing instrument to be used. The court noted that "where practical, a neutral party should administer the test" and that the school authorities and parents may agree to other means of measuring the children's progress, such as periodic progress reports or dated work samples. In addition, it suggested that on-site visits by public school representatives may be included, although "with appropriate testing procedures or progress reports, there may be no need for periodic on-site visits or observations of the learning environment by school authority personnel."

V. Conclusion.

The Supreme Judicial Court's decision provides both a legal framework and useful guidance for public school officials and parents with respect to proposals to educate a school-age child at home. We recommend that Superintendents and School Committees review their procedures and approval criteria for home education plans, to assure that they are consistent with the court's decision. As long as the school officials making the decision to approve or disapprove a home education program do so reasonably and in good faith, using the standards and procedures discussed above, it is likely that a court will uphold their educational judgments.

LEGAL REFS.: M.G.L. 69:1D; 76:1

ALTERNATIVE SCHOOL PROGRAMS

Some children have great difficulty coping with the conventional school program and as a result will drop out of school. Some children require more support and direct supervision than is reasonably available in conventional school settings. And, some children, along with a highly structured academic experience, require a special focus on life skills and an appropriate vocational involvement.

The School Committee will provide alternative education programs where these needs have been identified, where establishment of such programs is feasible, and where the proposed programs fall within the function normally associated with the public school system.

These alternative educational programs will seek to provide an appropriate academic, social, and vocational experience to aid these young people either to reenter the regular school system, move into another educational setting, or prepare them for successful employment.

LEGAL REFS.: M.G.L. 71:37I; 71:37J
 Board of Education Regulations Pertaining to Section 8 of Chapter 636 of the
 Acts of 1974, Regarding Magnet School Facilities and Magnet Educational
 Programs, adopted 2/25/75

SUMMER SCHOOLS

The school system will conduct summer sessions as a supplement to the instruction offered during the school year, when funding for such programs is available. When funding is not available, a fee will be established by the School Committee. The focus of the program will be remedial work in reading and mathematics.

To attend tuition-free remedial summer school, students must have the approval of their classroom and/or special subject teachers.

Students at all instructional levels may attend approved summer schools for remedial, enrichment, or make-up purposes. Credit towards graduation requirements may be granted high school students in line with regulations of the School District.

All summer programs will be subject to annual approval by the School Committee.

LEGAL REF.: M.G.L. 71:28