



NORTHSHORE
EDUCATION
CONSORTIUM

**EMPLOYEE
HANDBOOK
2021-2022**

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Dear Northshore Education Consortium Employees;

As we enter the 2021-2022 school year, I have never been more proud of the work we do here at NEC.

The past eighteen months have been filled with unprecedented challenges, but we have come together as a community to support our students, their families, and one another.

The COVID-19 public health crisis has affected us all in different ways, and has forced us to think very differently about our priorities. Our teamwork, creativity, and resilience have been tested like never before. Unfortunately, the pandemic is not over. And, although many aspects of our work will return to “normal” this year, we will still be wearing masks and maintaining our vigilance around preventing the spread of this virus.

At times of stress, we are anchored by our mission and the over-arching goal of assuring that every student, in every program, will make gains compared to his/her own baseline, in each of three areas:

- Increased academic (or pre-academic) ability.
- Improved social skills.
- Increased ability to function safely and independently in home, school, and community settings.

We know that in order to do this, every student must feel physically and emotionally safe, fully included and thoroughly welcomed. Our relationships are our most important tool for change!

All of the policies and procedures in this handbook remain in place. Most are unchanged. The Harassment/Discrimination and Title IX policies have been updated, so please make sure that you review them.

I look forward to our continued work together.

Yours,

Fran Rosenberg

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Mission, Vision, Goals

Northshore Education Consortium was established in 1974. Currently we have 21 member districts and over 30 non-member districts utilizing NEC's programs and services. Approximately 300 employees including administrators, teachers, paraprofessionals, related therapy providers and support staff serve over 375 students.

Mission Statement

The mission of the Northshore Education Consortium is to support member districts by offering high quality, cost-effective school programs, consultation, professional development, support services and resources to ensure that districts can provide successful learning experiences for all students, including those with complex or low-incidence special needs.

Why We Exist

- To educate school-aged students whose needs are so unique that local special education teams have determined that their needs cannot be met by the local school districts
- To help each student achieve his/her personal, vocational, and/or educational goals in the least restrictive environment
- To assist students and families through their transitions from school to adult life
- To educate practitioners and parents, through training programs and professional development activities that are in the forefront of research-based best practices.
- To provide on-site consultation and support to school districts
- To advocate for fair and equitable public policy for students with disabilities.

Administration/Leadership

Central Administration

Executive Director, Fran Rosenberg	x 1253
Chief Financial Officer, Glenn Bergevin	x 1254
Executive Assistant to ED, Kathy Mahoney	x 1258
Facilities Director, Monique Bourgault	x1257
Human Resources Coordinator, Nancy Macedo	x 1255
Director of Educational Technology, Eric Aldrich	x1260
Director of Clinical Consultation and Training, Windi Bowditch	

Program Directors

Kevin O’Grady School: Martha Krol, Andrea Holt, Stephanie Couillard	
Northshore Academy Upper School: David Mercier	
Northshore Academy Lower School: Tracy Farraher	
Northshore Recovery High School: Michelle Lipinski	
SOAR/ Embark: Ellen Heald	
Topsfield Vocational Academy/ STEP: Charles LeBuff	

Business Office and Other District-Wide Staff

Accounts Receivable and Payroll Coordinator, Debbie Swaim	x 1252
Accounts Payable Clerk, Lisa Scanzillo	x 1212
School Lunch Program Coordinator Barbara Napolitano	x 1368
Technology Consultant, John Waters	x 1331
Director of Development, Sarah Seiler	x 1251
Grants Manager, Alison Cody	x 1251
Assistant for Development, Marketing, and PD, Courtney de Leyer	x1355
Gary Cook, Transportation Coordinator	x1350

Introduction: This handbook provides a user-friendly summary of certain policies and procedures. All employees are provided with a hard copy of the core handbook each year at orientation. The complete handbook with all referenced appendices, the complete NEC Policy Manual, the Collective Bargaining Agreement (CBA), and the Collaborative Articles of Agreement can be found on our website at nsedu.org in the “resources” section.

Employee Definitions

(see CBA for more detail)

Teachers include classroom teachers, teachers of students with visual or hearing impairments, speech and language pathologists, physical therapists, occupational therapists, orientation and mobility specialists, social workers, lead nurses, counselors, recreation/adaptive physical education specialists, curriculum and instruction coordinators, behavior support coordinators and home trainers.

Paraprofessionals include classroom paraprofessionals/instructional assistants, 1:1 paraprofessionals, behavioral support, vocational, and float paraprofessionals.

Specialists include Case Managers, Behavior Specialists, Vocational Specialists and other similar positions.

Nurses include classroom and float nurses,

Certified Medical Professionals are certified as licensed practical nurses, speech and language therapy assistants, physical therapy assistants, certified occupational therapy assistants.

A Temporary Employee is an individual who fills a position that the Consortium believes, in good faith, will last no longer than 45 work days.

An Interim Employee is an individual who fills a position for more than 45 days but not past the end of the current school year, with a specific expected end date.

A Substitute is an individual who fills in for another employee who is currently unable to work.

Positions not covered by Collective Bargaining Agreement:

Administrators includes Program Directors and Central Office Staff.

Administrative Assistants include administrative and clerical support in all programs.

Facilities, Custodial, and Transportation Staff

Employee Rights and Benefits

Vacation Time, Holidays, and Leaves

Vacation

The Program Director and Executive Director must approve all requests for vacation time in advance. Teachers, paraprofessional, specialists and certified medical specialists (ten months) do not accrue vacation. Vacation scheduled by any teacher or classroom staff that will take the teacher or staff out of the classroom will not be granted without prior written approval from the Executive Director. Such time off will be unpaid if approved by the Executive Director. Exempt staff in other positions accrue vacation time according to individual contract.

Holidays

The following holidays will be observed each year:

- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day Recess (Thurs & Friday)
- Christmas Eve
- Christmas Day
- New Year's Eve
- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Patriot's Day
- Memorial Day
- Juneteenth
- Independence Day

Sick Leave (for more details see CBA)

All full-time employees shall accrue sick leave at the rate of 1.5 days per month. Sick leave shall be earned and credited to the employee at the beginning of each calendar month of work. Part time employees who are eligible for sick days shall accrue on a pro-rated basis. Sick leave not utilized during the school year in which it was granted may be accumulated up to a maximum of one hundred and twenty-five (125) days.

In general, sick leave is to be used only in the event of illness of the employee. An employee may use up to five days of sick leave to care for a dependent who is ill. An additional five days can be requested in extenuating circumstances.

Sick Leave Bank (for more details see CBA)

The Consortium maintains a Sick Leave Bank. Employees who choose to participate may contribute days to the bank, and withdraw days from the bank if needed for an extended illness.

Personal Leave (for more detail see CBA)

Full time staff in their first three years of employee shall receive 2 days of personal leave per year. Full time staff in years 4 and above shall receive three days. Personal leave may be taken for court appearances, real estate transactions, tax audit, illness in the immediate family, commencement of the employee or the employee's children, emergency requiring immediate attention of the employee, religious holidays and any other reason approved by the employee's Program Director. All leave is subject to the approval of the Executive Director. It is the responsibility of the employee to track their use of personal days and NOT request days that will result in exceeding the number of allotted days.

Small Necessities Leave (for full policy see Appendix A)

In addition to paid personal leave, MA state allow permits employees to take up to 24 hours of leave within a 12 month period to attend to family matters such as a child's school activities or an elders' doctor appointment. For full details see appendix.

Bereavement Leave

All full-time staff members shall receive a paid leave of absence, not to exceed five workdays, in the event of the death of a member of the staff member's immediate family. "Immediate family" includes the employee's parent, spouse, sister, brother, grandparent, grandchild, child (including any person for whom the employee is or was the legal guardian)

son/daughter-in-law, domestic partner, or spouse's parent. One day of paid bereavement leave shall be granted upon the death of an employee's brother-in-law, sister-in-law, aunt, uncle, niece, or nephew.

Professional Development Leave

Educational leave of absence with pay of up to three days may be granted to full-time employees with the approval of the Executive Director, to enable employees to visit other school programs or attend approved educational meetings or conferences. Written reports, if requested, shall be submitted. Educational meetings or conferences that are required by the Program Director shall not be considered educational leaves of absence.

Family Medical Leave/ Parental Leave (For full FMLA policy see Appendix A)

Northshore Education Consortium complies with the Family and Medical Leave Act.

NEC will grant up to 12 weeks (or 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees.

A parental leave of absence without pay of up to one school year may be granted to an employee who has been employed by the Consortium on a full time basis for three consecutive months and who has given birth, whose spouse or domestic partner has given birth, or who has adopted a child.

Employees may use up to fifteen days of their own accrued and unused sick leave for the first fifteen days of parental leave.

Jury Duty and Other Legally Obligated Leave

Leaves of absence for legally obligated court appearances, jury duty and military services shall be granted to the extent of the law.

Leave under State Military Leave Laws

A growing number of states provide leave for family members of service members. The entitlements for such leave differ from state to state. Our policy is to comply with such laws in any circumstances where they apply to employees of NEC.

Other Benefits

Worker's Compensation

Any employee who sustains a job related injury, regardless of the severity must notify his/her supervisor within 24 hours of injury. The employee must fill out the appropriate "Employers First Report of Injury" form. Forms must be filled out and submitted to the Administrative Office within 48 hours of the incident. If medical care is required, the employee should notify the health care provider that the injury is work related (a Worker's Compensation claim), and that the employer is NEC. The provider will either forward the bill to NEC or contact us for further information. Any bills should be forwarded to the NEC Administrative Office.

If the employee is absent from work for five or more days, worker's compensation will pick up the employee's salary after the 5th day. Worker's compensation is paid at 60% of your average weekly wage for the previous 52 weeks. Days 1-5 can be taken as sick time. NEC will allow employees to augment worker's compensation with accrued sick or vacation time.

Health Insurance

Permanent employees working 23 or more hours per week (or 2/3 time for professional employees) are eligible for health insurance. Employees may choose an individual or family plan. The employee portion of the premium is deducted from each pay period and coverage is effective on the first day of the month following 30 calendar days of service.

