

**The following items will be discussed at the meeting of the Standing Committee on Governance and Employee Issues to be held Tuesday, April 26, 2016 at 12:00 p.m. in Room 410 at the Durkin Administration Building:**

gb #4-148 - Mr. O'Connell/Ms. Novick/Mr. Monfredo/Miss Biancheria (May 7, 2014)

To file a "home rule petition" to permit the award of civil service appointment status to provisional custodians of the Worcester Public Schools, in light of the absence of a state appointment examination for these positions.

gb #4-205 - Mr. O'Connell/Mr. Monfredo/Miss Biancheria (July 22, 2014)

To inform parent groups, booster clubs, and other entities supportive of the Worcester Public Schools about Internal Revenue Service Form 1023-EZ, which, effective as of July 1, permits most such entities to file for Section 501(c)(3) tax exempt status on a simple and expedited basis, as detailed in IRS News Release 2014-77.

gb #4-249.2 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss Ramirez/Miss Biancheria (September 3, 2014)

Response of the Administration to the request to review with the School Committee members the policy and procedures for kindergarten students getting on and off of the school busses.

gb #5-291 - Mr. Monfredo/Miss Biancheria/Mr. Foley (October 19, 2015)

Request that the School Committee review the policy on cell phones and gather information from all secondary principals.

gb #6-36 - Mr. O'Connell/Mr. Monfredo/Miss McCullough (January 11, 2016)

To establish a Special Committee, consisting of at least three School Committee members, to continue the review of policies proposed for the Worcester Public Schools by the Massachusetts Association of School Committees.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 26, 2016

ITEM: Mr. O'Connell/Ms. Novick/Mr. Monfredo/Miss Biancheria (May 7, 2014)

To file a "home rule petition" to permit the award of civil service appointment status to provisional custodians of the Worcester Public Schools, in light of the absence of a state appointment examination for these positions.

PRIOR ACTION:

- 5-15-14 - Referred to the Standing Committee on Governance and Employee Issues.  
Mayor Petty made the following motion:  
Request that the City Manager provide a report regarding any other groups in the City of Worcester that would be impacted if the School Committee and City Council were to seek a Home Rule Petition from the Legislature to permit the award of a civil service appointment to provisional employees, in light of the absence of a state appointment examination for these positions.  
On a voice vote, the motion was approved.
- 9-23-15 - It was moved and voice voted to refer the item to the City Manager and the City's Human Resource Department to prepare a home rule petition.  
It was moved and voice voted to hold the item at the Standing Committee level for further updates.

BACKUP:

The Chief Human Resource Officer will update the School Committee relative to the discussion of a possible Home Rule Petition with a representative of the City's Human Resource Office.

After discussion, the Administration recommends that the item be filed.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 26, 2016

ITEM: Mr. O'Connell/Mr. Monfredo/Miss Biancheria (July 22, 2014)

To inform parent groups, booster clubs, and other entities supportive of the Worcester Public Schools about Internal Revenue Service Form 1023-EZ, which, effective as of July 1, permits most such entities to file for Section 501(c)(3) tax exempt status on a simple and expedited basis, as detailed in IRS News Release 2014-77.

PRIOR ACTION:

- 7-31-14 - Referred to the Standing Committee on Governance and Employee Issues and to the Citywide Parent Planning Advisory Council.
- 9-23-15 - Mr. Monfredo made the following motion:  
Request that the Administration notify the principals, PTOs and CPPAC about the IRS form.  
On a voice vote, the motion was approved.  
Miss Biancheria made the following motion:  
Request that the Administration seek legal advice relative to the liabilities to the Worcester Public Schools if there are any unfortunate circumstances with the schools that have 501 (c) (3) tax exemption status.  
On a voice vote, the motion was approved.  
It was moved and voice voted to hold the item.

BACKUP: With the approval of the 1023-EZ form by the School Committee, the Administration will forward the application in Annex B to the principals, PTOs and CPPAC.

Annex A (1 page) contains a copy of information regarding the item.  
Annex B (3 pages) contains a copy of the 1023-EZ form.



