

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 district, 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.

Adopted at School Committee Meeting of December 15, 2016

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Lincoln School Committee and Lincoln Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Lincoln Public Schools.

Lincoln Public Schools does not exclude from participation, deny the benefits of Lincoln Public Schools from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encouraging 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. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations.
6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Lincoln Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation,

interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

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
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: AC-R Non-Discrimination Policy Including Harrassment and Retaliation
ACE, Non-Discrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

It is the policy of the Lincoln Public Schools to prevent unlawful harassment or discrimination of any individual working in or attending the schools and to encourage individuals to bring concerns about discrimination, including harassment and retaliation to the attention of a member of the Administrative Team or the Superintendent of Schools.

Lincoln Public Schools will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, LPS will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law, Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of Lincoln PS; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Lincoln Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

Resources

If you believe you or your child has been discriminated against, you should report your complaint to one of the following individuals:

Principal, Lincoln School, Grades K-4
Principal, Lincoln School, Grades 5-8
Principal, Hanscom Primary School
Principal, Hanscom Middle School
Principal, Lincoln Preschool
Central Office Administrator

Inquiries regarding the district's compliance with Title IV, Title IX, and Section 504 and other civil rights laws may be directed to the Superintendent of Schools.

Civil rights regulations, procedures, timelines, and contacts regarding violations are available in the Student & Parent Handbook (a copy may be requested from the Superintendent's office or any school office). It is available on the district website at <https://www.lincnet.org/forms>). Additional information is available on the website of the Office for Civil Rights, U.S. Department of Education.

Inquiries about Title IX and other federal civil rights laws may be directed to the Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (phone number: 617-223-9662).

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
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America
Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: ACE, Non-Discrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

Title IX Sexual Harassment Grievance Procedure
Civil Rights Grievance Procedure

**NONDISCRIMINATION ON THE BASIS OF SEX,
SEXUAL ORIENTATION AND GENDER IDENTITY**

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex, sexual orientation or gender identity 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, sexual orientation or gender identity to all of its students and employees.

The Committee will designate an individual to act as the school district'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. This information is available in the Student and Parent Handbook.

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, Non-Discrimination Policy Including Harrassment and Retaliation

SEXUAL HARASSMENT

The Lincoln School Committee and Lincoln Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Lincoln Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

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

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

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;
- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution.

Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Lincoln Public Schools to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District's Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

NONDISCRIMINATION ON THE BASIS OF DISABILITY

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

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended
 Education for All Disabled 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

NON-DISCRIMINATION ON THE BASIS OF VETERAN STATUS

Lincoln Public Schools will not discriminate against any qualified employee, or applicant for employment, because they are an individual with a disability or a covered veteran* in regard to any position for which the employee or applicant for employment is qualified**.

Identified laws such as Affirmative Action obligation imposed by Section 503, of the Rehabilitation Act of 1973, as amended, Section 4212 of the Vietnam Era Veteran's Readjustment Act of 1974, as amended (VEVRAA), the Americans with Disabilities Act of 1990 (ADA), the Veterans Employment Opportunities Act of 1998, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provide protection to *covered veterans.

Every effort will be made at all levels of employment, including the executive level, to employ, advance in employment and otherwise treat individuals with disabilities and *covered veterans without discrimination based upon their disability or veteran status. All employment practices such as the following: hiring, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training, will be free of discrimination. These employment decisions will be based only on valid job requirements.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in any of the following activities.

1. Filing a complaint.
2. Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, or any other federal, state or local law requiring equal opportunity for individuals with disabilities, special disabled veterans, qualified veterans, or veterans of the Vietnam era.
3. Opposing any act or practice made unlawful by Section 503 or its implementing regulations in this part, VEVRAA or any other federal, state or local law requiring equal opportunity for disabled persons, special disabled veterans, qualified covered veterans, veterans of the Vietnam era; or
4. Exercising any other right protected by Section 503, VEVRAA or their implementing regulations.

The Superintendent or designee has responsibility for monitoring all school department's policies and programs to help ensure that non-discrimination efforts for individuals with disabilities and *covered veterans are successful. However, all management personnel share in this responsibility, and management performance of this program will be evaluated as is performance on other school department goals.

*Covered Veteran – veterans of the Vietnam era, veterans, special disabled veterans, recently separated veterans, active duty, wartime or campaign badge veterans, and Armed Forces service medal veterans.

****Qualified** – having the ability to perform the essential functions of the position with or without reasonable accommodations for the individual with a disability.

LEGAL REFS.: Vietnam Era Veterans Readjustment Assistance Act of 1974 as amended,
38 U.S.C. 4213 (VEVRAA)
Uniformed Services Employment and Reemployment Rights Act of 1994
(USERRA)
Title I of the Americans with Disabilities Act (ADA)
Section 503 of the Rehabilitation Act of 1973 (as amended 2014)

Adopted at School Committee Meeting of May 3, 2007
Revised at School Committee Meeting of February 6, 2020

EDUCATIONAL PHILOSOPHY

The School Committee has the responsibility to ensure that there is a shared vision and strategy for education for the District. This vision and strategy shall be crafted, evolved and agreed collaboratively with the Administration and the School Committee, with input as appropriate from other parties including the wider community in Lincoln. This shall be described in a District Strategic Plan, which will represent the District's educational philosophy.

The Superintendent shall be responsible for the evolution and execution of the District Strategic Plan. In this regard, the Superintendent shall be responsible for defining the broad purposes of education and, through various means, for making these purposes known to all administrators, teachers, and other staff under their direction, as well as to the community. The Superintendent shall additionally ensure that the Strategic plan is incorporated into yearly activities and budgeting as appropriate.