Open enrollment for the health plan is held in May of each year. The employee has to elect at that time to enroll or drop the insurance coverage. If an employee elects not to enroll in the health plan when hired, he/she will not have the opportunity to enroll again until open enrollment or a *qualifying event* occurs. A qualifying event occurs when employee suffers a loss of coverage from a previous employer, birth or adoption of a child, marriage, and change in working hours from part-time to full time (or vice versa.). Employees may contact the Human Resources Coordinator to enroll or to obtain further information.

Dental Insurance

NEC offers voluntary dental insurance. This plan is fully funded by the employee. For further information contact the Human Resources Coordinator.

Long Term Disability Insurance and Life Insurance

NEC offers a group life insurance policy to all benefit eligible employees at no cost. In addition, NEC offers voluntary group long term disability insurance as well as group life

insurance. Employees have 30 days to enroll after their start date or they may enroll during open enrollment in May. This plan provides for continuation of a percentage of salary for an extended period of time should the employee become disabled and expends his/her sick time. The percentage and extended period of payment is dependent upon the plan that is purchased. For more information regarding disability/life insurance, contact the Human Resources Coordinator.

Health Benefits for Retirees

In order to be eligible for health insurance the employee must be 55 years of age, worked at NEC for ten years, and be formally retired from the Massachusetts Retirement System. For information regarding additional benefits retirement benefits see the current Collective Bargaining Agreement.

Retirement Plans

All full-time certified teachers (and other DESE licensed professionals) are enrolled in the Massachusetts Teacher's Retirement. For more complete information you may contact the Boston Office or the MTRS at 617-727-3661 or visit the website at <http://www.state.ma.us/mtrb>.

All full time employees who are not certified teachers are required to participate in State Retirement. For complete information refer to the Massachusetts State Board of Retirement brochure, or visit the website at www.state.ma.us/treasury/srb.htm.

All part time, seasonal, or temporary employees must enroll in OBRA. Contributions are deducted from the employee's paycheck each pay period until the employee has a separation of service.

Upon separation of service the employee may elect to defer the contribution to a later date or request a refund of the funds deducted.

All employees are eligible to participate in a 403B plan. Our current plans are through Lincoln Investments. This allows for pre-tax deductions to an annuity or mutual fund to save for retirement. If you would like to enroll or receive further information, contact the Human Resources Coordinator.

General Policies and Procedures

Professionalism

Attendance

Staff absences are detrimental to the educational process. It is expected that all employees will make every effort to be at work, will only take sick or personal days when absolutely necessary, and will follow all proper communication and notification procedures.

Dress Code

All employees at Northshore Education Consortium are expected to wear professional attire suitable for the school environment and the day's activities. Clothing that depicts illegal activity, alcohol, or violence is not appropriate. It is unacceptable for employees to wear clothing that exposes undergarments or is overly revealing or provocative. Footwear must be secure and allow an employee to safely perform all job responsibilities. In addition, employees must be careful to assure that any jewelry or other accessories will not provide a hazard in a crisis situation.

School Closings

In cases of weather related school closings, NEC schools will close if the town in which the school is located closes.

Since NEC schools are located in multiple cities/towns, and students are transported by over 40 different vendors, it is extremely difficult for NEC schools to do a delayed opening or early dismissal due to weather.

If there is a delayed opening in one or more of our towns, staff are expected to report to school on time unless you receive a specific alert to the contrary. Administration will be fair and reasonable if someone is delayed due to road conditions or personal circumstances. Many students will be late on such days, as their transportation will likely follow their district schedules.

For weather related, or other emergency closings, all parents, employees, districts and transportation companies will be notified by phone and email via our PowerSchool Alert system. If you do not receive an Alert, do not see a school closing message on WBZ, and our website does not indicate a closing, you should assume that we are open.

Expense Reimbursement

Teachers may be reimbursed up to \$100/year for miscellaneous out-of-pocket expenses related to setting up classrooms. All other purchases must be approved by a Program Director. Requests for reimbursement must be made using an Expense Reimbursement Form with detailed descriptions and justification of the purchase and accompanied by receipts. Forms should be submitted to your Director by the 15th of the month following purchase. Expense Reimbursement forms are available on Google Docs or may be obtained and submitted through the Business Office.

Travel Reimbursement

Travel reimbursement is reserved for staff required to travel during the workday. Staff will be reimbursed at the IRS rate. Travel to and from courses, conferences, workshops, or for other professional development opportunities is not eligible for reimbursement. Distance should be calculated to the nearest tenth of a mile and verified using Map Quest Driving Directions. The Travel Reimbursement form is available on Google Drive in the Travel Form Folder. Employees should track travel on a monthly basis using this form. The form should be emailed as an attachment to your Director by the 15th of the following month. In the subject line of your email use the code "Trf." For example: "Trf: Mary Jones November 2015." Your Director will approve the form and forward to Pat Dunn in the business office so that you can be reimbursed. Paper forms will no longer be accepted.

Transportation (See appendix F for full policy)

Staff may not transport students in personal vehicles. Exceptions to this must be approved by the Executive Director.

Cell Phone Reimbursement

Reimbursement for cellular phone charges is restricted to business use. Cell phone use is at the discretion of the Executive Director or designee.

Course / Workshop Reimbursement

Employees shall have access to up to \$250 per conference or higher education course. In order to be eligible for reimbursement, employees must obtain written approval from the Executive Director prior to registering for the conference or course. No more than one higher education course per employee will be eligible for reimbursement per contract year. Travel to and from conferences, food, lodging, and other incidental expenses are not reimbursable.

Employee Records

The following documents are maintained for all employees:

- Employee contracts
- Employment Data Sheet
- W-4 Federal Tax Withholding Form
- I-9 Employment Eligibility Verification Form
- Retirement Enrollment form
- Insurance Forms
- CORI Requests
- Requests for time off
- Performance appraisals
- Correspondence
- Hiring forms
- Certifications
- Worker's Compensation information
- Attendance records

CORI requests will be reissued annually as mandated by the Department of Elementary and Secondary Education.

Correspondence involving discipline or praise will be copied to the employee indicating that it has been placed in the personnel file.

An employee may schedule time to view their personnel file with the Human Resources Coordinator.

Employee Code of Conduct

Northshore Education Consortium considers professionalism to be of utmost importance and expects employees to adhere to the codes of ethics associated with their particular profession. We expect all of our employees' conduct to be professional and ethical at all times. Behaviors and philosophies that encourage, protect and enrich the culture at Northshore Education Consortium are vital. The following are considered expectations of all employees.

- Employees of Northshore Education Consortium will behave in a professional manner at all times while on school premises or while attending school related functions.

- Employees of Northshore Education Consortium will not discuss work related issues on social media.
- Employees of Northshore Education Consortium will utilize email professionally and appropriately and will remember that any communication that takes place via their NSEDU account is the property of NEC.
- Employees of Northshore Education Consortium will adhere to policies and procedures as outlined.
- Employees of Northshore Education Consortium will conduct day-to-day activities in a safe, responsible manner, and avoid situations that may endanger the safety of others.
- Employees of Northshore Education Consortium will maintain the security of confidential information. Unauthorized disclosure of confidential information will result in discipline.
- Employees of Northshore Education Consortium will not smoke or use tobacco products, drugs or alcohol on any NEC property, field trip or function.
- Employees of Northshore Education Consortium will provide true and accurate information on all school records, reports, or payroll.
- Employees of Northshore Education Consortium will report to work on time, and give notification of any absences in a prompt and responsible manner in accordance with NEC policies and procedures.
- Employees of Northshore Education Consortium will strive to cooperate in all NEC initiatives and will support the team approach that is fundamental to NEC's mission and vision.
- If Employees use personal devices for work-related purposes (i.e. ipad or mobile phone) any words or images must be promptly deleted or transferred to an NEC device. No images of students or work-related information may be saved on an employee's personal device or shared outside of work without explicit permission.
- Employees should not be using cell phones for personal business (i.e. texting or checking social media) while at work unless on a break.

Contact with Students and Families After School Hours/Outside of School

Employees should not be communicating with students or their families outside of school hours unless this is part of their job description or part of a specific case management role.

If a student or parent contacts you after hours on your personal phone, you must end the conversation, direct them to the appropriate parent or community resource, document the interaction and inform your Program Director. If a student contacts you after hours and you have reason to believe that the student is in immediate danger, you should call 911, and notify your Program Director that this has occurred. Program Directors may not be available after-hours, and NEC does not have an emergency on-call system, so NEC cannot take responsibility for children outside of normal program activities.

Gifts to the Classroom

Gifts to the classroom are the property of Northshore Education Consortium and not the teacher/staff member. Any gifts shall remain in the classroom should the teacher/staff member terminate employment with the NEC.

Conflict of Interest Law for State Employees (for full policy see Appendix C)

NEC employees are State Employees, and are bound by MA General Law 268A. A full description can be found in Appendix C. In summary, this law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in our school. You are required to take on-line training regarding Conflict of Interest Law every three years beginning at initial hire, and providing documentation to HR.

Major issues include:

1. No employee may accept bribes, gifts, or gratuities.
2. No employee may misuse the power of his/her position.
3. No employee may engage in nepotism.
4. No employee may engage in or have a financial interest in any activity that conflicts with his/her duties or responsibilities in the Consortium.
5. No employee may engage in private business during school time or on school property.

6. No employee may disclose confidential information.
7. No person shall be hired or promoted based upon family relationship to another NEC employee. No employee shall directly supervise a relative. Candidates for employment will be asked to disclose if there are existing family relationships within NEC.

Payroll

Paychecks are issued bi-weekly. Direct deposit is optional, but highly recommended.

Harassment and Discrimination (see Appendix B for full updated policy)

The Northshore Education Consortium (“the Consortium”) is committed to maintaining a school environment that values civil discourse and diversity where all individuals are treated with dignity and respect. Therefore, the Consortium will take appropriate action to:

- Prevent and/or otherwise respond to demeaning behavior and unlawful discrimination or harassment of its employees or students, and
- Define processes by which individuals can bring concerns about unlawful discrimination or harassment to the Consortium’s attention.

The Consortium will not tolerate harassment of employees or students. Harassment of or discrimination against staff or students based on race, color, sex, sexual orientation, gender identity, religion, disability, age, active military/veteran status, ancestry, or national or ethnic origin in the administration of its educational policies, employment policies, and other administered programs and activities is prohibited. In addition, students who are homeless or of limited English-speaking ability are protected from discrimination in accessing the course of study and other opportunities available through the schools.

