



Pioneer Valley Performing Arts Charter Public School

Governance Committee Meeting

Published on September 4, 2026 at 5:29 PM EDT

Date and Time

Thursday September 10, 2026 at 6:00 PM EDT

Location

Virtual Meeting Only.

<https://us02web.zoom.us/j/82710150031?pwd=eXv1hjEnAZKwokWOLHaBITdrP8ZotM.1>

Agenda

	Purpose	Presenter	Time
I. Opening Items			6:00 PM
A. Record Attendance		Thomas Roy	1 m
B. Call the Meeting to Order		Thomas Roy	
C. Read PVPA Mission Statement		Thomas Roy	1 m

The Pioneer Valley Performing Arts Charter Public School offers its students intensive exposure to the performing arts within the context of an excellent college preparatory curriculum. The goal is to provide students with a supportive and challenging environment that is responsive to multiple learning styles, emphasizes learning through the arts, and integrates critical and creative thinking throughout the curriculum.

	Purpose	Presenter	Time
II. Governance			6:02 PM
A. Review of Policies and New Accountability Plan	Discuss	Thomas Roy	55 m
Review and discussion about policies and accountability plan to ensure they are aligned with the current bylaws DESE approved on June 29, 2026.			
III. Closing Items			6:57 PM
A. Adjourn Meeting	Vote	Thomas Roy	1 m

Coversheet

Review of Policies and New Accountability Plan

Section:	II. Governance
Item:	A. Review of Policies and New Accountability Plan
Purpose:	Discuss
Submitted by:	
Related Material:	1.f. Policy Concerning Board of Trustees Powers and Duties.pdf 1.k. Open Meeting Policy.pdf Public Complaints In Accordance with 603 CMR 1.09.pdf 3.b. Reporting Policy.pdf 2.j. Reporting Abuse and Neglect Policy.pdf PVPA Bylaws Approved by DESE June 29 2026.pdf

Pioneer Valley Performing Arts Charter Public School

1.f. Policy Concerning Board of Trustees Powers, Duties, and Authorities

Needs to be compared to current bylaws for consistency

Policy Concerning Board of Trustees Powers, Duties, and Authorities

The Board of Trustees of Pioneer Valley Performing Arts Charter Public School governs the school, holds the charter of the school, and supervises the school leader. The Board of Trustees members are public agents of the Commonwealth of Massachusetts, and the Board itself is considered a state governmental body.

The members of the Board of Trustees shall fulfill their fiduciary responsibilities owed to Pioneer Valley Performing Arts Charter Public School, including but not limited to the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget. As such, Board members shall act in the best interest of Pioneer Valley Performing Arts Charter Public School and shall not profit individually as a result of their involvement with Pioneer Valley Performing Arts Charter Public School.

The Board of Trustees shall not and does not exercise managerial powers over Pioneer Valley Performing Arts Charter Public School's day-to-day operations of the school. However, the Board ensures that Pioneer Valley Performing Arts Charter Public School operates in accordance with its charter, including any approved amendments, as well as all applicable state and federal laws and regulations. Responsibilities of the Board of Trustees shall include, but are not limited to, the following:

- Ensuring that the school complies with statutory and regulatory requirements, particularly ensuring that the school achieves academic success, sustains itself as a viable organization, and remains faithful to its charter;
- Requesting the Commissioner's appointment of any new Trustees;
- Developing the school's annual budget;
- Developing and revising, as necessary, the school's bylaws;
- Submitting the timely annual report;
- Submitting the timely annual independent audit;
- Hiring, evaluating, and removing, if necessary, qualified personnel to manage Pioneer Valley Performing Arts Charter Public School's day-to-day operations and holding the administration accountable for meeting specified goals;

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1.f. Policy Concerning Board of Trustees Powers, Duties, and Authorities

Needs to be compared to current bylaws for consistency

- Approving and monitoring progress towards meeting the goals of the school's Accountability Plan, DCAP, School Improvement Plan, and all similar educational programs;
- Adopting and revising school policies, including plans for student recruitment and retention;
- Responding to complaints in writing;
- Ensuring that members of the board receive an orientation and training regarding their duties and obligations as members of a board of trustees;
- In consultation with the Head of School and teachers, determining the school's curriculum;
- Ensuring a successful charter renewal;
- Considering and approving appropriate charter amendments; and
- Complying with all requirements and fulfilling all obligations set forth in Pioneer Valley Performing Arts Charter Public School's Bylaws.

Each Trustee shall file a financial disclosure annually with the Massachusetts Ethics Commission, the Department of Elementary and Secondary Education, and the Town of South Hadley where Pioneer Valley Performing Arts Charter Public School is located. Each Trustee shall comply with all reporting and disclosure requirements set forth in Massachusetts Conflict of Interest Law (G.L. c. 268A).

Each Trustee shall file his/her disclosure as follows:

- Within 30 days of becoming a member of the Board of Trustees;
- Before September 1 of each year thereafter that the person is a member of the Board; and
- Before September 1 of the year after the person ceases to be a member of the Board.

Each Trustee shall review and complete a certification of receipt of Open Meeting Law materials: G.L. c 30A, §§ 18-25; 940 CMR 29.00; and The Guide to the Open Meeting Law within two weeks of joining the Pioneer Valley Performing Arts Charter Public School Board of Trustees.

Each Trustee shall review and provide written acknowledgment of a summary of the Massachusetts Conflict of Interest Law on an annual basis. New Trustees must review and

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provide written acknowledgment within 30 days of joining the Pioneer Valley Performing Arts Charter Public School Board of Trustees and annually thereafter. Every two years, Trustees shall complete online training concerning Massachusetts' Conflict of Interest Law. New Trustees must complete the online training within 30 days of joining the Pioneer Valley Performing Arts Charter Public School Board of Trustees and every two years thereafter.

The Board of Trustees shall be considered the public employer for purposes of tort liability under said chapter 258 and for collective bargaining purposes under said chapter 150E.

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Open Meeting Policy
Reviewed by Marc Terry: July 22, 2026

Open Meeting Law Policy

As a “public body” as defined by the Massachusetts Open Meeting Law (G.L. c. 30A), the Board of Trustees shall convene all Board and subcommittee meetings so that they are open to the public, with the exception of all properly held executive sessions, and in compliance with G.L. c. 30A. All meetings of the Board and subcommittees shall be held at locations that are accessible to persons with disabilities.

The Board of Trustees and subcommittees shall comply with the Open Meeting Law.

Upon joining the Board of Trustees, new members shall review and complete a certification of receipt of the Open Meeting Law, Open Meeting regulations (940 CMR 29.00), and the Massachusetts Guide to the Open Meeting Law.

