

NEEDHAM PUBLIC SCHOOLS

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INTEROFFICE MEMORANDUM

TO: Needham Public Schools Employees

FROM: Anne Gulati, Assistant Superintendent for Finance & Operations

SUBJECT: Gifts, Grants & Donations; Fundraising; Purchasing & Employee Reimbursements; School Policies and Forms; Protection of Personal Information; Conflict of Interest; Public Records; Fraud Prevention and Whistleblower Protection

DATE: JULY 1, 2021

As a new or returning employee of the Needham Public Schools, you should be aware of some of the School Committee policies and state laws governing public employees:

Gifts, Grants & Donations:

From time to time, parents, companies and organizations approach faculty and staff to generously offer gifts of appreciation or donations to your classrooms. We're fortunate to live in a community that cares for its teachers and students. However, as a member of the School Department and a public employee, you should keep the following rules in mind, before accepting such items, so that trust and integrity are preserved:

As a public employee, you are prohibited from asking for, or accepting, any gift or payment valued at \$50 or more from anyone with whom you have a professional relationship. Gifts may be monetary or non-monetary in nature and include: honoraria, free or discounted items or services, meals, entertainment event tickets, travel expenses, vendor rebates or promotional payments, gift certificates, cash and the like.

A teacher or staff member may, however, receive a gift (or gifts) totaling less than \$50 from a single source during a fiscal year, as long as the staff member files a written disclosure with his/her supervisor that the gift was received. There are a few exceptions to this rule. The State Ethics Commission permits teachers to receive one class gift per year with an aggregated value of up to \$150, as long as the gift is from the entire class and the identity of the givers is not known. (No disclosure is required for class gifts.) Additionally, staff members may receive perishable items (food, flowers) up to \$50 in value without disclosure, as long as the items are shared with members of the school community. Parents are encouraged to show their appreciation to individual teachers/staff members by making a donation to their school's PTC, or to the Needham Education Foundation. More information about this topic is available from the Ethics Commission's website: <http://www.mass.gov/ethics/gifts-to-public-school-teachers-and-staff.html>. Disclosure forms also are available at: <https://www.mass.gov/service-details/municipal-employee-disclosure-forms/>.

The so-called ‘\$50 rule’ does not apply, however, to gifts presented for the purpose of purchasing classroom materials, enriching the curriculum, or benefiting the school as a whole. Since these gifts are not for the personal benefit of a particular employee, but rather, are intended for educational use, the Conflict of Interest rule does not apply. However, in order for these items to be used by your school, the School Committee must vote formally to accept the gift under M.G.L. Ch. 44 s.53. Educational gifts may be monetary, or may be in-kind gifts of goods or services. All educational gifts must be reported to the School Principal or Department Head, who will solicit the proper School Committee approval. Cash and checks must be turned over to School Bookkeeper, who will deposit the funds into your school’s donation account. State law does not allow staff members to spend cash they receive from students or parents directly – all monies must be deposited and properly accounted for, before spending. The School Committee reserves the right to reject any gift or donation, when it deems acceptance to be inappropriate.

Fundraising by School Faculty and Staff:

Staff members may solicit donations for school activities, however, they must obtain permission before doing so and must adhere to the following restrictions imposed by School Committee Policy #DFC, the Conflict of Interest Law (EC-COI-12-1) and M.G.L. Ch. 44 s. 53 and 53A:

1. The fundraising effort has the prior approval of the Building Principal and/or Superintendent, in accordance with Needham School Committee Policy #DFC. (http://www.needham.k12.ma.us/UserFiles/Servers/Server_64429/File/Departments/School%20Committee/Policies/SchoolCommitteePoliciesSectionD4-16.pdf.)
2. The fundraising effort exclusively benefits the Needham Public Schools and its programs; fundraising is not supported to benefit private individuals.
3. Solicitations are not made in circumstances that are inherently coercive;
4. No overt pressure is exerted in connection with such solicitation;
5. NPS does not act to 'favor' those who choose to give, and 'disfavor' those who choose not to give;
6. The soliciting employee discloses the names all those solicited publicly and in writing; and
7. The School Committee votes to formally accept the funds raised.