If someone has a complaint or feels that they have been harassed or discriminated against because of their race, color, sex, sexual orientation, gender identity, religion, national origin, disability, pregnancy/pregnancy related condition, age, or military status their complaint should be registered with the Title IX compliance officer/Human Resource Coordinator at 978-232-9755

Smoking and Substance Abuse Policy

Northshore Education Consortium is a tobacco and drug free workplace. Smoking, use of tobacco products, or use of any illegal substances is strictly prohibited and will result in disciplinary action. This includes “vaping” and e-cigarettes.

Employee Evaluation

NEC is committed to being a learning organization committed to excellence and to reflective practice. Annual feedback to employees and a robust evaluation process is critical to meeting this goal, and to ensuring that all employees have opportunities for professional growth.

All DESE licensed professionals participate in the MA Educator Evaluation system. All other employees (paraprofessionals, administrative staff, etc.) will receive an annual performance evaluation based on observation, input from colleagues, completion of core job responsibilities, and progress toward goals.

Discipline Procedure

In an educational organization, professional and ethical behavior is critical, and all employees are expected to behave in a manner that enhances the organization's ability to meet its mission to provide excellent care and education for vulnerable youngsters. Thus, certain behaviors can never be tolerated in the workplace and will result in disciplinary action up to and including termination of employment. Such behaviors include, but are not limited to the following:

- Behavior that threatens the physical or emotional health or safety of a student, parent and/or staff member/representative of NEC
- Insubordination
- Theft, misuse, or destruction of property belonging to NEC, staff member, student, or parent
- Excessive absence or tardiness; failure to report an absence; failure to attend required trainings or meetings
- Use of or reporting to work under the influence of alcohol, drugs, or tobacco.
- Unlawful acts
- Failure to maintain the security of confidential information
- Possession of a weapon on campus
- False information or intentional omission of required information on an application, resume, or interview

If the Executive Director determines that discipline, suspension, or dismissal is warranted, he or she will follow all procedures contained in the Collective Bargaining Agreement. In addition, the Executive Director will be certain that such case is supported by facts, and that the individual will receive notice of the action being taken, the reasons for the action, and the opportunities available for the employee to respond.

Exit Interview

The HR Coordinator will generally schedule exit interviews at the time employment ends. The exit interview will provide an opportunity to discuss such issues as employee benefits and suggestions. Complaints, recommendations, and questions can also be voiced.

Mandatory Child Abuse Reporting (see policy manual for complete policy)

As educators we are mandated to report a suspicion of child abuse or neglect by filing a 51A report with the Department of Children and Families (M.G.L. Chapter 119; Section 51A).

Because NEC takes allegations of abuse seriously, we will respond promptly to any report of abuse filed against a NEC employee under Massachusetts General Law ch.119, section 51A. In addition, if any employee has reason to be concerned about another employee mistreating a child, this must be reported to a Program Director immediately.

If a report is filed against an employee, the Executive Director will place the employee on paid administrative leave pending an internal investigation, and an internal investigation will be conducted.

While this policy sets forth our goals of promoting an environment that is free from abuse, the policy is not designed or intended to limit the Consortium's authority to discipline its employee or take remedial action for conduct which we deem unacceptable, regardless of whether a complaint has been filed against the employee under Massachusetts General Laws Ch. 119, sec 51A.

NOTE: Some of our students are adults over the age of 18 with disabilities. There is a different mechanism in place to protect people in this category. If you suspect abuse or neglect of an adult with disabilities, a report is made to DPPC (Disabled Persons Protection Commission) by calling 1-800-426-9009 or go to their website at <http://www.state.ma.us/dppc>.

CORI Policy

Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes, the following practices and procedures will generally be followed:

- CORI checks will only be conducted as authorized by Criminal History Systems Board (CHSB). All Applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided a copy of the CORI Policy.
- An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
- Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
- If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
- If NEC is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that makes the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.
- Applicants challenging the accuracy of the policy shall be provided a copy of the CHSB's ***Information Concerning the Process in Correcting a Criminal Record***. If the CORI record provided does not exactly match the identification information provided by the applicant, NEC will make a determination based on a comparison of the CORI record and documents provided by the applicant. NEC may contact CHSB and request a detailed search consistent with CHSB policy.
- If NEC reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section IV on this policy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- Relevance of the crime to the position sought
 - The nature of the work to be performed
 - Time since the conviction
 - Age of the candidate at the time of the offense
 - Seriousness and specific circumstances of the offense
 - The number of offenses
 - Whether the applicant has pending charges
 - Any relevant evidence of rehabilitation or lack of thereof
 - Any other relevant information, including information submitted by the candidate or requested by the hiring authority.
- NEC will notify the applicant of the decision and the basis of the decision in a timely manner.

Fingerprinting

All public school employees are required by law to have a national criminal background check. All employees hired after July 1, 2013 are required to submit their fingerprint for this check as a condition of hire. Employees hired prior to July 1, 2013 will be required to complete this requirement over the next year as well. Please see HR for further information.

Salary Increments for Advanced Credit

Changes in a professional's salary through the attainment of credits recognized on the salary schedule shall be made on September 1 and February 1 of each school year. In order to obtain increments, teachers or therapists must notify the Executive Director and provide documentation to the Executive Director's satisfaction that they have obtained appropriate credits in a relevant field from an accredited school or university. (For more information refer to CBA)

Technology (See Appendix E)

The Northshore Education Consortium technology network, which includes access to the Internet and electronic mail capability, exists solely for educational purposes, which are

defined as classroom activities, career and professional development and high quality self-discovery activities of an educational nature. The Northshore Education Consortium intends to utilize this computer network, along with all of its other educational resources, to fulfill its ultimate goal of preparing students for success in life and work. To this end, the computer network will be used to facilitate communication between and among students, staff and parents, enhance productivity, assist staff members in upgrading and acquiring skills through a broader exchange of information, and to provide information to the community including parents, government agencies and businesses.

The computer network is not to be considered a resource intended for use as a public forum or for any purpose that is not directly related to the delivery of educational services.

All NEC employees are expected to follow the Acceptable Usage policy.

Letters of Reference and Recommendation

All letters of reference and/or information regarding an employees' status of employment, employment history, and/or job performance shall be referred to the Human Resources Coordinator. All letters of recommendation on NEC letterhead must be authorized by the Executive Director. All inquiries requesting information about any employee regardless of status should be referred to The Human Resources Coordinator. Information will be released from Human Resources only with written authorization from the employee.

Student and Family Rights

Special Education Rights

NEC collaborates with school districts, parents and guardians to ensure that all students are receiving educational services in keeping their rights to receive a Free and Appropriate Public Education in the Least Restrictive Environment. NEC is responsible for assuring that all students have equal access to the state curriculum frameworks and to statewide assessment and that student IEPs are maintained in compliance with all state regulations.

Confidentiality/ FERPA

NEC complies with the Family Educational Rights and Privacy Act (FERPA-1974) and all DESE guidelines. All student and family information must be treated with the utmost confidentiality. No information about a student may be released without explicit consent of

the child's guardian. Parent, guardians, and the sending school district may have full access to the student record at any time.

Communication in English or Primary Language

NEC appreciates the importance of communication with diverse parents, and the need to make sure that parents/guardians are receiving communications in their primary language. NEC has a very small number of families for whom English is not the primary language.

It is the responsibility of the LEA to inform NEC upon admission if a family requires translation services. Since this does not always occur, in 2015, NEC began to send out the Home Language Survey each year (in English and in Spanish) to make sure that no families or students "fell through the cracks."

NEC has procedures in place to translate "informal" documents into Spanish. Bilingual staff members assist with translating all written documents, and providing oral translation at informal meetings. Parent manuals, newsletters, and other communications are routinely translated into Spanish.

For formal meetings (i.e. IEP meetings) NEC will work with the LEA to assure that an appropriate interpreter is present who is fluent in the language of the home and is familiar with special education. This applies to parents who use alternative means of communication such as Braille or sign language, as well as to those who speak a language other than English

If we have a parent who speaks a language other than English or Spanish, we will work with the LEA to see if they have translation services available, or we will contract with a local agency to provide necessary services.

Unacceptable Discipline

The following practices are explicitly prohibited in all NEC programs:

- Corporal punishment
- Withholding food
- Denial of toileting or basic care
- Isolation or seclusion (this does not include appropriate exclusionary time-out)

- Mechanical restraint (this does not include adaptive devices or mechanical supports used for positioning or protective purposes)
- Ridicule or humiliation

Physical Restraint and Time Out

Physical restraint is defined by law as “Direct physical contact that prevents or significantly restricts a student’s freedom of movement.” Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skills, redirecting attention, or providing comfort. Physical Restraint should be considered an emergency procedure of last resort, and may be used ONLY if there is risk of imminent serious physical harm to the student or to others AND no other interventions have been successful in de-escalating the situation. Physical restraint can only be implemented by appropriately trained personnel. Physical restraints must be terminated as soon as the student is no longer an immediate danger to himself or others or if the student experiences difficulty breathing.

Staff must verbally inform the Principal or Director of any restraint as soon as possible, and complete a written incident report no later than the next working day. Parents must be verbally notified within 24 hours, and receive a written report within three days. Parents and students must be given an opportunity to comment on the restraint and on the report. Any restraint that results in an injury must also be reported to DESE and the LEA.

Time out is an acceptable behavioral support strategy. Exclusionary time-out (i.e. removal to a separate space) should only be used with a student is displaying behaviors which potentially present a dangerous or overly disruptive situation. During an exclusionary time-out, staff must be continuously observing the student and be available to the student at all times, even if the door is closed. The space used for time-out must be clean, safe, sanitary, and appropriate for calming. Any time-out that may last longer than 30 minutes must be approved by the Principal or his/her designee.

Medication Administration

NEC staff cannot administer any prescription medication to students unless accompanied by written authorization from the student’s physician and parent/guardian. Medication must be in a prescription bottle and must be brought to the school nurse by the parent/guardian and locked in the medication cabinet. Students may not carry their own medications. For more detailed information, see your individual program manual.

