

**Andrew J. Waugh**  
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April 22, 2022

**VIA EMAIL ONLY**

Dr. Anna Nolin  
Superintendent of Schools  
Natick Public Schools  
13 East Central Street  
Natick, MA 01760

Re: Review of Committee policies and other policy questions

Dear Dr. Nolin:

I am writing in response to your request that I respond to several questions related to our recent review of several draft School Committee policies, based on template policies provided by the Massachusetts Association of School Committees. Please forward this respond to the School Committee members on the policy review committee for their review. On behalf of the policy review committee, you pose the following questions: 1) In our review of the draft policies, why did we combine Policy AC and AC-R instead of maintaining them as separate policies; 2) whether the School Committee should adopt a separate equity policy and, if the equity language is not included as policy, alternative locations where it would be appropriate to include it; 3) whether the School Committee can adopt a racism policy separate and apart from its non-discrimination policy.

1. Combining Policy AC and AC-R instead of maintaining them as separate policies. Multiple attorneys in my office reviewed the policies that were forwarded to me and the consensus was that Policy AC and AC-R (Non-Discrimination Policy) should be combined into one single policy. The reasoning behind this is to avoid having policies that may be similar but with slightly different language, thereby leading the administrator attempting to implement the policies to be unclear on which policy to follow. This would allow whoever is charged with conducting investigations to be able to review one policy and then implement the language in it promptly without any confusion as to procedural or substantive issues created by multiple policies.

2. Should the School Committee adopt a separate equity policy. The district should take care to ensure that any policy it adopts does not conflict with or duplicate existing policies. Having said that, another client of ours adopted a policy titled Equal Access and Evaluation of Bias in advance of a Coordinated Program Review, which addressed reviewing problems to



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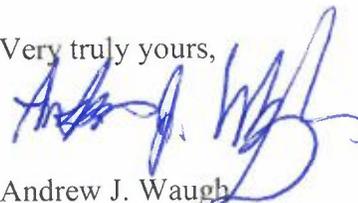
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ensure equity. I've attached a copy of the policy for your review and consideration. The goal of the policy would be to proactively identify potential issues versus a non-discrimination policy that is more about reacting to a complaint once it is filed. Alternatively, if the Committee does not like the attached language but wants to signal its commitment to equity, it could do so in a vision statement that is included prior to the policy book, or in a statement on the School District's website. The Committee should be aware, however, that if they publish a statement of intent in either of the above-referenced locations, if there is a claim of a violation of its anti-discrimination policy, the alleged victim may cite to the statement language if their allegations are not sufficient to show a violation of the anti-discrimination policy.

3. Should the School Committee adopt a racism policy separate and apart from its anti-discrimination policy. In my opinion, the Committee's anti-discrimination policy is sufficient and covers racist behavior, so the addition of a racism policy would be duplicative. For the reasons I have already stated, there is a risk that multiple policies on the same topic may differ slightly, thereby creating different standards and/or expectations and making it more difficult for the administrator implementing the policy to follow it faithfully. The sexual harassment policy is different as it also addresses potential Title IX violations, so its inclusion as a separate policy is necessary.

If you have any questions concerning my responses, please do not hesitate to contact me.

Very truly yours,



Andrew J. Waugh

Enclosure

## EQUAL ACCESS AND EVALUATION OF BIAS

### Overview

The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.

Evaluation of programs shall be directed by the Superintendent. Among other things, these evaluations may employ various testing programs, surveys, outside research agencies, teacher and parent information, and information about attendance and dropout rates of the district. It shall be the responsibility of the Superintendent to report periodically to the Natick School Committee on program evaluations and the progress the District is making in the attainment of its educational goals.

### Evaluation of Bias

The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.

The district is required to ensure that *individual* teachers in the district review *all* educational materials for simplistic and demeaning generalizations, lacking intellectual merit on the basis of race, color, disability, age, sex, gender identity, religion, national origin and sexual orientation. This goes beyond a typical review of standard curriculum materials. Teachers must review all educational materials they bring into the classroom, whether it be a news article, picture book, advertisement, etc. on an ongoing basis. The review shall include consideration of achievement results for all student populations, educational equity, curriculum breadth and depth, and congruence of instructional strategies and assessments with district content standards. If a teacher does discover bias in a certain material he/she must also then develop appropriate activities, lead discussions or provide additional material to provide balance and context.

All staff will receive bias training information in annual Civil Rights training. Materials will include a sample checklist for teachers to use when bringing educational materials into the classroom and for reviewing long-standing curriculum.

In the case that a student or parent/guardian believes that any curricula or supplementary material is inappropriate for a school setting, the district encourages families to share their perspective so that together teachers and parents/guardians can make sense of the situation, look at it from

different lenses, and establish a resolution focusing on providing balance and context for any stereotypes depicted in materials.

Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011.