A. Notification of Meetings of the Board of Trustees and Subcommittees

The Board of Trustees shall post notice of all Board and subcommittee meetings at least 48 hours prior to the planned meeting, excluding Saturdays, Sundays, and holidays. If there is need to hold an emergency meeting, then notice shall be posted as soon as practicable. Notice shall be provided to the Office of the Secretary of State Regulations Division. The Board will notify the Office of the Attorney General, Division of Open Government, of its website and shall post all required meeting postings on its website.

Notice of all Board and subcommittee meetings shall include the date, time, and location of the meeting, as well as the date and time that the notice was posted. Notices shall also include the list of topics the chair reasonably anticipates will be discussed at the meeting. The list of topics shall be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.

B. Minutes and Records of Meetings

The Board of Trustees and subcommittees shall maintain detailed, accurate records of every meeting and make the record available to the public upon request, subject to a determination by the Board of Trustees or subcommittee with respect to the release or retention of executive session minutes. The record must include the date, time, and location of the meeting; the identity of Trustees both in attendance and absent from the meeting; a list of documents used at the meeting; and all action taken at the meeting, including a list of the issues discussed and a record of the formal votes taken.

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Pioneer Valley Performing Arts Charter Public School shall post open meeting minutes on the school website once approved by the Board of Trustees at the next meeting.

C. Executive Session

The Board of Trustees and subcommittees may meet in Executive Session only for the reasons enumerated in G.L. c. 30A, § 21. Prior to convening in Executive Session, the Board of Trustees and subcommittees shall:

- First convene in open session;
- Receive a vote of the majority of the quorum to enter Executive Session, and the vote of each member is recorded in the minutes of the open session;
- The motion to enter executive session must state the purpose of the Executive Session; and
- The President of the Board of Trustees or the Chair of the subcommittee states whether open session will reconvene after the Executive Session.

Minutes of the Executive Session shall be taken in the same fashion as minutes of open sessions. However, these minutes shall not be disclosed to the public for as long as necessary to effectuate the lawful purpose of the Executive Session.

All votes taken related to Executive Session shall be taken and recorded by “roll call,” in which each Trustee announces his/her vote individually. This includes motions taken in open session to enter executive session.

If an Executive Session includes remote participants, each remote participant must state that they are alone and cannot be heard by others.

D. Remote Participation

1. Minimum requirements for remote participation:
 - a. A quorum of the body, including the chair or, in the chair’s absence, the person chairing the meeting, must be physically present at the meeting location;
 - b. Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
 - c. All votes taken during a meeting in which a member participates remotely must be by roll call vote.
2. A member of the Board may participate remotely only if physical attendance would be unreasonably difficult for one of the following reasons.

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- a. personal illness or medical emergency
 - b. military service
 - c. geographic distance
 - d. significant work or family obligations
 - e. weather-related travel restrictions
3. Procedures for Remote Participation:
- a. The Board Chair must announce the name of any member who is participating remotely; such information must also be recorded in the meeting minutes.
 - b. If technical difficulties arise as a result of utilizing remote participation, the chair (or, in the chair's absence, person chairing the meeting) may decide how to address the situation.
 - c. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

Note: The Remote Participation section of this Policy is based on the permanent regulations. The legislature adopted legislation allowing for fully remote or hybrid meetings until at least March 31, 2027. It shall be the Board's Policy to allow for remote or hybrid meetings in accordance with this legislation for so long as it or similar legislation remains in effect. The current legislation does not require any member to participate at a physical location and does not restrict the purposes for which an individual may participate remotely. The remainder of the language in this section continues to apply.

E. Public Participation

All Board and subcommittee meetings shall convene in a manner so that they are open to the public and in compliance with G.L. c. 30A, with the exception of all properly held discussions concerning matters permitted by law to be discussed in executive session.

An individual may not address the public body without permission of the chair.

F. Complaint Procedure

A parent, guardian, or other individuals or groups who believe the PVPA's board has violated or is violating the provisions of the Massachusetts Open Meeting Law (G.L. c. 30A), may file a complaint within 30 days of the date the violation was reasonably discoverable with the Board Chair by mail, email, or by hand.

The Board Chair will disseminate the complaint to the other members of the board. The Board will meet to review the complaint and respond to the complaint in writing within 14

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business days. The response will contain a description of any action taken to address the allegations in the complaint. The board will send the Attorney General a copy of the complaint and its response at the same time.

If a complainant is not satisfied with the board's response, they may file a copy of the complaint with the Attorney General's Division of Open Government by mail, by email, or by hand, but only after waiting 30 days from when the was filed with the Board.

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6.a. Public Complaints

Reviewed by Marc Terry: July 22, 2026

Public Complaints In Accordance with 603 CMR 1.09

In accordance with 603 CMR 1.09, a parent, guardian, or other individuals or groups who believe that a charter school has violated or is violating any provision of G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with the charter school's board of trustees. All complaints must be submitted in writing and signed, by hand or electronically, by the individual(s) making the complaint. Absent extraordinary circumstances, the Board of Trustees will disregard anonymous complaints.

Complaints that assert a violation of G.L. c. 71, § 89 or 603 CMR 1.00 will be investigated by the Board of Trustees.

Complaints about personnel and student-specific issues are generally not within the purview of the Board of Trustees and should be initially addressed to the Head of School. The proper procedural course for complaints involving curriculum, instruction, discipline, or harassment shall be:

1. Teacher;
2. Administrator
 - a. Director of Curriculum and Instruction (curriculum and instruction)
 - b. Director of Arts (Arts Programming and Production issues)
 - c. Dean of Students (Discipline)
 - d. Director of Student Services (Special Education, Civil Rights, Title IX)
3. Head of School

Exceptions to this process may apply depending on the circumstances of each matter.

Complaints made directly to the Board of Trustees that are not within its purview will be referred to school administration. School administration shall develop uniform procedures that assure prompt and fair attention to complaints that are not within the Board's purview.

The Board of Trustees will respond to all complaints asserting violations of G.L. c. 71, § 89 or 603 CMR 1.00 in writing within 45 days of receipt.