Bullying (See appendix D for full updated policy)

Bullying of any type is unacceptable in a school setting. NEC will endeavor to maintain a learning and working environment free of bullying, cyber-bullying, or retaliation. Bullying is prohibited: i) on school grounds, property immediately adjacent to school grounds, at a school sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school, or through the use of technology owned, leased or used by a school and ii) at a location, activity, function or program that is not school-related, or through the use of technology that is not owned, leased or used by a school if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school or materially and substantially disrupts the education process or the orderly operation of a school.

Mandated Child Abuse Reporting

All NEC personnel are mandated reporters, meaning that we are legally obligated to report any suspicion of child abuse or neglect to the Department of Children and Families (M.G.L. Chapter 119, Section 51A). If you have reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth, you must immediately notify your Program Director immediately of your concern. Your Director has the responsibility of notifying the Department of Children and Families and filing a mandated report, known as a 51A.

NOTE:

This handbook contains a summary of the policies and procedures of the NEC. NEC reserves the right to amend the policies and procedures set forth in this manual at any time. The complete policy manual is available on our website. If there is any discrepancy between this manual and the most recent collective bargaining agreement, the CBA will prevail.

Appendix A: Family Medical Leave and Small Necessities Leave

Family Medical Leave (FMLA)

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked NEC for 12 months. The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve Military service obligations or when there is a written agreement, stating that the employer's intention to rehire the employee after the service break.
2. The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determining the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for a child
 2. The placement of a child for adoption or foster care and to care for a newly placed child
 3. To care for a spouse, child or parent with a serious health condition (described below)
 4. The serious health condition (described below) of the employee
- An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about this FMLA policy or the NEC's sick leave policy should consult with the Human Resources Coordinator.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, NEC may designate all or some portion of the related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up of service. The qualifying exigency must be one of the following:

1) Short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, and post-deployment activities, and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. NEC will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, NEC will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, NEC will measure the 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Employee Status and Benefits during Leave

While an employee is on leave, NEC will continue the employee's health benefits during the leave period at the same level as under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, NEC will require the employee to reimburse NEC the amount it paid for the employee's health insurance premium during the leave period.

Under current NEC policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Business Office by the 15th day of each month for the next month's coverage. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premium payments. If the employee does not continue these payments, NEC may discontinue coverage during the leave. If NEC maintains the coverage, NEC may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employee Status after Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions. NEC may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition must use all accrued sick leave prior to being eligible for unpaid leave. FMLA will be unpaid when

employees take FMLA due to the serious health condition of a family member. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including worker's compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if NEC provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all accrued paid vacation, sick or personal time prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12 month period)

NEC may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, NEC and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoptions or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with NEC before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification of the Employee's Serious Health Condition

NEC will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical

certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

NEC has the right to ask for a second opinion if it has reason to doubt the certification. NEC will pay for the employee to get a certification from a second doctor, who NEC will select. NEC may deny FMLA leave to any employee who refused to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, NEC will require the opinion of a third doctor. NEC and the employee will mutually select the third doctor, and NEC will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second/and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave

NEC will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

NEC will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

Recertification

NEC may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstance have changed significantly, or if NEC receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, NEC may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. NEC may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide written notice of the need for the leave to the Human Resources Coordinator. Within five business days after the employee has provided this

notice, the Human Resources Coordinator will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA is not foreseeable, the employee must comply with NEC's usual and customary notice and procedural requirements for requesting leave.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the Human Resources Coordinator will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

Intent to Return to Work

On a basis that does not discriminate against the employees on FLMA leave, NEC may require an

Continuation of Benefits during Leave

FMLA – Leave under the FMLA allows the employee to continue benefits with the employee paying his / her employee portion of premiums for the 12 weeks allowed under the act. Employees who do not qualify to be paid under this leave will be billed for their benefit premium costs.

Maternity Leave – The first 8 weeks of the leave after the birth qualifies as disability and is covered under the FMLA. FMLA extends this leave for an additional 4 weeks unpaid or paid if supported by a doctor's note. Time taken past twelve weeks is unpaid and the employee will assume 102% of the cost of the benefit premium (COBRA).

Worker's Comp. –FMLA runs congruent to leave due to worker's compensation. During the first 12 weeks the employee will continue to pay his / her portion of all benefit premiums. After 12 weeks the employee will assume 102% of the cost of the benefit premium (COBRA).

The Small Necessities Leave Act

The Small Necessities Leave Act permits eligible employees to take up to a total of 24 hours of leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The legislated effective date of this act is August 4, 1998.

The Small Necessities Leave Act permits an employee leave for the following purposes:

To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;

To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and

To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours of leave available under this benefit are in addition to the 12 weeks of leave provided for under the federal Family and Medical Leave Act. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

Attending parent-teacher conferences, interviewing for a new school, routine check-ups or vaccinations, or interviewing at nursing or group homes qualify as acceptable purposes.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave of absence. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employee's appropriate collective bargaining agreement. Also, an employer may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the Small Necessities Leave Act. In other words, the employer may require that the employee first utilize vacation leave, personal leave or sick leave before taking the unpaid Small Necessities Leave.

A department may require that written certification or documentation support a request for leave under this act.

DEFINITIONS

Son or daughter ... any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day to day basis and for whom the employee is financially responsible. A "son or daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability.

Elderly relative ... an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.

School ... a public or private elementary or secondary school, a Head Start program, or a children's day care facility.

Federal Act ... the Family and Medical Leave Act (FMLA) of 1993. Unless this section provides otherwise, the terms of FMLA shall apply to leave under this section.

Eligible employee ... an employee must have been employed for 12 months at the time the leave is to begin. Also an employee must have worked for at least 1,250 hours during the 12-month period prior to the beginning of the leave.

Appendix B: Anti-Harassment, Title IX and Non-Discrimination Policies

NEC Title IX/ Harassment Policy (approved March 2021)

The Northshore Education Consortium (“the Consortium”) is committed to maintaining a school environment that values civil discourse and diversity where all individuals are treated with dignity and respect. Therefore, the Consortium will take appropriate action to:

- Prevent and/or otherwise respond to demeaning behavior and unlawful discrimination or harassment of its employees or students, and
- Define processes by which individuals can bring concerns about unlawful discrimination or harassment to the Consortium’s attention.

The Consortium will not tolerate harassment of their employees or students. Harassment of staff or students based on race, color, sex, sexual orientation, gender identity, religion, disability, age, active military/veteran status, ancestry, or national or ethnic origin in the administration of its educational policies, employment policies, and other administered programs and activities is prohibited. In addition, students who are homeless or of limited English-speaking ability are protected from discrimination in accessing the course of study and other opportunities available through the schools.

It should be noted that while this policy sets forth the goal of promoting a work and educational environment that are free of harassment, the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

Definition of Harassment

Harassment includes verbal or physical conduct which may offend, denigrate, or belittle any person because of, or due to, any of the characteristics described above. Harassment may include pictures, jokes, comments, innuendoes, slurs, derogatory remarks based on a protected characteristic or any other behavior which creates an environment that is intimidating, hostile, or offensive to anyone.

While all types of Harassment are prohibited, Sexual Harassment requires particular attention. In Massachusetts, Sexual Harassment is defined as any unwelcome sexual conduct, including sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- Submission to, acceptance of, or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or education or a basis for employment decisions affecting an employee or for educational, disciplinary, or other decisions affecting a student; or
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in extracurricular activities by creating an intimidating, hostile, humiliating, or offensive work or school environment.

Pursuant to Title IX of the Education Amendments of 1972, the Consortium has Grievance Procedures for responding to allegations of Sexual Harassment. Those procedures shall be published to the school community. Title IX requires that schools use a separate, but similar definition of Sexual Harassment. According to Title IX, Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- A Consortium employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Consortium's education programs or activities; or
- Sexual assault, dating violence, domestic violence, or stalking (all as defined by federal laws.)

Title IX also requires that the incident occurred in the United States, at the Consortium or during its programming, and the complainant must have been actively participating in or attempting to participate in the Consortium's educational programming or activities during the alleged incident.

While it is not possible to list all circumstances that may constitute Sexual Harassment, the following are examples of prohibited conduct:

- 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; comments about an individual's body, sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, touching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

The Title IX Coordinator is responsible for ensuring compliance with the Consortium's policy on Sexual Harassment, its procedures, and compliance with federal regulations. Any Consortium employee with knowledge of an allegation of sexual harassment must report it to the Title IX Coordinator. The Consortium will promptly respond to all reports alleging Sexual Harassment to ensure a fair and equitable resolution to the report, provide support to the victim, eliminate harassment, and impose discipline if necessary. Discipline may range from verbal reprimand to suspension and termination in the case of an employee.

Title IX Coordinator

Nancy Macedo, HR Coordinator nmacedo@nsedu.org

Contact Information for State & Federal Agencies

The Consortium urges all individuals in the school community to bring any concerns or complaints of harassment to the attention of school personnel so that they can be addressed. If either party to the complaint is dissatisfied with the results or progress of the Consortium's investigation, they may discuss this directly with the Superintendent of Schools.

The state agency responsible for enforcing laws that prohibit harassment in the workplace is the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108-1518; telephone (617) 994-6000; TTY Users (617) 994-6196. The time frame for filing a complaint with the MCAD is within 300 days from the date of the most recent incident of alleged harassment. Complaints can also be submitted to the Massachusetts Department of Elementary and Secondary Education (DESE), 75 Pleasant Street, Malden, MA 02148-4906; telephone (781) 338-3300; TTY Users (800) 439-2370. The MA DESE's Problem Resolution System accepts complaints when the alleged violation occurred no more than one year before Problem Resolution System received the written complaint.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination. The deadline for filing a complaint with the EEOC is within 300 days from the day of the alleged discrimination. The EEOC is located at JFK Federal Bldg., 475 Government Center, Boston, MA 02203; (617) 565-3200 or (800) 669-4000; TTY Users (800) 669-6820. The US Department of Education's Office for Civil Rights (OCR) is a federal agency that enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the US Department of Education. In most cases, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination. OCR is located on the 8th Floor, 5 Post Office Square, Boston, MA 02109-3921; telephone (617) 289-0111, fax (617) 289-0150.

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)

NEC NONDISCRIMINATION POLICY (approved March 2021)

NEC has the responsibility to overcome, insofar as possible, any barriers that prevent children, parents, or employees from achieving their potential. To create such an environment, NEC will:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, affirming the diversity of familial backgrounds, socioeconomic statuses, and ethnicities represented in our community.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to hear and reduce the grievances of individuals and groups.