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## New 1023-EZ Form Makes Applying for 501(c)(3) Tax-Exempt Status Easier; Most Charities Qualify

IRS YouTube Video  
[Form 1023-EZ: English](#)

IR-2014-77, July 1, 2014

WASHINGTON — The Internal Revenue Service today introduced a new, shorter application form to help small charities apply for 501(c)(3) tax-exempt status more easily.

"This is a common-sense approach that will help reduce lengthy processing delays for small tax-exempt groups and ultimately larger organizations as well," said IRS Commissioner John Koskinen. "The change cuts paperwork for these charitable groups and speeds application processing so they can focus on their important work."

The new Form 1023-EZ, available today on [IRS.gov](#), is three pages long, compared with the standard 26-page Form 1023. Most small organizations, including as many as 70 percent of all applicants, qualify to use the new streamlined form. Most organizations with gross receipts of \$50,000 or less and assets of \$250,000 or less are eligible.

"Previously, all of these groups went through the same lengthy application process -- regardless of size," Koskinen said. "It didn't matter if you were a small soccer or gardening club or a major research organization. This process created needlessly long delays for groups, which didn't help the groups, the taxpaying public or the IRS."

The change will allow the IRS to speed the approval process for smaller groups and free up resources to review applications from larger, more complex organizations while reducing the application backlog. Currently, the IRS has more than 60,000 501(c)(3) applications in its backlog, with many of them pending for nine months.

Following feedback this spring from the tax community and those working with charitable groups, the IRS refined the 1023-EZ proposal for today's announcement, including revising the \$50,000 gross receipts threshold down from an earlier figure of \$200,000.

"We believe that many small organizations will be able to complete this form without creating major compliance risks," Koskinen said. "Rather than using large amounts of IRS resources up front reviewing complex applications during a lengthy process, we believe the streamlined form will allow us to devote more compliance activity on the back end to ensure groups are actually doing the charitable work they apply to do."

The [new EZ form](#) must be filed online. The [instructions](#) include an eligibility checklist that organizations must complete before filing the form.

The Form 1023-EZ must be filed using [pay.gov](#), and a \$400 user fee is due at the time the form is submitted. Further details on the new Form 1023-EZ application process can be found in [Revenue Procedure 2014-40](#), posted today on [IRS.gov](#).

There are more than a million 501(c)(3) organizations recognized by the IRS.

Related Item: [Information on Form 1023-EZ](#)

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You must complete the Form 1023-EZ Eligibility Worksheet in the Instructions for Form 1023-EZ to determine if you are eligible to file this form. Form 1023-EZ is filed electronically **only** on Pay.gov. Go to [www.irs.gov/form1023ez](http://www.irs.gov/form1023ez) for additional filing information.

Form **1023-EZ**  
(June 2014)  
Department of the Treasury  
Internal Revenue Service

## Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

▶ Do not enter social security numbers on this form as it may be made public.  
▶ Information about Form 1023-EZ and its separate instructions is at [www.irs.gov/form1023](http://www.irs.gov/form1023).

Check this box to attest that you have completed the Form 1023-EZ Eligibility Worksheet in the current instructions, are eligible to apply for exemption using Form 1023-EZ, and have read and understand the requirements to be exempt under section 501(c)(3).

### Part I Identification of Applicant

1a Full Name of Organization

b Address (number, street, and room/suite). If a P.O. box, see instructions. c City d State e Zip Code + 4

2 Employer Identification Number 3 Month Tax Year Ends (MM) 4 Person to Contact if More Information is Needed

5 Contact Telephone Number 6 Fax Number (optional) 7 User Fee Submitted

8 List the names, titles, and mailing addresses of your officers, directors, and/or trustees. (If you have more than five, see instructions.)

First Name:	Last Name:	Title:	Street Address:	City:	State:	Zip Code + 4:

9 a Organization's Website (if available):

b Organization's Email (optional):

### Part II Organizational Structure

1 To file this form, you must be a corporation, an unincorporated association, or a trust. Check the box for the type of organization.  
 Corporation  Unincorporated association  Trust

2  Check this box to attest that you have the organizing document necessary for the organizational structure indicated above. (See the instructions for an explanation of **necessary organizing documents**.)