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3.b. Reporting Policy

Reviewed by Marc Terry: July 24, 2026

Reporting Policy

Pursuant to the Department of Elementary & Secondary Education's regulations governing charter schools, 603 CMR 1.08, Pioneer Valley Performing Arts Charter Public School must produce the following reports:

A. Annual Report

Pioneer Valley Performing Arts Charter Public School shall submit an annual report to the Department of Elementary & Secondary Education, the Board of Trustees, and the local school committee and make available to every parent or legal guardian of its enrolled students and to every parent or legal guardian who expresses interest in enrolling in Pioneer Valley Performing Arts Charter Public School. This report shall be made available on the Pioneer Valley Performing Arts Charter Public School website. The annual report shall be submitted no later than August 1st of each year for the preceding school year. The annual report shall include the following information:

- Financial Statement – a financial statement setting forth by appropriate categories the unaudited revenue and expenditures for the prior year and a balance sheet setting forth Pioneer Valley Performing Arts Charter Public School's assets, liabilities, and fund balances or equities;
- Capital Plan – a capital plan identifying future planned capital projects and the amounts held in reserve for such projects;
- Recruitment and Retention (year prior) – a report on Pioneer Valley Performing Arts Charter Public School's implementation of its recruitment and retention plan for the prior year;
- Recruitment and Retention (upcoming year) – an updated recruitment and retention plan for the upcoming school year. In articulating this plan, Pioneer Valley Performing Arts Charter Public School shall ensure that it complies with guidelines issued by the Massachusetts Department of Elementary & Secondary Education;
- Income/Expenses – projections of income and expenses for the upcoming school year;
- Goal Assessment – a discussion of progress made toward meeting Pioneer Valley Performing Arts Charter Public School goals and accountability plan;
- Evidence of Best Practices – provide evidence that Pioneer Valley Performing Arts Charter Public School is developing or has provided education models for replication and best practices in education; and

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3.b. Reporting Policy

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- Guidelines – any additional information as required by guidelines issued by the Board of Elementary & Secondary Education

In drafting the Annual Report, Pioneer Valley Performing Arts Charter Public School shall consult the regulations propounded by the Massachusetts Department of Elementary & Secondary Education (603 CMR 1.00 *et seq.*) and any guidelines issued by the Department or Board of Elementary & Secondary Education. As of April 2019, the Massachusetts Department of Elementary & Secondary Education has provided Annual Report Guidelines with detailed information regarding the Annual Report. This information is subject to change and shall be consulted annually.

B. Financial Audits

In accordance with M.G.L. c. 71, § 89, and 603 CMR 1.08(3), Pioneer Valley Performing Arts Charter Public School must have an independent audit conducted of its accounts, consistent with generally accepted government auditing standards and any guidelines issued by the Department of Elementary and Secondary Education. The independent audit shall be filed annually by November 1 with the Department and the Office of the State Auditor.

C. End of Year Financial Report

Pursuant to 603 CMR 1.08(4), Pioneer Valley Performing Arts Charter Public School shall submit an end of year financial report based on audited financial figures. Said report shall be in accordance with guidelines issued by the Department of Elementary and Secondary Education.

D. Enrollment Reports

Pursuant to 603 CMR 1.08(5), Pioneer Valley Performing Arts Charter Public School shall file an annual pre-enrollment report. The Pre-Enrollment Report shall be filed in accordance with deadlines established by the Department of Elementary and Secondary Education. The Pre-Enrollment Report shall include the Pioneer Valley Performing Arts Charter Public School's total enrollment for the year prior and the projected number of students selected for admission, by grade and district of residence for the subsequent academic year.

Pioneer Valley Performing Arts Charter Public School will maintain accurate records including, but not limited to, applications for admission, the lottery process, and wait lists.

E. Waitlist Reports

Pursuant to M.G.L. c. 71, § 89 (n) and 603 CMR 1.05, and guidelines established by the Department of Elementary and Secondary Education, Pioneer Valley Performing Arts

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Charter Public School shall submit a Waitlist Report by June 1st. The Report shall include the list of students who entered the lottery but did not gain admission. The information must include the students' names (first, middle, last), dates of birth, towns of residence, and grades. Pioneer Valley Performing Arts Charter Public School shall update waitlist data at least as frequently as required by the Department of Elementary and Secondary Education.

F. Enrollment Claims Forms Reports

Pioneer Valley Performing Arts Charter Public School shall submit reports detailing actual enrollment as of October 1st and March 1st. Pioneer Valley Performing Arts Charter Public School shall consult the Department of Elementary and Secondary Education for guidance with respect to deadlines and submission instructions.

As of the adoption of this Policy, the Department required that Enrollment Claims Forms Reports are due no later than March 1st of any given year at 5:00 p.m. As with all reports, Pioneer Valley Performing Arts Charter Public School shall consult the Department of Elementary and Secondary Education guidelines and regulations.

G. Additional Information and Reports as Requested

Pursuant to 600 CMR 1.08(8), Pioneer Valley Performing Arts Charter Public School shall respond to any additional information, data, or reports required by the Board or Department of Elementary and Secondary Education. Pioneer Valley Performing Arts Charter Public School shall consult the Department of Elementary and Secondary Education for guidance with respect to any additional information required.

H. Compliance

Pioneer Valley Performing Arts Charter Public School shall submit written documentation related to compliance with building, health, safety, and insurance requirements, and ensure that all such inspections and approvals are current.

I. Investigation

Pioneer Valley Performing Arts Charter Public School shall notify the Department of Elementary and Secondary Education of all significant matters within two business days. Significant matters include, but are not limited to, all communications made to or received by any governmental audit, investigative, or law enforcement agency.

J. Notification of New Circumstances

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3.b. Reporting Policy

Reviewed by Marc Terry: July 24, 2026

Pioneer Valley Performing Arts Charter Public School shall notify the Department of Elementary and Secondary Education immediately of any change in circumstances that may have a significant impact on Pioneer Valley Performing Arts Charter Public School's ability to fulfill its goals or missions, as articulated in the Pioneer Valley Performing Arts Charter Public School charter. Such new circumstances include, but are not limited to (a) changes in individuals holding leadership positions, such as the head of school; (b) a delay in implementing an amendment; (c) Pioneer Valley Performing Arts Charter Public School facilities location change within the same municipality and documentation of Pioneer Valley Performing Arts Charter Public School's compliance with state and federal laws relative to fire, health, safety, and accessibility requirements for new facilities or renovations to existing facilities; (d) changes in Pioneer Valley Performing Arts Charter Public School Board of Trustee Officers; (e) individuals resigning from the Pioneer Valley Performing Arts Charter Public School Board of Trustees; (f) changes in contact information for Pioneer Valley Performing Arts Charter Public School or its Board members; and (g) decreases in enrollment which is more than 10% lower than any previously reported figure.

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2.j. Reporting Abuse and Neglect Policy

Reviewed by Kimberly Roche: July 22, 2026

Reporting Child Abuse and Neglect Policy

A. General Information

Pioneer Valley Performing Arts Charter Public School seeks to promote a safe and productive educational environment for its students. Accordingly, Pioneer Valley Performing Arts Charter Public School expects its employees to be able to recognize the signs and symptoms of child abuse and neglect and take appropriate steps to report any type of suspected abuse or neglect, in accordance with the procedures set forth below.

Section 51A of Chapter 119 of the Massachusetts General Laws mandates that certain persons who in their professional capacity have reasonable cause to believe that a child is: (i) suffering physical or emotional injury resulting from abuse inflicted upon them which causes harm or substantial risk of harm to the child's health or welfare including, but not limited to, sexual abuse; (ii) suffering physical or emotional injury resulting from neglect including, but not limited to, malnutrition; (iii) a sexually exploited child; or (iv) a human trafficking victim, shall immediately, via telephone, report this suspected abuse or neglect to the Department of Children and Families ("DCF"). The telephone report should be made either to the appropriate Area Office Protective Service Unit or via the 24-hour reporting hotline at 800-792-5200.