5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relationships within the schools and the community.

6. Initiate procedures and practices that will actively promote the objectives of this policy.

The policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to an NEC program or in obtaining the advantages, privileges, and courses of study of such program or school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, pregnancy and pregnancy related condition, their complaint should be registered with the Title IX compliance officer/Human Resource Coordinator at 978-232-9755

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

M.G.L. [71B:1](#) et seq. (Chapter 766 of the Acts of 1972)

M.G.L. [76:5](#); Amended 2011 M.G.L. [76:16](#)

BESE regulations 603CMR [26.00](#) Amended 2012

BESE regulations 603CMR [28.00](#)

Appendix C: State Employee Conflict of Interest Law

This summary of the conflict of interest law, General Law's chapter 268A, is intended to help state employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. State employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division. State agency counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what state employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A. When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a state employee for conflict of interest law purposes?

You do not have to be a full-time, paid state employee to be considered a state employee for conflict of interest purposes. Anyone performing services for a state agency or holding a state position, whether paid or unpaid, including full- and part-time state employees, elected officials, volunteers, and consultants, is a state employee under the conflict of interest law. An employee of a private firm can also be a state employee, if the private firm has a contract with the state and the employee is a "key employee" under the contract, meaning the state has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with state employees, such as offering bribes or illegal gifts.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal. Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the state employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b) (2), and 26.) State employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b) (2) and 26.) A state employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a state employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

(d) Self-dealing and nepotism. Participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 6.) A state employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts. Neither general legislation nor home rules legislation are "particular matters" for purposes of the conflict of interest law. A state employee can participate in general legislation and home rule legislation even if she has a financial interest in such legislation, but state legislators and constitutional officers must file a disclosure if the matter will substantially affect their financial interests.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b) (4) and 26.) A state

employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b) (3).) A state employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone, or that she can be improperly influenced. Section 23(b) (3) requires a state employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for the state. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a state employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c)) State employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your state job is prohibited. (See Section 23(b) (1).) A state employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her state job.

(b) Divided loyalties. Receiving pay from anyone other than the state to work on a matter involving the state is prohibited. Acting as agent or attorney for anyone other than the state in a matter involving the state is also prohibited whether or not you are paid. (See Section 4)

Because the Commonwealth is entitled to the undivided loyalty of its employees, a state employee may not be paid by other people and organizations in relation to a matter in which the state has an interest. In addition, a state employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations if the state has an interest in a matter. Acting as agent includes contacting the state in person, by phone, or in writing; acting as a liaison; providing documents to the state; and serving as spokesman.

A state employee may always represent his own personal interests, even before his own state agency or board, on the same terms and conditions that would apply to other similarly situated members of the public.

State Senators and State Representatives are not subject to Section 4. However, they may personally appear before state agencies for compensation other than their legislative salaries only

on ministerial matters such as filing tax returns, permit and license applications, and incorporation papers, and in state court proceedings and quasi-judicial agency proceedings.

(c) Inside track. Being paid by the state, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 7) A state employee generally may not have a financial interest in a state contract, including a second state job. A state employee is also generally prohibited from having an indirect financial interest in a contract that the state has with someone else. This provision is intended to prevent state employees from having an “inside track” to further financial opportunities.

IV. After you leave state employment. (See Section 5)

(a) Forever ban. After you leave your state job, you may never work for anyone other than the state on a matter that you worked on as a state employee.

If you participated in a matter as a state employee, you cannot ever be paid to work on that same matter for anyone other than the state, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to the state. The restriction does not prohibit former state employees from using the expertise acquired in government service in their subsequent private activities.

(b) One year cooling-off period. For one year after you leave your state job you may not participate in any matter over which you had official responsibility during your last two years of public service. Former state employees are barred for one year after they leave state employment from personally appearing before any agency of the state in connection with matters that were under their authority in their prior state positions during the two years before they left.

(c) Partners. Your partners will be subject to restrictions while you serve as a state employee and after your state service ends. Partners of state employees and former state employees are also subject to restrictions under the conflict of interest law. If a state employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the state or provide services as an attorney to anyone but the state in relation to the matter.

(d) Legislative and executive agents. For one year after you leave your state job you may not act as a legislative or executive agent before your former agency.

Employees are required to take on-line training regarding Conflict of Interest Law every three years, beginning at initial hire. Following successful completion of training, employees will provide documentation to Human Resources Coordinator.

Appendix D: Bullying Prevention Policy

I. LEADERSHIP

Priority Statements

Northshore Education Consortium (NEC”) expects that all members of the Collaborative and school community will treat each other in a civil manner and with respect for differences.

NEC is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

NEC understands that members of certain student groups, such as students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. NEC will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

NEC will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school programs, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target’s sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan (“Plan”) is a comprehensive approach to addressing bullying and cyberbullying, and NEC is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. Each Program Director is responsible for the implementation and oversight of the Plan in their respective programs, with support from the Associate Executive Director and the Senior Management Team.

Public involvement in developing the Plan. As required by M.G.L. c. 71, § 37O, the Plan must be developed with various stakeholders and constituencies. This involvement will include NEC Collaborative administrators, faculty and staff, students, parents, and guardians.

Assessing needs and resources. Program Directors, with input from faculty and families, will continually assess the adequacies of current programs, policies, and procedures. Areas and resources assessed will include:

- review of current policies and procedures;
- review available data on bullying and behavioral incidents;
- assessment of available resources including curricula, training programs, and behavioral health services;
- reading of current and relevant articles and research on best methodology to prevent and intervene to address bullying and cyberbullying;
- research and review of ‘field-tested’ and research-based anti-bullying curricula and instructional guides;
- development of a resource bank of relevant materials for both parents and students;
- review of the Massachusetts comprehensive Health and Wellness curriculum Frameworks to provide a working curriculum context for anti-bullying curriculum; and
- conduct assessments of initial and periodic needs, by surveying students, faculty, staff, parents, and guardians on school climate and program safety needs.

Planning and oversight. Program Directors, will be responsible for the following under the Plan:

- receiving reports on bullying;
- collecting and analyzing building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes;
- creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors;
- implementing the ongoing professional development that is required by the law;
- Identifying supports that respond to the needs of targets and aggressors;
- choosing and implementing the curricula that the program will use;
- developing new or revising current policies and protocols under the Plan, including an Internet safety policy, and designating key staff to be in charge of implementation of them;
- amending student and staff handbooks and codes of conduct;
- leading the parent or family engagement efforts and drafting parent information

materials; and

- participating in reviewing and updating the Plan each year, at a minimum.

II. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L. c. 71, § 370, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

III. DEFINITIONS

In order to ensure a common understanding of language to be used and understood by all stakeholders, the following definitions are provided as copied directly from M.G.L. c. 71, § 370

Bullying, as defined in M.G.L. c. 71, § 370, is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, nurse, custodian, bus driver, coach or paraprofessional of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Perpetrator is a student or staff member who engages in bullying, cyberbullying, or retaliation.

Cyberbullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

IV. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Collaborative, no person shall be discriminated against in admission to a public collaborative or in obtaining the advantages, privilege and courses of study of such public collaborative on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the Collaborative from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the Collaborative to take disciplinary action or other action under M.G.L. c. 71, § 37H or 37H½, other applicable laws, or collaborative policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

V. TRAINING AND PROFESSIONAL DEVELOPMENT

A. Annual staff training on the Plan

The annual orientation for all teaching staff, which occurs before the opening of school each year, will include training on the staff duties related to the compliance with M.G.L. c. 71, § 37O. In addition, the training will include the procedures for reporting an incident of bullying or retaliation, and an overview of the bullying prevention curriculum. Staff members hired after the beginning of the year will participate in an individual training within the first twelve weeks of employment.

B. Ongoing Professional Development

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of professional development for the Collaborative will be informed by research and will include information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;
- (ii) developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by the school or district for professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;
- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making; and
- maintaining a safe and caring classroom for all students.

NEC teaching staff participate in required professional development for full days before and during the school year. In addition, teams working in specific programs have scheduled time weekly for

staff meetings and ongoing professional development. Bullying prevention and pro-social skill training will be incorporated into these schedules. Because all students in NEC programs are either at risk or have been identified as eligible for special education, particular attention will be paid to the relationship between the specific risk factors and/or disabilities of students and the potential for a student to be a target or an aggressor. Ongoing professional development will be provided by a combination of consultation from known experts, attendance at targeted workshops, and staff led trainings at faculty meetings.

C. Written notice to staff

The school or district will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and the code of conduct.

VI. ACCESS TO RESOURCES AND SERVICES

A. Identifying resources

All NEC programs have clinically trained counseling staff included in the faculty of the programs. These staff are licensed clinical social workers or school adjustment counselor, with a specialty in supporting students with the risk profile or disability profile associated with the program. These clinical staff members serve as the individual counselors for students and as consultants to teaching staff regarding the behavioral and emotional needs of the students. They are separate from the administrators of each program and would be the first responders for clinical intervention in the case of a bullying incident. Their role would be to better understand the causes of the behavior and to work with all students – targets, aggressors, and bystanders – to help them understand and change their behaviors. If further assistance beyond the in-school support is needed, the clinical staff will access existing outside resources and notify the liaison from the students Local Educational Agency (LEA) about the potential need for more support.

B. Counseling and Other Services

All students in NEC special education programs are closely monitored by liaisons identified by the LEA. In addition, as part of the design of each NEC program, a staff person is designated to coordinate services with outside providers and to maintain ongoing communication with parents. In the event of a bullying incident, the liaison from the LEA will be informed and asked to identify community based resources, if necessary, to support the student. As part of the ongoing case management for all students, parents and outside providers are informed regularly of student progress and needs. Any needs related to a bullying incident will be included in this ongoing communication so that outside resources already in place can provide appropriate and timely support.

NEC staff will cooperate fully with LEAs in implementing the LEA plan regarding identifying existing or needed resources. If culturally or linguistically appropriate resources are required, NEC will support the LEA in implementing access to those resources. In addition, NEC will help the LEA, when appropriate, in identifying service providers who assist schools in supporting students who have been targets or aggressors.