3 Date incorporated if a corporation, or formed if other than a corporation (MMDDYYYY): \_\_\_\_\_

4 State of incorporation or other formation: \_\_\_\_\_

5 Section 501(c)(3) requires that your organizing document must limit your purposes to one or more exempt purposes within section 501(c)(3).  
 Check this box to attest that your organizing document contains this limitation.

6 Section 501(c)(3) requires that your organizing document must not expressly empower you to engage, otherwise than as an insubstantial part of your activities, in activities that in themselves are not in furtherance of one or more exempt purposes.  
 Check this box to attest that your organizing document does not expressly empower you to engage, otherwise than as an insubstantial part of your activities, in activities that in themselves are not in furtherance of one or more exempt purposes.

7 Section 501(c)(3) requires that your organizing document must provide that upon dissolution, your remaining assets be used exclusively for section 501(c)(3) exempt purposes. Depending on your entity type and the state in which you are formed, this requirement may be satisfied by operation of state law.

Check this box to attest that your organizing document contains the dissolution provision required under section 501(c)(3) or that you do not need an express dissolution provision in your organizing document because you rely on the operation of state law in the state in which you are formed for your dissolution provision.

You must complete the Form 1023-EZ Eligibility Worksheet in the Instructions for Form 1023-EZ to determine if you are eligible to file this form. Form 1023-EZ is filed electronically **only** on Pay.gov. Go to [www.irs.gov/form1023ez](http://www.irs.gov/form1023ez) for additional filing information.

**Part III Your Specific Activities**

- 1 Enter the appropriate 3-character NTEE Code that best describes your activities (See the instructions): \_\_\_\_\_
- 2 To qualify for exemption as a section 501(c)(3) organization, you must be organized and operated exclusively to further one or more of the following purposes. By checking the box or boxes below, you attest that you are organized and operated exclusively to further the purposes indicated. **Check all that apply.**

<input type="checkbox"/> Charitable	<input type="checkbox"/> Religious	<input type="checkbox"/> Educational
<input type="checkbox"/> Scientific	<input type="checkbox"/> Literary	<input type="checkbox"/> Testing for public safety
<input type="checkbox"/> To foster national or international amateur sports competition		<input type="checkbox"/> Prevention of cruelty to children or animals
- 3 To qualify for exemption as a section 501(c)(3) organization, you must:
  - Refrain from supporting or opposing candidates in political campaigns in any way.
  - Ensure that your net earnings do not inure in whole or in part to the benefit of private shareholders or individuals (that is, board members, officers, key management employees, or other insiders).
  - Not further non-exempt purposes (such as purposes that benefit private interests) more than insubstantially.
  - Not be organized or operated for the primary purpose of conducting a trade or business that is not related to your exempt purpose(s).
  - Not devote more than an insubstantial part of your activities attempting to influence legislation or, if you made a section 501(h) election, not normally make expenditures in excess of expenditure limitations outlined in section 501(h).
  - Not provide commercial-type insurance as a substantial part of your activities.

**Check this box** to attest that you have not conducted and will not conduct activities that violate these prohibitions and restrictions.
- 4 Do you or will you attempt to influence legislation?  Yes  No  
(If yes, consider filing Form 5768. See the instructions for more details.)
- 5 Do you or will you pay compensation to any of your officers, directors, or trustees?  Yes  No  
(Refer to the instructions for a definition of **compensation**.)
- 6 Do you or will you donate funds to or pay expenses for individual(s)?  Yes  No
- 7 Do you or will you conduct activities or provide grants or other assistance to individual(s) or organization(s) outside the United States?  Yes  No
- 8 Do you or will you engage in financial transactions (for example, loans, payments, rents, etc.) with any of your officers, directors, or trustees, or any entities they own or control?  Yes  No
- 9 Do you or will you have unrelated business gross income of \$1,000 or more during a tax year?  Yes  No
- 10 Do you or will you operate bingo or other gaming activities?  Yes  No
- 11 Do you or will you provide disaster relief?  Yes  No