Additionally, within forty-eight (48) hours of the initial oral report, mandated reports are required under Massachusetts law to notify the DCF in writing using the applicable reporting form. The reporting form should be sent by certified mail, return receipt requested, or via fax, to the appropriate DCF Area Office. A new oral report followed by a new reporting form must be completed for each new instance where there is reasonable cause to believe that a child is suffering from abuse or neglect.

All professionally licensed mandated reporters are required by law to complete annual training on recognizing and reporting suspected child abuse and neglect.

B. Process for Reporting

Pioneer Valley Performing Arts Charter Public School employees who are required by law to report suspected child abuse or neglect shall do so by informing the Head of School or their designee verbally and in writing. The Head of School or designee then must report the suspected abuse or neglect. Nothing in these guidelines, however, prohibits a school employee from notifying the DCF directly when they have reasonable cause to believe abuse or neglect occurred. In such a case, the school employee must inform the Head of School or designee that the suspected abuse or neglect was reported. Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child's health or welfare is being harmed, or is at substantial risk of being harmed, as a result of suspected abuse or neglect.

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Upon such suspicion of any sexual harassment and/or sexual assault, a teacher or any other mandated reporter will immediately report their concerns to the school's Title IX Coordinator or the Title IX Coordinator's designee. If the Title IX Coordinator or designee is unavailable or has to disqualify themselves, another designee will assume responsibility for following these procedures. Sexual assault is a crime. It is defined as any sexual act against another person by force, against their will, or by threat of bodily injury. It also includes any sexual act against another person who is incapable of giving consent either because of their temporary or permanent mental incapacity or because they are a minor. A student who reports being a victim of a sexual assault should never, during the course of an investigation, be asked to discuss the incident with the alleged perpetrator present at any time or under any circumstances.

- Through discussions with school administrators, teachers, and student support personnel, and after a check of appropriate educational and health records, the Head of School or designee will obtain the data to be used when reporting the case to the appropriate DCF Area Office.
- After collecting the relevant information concerning the child's suspected abuse or neglect, the Head of School or designee, in consultation with the reporting employee, the nurse, and others as necessary, will determine whether there is reasonable cause to believe that the child may be suffering abuse, including sexual abuse, or neglect.
- If the suspicion is that the abuse or neglect is occurring in the home, do not send the child home from school before filing the verbal 51A report with the DCF. The written report must be forwarded within forty-eight (48) hours.
- In the case of a disagreement concerning the need to report, the Head of School or designee may not substitute their own judgment for that of any mandated reporter within the school. Although the agreement of all professionals involved is desirable, the Head of School or designee must report to the DCF even if they believe the teacher, nurse, or other mandated reporter is mistaken in suspecting abuse or neglect. Failure to file a report as mandated by law will subject the Head of School or designee (or other mandated reporter who fails to meet their statutory obligations) to discipline.
- Accordingly, once the Head of School or designee, or another mandated reporter, makes the decision to file, the Head of School or designee must immediately call the DCF Area Office Protective Service Unit or, if after 5:00 PM, the DCF hotline at 800-792-5200 to report the suspected abuse and neglect.
- Within forty-eight (48) hours of the initial oral report, the Head of School or designee will send written notification to the DCF Area Office by fax or certified

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Reviewed by Kimberly Roche: July 22, 2026

mail. A confidential copy of the reporting form should be retained in the office of the Head of School or designee.

- If the alleged abuser is an employee of Pioneer Valley Performing Arts Charter Public School, verbal and written notification must be made immediately to the Head of School or designee. Employees may be administratively reassigned or placed on administrative leave by the Head of School or designee during the course of an investigation. If an investigation confirms the allegations, Pioneer Valley Performing Arts Charter Public School will take such action as it deems appropriate under the circumstances. Such action may range from counseling to discipline of an employee, up to and including termination of employment.
- The [Head of School] or designee, in consultation with others as necessary, will decide how, when, and by whom the family, including the child who is suspected of being abused or neglected, will be notified of the report. Although the school is not required by law to notify the family, such notification is recommended when notification will not put the student at risk for further harm. In deciding whether to notify, the Head of School or designee and others should consider whether notification will create a substantial risk to the student's health, safety, or welfare. The DCF and the police can provide consultation in making this determination to ensure the child's safety and well-being.
- DCF investigators, who report to the school in order to conduct one phase of their investigation, shall be required to identify themselves and to verify their assignment to the case. School-based staff should encourage DCF investigators to interview the child at home in the presence of the parent or caregiver, unless the 51A has been filed against the parent or caregiver. In this latter case, the interview of the child may be conducted in school in the presence of the child's school counselor or designee.
- After the filing of a report, the Head of School or designee should receive a report from the DCF detailing its findings and specifying the social services that the DCF intends to offer the child. This report may be used to plan further collaboration with other professionals assisting the family. If the report is with respect to alleged abuse by a School employee, the Head of School or designee should be notified as to the findings.
- Certain cases that Pioneer Valley Performing Arts Charter Public School reports to the DCF (sexual abuse and exploitation, serious physical abuse, and some others) may also be referred by the DCF or the Head of School to the police and the District Attorney's Office for investigation. In these circumstances, these agencies will typically conduct a multidisciplinary team investigation. The investigation will typically include an interview with the alleged victim(s), alleged

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perpetrator(s), and witness(es). Relevant investigative information will be provided to the school when appropriate and as permitted by law.

- Throughout the reporting, investigation, and follow-up processes, school documentation must be handled in a way that assures confidentiality when legally appropriate. Accordingly, reports of suspected abuse or neglect will not be part of a child's educational record but will instead be kept separately.
- The Head of School or designee will designate a representative who will ensure that, in the event of the Head of School or designee's absence, the above reporting procedures are followed as required by law.
- The Head of School or designee should periodically review all child abuse reports to determine if there is any pattern of child abuse involving an accused individual. Based upon this review, the Head of School or designee will determine whether further action is required.

C. Emergency Protocol

In the event of a clear emergency where the life or safety of a child is in imminent danger, the Head of School or designee or other mandated reporter should immediately notify the Police and the appropriate DCF Area Office and file the required verbal 51A Report. After 5:00 PM, the school official should use the Child Abuse Hotline at 800-792-5200. A written report must be filed within forty-eight (48) hours.