C. Students with Disabilities

Most students in NEC programs have been identified by their LEAs as eligible for special education services. For all students in NEC Programs with IEPs, in accordance with M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the Team determines that the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his or her disability, the Team will consider what should be included in the IEP to develop a student's skills and proficiencies to avoid and respond to bullying, harassment and teasing.

D. Referral to Outside Services

The NEC Collaborative will work with each LEA to follow the identified referral protocol for that district, in accordance with the guidelines of the LEA anti-bullying plan. The referral process will comply with relevant laws and policies. In order to support LEAs in evaluating their referral protocols, Program Directors will ask the liaison for the LEA annually about whether NEC's role in the process of referring a student for additional services is effective.

VII. ACADEMIC AND NON-ACADEMIC ACTIVITIES

A. Specific bullying prevention approaches

Bullying prevention curricula will be informed by current research, which among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action when they witness incidents of bullying;
- helping students understand the dynamics of bullying;
- emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
- enhancing student skills for engaging in healthy relationships and respectful communication; and
- engaging students in a safe supportive environment that is respectful of diversity

Students will also be taught about the procedures related to reporting bullying. The plan will be included in the Student Handbook and will be reviewed with all students within the first week of school or enrollment in the program.

B. General teaching approaches that support bullying prevention efforts

The following approaches underscore the importance of our bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including students who are homeless, lesbian, gay, bisexual, transgender and/or have specific disabilities;
- using appropriate and positive responses and reinforcements, even when students require discipline;
- using appropriate and positive behavioral support systems;
- developing positive relationships between the students and adults in the program;
- modeling, teaching and rewarding pro-social behaviors;
- using positive approaches to supporting a healthy school climate and the individual social and emotional health of each student, including collaborative problem-solving, mediation and conflict resolution skills, and positive behavioral supports;
- using the internet safely; and
- supporting students' interest and participation in appropriate non-academic and extra-curricular activities.

VIII. REPORTING AND RESPONDING TO BULLYING AND RETALIATION

A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. An NEC staff member is required to report immediately to the Program Director or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not Collaborative staff members, may be made anonymously. NEC will make a variety of reporting resources available to the school community including an anonymous electronic option.

Use of an Incident Reporting Form is not required as a condition of making a report. NEC will: 1) take all reported incidents whether verbal or written and will record information necessary to document the information as reported; 2) will provide information on how to report incidents in the handbook, as well as post on the website; and 3) the Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the Associate Executive Director will provide the Collaborative programs, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the Program Director or designee, will be incorporated in student and staff handbooks, on the NEC Collaborative website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the Program Director or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the Program Director or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with program policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

NEC expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Program Director or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the Program Director or designee.

B. Responding to a report of bullying or retaliation.

1. Safety

Before fully investigating the allegations of bullying or retaliation, the Program Director or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The Program Director or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Program Director or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the Program Director or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Program Director or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Principal or designee first informed of the incident will promptly notify by telephone the Program Director or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

The Program Director or designee will notify the administrator (principal, headmaster) of the school in which the NEC Collaborative program is housed. The Program Director or designee will notify the student's LEA that a student from the district has been involved in an incident of bullying or retaliation.

- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Associate Executive Director or Program Director has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Associate Executive Director will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the Associate Executive Director shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the Associate Executive Director will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and the Executive Director or designee.

C. Investigation. The Program Director or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the Program Director or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Program Director or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Program Director or designee, other staff members as determined by the Program Director or designee, and in consultation with the Associate Executive Director and other professionals, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the Program Director or designee will maintain confidentiality during the investigative process. The Program Director or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with program policies and procedures for investigations. If necessary, the Associate Executive Director or designee will consult with legal counsel about the investigation.

D. Determinations. The Program Director or designee, in conjunction with the Associate Executive Director, will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Program Director or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Program Director or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Program Director or designee may choose to consult with the student's teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The Program Director or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Program Director or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

E. Responses to Bullying.

1. Teaching Appropriate Behavior Through Skills-building

Upon the Program Director or designee determining that bullying or retaliation has occurred, the law requires that the Collaborative use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the Program Director or designee may consider include:

- offering individualized skill-building sessions based on the program's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;

- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

2. Taking Disciplinary Action

If the Program Director or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Program Director or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the NEC program's code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the Program Director or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others

The Program Director or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the Program Director or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Program Director or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Program Director or designee will work with appropriate school and/or Collaborative's program staff to implement them immediately.

IX. COLLABORATION WITH FAMILIES

A. Parent education and resources.

The NEC Collaborative will work closely with LEAs to ensure that parents are informed and invited to all district activities related to helping parents understand and respond to bullying. These district-based programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar local organizations. In addition, at the annual "Back to School" evening in each NEC program, parents will be informed of the approach, curriculum and expectations for students regarding pro-social and anti-bullying behavior for that program.

B. Notification requirements.

Each year the NEC Collaborative will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The Collaborative will send parents written notice each year about the student-related sections of the Plan and the Collaborative's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, will be available in the language(s) most prevalent among parents or guardians, and the Plan and related documents will be posted on the NEC Collaborative website.

BULLYING PREVENTION AND INTERVENTION INCIDENT REPORTING FORM

1. Name of Reporter/Person Filing the Report: _____

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. Check whether you are the:

☐ Target of the behavior

☐ Reporter (not the target)

3. Check whether you are a:

☐ Student ☐ Staff member (specify role) _____

☐ Parent ☐ Administrator ☐ Other (specify) _____

Your contact information/telephone number: _____

4. If student, state your school: _____ **Grade:** _____

5. If staff member, state your school or work site: _____

6. Information about the Incident:

Name of Target (of behavior): _____

Name of Aggressor (Person who engaged in the behavior): _____

Date(s) of Incident(s): _____

Time When Incident(s) Occurred: _____

Location of Incident(s) (Be as specific as possible): _____

7. Witnesses (List people who saw the incident or have information about it):

Name: _____ ☐ Student ☐ Staff ☐ Other _____

Name: _____ ☐ Student ☐ Staff ☐ Other _____

Name: _____ ☐ Student ☐ Staff ☐ Other _____

8. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). (Please use additional paper and attach to this document as needed)

9. Signature of Person Filing this Report: _____ **Date:** _____

(Note: Reports may be filed anonymously.)

10. Form Given to: _____ **Position:** _____ **Date:** _____

Signature: _____ **Date Received:** _____

FOR ADMINISTRATIVE USE ONLY

INVESTIGATION

Investigator(s): _____ **Position(s):** _____

Investigator(s): _____ **Position(s):** _____

Investigator(s): _____ **Position(s):** _____

Interviews:

Report forwarded to Executive Director on date _____

Report forwarded to School Building Administrator on date _____

Report forwarded to liaison from LEA on date _____

Signature and Title: _____ Date: _____

Program Director / Designee

Appendix E: Acceptable Usage of Technology

The Northshore Education Consortium technology network, which includes access to the World Wide Web and electronic mail capability, exists solely for educational purposes, which are defined as classroom activities, career and professional development and high quality self-discovery activities of an educational nature. The Northshore Education Consortium intends to utilize this computer network, along with all of its other educational resources, to fulfill its ultimate goal of preparing students for success in life and work. To this end, the computer network will be used to facilitate communication between and among students, staff and parents, enhance productivity, assist staff members in upgrading and acquiring skills through a broader exchange of information, and to provide information to the community including parents, government agencies and businesses.

The computer network is not to be considered a resource intended for use as a public forum or for any purpose that is not directly related to the delivery of educational services.

The following rules apply to the use of the Northshore Education Consortium computer network.

1. Network access is a privilege, not a right. The use of the network must be consistent with, and directly related to, the educational objectives of the Northshore Education Consortium. A violation of the terms of this Acceptable Use Policy may result in suspension or termination of network access privileges and may also result in other disciplinary action consistent with the disciplinary policies of the Northshore Education Consortium and the applicable provisions of any governing collective bargaining agreement. Users should also be aware that violation of these rules that constitutes a crime may also result in criminal prosecution.
2. Violations of this Acceptable Use Policy include, but are not limited to, the following conduct:
 - a. Placing unlawful and/or inappropriate information on a system
 - b. Using profane, vulgar, threatening, defamatory, abusive, discriminatory, harassing or otherwise objectionable or criminal language in a public or private message
 - c. Sending messages or posting information that would likely result in the loss of a recipient's work or system
 - d. Sending "chain letters" or "broadcast" messages to lists or individuals, subscribing to "list servers" or "newsgroups" without prior permission, or using the Internet access for any other personal use, without prior permission
 - e. Participating in other types of use which would cause congestion of the network or interfere with the work of others

- f. Using the network in a manner that would violate any U.S. or state law. This includes, but is not limited to, copyrighted material, threatening material and spreading of computer viruses
- g. Accessing or transmitting materials that are obscene, sexually explicit, and accessing any prohibited sites on the Internet
- h. Revealing one's own personal address or telephone number
- i. Revealing one's password to anyone else, using anyone else's password, or pretending to be someone else when sending information over the computer network
- j. Attempting to gain unauthorized access to system programs or computer equipment, including attempts to override, or to encourage others to override, any firewalls established on the network
- k. Attempting to harm, modify or destroy data of another user
- l. Exhibiting any other action, whatsoever, which would in any way subject the user or the Northshore Education Consortium to any civil or criminal action
- m. Discussing highly sensitive or confidential school department information in e-mail communications
- n. Using the Northshore Education Consortium technology network to buy, sell or advertise anything
- o. Accessing discussion groups or "chat rooms," or engaging in any other form of online conversation or communication whose purpose is not primarily educational
- p. Using the Northshore Education Consortium technology network for gambling
- q. Using the Northshore Education Consortium technology network for political campaigning purposes, including attempts to influence ballot questions or to promote or oppose a candidate for public office
- r. Failing to log off the computer network at the conclusion of a work session or at the request of system administrators
- s. Using the computer network for recreational purposes or activities relating to personal hobbies
- t. Installing software or data on the computer network except where permission has been given by the Technology Consultant.

3. Except as otherwise provided in the applicable collective bargaining agreement, the Northshore Education Consortium assumes no responsibility for:

- a. Any unauthorized charges or fees, including telephone charges, long distance charges, per minute surcharges and/or equipment or line costs
- b. Any financial obligations arising out of unauthorized use of the system for the purchase of products or services
- c. Any cost, liability or damages caused by a user's violation of these guidelines
- d. Any information or materials that are transferred through the network
- e. Any other inappropriate use of electronic resources of the Northshore Education Consortium

4. The Northshore Education Consortium makes no guarantee, implied or otherwise, regarding the reliability of the data connection. The Northshore Education Consortium shall not be liable for any loss or corruption of data resulting while using the network.

