

**Franklin Public Schools
Franklin, Massachusetts 02038**

Action Required

Subject: Policy – 2nd Read/Adoption

Date: December 8, 2020

Dept: School Committee

Reason: Required Vote

Enclosure: yes

Recommendation:

Policy – 2nd Reading / Adoption

I recommend adoption of the following policies as discussed:

1. JJEa-Crowdfunding Policy
2. GE-Telework Policy

Action Requested of the School Committee:

Majority vote of the School Committee is required.

<u>Vote Tabulator</u>	
A Bergen:	Y / N T Keenan: Y / N
J D'Angelo:	Y / N M J Scofield: Y / N
J Pond-Pfeffer:	Y / N D Spencer: Y / N
E Stokes:	Y / N Action: _____

Crowdfunding Policy (NEW)

The Franklin School Committee recognizes that crowdfunding campaigns have become a useful method by which teachers and organizations can procure resources for specific projects and/or programs. The revenue-raising potential that crowdfunding campaigns may provide can be a benefit for the Franklin Public School District (the District). The School Committee further recognizes, however, that unregulated employee use of crowdfunding campaigns on behalf of the District can subject both the District and employees to potential legal liability. This policy's intent is to effectively regulate and establish parameters for use of crowdfunding campaigns for District purposes.

It is the responsibility of the donor to understand the potential tax benefits of any donation they make to a crowdfunding platform in support of the District. Moreover, donors should have no expectation of favoritism towards specific children nor quid pro quo considerations in exchange for any donation of funds or other resources to a crowdfunding project.

Definitions:

For the purpose of this policy, crowdfunding is defined as the practice of funding a project or venture by raising monetary contributions, typically via the internet, for a particular purpose or cause. For the purpose of this policy, a *campaign* is defined as a fundraising effort launched on an approved platform that is designed to raise funds to meet an advertised goal or need.

Eligibility Requirements:

1. The only online crowdfunding sites approved by the District for use by its employees are those that take monetary donations and distribute materials only, not cash, to the District. The District shall provide an approved list of crowdfunding sites that meet the criteria outlined in this policy.
2. The District employees eligible to sponsor a crowdfunding campaign must meet the eligibility requirements set forth by the crowdfunding site.
3. The District employees, individuals, groups, clubs, and/or organizations that do not meet the crowdfunding site's eligibility requirements and that have not been granted formal approval by their building Principal or designee may not engage in crowdfunding campaigns on behalf of the District.

Approval Process:

1. No employee shall post any proposal to a crowdfunding site without prior written approval from the employee's Principal or designee. When determining whether to approve, the building Principal or designee will consider the following:
 - What is the intended purpose of the campaign?
 - Does the intended purpose of the campaign align with School and District initiatives?
 - How does the project for which funds are being raised align with the District approved curriculum?
 - Logistically, will the School or District be able to take, keep, and manage possession of the materials to be obtained with said funds?
 - How many crowdfunding campaigns are underway or projected for the school year?
 - Are there any other issues salient to how the crowdfunding campaign might impact the School or District?
 - Is the campaign within the monetary limits set by the school or District?
 - Does the campaign align with school committee [policy KCD](#)?

2. To the extent an employee's campaign is to include any technology or software, the employee must secure written consent in The Director of Technology or designee prior to submitting a request for approval to the Principal or designee.
3. All digital learning tools and software applications must adhere to the District Student Data Privacy (SDP) guidelines and/or require a signed Student Data Privacy Agreement.
4. If an employee's campaign is approved, the employee agrees to use the donated materials solely as stated in the employee's proposal.
5. Approved crowdfunding campaigns must operate in compliance with all laws and all District policies and administrative guidelines.

Campaign Expectations:

1. All materials obtained from a crowdfunding site become the property of the District, not the individual staff person who initiated the project, and, if applicable, will remain in the school where the staff person who originated the project was located at the time of the crowdfunding campaign.
2. If a campaign is not fully funded within the time period required by the crowdfunding site or the campaign cannot be concluded for any reason, donations already made to the campaign will be handled in accordance with the crowdfunding site's policy for such occurrences.

Communication:

1. Once a campaign is approved by the Principal or designee and the crowdfunding site, the District employees may solicit donations to a campaign from their own personal network of acquaintances.
2. Employees may not directly solicit students or family members of students they currently teach, support, or over whom they have any authority.