Additionally, all funds raised must be paid directly to the Needham Public Schools by the donor; the use of crowdfunding sites, such as Go Fund Me, Kickstarter, etc. is strictly prohibited. The Needham Schools may receive donations in cash, check or online payment at:
http://www.needham.k12.ma.us/departments/business_operations/business_office/on-line_payment_vendors.

Purchasing & Employee Reimbursements:

School Departments in Massachusetts are bound by the Uniform Procurement Act (M.G.L. Ch. 30B), which requires that goods and services be procured through competitive bidding. Your School Bookkeeper will assist you to purchase the supplies and services you need, from vendors that have been selected through a competitive process. You may not order goods or services without first obtaining an approved purchase order from the Business Office. Reimbursements are permitted only when a vendor does not accept purchase orders, for travel,

or under extenuating circumstances approved in advance by the Business Office. Only the School Committee, Superintendent and Assistant Superintendent for Finance & Operations may sign contracts, order forms and vendor quotations on behalf of the Needham Public Schools. For more information about the procurement law or to obtain information about approved vendors for 2021/22, visit the Business Office website at: http://www.needham.k12.ma.us/departments/business_operations/business_office/purchasing.

Purchases by the PTC for classroom items, special presenters or food, as well as PTC reimbursements to teachers must be made under the PTC's own tax-exempt certification. Please obtain a copy of the PTC's tax-exempt certificate to make purchases on their behalf. Additionally, state law will not allow the PTC to use the Town of Needham's tax exemption (nor any of the school's corporate accounts, established under the Town's tax-exempt status.)

Finally, taxpayer accountability is very important to Needham Public Schools. Our auditors require that we adhere to strict financial controls that protect both school employees and taxpayers when paying bills and receiving money. Faculty and staff can help in this regard by not asking the PTC (or any third party) to pay school bills or 'front' the cost of school expenses. In addition, only NPS staff may collect funds from students for class activities or school events; parents and volunteers may not receive or handle monies.

School Policies and Forms:

- School Committee policies are found at http://www.needham.k12.ma.us/district_info/school_committee/policies.
- School Department financial procedures are published at: http://www.needham.k12.ma.us/departments/business_operations/business_office/financial_procedures
- Business Office forms are found at: http://www.needham.k12.ma.us/departments/business_operations/business_office/staff_forms
- Personnel information, including Units A, B, C, D and E contracts, is found on the Human Resource website at: http://www.needham.k12.ma.us/departments/human_resources
- Commonly used Human Resource forms are located at http://www.needham.k12.ma.us/departments/human_resources/forms

Protection of Personal Information:

The state and federal governments have established minimum standards for safeguarding "personal information." Personal information is defined as an individual's first and last name (or first initial and last name), in combination with one or more of the following: a) social security number, b) driver's license number or state-issued identification number, or c) financial account number or credit card number. Please keep in mind that personal information should always be secured and made accessible only to those with a need to know.

Conflict of Interest:

As a public employee, you are bound by the state Conflict of Interest Law. This law governs your conduct while you are employed, as well as after you leave public employment. Each year, every state, county and municipal employee must be given a summary of the Conflict of Interest Law prepared by the Ethics Commission and, every two years, they must complete an online training program prepared by the Commission. The summary of the Conflict of Interest Law for municipal employees is found online at:

<http://www.mass.gov/ethics/education-and-training-resources/required-education-and-training/municipal-employee-summary.html>. Upon receiving these guidelines, municipal employees must complete the “Acknowledgement of Receipt” form at the end of the online document and return the completed form to the Personnel Office. The Ethics Commission also requires public employees to complete online training about the Conflict of Interest law every two years. As a new employee, you will be required to complete this training within 30 days of beginning service, by logging onto www.mass.gov/ethics, selecting “Education Materials,” and then choosing “Online Training Programs and Summaries of the Conflict of Interest Law.” When you complete the online training program, you will be asked to print out the completion certificate, keep one copy for yourself and send the original to Needham Town Clerk, Tedi Eaton, at Town Hall, 1471 Highland Avenue, Needham MA 02492-0909.