5. All messages and information created, sent or retrieved on the network are the property of Northshore Education Consortium. Electronic mail messages and other use of electronic re-sources by students and staff, including accessing web pages, should not be considered confidential. Copies of all information created, sent or retrieved are stored on the computer network's back-up files. While the Northshore Education Consortium does not plan to review cache files or back-up files on a regular basis, it reserves the right to access and monitor all messages and files on the computer system, including web pages accessed, as it deems necessary and appropriate in the ordinary course of its business for purposes including, but not limited to, ensuring proper use of resources and conducting routine network maintenance. By participating in the school district's computer network, users are indicating their consent to such monitoring and access. Where appropriate, communications including text and images may be disclosed to law enforcement in response to proper requests, or to other third parties in the context of proper requests in the course of litigation without prior consent of the sender or receiver.

6. The Northshore Education Consortium strongly condemns the illegal distribution (otherwise known as pirating) of software. Any users caught transferring such files through the network, and any whose accounts are found to contain such illegal files, shall immediately have their accounts permanently revoked. In addition, all users should be aware that software piracy is a federal offense and is punishable by a fine or imprisonment.

7. The Northshore Education Consortium reserves its right to seek restitution from any user for costs incurred by the district, including legal fees, due to such user's inappropriate use of electronic resources.

Technology Support

Telephone support is available by emailing NEC's Technology Consultant for issues such areas as the following:

- Hardware failure
- Operating systems (WIN or MAC) and Microsoft software products
- Network use
- Internet or email use
- Educational software
- Assistive Technology devices
- Any other area an individual may need technical support

Appendix F: NEC Transportation Policy

School Districts transport students to and from school at NEC programs. The following rules apply:

- a. Students are required to take the transportation provided by their local school department, unless other arrangements have been agreed to by a student's family and TEAM.
 - b. Transportation is to and from the student's home address and the school, unless other arrangements have been made and agreed to by the local school department and the transportation vendor.
 - c. If a student will not be using district-provided transportation for any reason, the student's parent/guardian needs to inform the district and the program.
 - d. Student's are not permitted to change or alter plans for transportation (i.e. walking home, transporting with someone other than the provided transportation vehicle, etc.) without express consent from the student's parent/guardian.
 - e. Any deviation from approved transportation requires prior arrangement by the parent/guardian, the sending school's special education department and the transportation provider.
 - f. Students abusing transportation in any manner will receive consequences from NEC staff as appropriate and parents or guardians will be notified.
2. NEC maintains a fleet of 7D vehicles for transporting students on field trips, to vocational placements, or for other off-site activities. Only approved 7D drivers may drive these vehicles.
3. Certain positions may require employees to obtain 7D licenses in order to drive students. All expenses related to obtaining such license will be reimbursed by NEC. Employees will be responsible for keeping their license up to date and providing NEC with appropriate documentation.
4. The following rules will apply in all NEC vehicles:
 - a. Seatbelts must be worn whenever the students are in the vehicle.
 - b. The number of passengers cannot exceed the number of seatbelts.
 - c. Vehicle must be locked when not in use.
 - d. Students under the age of thirteen are not allowed to sit in the front seat of any vehicle.
 - e. No smoking is allowed in vehicles
 - f. No eating or drinking is allowed in vehicles.
 - g. Students are not to be left in a vehicle unattended.

- h. At least one staff member will carry a cell phone during the transport and off-site activity.
 - i. Ratio of students to staff will be consistent with that of programmatic ratio.
 - j. Student health and behavioral plans will be implemented during transportation to and from school activities.
 - k. If an emergency occurs while in transport to or from school activities, staff will locate a safe location to park the vehicle and will respond to the emergency according to emergency response protocol (including calling for emergency personnel - 911).
- 5. In general, employees are prohibited from using their own vehicles to transport students.
- 6. Students with valid drivers licenses may drive themselves to school with the permission of their guardian and Program Director., as long as they comply with all relevant school policies.
- 7. On rare occasions, NEC staff may need to drive a student home. If this is an emergency situation and a 7D vehicle and driver are not available, the Program Director and/or Executive Director may give verbal consent for a staff member to transport the student in his/her own vehicle with the consent of the student's guardian.
- 8. There are a small number of employees in the Transition Programs and in Vision/Mobility Services who need to drive students in their personal vehicles for regularly scheduled program activities, such as mobility practice in the community and/or community internship placements. These employees must fill out the attached form and obtain written permission from the Executive Director after verifying the following:
 - a. Appropriate MA drivers license with no felony violations.
 - b. Appropriate levels of insurance coverage and notification of insurance company.
 - c. Appropriate documentation of vehicle inspection.

Permission to Use Private Vehicle to Transport NEC Students

Employee Section:

1. I understand that by using my personal vehicle I may subject myself to personal liability regarding accidents or injuries that may occur while I am transporting students.
2. I have a valid MA drivers' license with no restrictions.
3. I have never been convicted of driving under the influence or any other felony involving a motor vehicle.
4. I have automobile insurance with 100,000/300,000 coverage levels, and have informed my insurance provider about the fact that I will be transporting students.
5. My vehicle meets all safety requirements, has passed state inspections, and has working seat belts.
6. I will comply with all motor vehicle laws and regulations while transporting students. I will not use my cell phone while driving.

Name of Driver:

MA Driver's License # and Expiration Date (copy attached):

Vehicle make, model, year and license plate number:

Name of Auto Insurance Company and Policy #(copy attached)

My signature below certifies that I have read the information above and that it is valid and true.

Signature and Date

Executive Director Section:

_____ has been asked by Northshore Education Consortium to transport students as part of his/her job responsibilities under the following conditions only:

- Transporting students to vocational job sites
- Transporting students to public locations for mobility practice
- Other:

Signature of Executive Director and Date

Appendix G: Suspension Policy

DESE Criterion 9.5 & 9.6 603 CMR 18.05(6)⁽¹⁾ 34 CFR 300

Suspension is rarely used in NEC programs. Administrators will exercise discretion in deciding the consequences for disciplinary offenses and will seek alternatives to suspension whenever possible. All NEC programs conform to all pertinent regulations and laws concerning the suspension of students, particularly students with special needs. NEC staff work in conjunction with school based administrators and the liaison from the student's sending district (LEA) to ensure that all of the student's rights to due process and to special education services are enforced. These include due process rights regarding the hearing related to an infraction, special education entitlements as set forth in the IDEA regarding exclusions constituting a disciplinary change in placement and any applicable appeal rights under state and/or federal laws and regulations.

In addition, NEC programs conform to M.G.L. c.71, §§ 37H, 37H1/2 and 37H3/4, M.G.L. c. 76 § 21, and 603 CMR 53 regarding the authority of the principal/program director related to students in possession of weapons, controlled substances, assaults, felony charges and other disciplinary violations.

Definitions:

Expulsion: means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently,

In-School Suspension: the removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. * *Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating cumulative days of suspension.* .

Long-Term Suspension: the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Written Notice: Written correspondence sent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Program Director and the parent.

Program Director: The primary administrator of the school or the Program Director's designee for disciplinary purposes

Due Process

In-School Suspension: Prior to the imposition of an In-School Suspension, the student will be informed of the disciplinary offense and provided with an opportunity to respond. If the Program Director determines that the student committed the disciplinary offense, the Program Director will provide oral notice to the student and parent of the length of the In-School Suspension and will make reasonable efforts to meet with the parent. On or before the day of the In-School Suspension, the Program Director will deliver written notice to the parent of the basis for and length of the in-school suspension and inviting the parent to meet to discuss the student's behavior if such a meeting has not already occurred.

Out-of School Suspension: In the case of disciplinary offenses not involving: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, the student and parents will be given oral and written notice of the disciplinary offense with which the student is charged and the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension. Written notice of the date and time for the hearing will be provided in English and in the primary language of the Student's home and will identify the disciplinary offense with which the student has been charged, the basis for the charge, the potential length of the student's suspension, and shall inform the parent and student of the right to interpreter services if necessary to participate in the hearing. Where a student may be subject to a Long-Term Suspension, the Program Director will also notify the student and parent of the student's right to legal representation (at private expense), the right to present and examine witnesses, the right to review the student record and documents that may be relied upon by the Program Director, and the right to request that the hearing be audiotaped.

For disciplinary offenses involving a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, the student will be given oral notice of the violation with which the student is charged and an opportunity to respond thereto prior to the Program Director's imposition of a short-term/interim suspension of ten (10) consecutive school days or less pending formal disciplinary proceedings. Upon imposition of a short term or interim suspension or an interim suspension of ten (10) consecutive days or less pending further disciplinary proceedings, the student and parents will be provided with written notice of the suspension and the date and time of any formal disciplinary proceedings to consider the student's long-term suspension or recommendation for termination.

In cases involving a student in preschool through grade 3, the principal must notify the superintendent, providing a copy of the written determination as well as the reasons for the suspension before the suspension takes place.

Emergency Removal: A student may be removed for not more than two school days if the student's continued presence poses a danger to persons or property, and in the principal's judgment there is no alternative available to alleviate the danger. In such cases, the principal must notify the Executive

Director and the sending school district and make immediate and reasonable efforts to orally notify the student and parent of the emergency removal, the reason for the removal, and the other information required in a short term suspension notification. The opportunity for a hearing must be provided within two days of the emergency removal and the principal must render a decision orally on the date of the hearing and in writing no later than the following day. This written notice shall include all of the information required based on the type of discipline imposed. In an emergency removal, the principal must ensure adequate provisions for the student's safety and transportation.

Program Director's Hearing:

Short-Term Suspension:

At the Program Director's hearing, the student and parents (if participating) may dispute the charge(s) against the student and present information, including mitigating facts, for the Program Director's consideration in determining consequences for the student.

Long-Term Suspension/Expulsion:

In addition to the rights afforded a student in a short-term suspension hearing, the student will have the following rights:

- The right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
- the right to review the student's record and the documents upon which the Program Director may rely in making a determination to suspend the student or not
- the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident;
- the right to cross-examine witnesses presented by the school district;
- the right to request that the hearing be recorded by the Program Director, and to receive a copy of the audio recording upon request.