Massachusetts General Laws Chapter 119, Section 51B(3) authorizes the DCF to take a child into immediate temporary custody, without parental permission or prior notice, if the DCF has reasonable cause to believe that this action is necessary to protect him or her from further abuse or neglect. Emergency responses by the DCF may include law enforcement, depending upon the nature of the incident reported. If the DCF seeks to exercise this authority in the school setting, the Head of School or designee shall:

- verify the DCF representative's identification;
- contact the DCF representative's immediate supervisor to verify the need for the DCF action;
- document the name(s) of the DCF employee(s) involved, the DCF area office involved, and the date, time, and nature of action being taken and file with the office a copy of the 51A report;
- notify the Chair of the Board of Trustees of the action being taken to the extent permissible by law and while maintaining the student's privacy; and

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- provide the DCF with any other pertinent information related to the suspected abuse or neglect.

D. Alleged Victims Eighteen (18) Years of Age or Older Who Are Disabled

Chapter 19C of the Massachusetts General Laws requires that certain persons, who in their professional capacity have reasonable cause to believe that a disabled individual eighteen (18) years of age or older is suffering serious physical or emotional injury resulting from abuse, including sexual abuse, or neglect inflicted upon him/her, shall immediately, via telephone, report this abuse or neglect to the Disabled Persons Protection Commission (DPPC). The twenty-four (24) hour reporting hotline is 800-426-9009 or 1-888-822-0350 TTY. The reporting and notification procedures detailed above also apply when a report is made to the DPPC.

E. Immunity

No person required to report who does in fact make such a report, including a report of abuse or neglect by personnel in Pioneer Valley Performing Arts Charter Public School, shall be held liable in any civil or criminal action by reason of that report. In addition, a person who, although not required to do so by statute, voluntarily makes a report shall not be liable in any civil or criminal action by reason of that report if it was made in good faith and that person did not inflict, cause, or perpetuate the reported abuse or neglect.

In accordance with Massachusetts General Laws Chapter 119, Section 51B, persons who are mandatory reporters of child abuse shall share any relevant information requested by the DCF during the investigation of a specific 51A child abuse report. Those persons who are required to share information are protected from civil or criminal liability for providing such information without parental consent.

F. Consequences for Violations of the Reporting Requirement

Under Massachusetts law, any person required to make oral and written reports of suspected child abuse or neglect who fails to do so and any person who knowingly files a frivolous report can be subject to penalties as prescribed by law. Any school employee required by law to report suspected child abuse or neglect who fails to do so or who knowingly files a frivolous report will be subject to disciplinary action, up to and including termination.

G. Prohibition of Discrimination and Retaliation

Discrimination and retaliation against any student or employee for filing a good faith complaint of suspected abuse or neglect, including a report of abuse or neglect against personnel in the school, is strictly prohibited. Employee complaints of discrimination and retaliation should be filed with the Civil Rights Coordinator and/or Title IX Coordinator or their designee. Student complaints of discrimination and retaliation should be filed with the Civil Rights Coordinator and/or Title IX Coordinator or their designee. In accordance with

Pioneer Valley Performing Arts Charter Public School

2.j. Reporting Abuse and Neglect Policy

Reviewed by Kimberly Roche: July 22, 2026

both Massachusetts law and the reporting procedures set forth above, employees who themselves inflict, cause, or perpetuate the abuse of any child and/or engage in discrimination or retaliation against any School student or employee for filing a complaint of abuse or neglect will be subject to discipline, up to and including termination.

PIONEER VALLEY PERFORMING ARTS
CHARTER PUBLIC SCHOOL
BYLAWS

ARTICLE 1

Section 1.1 Name

The name of the organization shall be Pioneer Valley Performing Arts Charter Public School (PVPA). All references in these bylaws to the “Charter” shall be construed to mean the Organizational Charter and Charter Renewals of PVPA, subject to the amendment of G.L. c. 71, §89.

Section 1.2 Purpose

PVPA provides students with a supportive and challenging environment that is responsive to multiple learning styles, emphasizes learning through the arts, and integrates creative and critical thinking throughout the curriculum. Graduates of PVPA will emerge with a greater sense of self-esteem, a direction for their individual creativity, and the ability to meet challenges as life-long learners.

Section 1.3 Mission

The Pioneer Valley Performing Arts Charter Public School offers its students intensive exposure to the performing arts within the context of an excellent college preparatory curriculum.

Section 1.4 Fiscal Year

The fiscal year of PVPA shall begin on July 1 and end on June 30 of the following calendar year.

ARTICLE 2

Board of Trustees

Section 2.1 Authority

The Board of Trustees holds the charter granted by the Commonwealth of Massachusetts. It is a public entity that operates independently of a school committee. The Board of Trustees shall have the general management and control of all the property, affairs, and funds of PVPA and shall exercise all the powers of PVPA except such as are expressly reserved by these bylaws or by law. The Board of Trustees will not exercise managerial powers over the day-to-day operations of PVPA.

Section 2.2 Non-Discrimination

The Board of Trustees shall not discriminate on the basis of race, color, national origin, creed, ancestry, ethnicity, age, gender identity, religion, marital status, sexual orientation, or physical or mental disability, or any other legally protected status under federal, state or local law.

Section 2.3 Powers

Powers of the Board of Trustees include, but are not limited to:

- a. adopting, amending, or repealing the bylaws, contingent upon the approval of the Commissioner of Elementary and Secondary Education (Commissioner);
- b. amending the material terms of PVPA’s charter, with the approval of the Commissioner or Board of Elementary and Secondary Education, as applicable;
- c. submitting charter amendments to the Massachusetts Department of Elementary and Secondary Education (DESE);
- d. determining general school policies in compliance with state and federal laws;
- e. overseeing the financial affairs of PVPA, including overseeing and approving the annual budget; and
- f. selecting, appointing, evaluating, holding accountable for meeting specified goals and/or removing the Head of School.

Section 2.4 Responsibilities

The Board will fulfill their fiduciary responsibilities, including but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget. The Board shall ensure that PVPA operates in compliance with all applicable state and federal laws, including, but not limited to:

- a. completing the opening procedures process in accordance with M.G.L. c. 71, §89; 603 CMR 1.00; and any guidelines issued by DESE;
- b. requesting the approval of the Commissioner of any new trustees and receiving that approval prior to any new trustees beginning their service as members;
- c. submitting timely annual reports;
- d. submitting timely annual independent audits;
- e. hiring, evaluating, and removing, if necessary, qualified personnel to manage PVPA's day-to-day operations and holding these administrators accountable for meeting specified goals;
- f. approving and monitoring progress towards meeting the goals of PVPA's Accountability Plan;
- g. adopting and revising school policies, including plans for student recruitment and retention;
- h. responding to complaints in writing as required by 603 CMR 1.09; and
- i. orienting and training members of the Board regarding their duties and obligations as members of the Board.