As a municipal employee, you can obtain free confidential advice about the Conflict of Interest Law from the Commission’s Legal Division at (617) 371-9500. Or, you may request an opinion online at <https://www.mass.gov/request-advice-from-the-state-ethics-commission> or send a letter requesting an informal written advisory opinion to: State Ethics Commission, Legal Division, One Ashburton Place, Room 619, Boston, MA 02108.

Public Records, Records Retention & Document Destruction:

The start of the school year is a good time to remind school employees that EVERY document, paper, record, map, photograph, etc., that you create or receive while on the job, is presumed to be a public record. The physical form of the record doesn’t matter – records include paper documents, computer records, electronic mail, video and audiotapes. There are specific exemptions, which you can learn more about in the guidebook published by the Division of Public Records: <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>. The most common types of exemptions are for: student records, CORI reports, personnel and medical files, and sealed bids.

On June 3, 2016 Governor Baker approved sweeping changes to the state’s Public Records Law, effective January 1, 2017, which are designed to make records more accessible to the public. Information about the change is available at: <https://www.sec.state.ma.us/pre/prenotice.htm>. Under the new law, the District must provide public records to a requestor, upon oral or written request. The School Department may not ask for the reason why a record has been requested, nor its intended use. In limited cases, a fee may be charged for reproducing documents or for search time. (Please consult with the Business Office if a fee is contemplated.) All public records be provided in electronic format, unless the record is not available in electronic format or the requestor does not have the ability to receive or access the electronic record. In addition, the District must permit inspection or furnish a copy of the record within 10 business days following receipt of the request, although the District may request an extension of the deadline under extenuating circumstances. Please note

that the Public Records Law only applies to records, which are in existence and created or maintained in the course of business; a public employee is not required to answer questions or to create a record in response to a public records request, but may do so at his/her discretion.

Finally, you should know that state law requires public records to be retained for a specific length of time, even routine correspondence, and that you must obtain permission from the Secretary of the Commonwealth to dispose of public records. For information on how long certain documents must be kept, please consult the Municipal Records Retention Manual, which is available online at:

https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20200406.pdf

When the retention period has expired, you must file an Application for Destruction Permission, before disposing of documents. The permission form for document destruction is available online at:

<http://www.sec.state.ma.us/arc/arcpdf/RMU/rmu2.pdf>.

Fraud Prevention & Whistleblower Protection:

The School Committee has adopted the following fraud prevention and whistleblower protection policies:

Policy #DIF, “Fraud Prevention,” which asserts that acts of theft and/or fraud will not be tolerated and requires that any employee who reasonably believes that an act of theft or fraud has occurred or is occurring to report such allegation to the Superintendent of Schools. The Needham Public Schools will investigate every allegation of fraud or theft and will take appropriate disciplinary action against any employee found to be responsible for such acts, up to and including dismissal. Please click on the link to view the full policy:

http://www.needham.k12.ma.us/UserFiles/Servers/Server_64429/File/Departments/School%20Committee/Policies/SchoolCommitteePoliciesSectionD4-16.pdf.

Policy #DIFA, “Whistleblower Protection,” is intended to encourage and enable employees to raise good faith concerns about fraud, waste and abuse for investigation and to take appropriate action without fear of retaliation. Please click on the link to view the full policy:

http://www.needham.k12.ma.us/UserFiles/Servers/Server_64429/File/Departments/School%20Committee/Policies/SchoolCommitteePoliciesSectionD4-16.pdf.

I hope this information is of use to you, as you embark upon or continue a long and happy career with the Needham Public Schools!

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