In the case of a potential long-term suspension or expulsion for a student with an IEP, an Emergency Team meeting should be convened with the following goals:

- To develop or review a functional behavioral assessment of the student's behavior and develop or modify a behavior intervention plan;
- To identify appropriate alternative educational setting (s);
- To conduct a manifestation determination (i.e. to determine the relationship ~~between~~ between the disability and the behavior).
- If the TEAM determines that the behavior is NOT a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting.

- If the TEAM determines that the behavior IS a manifestation of the disability, the TEAM takes steps to modify the IEP, the behavior intervention plan, and/or the placement.

Program Director's Decision:

Based on the evidence presented at the hearing, the Program Director will determine whether the student committed the disciplinary offense and the remedy or consequences to be imposed. The Program Director shall exercise discretion in deciding the consequence for the offense and, in cases not involving possession of a controlled substance, a weapon, an assault on staff or felony charges, shall avoid using long-term suspension from school as a consequence until alternatives have been tried. If the Program Director decides to suspend or expel the student, written notice of the Program Director's decision will be sent to the student and parents in English and the primary language of the home identifying the disciplinary offense, the factual basis for the Program Director's decision, the beginning and end dates of the suspension or expulsion, and the process for appeal. The Program Director will also notify the student and parent of the student's opportunity to make academic progress during the period of removal from school in accordance with M.G.L. c. 76, §21.

Students excluded from school for disciplinary reasons and their parents or guardians will be required to attend a re-entry conference prior to a student returning to school. The purpose of the conference is to develop a plan, including a revised behavior plan if appropriate, to ensure that the student has a successful re-entry to the program. After three (3) non-consecutive days of suspension within one school year, NEC staff will convene a team meeting with parents, school staff, and the student's district liaison to discuss the appropriateness of the current out of district placement.

Appeals:

Where the student is excluded in accordance with M.G.L. c.71 §37H, the student shall have ten (10) calendar days from the effective date of the exclusion to file a written appeal with the Executive Director. For exclusions imposed pursuant to M.G.L. c.71 §37H1/2, the student shall have five (5) school days from the effective date of the exclusion to file a written appeal with the Executive Director. And for exclusions imposed pursuant to M.G.L c.71, §37H3/4, the Student shall have five (5) calendar days from the effective date of the suspension imposed by the Program Director but shall be granted an extension of seven (7) calendar days upon request.

Academic Progress

Any student who is serving an in school or out of school short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school,

shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, in accordance with the M.G.L. c.76, §21.

Termination of Enrollment

The NEC Collaborative reserves the right to terminate a student's enrollment in any NEC program in accordance with the procedures set forth in 603 CMR18.00 and 603 CMR 28.09.

Appendix H: Physical Restraint and Behavioral Support Policy

DESE Criterion 9.4, 603 CMR 18.05(5), 603 CMR 46.01

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Physical restraint shall only be used when needed to protect a student and/or a member of the NEC school community from assault or imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize harm to the student.

This policy shall be reviewed annually and provided to all NEC staff. It shall be made available to all parents/guardians of NEC students. Nothing in this policy precludes any teacher, employee or agent of NEC from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

1. Staff Training on De-Escalation Techniques:

Given the special needs of NEC students, all staff are trained in the use of positive behavioral supports and specialized de-escalation techniques. All staff involved with behavioral support and/or performing physical restraints are required to participate in at least 16-hours of initial training in one of two models of de-escalation and physical restraint - NAPPI or Safety Care. Additionally, staff is required to participate in annual refreshers to maintain certification.

Both NAPPI and Safety Care emphasize early intervention and the use of a wide range of verbal and non-verbal prevention and de-escalation techniques. When a student is presenting with escalating behaviors, staff are expected to utilize these techniques and call for additional support from clinical or behavioral support staff.

2. Methods of Physical Restraint:

Physical restraint is prohibited as a means of discipline or punishment; if the student cannot be safely physically restrained due to medical contraindications which have been documented by a licensed physician and provided to NEC; as a response to property destruction, disruption, refusal to comply with rules or staff directives, or verbal threats when those actions do not constitute a threat of assault or imminent,

serious, physical harm. Physical restraint shall not be used as a standard response for any individual student. Physical restraint is an emergency procedure of last resort.

Physical restraint shall be administered only by trained personnel, using only the amount of force necessary to protect the student or other members of the school community from imminent, serious, physical harm. Only restraint methods taught in the NAPPI or Safety Care training programs shall be utilized. The staff member administering the restraint shall use the safest method available and appropriate to the situation. Staff shall continuously monitor the physical status of the student during the restraint, and the student shall be immediately released from the restraint if the student expresses or demonstrates significant physical distress.

All physical restraints must terminate as soon as the student is no longer an immediate danger, or if the student indicates that he/she cannot breathe, or if the student is observed to be in severe distress. If any physical restraint approaches 20 minutes, staff will obtain the approval of the building Principal or appropriate clinical staff to continue the restraint based upon the student's continued agitation. All physical restraints shall be administered in compliance with 603CMR 46.

3. Prohibited Forms of Restraint:

Medication restraint, mechanical restraint, and seclusion restraint, as defined in 603 CMR 46.02 are prohibited in all NEC programs.

Any form of physical restraint used in a manner inconsistent with 603 CMR 46 is prohibited.

Prone restraint, as defined in 603 CMR 46. 02 shall only be permitted under the following, limited, circumstances:

- The student has a documented history of serious self-injury and/or injuries to other students or staff;
- All other forms of physical restraint have failed to ensure the safety of the student and/or the safety of others.
- There are no medical contraindications documented by a licensed physician;
- There are no psychological or behavioral contraindications documented by a licensed mental health professional;

- The student's Parent has provided voluntary, informed, written consent to the use of prone restraint; and
- The building Principal, or designee, has provided written approval.

Staff Training, Reporting, and Follow Up

Staff Training:

All staff/faculty will receive training regarding NEC's physical restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.

Required training for all staff will include review of the following:

- NEC Physical Restraint and Behavior Support Policy
- School building-level physical restraint procedures, including the use of time-out as a behavior support strategy;
- The role of the student, family, and staff in preventing physical restraint;
- Interventions which may preclude the need for restraint, including de-escalation of problematic behaviors and alternatives to restraint;
- When in an emergency, the types of permitted physical restraints and related safety consideration, including information regarding the increased risk of injury to a student when any restraint is used;
- Identification of NEC staff who have received in-depth training(as set forth below in section (a)(iii)) in the use of physical restraint.

In-Depth Training:

At the beginning of the school year, the building Principal will identify those designated staff who will participate in in-depth training and who will then be authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint.

Designated staff members shall participate in at least sixteen (16) hours of in-depth training in the use of physical restraint, with at least one refresher training annually.

In-depth training will include:

- Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- Demonstration by participants of proficiency in administering physical restraint; and
- Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

Physical Restraint Reporting

Report to building Principal:

- Staff shall verbally inform the Principal of any physical restraint as soon as possible, and by written report within one (1) school day.
- The Principal or designee shall maintain an ongoing record of all reported instances of physical restraint.

Report to Parent(s) of Physically Restrained Student:

- The Principal or designee shall make reasonable efforts to verbally inform the student's Parent of the physical restraint within twenty-four (24) hours.
- The Principal or designee shall provide the Parent a written report of the physical restraint within three (3) school days. This written report may be

provided via email, if the Parent has provided the District with an email address.

- The Parent and/or student may respond to the Principal or designee to comment on the use of the physical restraint and the information in the written report. The Parent and/or student may also pursue the Grievance Procedure described in Section 10, below.

Report to Department of Elementary and Secondary Education (DESE):

- Whenever a physical restraint results in injury to the student or any school community member, the District shall send a copy of the written report to DESE within three (3) school days. A copy of the ongoing physical restraint log from the past thirty (30) days will also be provided to DESE.
- NEC shall also report physical restraint data annually to DESE, as directed by DESE.

Report to Law Enforcement and Other State Agencies:

- Nothing in this policy prevents any individual from reporting a crime to the appropriate authorities;
- Nothing in this policy prevents any individual from exercising their responsibilities as a mandated reporter under M.G.L, c. 119, §51A.

Contents of Written Report

The written report of any physical restraint shall include:

- Name of the student; name(s) and job title(s) of staff who administered the physical restraint, and observers, if any; the date, time restraint began, and the time that restraint ended; the name of the Principal or designee who was verbally informed following the restraint, and who approved continuation of the restraint beyond twenty (20) minutes, if applicable.
- A description of the activity in which the restrained student and other students and staff in the vicinity were engaged immediately preceding the use of the physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

- A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, and any medical care provided.
- Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
- Information regarding opportunities for the student's Parent(s) to discuss the administration of the restraint and any consequences with school officials.

Follow-Up Procedures

After a student is released from a physical restraint, staff shall implement follow-up procedures, including:

Reviewing the incident with the student to address the behavior that precipitated the physical restraint;

Reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and

Consideration of whether any follow-up is appropriate for students who witnessed the physical restraint, if any.

Building Principals shall develop and implement procedures for periodic review of physical Restraint Data.

These procedures shall include weekly review of physical restraint data to identify individual students who have been restrained multiple times during the week, and if any such student(s) is identified, to convene a review team to assess the student's needs.

These procedures shall include monthly, administrative review of school-wide physical restraint data.

Building Principals Shall Develop And Implement Procedures To Ensure that the Reporting Requirements of this Policy and 603 CMR 46.06 Are Met.

Building Principals Shall Develop and Implement Procedures for Providing Timely, Oral and Written Notice to the Parents of Any Student Who Undergoes Physical Restraint.

Building Principals Shall Develop and Implement a Procedure for the Use of Time-Out.

Such procedure shall include the process by which staff will obtain the Principal's approval for any time-out lasting longer than thirty (30) minutes. Such approval shall be based on the student's continuing agitation.

Grievance Procedures.

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

The complaint must be submitted in writing or on audiotape to the program director or Executive Director.

The Program Director or Executive Director will meet with the complainant within ten (10) school days of receipt of the complaint.

A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with NEC and the Department of Elementary and Secondary Education.

A written report will be developed by the Program Director or Executive Director and provided to the complainant.