Crowdfunding campaigns MAY NOT:

1. Disparage the District or any of its buildings, programs, students or employees or paint the District or any of its employees, students or programs in a negative light;
2. Include identifiable pictures of the District students in the crowdfunding post or on the project sponsor's project page on the crowdfunding site if said student's parents/guardians have made this prohibition;
3. Include identifying information of any District student on the crowdfunding site;
4. Be used for personal gain of any individual other than the District-related benefits associated with the campaign's purpose;
5. Result in the items being provided delivered directly to the District employee sponsoring the approved campaign;
6. Solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;
7. Conflict with established Committee policies or violate any applicable state or federal law;
8. Be contingent on additional District spending or "matching" funds from the District or another organization or result in unreasonable or hidden costs to the District;
9. Request gift cards, food items or animals;
10. Contain language that suggests or states that an item or items for which the donations are being sought are required for or otherwise integral to a student's individual education plan (IEP), necessary for a student to achieve his/her IEP goals, or necessary to ensure participation of a student or students with disabilities in school or a program offered by The District;
11. Place restrictions on school programs or require extensive District maintenance or ongoing support;
12. Require the endorsement of a business product.

Additional Requirements and Regulations:

1. The District reserves the right to refuse items that have been obtained through an approved crowdfunding campaign if it discovers that the project violated this policy or was in violation of the crowdfunding site's requirements, policies, and/or regulations.
2. The District reserves the right to terminate any pre-approved crowdfunding campaign or withhold approval for any crowdfunding campaign for any reason.
3. PCC's, Booster organizations, etc. must also receive prior approval before beginning a crowdfunding campaign which will result in a donation to the Franklin Public Schools.
4. The District shall assume no obligation to maintain or replace donated items that have been worn out, lost, or destroyed.
5. All donations shall become the sole possession of the District and may not be transferred to other schools within the district without the permission of both the sending and receiving principals

Policy References: [KCD](#)

Legal References:

MGL 44:53A

MGL 71:37A

MGL 268A:3

MGL 268A:23

To School Committee for Second Reading/Adoption: 12/8/2020

TELEWORK POLICY (New)

The Telework Policy provides guidelines on the teleworking program and defines the parameters of a telework arrangement. Teleworking, also known as telecommuting, is the concept of working from home on a full or part-time basis, as hired. Telecommuting is not a universal employee benefit; rather, it is an alternative method of meeting the needs of the Franklin Public Schools as warranted by particular circumstances.

FPS has the right to refuse to make teleworking available to an employee and to terminate a telework arrangement at any time. Employees are not required to telework. Employees have the right to refuse to telework if the option is made available. Indeed, teleworking is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement; it is not an FPS-wide benefit; and it in no way changes the terms and conditions of employment with FPS.

FPS's policies for teleworking are as follows:

Application of Policy

Under normal circumstances, teleworking will generally not be an option for any FPS employee, as in-person work is required for most of the essential functions of our school district. However, the Superintendent of Schools reserves the right to use discretion in approving telework arrangements on an individual basis.

Procedure

Telecommuting arrangements will be considered on a case by case basis, taking into account the employee's particular circumstances and job functions, as well as the operational needs of the school district. Any teleworking arrangement made will be subject to regular review on a monthly basis and upon the transition between learning models, and may be discontinued at any time at the request of the telecommuter or by FPS in its discretion.

Arrangement

Telecommuting is only available to employees with the prior written approval of the Superintendent of Schools or designee as a result of a remote assignment under the District's learning model. FPS will determine, with the employee's input, the number of days of teleworking allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee must make themselves available on an as-needed basis as determined by the supervisor to engage in and complete tasks that cannot be done remotely, as determined by the supervisor.

Fair Labor Standards Act ("FLSA")

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act and will be required to record all hours worked in a manner designated by the organization. Hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate cessation of the agreement.

Acknowledgment

Employees are required to sign a written acknowledgment that they have received, read, understood, and agreed to comply with this and any other related policy. In addition, employees are expected to comply with all other existing policies and procedures.