Members of the Board shall

- i. serve PVPA in accordance with its fiduciary duty, duty of loyalty, and duty of care;
- ii. comply with the Commonwealth's state ethics requirements including, but not limited to, meeting all training requirements; complying with G.L. c. 268A, the conflict of interest law; filing all required disclosures under G.L. c. 268A; and filing all statements of financial interest in a timely fashion as required by G.L. c. 71, §89(u);
 - a. Failure to comply with state ethics requirements may result in removal of individual board members by the board of trustees or by the Commissioner.
- iii. abide by PVPA's Code of Conduct, Conflict of Interest, and Confidentiality policy statements;
- iv. not have a direct or indirect financial interest in the assets or leases of PVPA;
- v. disclose any financial interest, direct or indirect, in the business transactions of PVPA;
- vi. comply with all laws and regulations applicable to members and Boards of Trustees;
- vii. act in ways that will promote PVPA's efforts to be an academic success, maintain organizational viability, be faithful to the terms of its charter, and earn charter renewal;

Section 2.5 Composition

The Board of Trustees shall consist of no fewer than nine (9) members and no more than fifteen (15) members, and must include the following stakeholders:

- i. two (2) or more parents of current students
- ii. three (3) or more community members

All members of the Board of Trustees are special state employees, who must be 18 years of age and older.

Section 2.6 Election of Members

The Board of Trustees elects its members by a formal vote, normally at its meeting in June of each year.

Section 2.7 Nominations

Members are nominated for election to the Board of Trustees in the following process:

- i. Parent members are nominated by the Governance Committee, following a call for volunteers;
- ii. Community members are nominated by the Governance Committee, following a call for recommendations.

The Governance Committee shall serve as Nominating Committee.

The Board will exercise due diligence in assessing the suitability of candidates for board membership with respect to potential conflicts of interest and areas of skill and expertise that will be of value to the board of trustees, such due diligence to occur prior to a vote by the board of trustees to request the Commissioner to appoint the proposed member(s). Prior to submitting a candidate to the Commissioner for approval, the board of trustees must determine that no financial interests under G.L. c. 268A exist which may preclude a majority of the board from participating in deliberations or voting on certain matters within the scope of the board's authority.

Newly elected trustees will take office after both of the following have occurred: they have been duly elected by the Board of Trustees, and they have been approved by the Commissioner.

The Vice President of the Board who is also the Chair of the Governance Committee shall be responsible for onboarding newly elected trustees, including providing or arranging training regarding open meeting law, conflict of interest law, and reviewing obligations expected of trustees. Failure to complete onboarding training as a newly elected board member shall be cause to be removed from the board.

Section 2.8 Vacancies

Vacancies may be filled by the Board of Trustees as they arise. In the event of one or more vacancies on the Board of Trustees, the remaining Trustees may exercise the powers of the full Board until such vacancy or vacancies are filled.

Section 2.9 Tenure and Terms

Subject to Section 2.7 (Nominations), the tenure and terms of membership of the Board of Trustees are as follows:

- a. Members shall serve a three-year term.
- b. Unless otherwise stated in their election or as otherwise required by these bylaws or law, all terms will commence on July 1. Terms terminate on June 30 of the last year of the term.
- c. Any parent member trustee whose child graduates from PVPA shall serve the remainder of their term as a community member trustee.
- d. Members may serve a maximum of three consecutive terms, for a total of 9 consecutive years, at which time they must leave the Board for at least one year.
- e. The Board of Trustees, however, may extend a Board Member's service to one additional term, for a maximum of 4 consecutive terms, for a total of consecutive 12 years, through a two-thirds vote of Trustees present at a duly called and held meeting to promote continuity of leadership, to maintain needed expertise in particular areas, in case of difficulty in finding appropriate members of the Board, and/or for any other reasons at the Board of Trustees' discretion.
- f. The board may extend a fourth term to no more than one-fourth of current board members.

Section 2.10 Public employer.

The Board of Trustees of PVPA as an entity is a public employer for the purposes of tort liability under Chapter 258 of the General Law and for collective bargaining purposes under chapter 150(e) of the General Laws.

ARTICLE 3 Meetings

Section 3.1 Meeting Regulations

The Board and its committees, irrespective of what the title may be, will comply in all respects with open meeting law, G.L. c. 30A, §§18–25, and the regulations, guidance, and directives of the Office of the Attorney General. This includes, but is not limited to, training, notice of meetings, records of meetings, and executive sessions. All meetings must be held in Massachusetts.

The Board values input from the school community as part of its decision-making process. The Board shall include a designated item for stakeholder engagement at its meetings, which may include reports or presentations from students and staff at the invitation of the Board, in addition to a public comment period. The Board shall establish reasonable procedures to ensure both equitable participation on a regular basis and efficient conduct of Board meetings. Consistent with open meeting law, the Board shall not deliberate or act on matters not included on a properly posted public notice but may receive and discuss stakeholder reports when duly noticed.

Section 3.2 Voting & Quorum

A quorum is a majority of members serving on the board. A quorum is required for action by the Board of Trustees. Unless otherwise stated in these bylaws, action is determined by a majority vote of members at all meetings.

Section 3.3 Remote Participation

Any member of the Board may participate remotely in a meeting provided that such participation complies with the requirements of 940 CMR 29.10, including, but not limited to, meeting the permissible reasons for remote participation.

Section 3.4 Regular Meetings

Regular meetings of the Board of Trustees will take place monthly. Public notice shall be given of the date, time and location of all meetings in accordance with the law pertaining to open meetings of governmental bodies.

Section 3.5 Special Meetings

Special meetings of the Board of Trustees may be held at any time and place when called by the President or requested by any two (2) or more voting Trustees. If two (2) or more voting members request a special meeting, they shall do so by submitting, in writing, a proposed agenda for the special meeting to the Board President. The President shall be responsible for scheduling the meeting, posting the agenda and presiding at the meeting pursuant to Section 4.4 of these Bylaws.

Notice of Special Meetings shall be given to the Board of Trustees at least 48 hours in advance, in person or by electronic means. Notice of Special Meetings must include a copy of the agenda for the meeting.

Section 3.6 Annual Meeting

The Annual Meeting of the Board of Trustees shall usually be set in June of each year. The Board of Trustees shall also traditionally hold a Board Retreat in either July or August.

Section 3.7 Executive Sessions

The Board may hold executive sessions pursuant to the open meeting law provision of G.L. c. 30A, §§18-25.

ARTICLE 4

Officers

Section 4.1 Officers

Officers of the Board of Trustees shall include: President, Vice-President, Treasurer, and Clerk. All officers are Trustees and must have served at least six months on the Board as a Trustee before taking office, except for the office of Treasurer, which may also be filled by a person who has served at least six months on the Finance Committee as a non-Trustee committee member.

Section 4.2 Election of Officers

Officers of the Board of Trustees shall be nominated by the Governance Committee, and normally elected by members at the annual meeting of the Board of Trustees in June for terms beginning July 1. In the case of a vacancy, nominations and elections will take place as needed at a regularly scheduled Board meeting.