The Superintendent will report on progress toward meeting these priorities in January or February and May or June.

The priorities will be posted on the district website and will be accessible to the community at large.

Adopted at School Committee Meeting of September 14, 1981
Reviewed at School Committee Meeting of December 17, 1984
Reviewed at School Committee Meeting of March 21, 1994
Revised at School Committee Meeting of September 27, 2018

USE OF TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED

The Lincoln School Committee, recognizing that the health of students and employees is a matter of concern and that there are harmful effects of primary and secondary smoke, has declared that the school environment be smoke free. Smoking or any related activities of any substance, in any form, by any person, therefore, is not permitted at any time in school buildings, school buses or on school grounds.

All individuals on school premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report it to the appropriate supervisor.

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

Principals and Central Office Administrators are responsible for the enforcement of this statute. Individuals who violate the provisions of this policy will be subject to the appropriate disciplinary actions. If necessary, the Lincoln Police Department or Hanscom Security Police will be asked for assistance.

LEGAL REF.: M.G.L. 71:37h

Adopted at School Committee Meeting of February 8, 1993
Revised at School Committee Meeting of November 22, 1993
Revised at School Committee Meeting of May 3, 2007
Revised at School Committee Meeting of February 2, 2017

BACKGROUND CHECKS

It shall be the policy of the Lincoln Public Schools to obtain all available Federal and State background information through both SAFIS (Statewide Applicant Fingerprint Identification Services) and CORI (Criminal Offender Record Information), as allowed by law, of all employees and prospective employees of the school department including any individual who regularly provides school related transportation (including taxicab drivers) to children. Any fees associated with such background checks shall be the responsibility of the Employee.

In accordance with 603 CMR 51.00 regulations, an employee shall be defined as “an individual working, applying to work, in a Massachusetts public or private school. Employees shall include any substitute employee, apprentice, intern, or student teacher, or individuals in similar positions.” A subcontractor is defined as “an individual not employed by the school employer but commissioned by the school committee or school, or employed by the city or town, or employed by a non-school employer under contract or lease with the school, school district, city, or town to perform work on school grounds with students. Such individuals may be the employees of a contractor or vendor hired by a school or may be independent contractors or service providers hired by a school or may be performing services on school grounds under a contract or lease with the school, school district, city or town.” A volunteer is defined as “an individual who performs a service for a school employer on an unpaid basis who is not an apprentice, intern, or student teacher.”

The School Committee or its certified designee(s) may require that chaperones, volunteers, subcontractors, fellow school committee members, student teachers, and practicum students be required to submit to a federal background check through SAFIS in addition to the already required CORI if they have direct and unmonitored contact with children. Any fees associated with such background checks shall be the responsibility of the Employee.

The Superintendent or their certified designee shall periodically, but not less often 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 or their designee and the Executive Assistant to the Superintendent are the only ones who will request, review and maintain CORI records.

The Superintendent shall have the ultimate discretion as to the determination of an individual’s eligibility for employment or service based on the CORI record. They will consider both the nature of any offenses and when they took place. Legal counsel will be consulted with any questions as to an employee or prospective employee’s eligibility.

The Superintendent or their certified designee(s) may also have access to Criminal Offender Record Information and/or Statewide Applicant Fingerprint Identification Services 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 Massachusetts Regulation 603 CMR 51.00, "Direct and unmonitored contact with children" shall mean contact with students when no other employee for whom the employer has made a suitability determination pursuant to 603 CMR 51.00 of the school or district is present. "Contact" refers to any contact with a student that provides the individual the opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors, including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have potential for direct and unmonitored contact with children if that individual has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.

If an individual is required to submit to a SAFIS or CORI criminal history record check, they shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints for SAFIS or personal information for CORI. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

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 an acknowledgement form authorizing receipt by the district of all available federal and state background check data from the criminal history systems board. In the event that an individual has questions concerning the signing of the acknowledgement form, they may meet with the Superintendent; however, employees or volunteers who refuse to sign the CORI Acknowledgement Form will not be allowed to work or volunteer in positions that put them in direct and unmonitored contact with children in the Lincoln Public Schools. Completed CORI Acknowledgement Forms must be kept in secure files.

The School Committee, Superintendent, or their designee(s) 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. All federal and state background records will be kept in a locked cabinet, separate from personnel files in the Business Office. SAFIS and CORI results are not subject to the public records law.

When no longer needed, criminal record information and any suitability determinations will be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. CORI data may be retained for not more than three years. SAFIS data may be retained for not more than the life of employment or volunteer duties.

All background check information is subject to strict state and federal laws, rules, and regulations. Criminal history information cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services, the FBI, and the Executive Office of Public Safety & Security. Failure to comply with such rules and regulations could lead to sanctions. Federal law prohibits the exchange of records outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of criminal history information.

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.

LEGAL REFS: M.G.L.71:38R, 151B, 276 §.100A, St.2002, C.385
 P.L. 920544; Title 28 U.S.C. § 534, Title 28 C.F.R. 20.33(b)
 42 U.S.C. § 16962
 603 CMR 51.00
 803 CMR 2.00
 803 CMR 3.05 (Chapter 149 of the Acts of 2004)
 FBI Criminal Justice Information Services Security Policy
 Procedure for Correcting a Criminal Record
 FAQ – Background Checks

Revised at School Committee Meeting of September 15, 2005
Reaffirmed at School Committee Meeting of May 3, 2007
Revised at School Committee Meeting of September 23, 2014
Revised at School Committee Meeting of March 4, 2021

COMMITMENT TO ACCOMPLISHMENT

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to stakeholders 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 align their own efforts to the goals and objectives 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.