**Part IV Foundation Classification**

**Part IV is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status.**

- 1 If you qualify for public charity status, check the appropriate box (1a - 1c below) and skip to **Part V** below.
  - a  **Check this box** to attest that you normally receive at least one-third of your support from public sources or you normally receive at least 10 percent of your support from public sources and you have other characteristics of a publicly supported organization. **Sections 509(a)(1) and 170(b)(1)(A)(vi).**
  - b  **Check this box** to attest that you normally receive more than one-third of your support from a combination of gifts, grants, contributions, membership fees, and gross receipts (from permitted sources) from activities related to your exempt functions and normally receive not more than one-third of your support from investment income and unrelated business taxable income. **Section 509(a)(2).**
  - c  **Check this box** to attest that you are operated for the benefit of a college or university that is owned or operated by a governmental unit. **Sections 509(a)(1) and 170(b)(1)(A)(iv).**
- 2 If you are not described in items 1a - 1c above, you are a private foundation. As a private foundation, you are required by section 508(e) to have specific provisions in your organizing document, unless you rely on the operation of state law in the state in which you were formed to meet these requirements. These specific provisions require that you operate to avoid liability for private foundation excise taxes under sections 4941-4945.
 

**Check this box** to attest that your organizing document contains the provisions required by section 508(e) or that your organizing document does not need to include the provisions required by section 508(e) because you rely on the operation of state law in your particular state to meet the requirements of section 508(e). (See the instructions for explanation of the section 508(e) requirements.)

Form 1023-EZ is filed electronically only on Pay.gov.

You must complete the Form 1023-EZ Eligibility Worksheet in the Instructions for Form 1023-EZ to determine if you are eligible to file this form. Form 1023-EZ is filed electronically **only** on Pay.gov. Go to [www.irs.gov/form1023ez](http://www.irs.gov/form1023ez) for additional filing information.

Form 1023-EZ (6-2014)

Page 3

**Part V Reinstatement After Automatic Revocation**

Complete this section only if you are applying for reinstatement of exemption after being automatically revoked for failure to file required annual returns or notices for three consecutive years, and you are applying for reinstatement under section 4 or 7 of Revenue Procedure 2014-11. (Check only one box.)

- 1  Check this box if you are seeking retroactive reinstatement under section 4 of Revenue Procedure 2014-11. By checking this box, you attest that you meet the specified requirements of section 4, that your failure to file was not intentional, and that you have put in place procedures to file required returns or notices in the future. (See the instructions for requirements.)
- 2  Check this box if you are seeking reinstatement under section 7 of Revenue Procedure 2014-11, effective the date you are filing this application.

**Part VI Signature**

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, and to the best of my knowledge it is true, correct, and complete.

.....  
(Type name of signer)

.....  
(Type title or authority of signer)

PLEASE  
SIGN  
HERE

.....  
(Signature of Officer, Director, Trustee, or other authorized official)

.....  
(Date)

Form 1023-EZ (6-2014)

Form 1023-EZ is filed electronically only on Pay.gov.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 26, 2016

ITEM: Administration/Miss Biancheria/Mr. Monfredo/Mr. O'Connell/  
Ms. Novick/Miss Ramirez (October 29, 2014)

Response of the Administration to the request to review with the School Committee members the policy and procedures for kindergarten students getting on and off of the school busses.

PRIOR ACTION:

- 9-18-14 - Referred to the Administration for a report back in November 2014.
- 11-6-14 - Held.
- 11-20-14 - Referred to the Standing Committee on Governance and Employee Issues.  
Ms. Novick asked the Administration what happens when a driver passes a school bus that has its lights flashing?  
The Administration responded by stating that there is an external camera for such instances.

BACKUP: After discussion, the Administration recommends that the item be filed.

Annex A (2 pages) contains a copy of the Administration's response to the item.



Each year elementary school principals and secondary school principals with PRK classrooms receive the policy and procedures pertaining to tagging of kindergarten and PRK students and providing transportation lists to bus drivers on a daily basis. In addition to PRK and kindergarten students, many elementary schools will tag younger students who are non-English speakers to ensure safe bus arrival at their destination.

Below is what is sent to all elementary school principals and secondary school principals annually:

There are procedures in place for all kindergarten bus passengers regarding tagging students and providing a list of kindergarten passengers to the bus driver. This procedure should be a year-long practice. Please review this procedure with appropriate staff to ensure that all kindergarten students arrive safely at their destination.