Section 4.3 Tenure and Terms of Officers

Officers may serve for a two- year terms, and may serve multiple terms by vote of the Board of Trustees. In any case, the maximum number of years any member, including those serving as an officer may serve, shall not exceed 9 years, subject to the provision of Section 2.9 of these bylaws.

Section 4.4 President

The President, on behalf of and subject to the Board of Trustees, shall have general charge and supervision of the affairs of PVPA. The President shall have such powers and duties as may be determined by the Board. The President shall schedule and set the agenda for all meetings, including Special Meetings. The President or the President's designee shall preside at all board, committee and other meetings of the Trustees. In the event of their absence or disability, the Vice President shall perform the duties of the President. In the event of the absence or disability of both the President and Vice President, a president pro tem shall be elected by the Board.

Section 4.5 Vice President

In the event of the President's absence or disability, the Vice President shall perform the duties of the President. The Vice President shall normally succeed the current President at the end of said President's term subject to Section 4.2 and 4.3.

Section 4.6 Treasurer

The Treasurer shall oversee the general financial affairs of the School, subject to the direction and control of the Board of Trustees. The Treasurer shall have such other powers and duties as are customarily incident to that office and as may be vested in that office by these Bylaws or by the Board. The Treasurer shall keep or shall cause to be

kept regular books of account, shall report to the Board of Trustees at regular intervals on the financial condition of PVPA, and shall ensure that a true and accurate accounting of the financial transactions of PVPA is made.

Section 4.7 Clerk

The Clerk shall have charge of the records of PVPA and shall maintain minutes of all meetings of the Board of Trustees and its committees. They shall be in charge of giving legally required notices of meetings, and shall perform all duties commonly incident to their office including the filing and submission of reports as required by law. If the Clerk is absent from any meeting of the Board of Trustees, a Clerk pro tem shall be appointed by the President to keep the records of such meeting and perform such other duties of the Clerk as the meeting may prescribe.

Section 4.8 Powers and Duties of Officers

Each Officer shall have such duties and powers as are customarily incident to their office and such additional duties and powers as the Trustees may from time to time determine, subject to these bylaws, and to the control and direction of the Trustees and the directives contained in G.L. c. 71, §89.

ARTICLE 5 Committees

Section 5.1 Committees

Committees of the Board of Trustees shall be created from time to time as deemed necessary by the President or by vote of the full Board of Trustees. In case of a conflict between the President and the Board of Trustees regarding the creation or elimination of a committee, the Board of Trustees' decision will control.

Duties of Standing Committees shall include:

- a. selecting goals and actions for the academic year;
- b. submitting goals to the President of the Board of Trustees;
- c. filing reports at the end of each academic year and as reasonably requested by the President.

Section 5.2 Members of Committees

Committees may include non-Trustees. Members of the committees shall be appointed and removed by the Board President. Committee Chairs are Trustees. Each Standing Committee must include a member of the Board of Trustees.

Section 5.3 Standing Committees

Standing Committees normally include the following:

5.3.1 Finance Committee: Chaired by the Board Treasurer, the Finance Committee is authorized by and responsible to the Board of Trustees to:

- a. work with the school's Head of School and Chief Financial Officer to create the upcoming fiscal year budget;
- b. present budget recommendations to the Board;
- c. monitor implementation of the approved budget on a regular basis and recommend proposed budget revisions to the Board, as needed;
- d. provide oversight of the implementation of the procurement process;
- e. arrange for an annual audit to be provided to the Board of Trustees;
- f. recommend to the Board appropriate policies for the management of the charter school's assets;
- g. advise on finance matters as appropriate to ensure optimum performance; and
- h. oversee board finance training, as needed.
- i. A liaison from the Finance Committee will coordinate with Friends of PVPA on matters relating to fundraising, facility ownership, and associated debt, and ensure alignment of financial goals and strategies between Friends of PVPA and the Board of Trustees in overall support for the school's mission and programs. This duty is essential to ensure the Finance Committee takes on the crucial role of maintaining regular communication with Friends of PVPA given the significant responsibility of Friends of PVPA in fundraising, facility ownership, and financial support of PVPA.

- 5.3.2 Governance Committee: Chaired by the Board Vice President, the Governance Committee:
- recruits, screens and nominates new Trustees,
 - manages board operational procedures,
 - ensures all trustees understand their roles and responsibilities,
 - ensures there are established processes for holding individuals accountable for fulfilling their obligations,
 - oversees a Trustee assessment process to ensure optimum performance,
 - develops and recommends to the Board succession planning for board members and officers,
 - presents candidates for officers to the Board for election, and
 - ensures and organizes ongoing board trainings and retreats.

5.3.3 Diversity, Equity, and Inclusion: Chaired by a board member, the Diversity, Equity and Inclusion Committee:

- supports the diversity, equity and inclusion related parts of the PVPA Strategic Action Plans,
- encourages a culture of openness, inclusion, and equity within the Board of Trustees,
- coordinates DEI related board trainings, and
- supports diversity, equity and inclusion initiatives within PVPA.

5.3.4 Head of School Support and Evaluation: Chaired by the Board President, the Head of School Support and Evaluation Committee:

- designs and develops, in partnership with the Head of School, annual goals for the Head of School for Board approval,
- supports the Board of Trustees in evaluating the annual performance of the Head of School, and
- supports the Head of School through regular communication to assist in successful performance of work obligations.

5.3.5 Academic Excellence Committee: Chaired by the Board President or Board Vice President, the Academic Excellence Committee:

- measures the academic results of the organization against the goals established in your charter, accountability plan, and annual CEO goals,
- collaborates with the Head of School to measure organizational outcomes against stated goals for metrics such as performance on state tests, national standardized tests, interim assessments,
- collaborates with the Head of School to evaluate how student attendance and student and staff retention impact academic excellence,
- collaborates with the Head of School on evaluating, and communicating with the board regarding, the impact of academic changes on the PVPA community and the PVPA mission and charter.
- ensures that the board and Head of School share the same vision of academic excellence, and
- leads the Board of Trustees in conducting proper oversight of the academic program.

Section 5.4 Ad Hoc Committees

Ad Hoc Committees of the Board of Trustees may be appointed from time to time as deemed necessary by the President or by vote of the full Board of Trustees. In case of a conflict between an appointment by the President and the Board of Trustees, the Board of Trustees' decision will control. Terms shall expire when the Ad Hoc Committee is dissolved by the President or by the Board of Trustees. The Personnel Committee shall be an Ad Hoc Committee unless made a Standing Committee by vote of the Board.

ARTICLE 6

Resignations, Removals and Vacancies

Section 6.1 Resignations

Any Trustee or Officer may resign at any time by delivering their resignation in writing to the President or the Clerk or to a meeting of the Trustees. Such resignations shall take effect at such time as is specified therein, or if no such time is so specified, then upon delivery thereof to the President or the Clerk or to a meeting of the Trustees.

