MASC Policy Newsletter

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This policy newsletter will cover two new legal requirements for the 2017-18 school year and address two other legal issues that have generated questions from School Committees and Administrators. The first requirement is a new policy dealing with meal charging and the second is policy language related to last year’s opioid legislation and the requirement for verbal screening use. The other issues are a policy to address compliance with the federal Protection of Pupil Rights Amendment and a policy related to the use of online crowdfunding sources by public employees.

Most individual policy changes are posted as Word documents on the “Updated/New Policies” page on the MASC website and in the MASC Policy Reference Manual which is also available on both the “Updated/New Policies” page as well as on the “Online Manuals” page on the MASC website.

**Meal Charging Policy – EFD**

In May 2017, the USDA (United States Department of Agriculture), having jurisdiction over federal school programs, released new guidelines which require all school districts to develop a “meal charging” policy. In addition, the document also provides updated guidance on the use of alternative meals. The changes in the guidance are designed to help districts generally avoid student involvement in the financial aspects of school meal programs.

The new policy requires the district to provide the same meal choices to all students but allows for restrictions on a la carte items, snacks, etc. for families who are delinquent. The policy also requires district personnel to avoid using students to notify families of delinquent accounts, requires the initial notifications to come from food service management but moves collections activity to the business office and requires the Superintendent to ensure proper internal controls are maintained. The policy assumes that electronic systems are in place such that policy language may need to be adjusted where only manual systems are employed.

**Districts that operate food services district-wide under a non-pricing special assistance provision such as the Community Eligibility Provision are not required to adopt a meal charging policy. However, if any school in the district operates a count and claim process then the district must adopt a policy.**

**Alcohol, Tobacco, and Drug Use By Students Prohibited – JICH**

In 2016, the Massachusetts Legislature passed an act relative to substance abuse that include policy changes that were to be effective immediately as well as a requirement for verbal screening that would go into effect beginning with the 2017-18 school year. MASC did not address the verbal screening element of the law in policy when it was passed due to the delayed implementation, the requirement for guidance in certain areas from DESE, and the law’s caveat that it was subject to appropriation. It is our understanding that some districts have chosen to move forward prior to this year. DESE has recently issued direct guidance including guidance on grade levels and the Legislature has allocated some funds for the implementation within DPH. As a result, MASC is adding language to policy JICH that meets the requirements of the law. MASC Legal Counsel Steve Finnegan has also issued Legal Alerts on this issue including a recent Alert that included sample parent notification letters.

**Online Fundraising and Solicitations – Crowdfunding Policy – GBEBD**

The use of online crowdfunding resources such as GoFundMe and others can put both the School District and individual public employees at risk. There may be both tax implications and conflict of interest issues that need to be addressed. In writing this policy MASC consulted with the General Counsel to Massachusetts Ethics Commission and incorporated suggested language from the Ethics Commission. While this policy is not legally required to be adopted, we would advise that district administration seek the advice of legal counsel and discuss these issues with all staff.

**Student Submission To Educational Surveys And Research – ILD**

This policy is written to ensure district compliance with the Protection of Pupil Rights Amendment (PPRA) also referred to as the Hatch Amendment. This piece of legislation amended the Federal Education Rights to Privacy Act (FERPA) in 1978 and relates to the use of surveys and other instruments for gathering research data in education programs receiving federal funds. While this law, which limits student participation in surveys on particular topics without parental consent, has long been in place, recent issues and inquiries prompted MASC to write this policy for the use of School Committees who feel the need to address this issue.