All kindergarten students riding school buses are to be given an ID tag by their schools. There is specific language regarding this in the student handbook:

**“Students in kindergarten who are transported will receive an identification tag at their school to ensure that they are not discharged from the school bus without a parent/guardian being present. Students not released from the school bus because no parent/guardian is present will be taken to the Elm Park Community School, 23 North Ashland Street (telephone 508-799-3568) to be picked up by a parent or guardian”**

Additionally, the schools are required to give the driver a listing of kindergarten students riding the bus with basic student information.

Per this policy, Durham School Services drivers are to make sure that all kindergarten students are matched to the proper parent/guardian at the school bus stop. If there is no parent/guardian present the driver is instructed to take the kindergarten student to Elm Park School until a parent/guardian can be contacted. Kindergarten students are allowed to exit the school bus with an older sibling riding the same bus, only with parent permission.

The district strongly recommends that kindergarten students are seated in the front of the bus for easier identification and awareness. However, we realize that some schools with parent permission may allow kindergarten students to sit with older siblings riding the same school bus in the middle/rear of the bus and if this is the case the driver is aware of this seating arrangement.

All kindergarten students riding school buses are to be given an ID tag by their schools. There is specific language regarding this in the student handbook:

“Students in kindergarten who are transported will receive an identification tag at their school to ensure that they are not discharged from the school bus without a parent/guardian being present. Students not released from the school bus because no parent/guardian is present will be taken to the Elm Park Community School, 23 North Ashland Street (telephone 508-799-3568) to be picked up by a parent or guardian”

Additionally, for at least the first week of school, the schools are to give the driver a form filled out with the student information for all kindergarten students riding their school bus.

Per this policy, Durham School Services drivers are to make sure that all kindergarten students are matched to the proper parent/guardian at the school bus stop. If there is no parent/guardian present the driver is instructed to take the kindergarten student to Elm Park School until a parent/guardian can be contacted. Kindergarten students are allowed to exit the school bus with an older sibling riding the same bus, only with parent permission.

It varies by school and driver but kindergarten students are frequently kept in the front of the school bus for easier identification and awareness. Some with older siblings riding the same school bus sit with that sibling in the middle/rear of the bus.

Other than the student handbook language and the school list of Kindergarten students there is also an element of driver discretion that is relied upon to ensure student safety.

ITEM: gb #5-291

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 26, 2016

ITEM: Mr. Monfredo/Miss Biancheria/Mr. Foley (October 19, 2015)

Request that the School Committee review the policy on cell phones and gather information from all secondary principals.

PRIOR ACTION:

- 11-5-15 - Referred to the Standing Committee on Governance and Employee Issues.  
Mr. Monfredo made the following motion:  
Request that the Administration seek input regarding the cell phone policy from teachers, through the EAW, administrators at the secondary level and from students on the Superintendent's Student Advisory Council.  
On a voice vote, the motion was approved.

BACKUP:

The Administration has forwarded e-mails to the secondary principals relative to whether the current cell phone policy is appropriate and enforceable.

ITEM: gb #6-36

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 26, 2016

ITEM: Mr. O'Connell/Mr. Monfredo/Miss McCullough (January 11, 2016)

To establish a Special Committee, consisting of at least three School Committee members, to continue the review of policies proposed for the Worcester Public Schools by the Massachusetts Association of School Committees.

PRIOR ACTION:

1-21-16 - Referred to the Standing Committee on Governance and Employee Issues.

BACKUP:

Annex A (20 pages) contains a copy of Section A of the Worcester Public Schools' Policy Manual.

## Section A

### Foundations and Basic Commitments

Section A of the NEPN classification system contains policies, regulations, and exhibits on the district's legal role in providing public education and the basic principles underlying school board governance. These policies provide a setting for all of the School Committee's other policies and regulations.