Compensation and Work Hours

The employee's compensation, benefits, work status, and work responsibilities will not change due to participation in the teleworking program. The amount of time the employee is expected to work per day or pay period will not change as a

result of participation in the teleworking program. The employee's at-home work hours will conform to their regular schedule or contracted work hours. FPS can re-evaluate the teleworking arrangement on a regular basis.

Eligibility

Successful teleworkers must have the support of their supervisors. Employees will be selected based on the suitability of their jobs, an evaluation of the likelihood of their being successful teleworkers, and an evaluation of their supervisor's ability to manage remote workers. Each school and the department will be consulted. All teleworkers must sign an agreement. The employee's at-home work hours will conform to their regularly worked schedule. Before entering into any teleworking agreement, the employee and FPS, with union involvement, as needed, will evaluate the suitability of such an arrangement.

Equipment/Tools

Equipment supplied by FPS will be maintained by FPS. Equipment supplied by the employee, if deemed appropriate by FPS, will be maintained by the employee. FPS accepts no responsibility for damage or repairs to employee-owned equipment. FPS reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by FPS is to be used for work purposes only. The telecommuter must sign an inventory of all FPS property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment, all FPS property will be returned to the FPS in accordance with other policies and procedures. Consistent with FPS's expectations of information security for employees, teleworking employees will be expected to ensure the protection of proprietary FPS information accessible from their home office. Steps include, but are not limited to, the use of locked file cabinets, desks, regular password maintenance, and any other steps appropriate for the job and the environment. Help desk support is available to all telecommute employees.

Dedicated Workspace

The employee will establish an appropriate work environment within their home for work purposes. FPS will not be responsible for costs associated with the initial setup of the employee's home office such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. Employees will be offered appropriate assistance in setting up a workstation designed for safe, comfortable work. FPS may provide specific tools/equipment for the employee determined to be necessary to perform their current duties. The employee shall designate a workspace within the location for placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment.

Employees will have a dedicated, consistent, and distraction-free work area where the others will not see any other individuals, pets, television, or other screens. Likewise, people in the employee's home will not be able to see FPS students or staff. Employees will limit their conversations/verbal interactions solely to the FPS students and staff members who are part of their virtual meeting. During the workday, the employee will be dressed similar to what is acceptable in the workplace.

Supplies

Supplies will be provided by FPS as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's manager/supervisor.

Worker's Compensation

During work hours per contract and while performing work functions in the designated work area of the home, teleworkers are covered by worker's compensation.

Liability

The employee's home workspace will be considered an extension of the FPS workspace. Therefore, FPS may be liable for work-related accidents that occur in the employee's home workspace during the employee's working hours while

performing work functions in the home's designated work area. FPS will be liable for work-related injuries or illnesses to the employee that occur during the employee's agreed-upon work hours. The employee's at-home work hours will conform to their regularly worked schedule. FPS assumes no liability for injuries to the employee occurring in the employee's home workspace outside the agreed-upon work hours. FPS is not liable for loss or destruction that may occur in or to the employee's home. FPS is not liable for loss or injury to the employee's family members, visitors, or others that may become injured within or around the employee's home.

Dependent Care

Telework is not a substitute for dependent care. Teleworkers will not be available to provide dependent care during their regularly worked schedule. The focus of the arrangement must remain on job performance and meeting FPS demands. Prospective teleworkers are encouraged to discuss expectations of teleworking with family members prior to entering into a telework agreement.

Income Tax

It will be the employee's responsibility to determine any income tax implications of maintaining a home-work area. FPS will not provide tax guidance nor will the District assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

Communication

Employees must be available by teleconference, phone, and email during regularly scheduled work hours as prescribed by the educational expectations and needs of students. All student and peer employee interactions will be conducted as needed. Employees will be available for classes, staff meetings, and other meetings deemed necessary by FPS. FPS will not pay for work-related and data communication charges.

Evaluation

The employee remains obligated to comply with all FPS rules, practices, and instructions. Evaluation of teleworker performance will be consistent with that received by employees working at FPS in both content and frequency.

Employer

FPS reserves the right to take disciplinary action in accordance with FPS policies, procedures, and relevant collective bargaining agreements where necessary against employees who engage in prohibited or unlawful conduct. FPS reserves the right to terminate this arrangement at any time.

To School Committee for Second Reading/Adoption: 12/8/2020