Section 6.2 Removals

The Trustees may remove a member of the Board of Trustees or remove an Officer by vote of the majority of the voting Trustees with or without cause. If cause is assigned for removal of any Trustee or Officer, such Trustee or

Officer may be removed only after a reasonable notice and opportunity to be heard before the body proposing to remove said Trustee or Officer.

Section 6.3 Vacancies

The Governance Committee shall recommend candidates for filling any vacancy among the Officers, from within the board, and pursuant to term limits as outlined in provision 2.9 of these bylaws. The appointments to fill such vacancies shall be voted by the Board of Trustees. Each such successor shall hold office for the remainder of the unexpired term of their predecessor.

ARTICLE 7 Miscellaneous

Section 7.1 Execution of Papers

Unless the Board of Trustees shall otherwise generally or in any specific instance provide, any bill, note, check or other negotiable instrument shall be made, signed, accepted, or endorsed in the name and on behalf of PVPA, and any other contract or written instrument whatsoever shall be signed, sealed with PVPA seal, acknowledged and delivered, in the name and on behalf of PVPA, by a duly authorized officer or administrator.

Section 7.2 Charter School Seal

The Trustees may adopt and alter the seal of PVPA.

ARTICLE 8 Amendments

These bylaws may at any time be amended or repealed by vote of a majority of the voting Trustees. Notice of the substance of any proposed amendment or repeal shall be stated in the notice of any meeting of the Board called for the purpose of proposing such amendment or repeal. All amendments to bylaws are contingent upon the approval of the Commissioner.

ARTICLE 9 Indemnification of Trustees and Officers

Section 9.1 Indemnification

Generally, PVPA shall, to the extent legally permissible under G.L. Chapter 258, Section 9, indemnify each person who serves or who has served at any time as a member of the Board of Trustees (collectively, "Indemnified Officers" or individually, "Indemnified Officer"), against and for any and all certain threatened or pending claims or administrative or judicial proceedings to which they may be or become subject because of their service as a member of the Board of Trustees; provided, however, that such Indemnified Officer acted (i) within the scope of their role as a member of the Board of Trustees, (ii) in good faith, and (iii) in the reasonable belief that their actions were in the best interests of PVPA. Any such Indemnified Officer shall cooperate with PVPA in defending against any threatened or pending claim or administrative or judicial proceedings. Indemnification shall not be provided if not permitted under G.L. Chapter 258, Section 9, and shall not be provided if such Indemnified Officer acted in a grossly negligent, willful, or malicious manner.

Section 9.2 Expenses

Indemnified Officers shall be indemnified against all expenses and liabilities permitted under G.L. Chapter 258, Section 9, including counsel fees, in an amount not to exceed \$1,000,000 arising out of any claim, action, award, compromise, settlement or judgment, as provided in and consistent with G.L. Chapter 258, Section 9 and these By-Laws.

Section 9.3 Advances; Repayment.

Such indemnification shall include payment by PVPA of expenses, including attorneys' fees, reasonably incurred in defending a civil or criminal action or proceeding in advance of the final disposition of such action or proceeding, upon receipt of an undertaking by the Indemnified Officer to repay such payment if not entitled to indemnification under G.L. Chapter 258 or this Article, which undertaking may be accepted without regard to the financial ability of such Indemnified Officer to make repayment.

Section 9.4 Authorization

The payment of any indemnification or advance shall be conclusively deemed authorized by PVPA under this Article, and each trustee approving such payment shall be wholly protected, if:

- (i) the payment has been approved or ratified by a majority vote of the trustees who are not at the time parties to the proceeding; or
- (ii) the action is taken in reliance upon the opinion of independent legal counsel (who may be counsel to PVPA) appointed for the purpose by vote of the trustees in the manner specified in subparagraph (i) or, if that manner is not possible, appointed by a majority of the trustees then in office; or
- (iii) a court having jurisdiction shall have approved the payment.

Section 9.5 Heirs, Executors, and Administrators

The indemnification provided hereunder shall inure to the benefit of the heirs, executors, and administrators of any Indemnified Officer entitled to indemnification hereunder.

Section 9.6 Non-Exclusive Rights

The right of indemnification under this Article shall be in addition to and not exclusive of all other rights to which any person may be entitled. Nothing contained in this Article shall affect any rights to indemnification to which PVPA employees, agents, trustees, officers and other persons may be entitled by contract or otherwise under law.

Section 9.7 Adverse Amendments

No amendment or repeal of the provisions of this Article which adversely affects the right of an Indemnified Officer under this Article shall apply to that Indemnified Officer with respect to the acts of omissions of such Indemnified Officer that occurred at any time prior to such amendment or repeal, unless such amendment or repeal was voted for by, or was made with, the written consent of such Indemnified Officer.

Section 9.8 Sovereign Immunity

Nothing in this Article 9 shall be construed to constitute a waiver of PVPA's sovereign immunity as a state entity.

ARTICLE 10

Officers and Trustees Liability Insurance

PVPA shall maintain or cause to be maintained liability insurance with insurance companies authorized to do business in Massachusetts insuring the Trustees and officers against liabilities and expenses incurred in their capacities as Trustees and officers.

ARTICLE 11

Provisions for Dissolution

In the event of liquidation or dissolution of PVPA, all the assets of PVPA, after paying or making sufficient provision for the payment of all of the liabilities of PVPA, shall be distributed exclusively as provided for in the Massachusetts General Laws.

ARTICLE 12

Complaint Procedure

(1) A parent, guardian, or other individuals or groups who believe that PVPA has violated or is violating any provision of G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with PVPA's Board of Trustees according to 603 CMR 1.09.

(2) The Board of Trustees shall respond no later than 45 days from receipt of the complaint in writing to the complaining party.

(3) The Board of Trustees shall, pursuant to a complaint received under 603 CMR 1.09, or on its own initiative, inquire with the Head of School and their designee to ensure compliance with G.L. c. 71, § 89, and 603 CMR 1.00. The PVPA and the specific employees involved shall cooperate to the fullest extent with such inquiry.

(4) A complaining party who believes the complaint has not been adequately addressed by the Board of Trustees may submit the complaint in writing to the Commissioner, who shall investigate such complaint and make a written response.

(5) In the event PVPA is found in non-compliance with G.L. c. 71, § 89, or 603 CMR 1.00, as a result of a complaint or upon investigation, the Commissioner or Board of Elementary and Secondary Education may take such action as it deems appropriate, including but not limited to suspension or revocation of the charter under 603 CMR 1.13, or

referral of the matter to the District Attorney, the Office of the Attorney General, or any other agency for appropriate legal action.

(6) A parent, guardian, or other individuals or groups who believe that PVPA has violated or is violating any state or federal law or regulation regarding special education or other protected classes may file a complaint directly with DESE.