AA	SCHOOL DISTRICT LEGAL STATUS
AB	THE PEOPLE AND THEIR SCHOOL DISTRICT
AC	NONDISCRIMINATION
ACA	NONDISCRIMINATION ON THE BASIS OF SEX
ACAB	SEXUAL HARASSMENT
ACE	NONDISCRIMINATION ON THE BASIS OF HANDICAP
AD	EDUCATIONAL PHILOSOPHY/SCHOOL DISTRICT MISSION
ADC	SMOKING ON SCHOOL PREMISES
ADDA	C.O.R.I. REQUIREMENTS
ADF	SCHOOL DISTRICT WELLNESS PROGRAM
AE	COMMITMENT TO ACHIEVEMENT

## SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Worcester structurally is a department of the town operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Worcester Public Schools is coterminous with the City of Worcester.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II  
M.G.L. 71:1

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

SOURCE: MASC

## **THE PEOPLE AND THEIR SCHOOL DISTRICT**

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

SOURCE: MASC

## NONDISCRIMINATION

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment  
Opportunity Act of 1972  
Executive Order 11246, as amended by E.O. 11375  
Equal Pay Act, as amended by the Education Amendments of 1972  
Title IX, Education Amendments of 1972  
Rehabilitation Act of 1973  
Education for All Handicapped Children Act of 1975  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
M.G.L. 76:5; Amended 2011  
M.G.L.76:16  
BESE regulations 603CMR 26.00 Amended 2012  
BESE regulations 603CMR 28.00



CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination  
GBA, Equal Employment Opportunity  
JB, Equal Educational Opportunities

SOURCE: MASC

## **NONDISCRIMINATION ON THE BASIS OF SEX**

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

UPDATED: June 2012

LEGAL REFS.: Title IX of the Education Amendments of 1972  
45 CFR, Part 86, (Federal Register, 6/4/75)  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
BESE 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

SOURCE: MASC

## SEXUAL HARASSMENT

All persons associated with the Worcester Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting, as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Since the Worcester School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action, where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**Definition of Sexual Harassment:** Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment is not limited to prohibited conduct by a male toward a female, by a supervisory employee toward a non-supervisory employee or by a teacher toward a student. The Worcester Public Schools' view of sexual harassment includes, but is not limited to, the following considerations:

- A. A man, as well as a woman, may be the victim of sexual harassment and a woman, as well as a man, may be the harasser.
- B. The harasser does not have to be the victim's supervisor. He/she may also be an agent of the employer, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or in some circumstances even a non-employee (student, parent).
- C. The victim may be the same or opposite sex as the harasser.
- D. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example, inappropriate attempts of humor or sexual harassment of one female/male employee may create an intimidating, hostile or offensive working or educational environment for another female/male or may unreasonably interfere with an individual's work or educational performance.

File: ACAB

- E. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment when they unreasonably interfere with the victim's work or education or unreasonably create a harmful or offensive work or educational environment.

**The Grievance Officers:**

Chief Human Resource Officer  
(508) 799-3020  
20 Irving Street  
Worcester, MA 01609

Instructional Support Personnel Director  
(508) 799-3027  
20 Irving Street  
Worcester, MA 01609

The committee will annually appoint sexual harassment grievance officers who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

**Complaint Procedure:**

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to one of the grievance officers. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
  - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
  - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
  - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
  - d. On the basis of the grievance officer's perception of the situation he/she may:
    - Attempt to resolve the matter informally through reconciliation.
    - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings, the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.

4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

SOURCE: MASC AND WPS

## NONDISCRIMINATION ON THE BASIS OF HANDICAP

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

**Definition:** A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

**Reasonable Modification:** The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

**Communications:** The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

**Auxiliary Aids and Services:** "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

**Limits of Required Modification:** The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

**Notice:** The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

**Compliance Coordinator:** The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in the school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of handicap.

LEGAL REFS.:           Rehabilitation Act of 1973, Section 504, as amended  
                              Education for All Handicapped Children Act of 1975  
                              M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
                              Title II, Americans with Disabilities Act of 1992, as amended  
                              Board of Education Chapter 766 Regulations, adopted 10/74, as amended through  
                                      3/28/78

CROSS REFS.:           IGB, Support Services Programs

SOURCE: MASC

File: AD

### **EDUCATIONAL PHILOSOPHY/SCHOOL DISTRICT MISSION**

The Worcester Public Schools provides learners with a quality education in a safe and healthy environment. We believe that all students can achieve at high levels as they prepare to become productive citizens in our changing technological world. We are committed to supporting students, parents, educators and citizens in their pursuit of learning.

SOURCE: WPS



## **SMOKING ON SCHOOL PREMISES**

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

LEGAL REF:           M.G.L. 71:37H

SOURCE: MASC

## **C.O.R.I. REQUIREMENTS**

It shall be the policy of the Worcester Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I.) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education C.O.R.I. Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.”

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

File: ADDA

Access to C.O.R.I material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see ADDA-E-2) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

File: ADDA

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REFS.: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385  
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)  
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

CROSS REFS: ADDA-R, C.O.R.I. Requirements  
ADDA-E-1, Information Concerning the Process in Correcting a Criminal Record  
ADDA-E-2, C.O.R.I. Requirements

SOURCE: MASC

## **SCHOOL DISTRICT WELLNESS PROGRAM**

The School Committee recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the school district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

### Wellness Committee

The school district will establish a wellness committee that consists of at least one (1): parent, student, nurse, school food service representative, School Committee member, school administrator, member of the public, and other community members as appropriate. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee. Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy.

### Nutrition Guidelines

It is the policy of the school district that all foods and beverages made available on campus during the school day are consistent with School Lunch Program nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will create procedures that address all foods available to students throughout the school day in the following areas:

- guidelines for maximizing nutritional value by decreasing fat and added sugars, increasing nutrition density and moderating portion size of each individual food or beverage sold within the school environment;
- separate guidelines for foods and beverages in the following categories:
  1. foods and beverages included in a la carte sales in the food service program on school campuses;
  2. foods and beverages sold in vending machines, snack bars, school stores, and concession stands;
  3. foods and beverages sold as part of school-sponsored fundraising activities; and
  4. refreshments served at parties, celebrations, and meetings during the school day; and
  5. specify that its guidelines will be based on nutrition goals, not profit motives.

### Nutrition and Physical Education

The school district will provide nutrition education aligned with standards established by the USDA's National School Lunch Program and the School Breakfast Program in all grades. The school district will provide physical education training aligned with the standards established by the Dept. of Elementary and Secondary Education. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address nutrition and physical education.

### Nutrition Education

*The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.*

- Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.
- Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the foodservice staff and other school personnel, including teachers.
- Students receive consistent nutrition messages from all aspects of the school program.
- Division health education curriculum standards and guidelines address both nutrition and physical education.
- Nutrition is integrated into the health education or core curricula (e.g., math, science, language arts).
- Schools link nutrition education activities with the coordinated school health program.
- Staff who provide nutrition education have appropriate training.
- The level of student participation in the school breakfast and school lunch programs is appropriate.

### Physical Education Activities

*The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.*

- Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students, and the integration of physical activity into the academic curriculum where appropriate.
- Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Schools work with the community to create ways for students to walk, bike, rollerblade or skateboard safely to and from school.
- Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.
- Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

### Other School-Based Activities

The wellness program coordinators, in consultation with the wellness committee, are charged with developing procedures addressing other school-based activities to promote wellness.

*The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.*

File: ADF

- An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.
- All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.
- Environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens, and non-disposable tableware have been considered and implemented where appropriate.
- Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

#### Evaluation

The wellness committee will assess all education curricula and materials pertaining to wellness for accuracy, completeness, balance and consistency with the state and district's educational goals and standards. Wellness program coordinators shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and are charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. Wellness program coordinators will report to the School Committee annually.

ADOPTED: April 20, 2006

LEGAL REFS.: The Child Nutrition and WIC Reauthorization Act of 2004, Section 204,  
P.L. 108 -265  
The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769h  
The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 - 1789

CROSS REFS.: EFC, Free and Reduced-Cost Food Services  
IHAMA, Teaching About Alcohol, Tobacco and Drugs  
KI, Public Solicitations/Advertising in District Facilities

SOURCE: MASC AND WPS

## **COMMITMENT TO ACCOMPLISHMENT**

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the District, the School Committee will maintain a program of accountability consisting of the following elements:

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

SOURCE: MASC