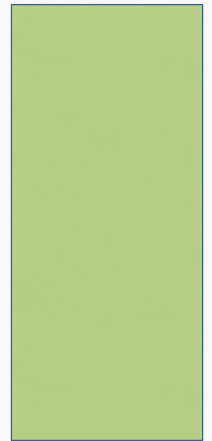


ANNUAL MANDATED CIVIL RIGHTS TRAINING

HOLBROOK PUBLIC SCHOOLS
2016-2017



Purpose Of Training

This PowerPoint presentation is designed to provide the annual mandated Civil Rights training for all Holbrook Public Schools staff.



- Annual training is mandated by the Massachusetts Department of Elementary and Secondary Education.
- ALL employees are required to participate.
- This training protects individuals and the district and ensures that all employees know their rights and responsibilities.

Learning Objectives

- Participants Will Gain an Understanding of:
- Key Civil Rights Laws
- 504 Accommodation Plans
- Behavior Restraint Procedures
- Mc-Kinney Vento Act “Homeless”
- Confidentiality / FERPA
- Anti-Bullying Procedures
- Internet Acceptable Use

Anti-Discrimination Policy

- Holbrook Public Schools is committed to equal opportunity in education and employment practices. Holbrook Public Schools does not discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, 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.
- Holbrook Public Schools requires all employees and students to conduct themselves in an appropriate manner with respect to fellow employees, students, and all members of the school community.

Anti-Discrimination Policy

- Since Holbrook Public Schools is committed to providing an environment that is free from discrimination and sexual harassment, it shall be a violation for any student, teacher, school personnel, or person conducting business with the Holbrook Public Schools to engage in sexual or bias-related harassment or to violate the civil rights of any student, teacher, or other school personnel.
- Holbrook Public Schools will act to investigate all complaints, formal or informal, of sexual or bias-related harassment or violations of civil rights and will take the appropriate action against any student, teacher, or school personnel, or person conducting business with the Holbrook Public Schools who is found in violation of this statement.

Federal Law: Title VI of the Civil Rights Act

- Protects against discrimination based on age, race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.
- Applies to students, parents, and employees.
- Prohibits discrimination in student class assignments or ability tracking and protects English Language Learner (ELL) students.

Massachusetts General Law

Chapter 76: Section 5

- No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation.
- Severe or pervasive harassment unlawfully denies a student the “advantages and privileges” of school, creating a hostile, humiliating, intimidating, and offensive educational environment.

Massachusetts DESE Regulations

Active Efforts – (603 CMR 26:07)

- All public schools shall strive to prevent harassment or discrimination based upon students' race, color, sex, gender identity, religion, national origin or sexual orientation, and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.
- The school committee and the superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting.
- The Superintendent shall promote and direct effective procedures for the full implementation of 603 CMR 26.00

FEDERAL LAW MANDATES

Federal Civil Rights Laws require schools to:

- Remedy discrimination and harassment.
- Regularly notify students, parents and employees that the district schools do not discriminate on the basis of sex or disability.
- Implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment.
- Designate an employee responsible for coordinating compliance with these federal civil rights laws.

TITLE IX-EDUCATION AMENDMENTS OF 1972

- Prohibits discrimination based on sex in education programs and activities that receive financial assistance.
- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Refer to the district sexual harassment policy for specifics regarding steps taken to investigate complaints.
- Refer all Title IX complaints to your building principal, Assistant Superintendent, or the Director of Pupil Personnel Services.

TITLE IX

TYPES OF DISCRIMINATION COVERED

- Sexual harassment
- The failure to provide equal opportunities in athletics
- Discrimination based on pregnancy
- The Title IX regulation is enforced by the Office of Civil Rights (OCR) and is in the code of federal regulations at 24 CFR Part 106

HARASSMENT

- Any unwelcome verbal, written or physical contact in a school or school-related activity relating to a student's race, color, religion, ethnicity, national origin, ancestry, gender, sexual orientation or disability that is sufficiently severe, persistent, or pervasive to create a hostile, humiliating, intimidating or offensive educational environment.
- Conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational or work environment.
- A single incident, depending on its severity, may create a hostile environment.
- A victim may also be someone reasonably affected by conduct directed toward another individual.

SEXUAL HARASSMENT

- Creates a hostile environment due to inappropriate speech, materials or actions.
- Is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors or other conduct, physical or verbal of a sexual nature.
- Interferes with school or work performance and creates and intimidating or offensive environment.

REPORTING INCIDENCES OF HARASSMENT

- Any employee or student who believes he/she has been the victim of harassment or discrimination should report it to the school principal, teacher or directly to Julie Hamilton, Assistant Superintendent, at 781-767-1226.

FEDERAL LAW: TITLE VI

RACE AND NATIONAL ORIGIN DISCRIMINATION

- Protects against discrimination based on race, color, and national origin,
- Applies to students, parents, and employees.
- Prohibits discrimination in student class assignments or ability tracking and protects English Language Learner Students (ELL).
- School principals, the Assistant Superintendent and the Director of Pupil Personnel Services respond to inquiries regarding non-discrimination policies.

Age Discrimination Act of 1975

- Prohibits discrimination based on age in programs or activities that receive financial assistance.

Gender Identity

- In November 2011, the Massachusetts legislature enacted a law, *An Act Relative to Gender Identity*, that was signed by the Governor and went into effect on July 1, 2012. This law prohibits discrimination in several key areas and defines gender identity as “*a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.*”

Gender Identity

- “Gender identity” shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

AN ACT RELATIVE TO BULLYING IN SCHOOLS

CHAPTER 92 OF THE ACTS OF 2010

- On May 3, 2010, governor Patrick signed Chapter 92 of the Acts of 2010 into law which addresses bullying in public and non-public schools.
- The law requires all school systems to create and implement a Bullying Prevention and Intervention Plan.
- In 2013 and again in 2014, the anti-bullying law was amended by the state legislature. It updated definitions and imposed additional reporting and notification requirements for school districts.

HOLBROOK PUBLIC SCHOOLS ANTI-BULLYING POLICY

The Holbrook Public Schools is committed to creating a safe, caring, respectful learning environment for all students. We will treat all members of our community with civility and respect in an inclusive environment. Our schools strictly enforce a prohibition against bullying of any students and staff.

Definitions From An Act Relative To Bullying In Schools

- **Bullying**: the repeated use by one or more students **or a member of school staff** of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:
 - Causes physical or emotional harm to the target or damage to the target's property;
 - Places the target in reasonable fear of harm to himself or of damage to his property;
 - Creates a hostile environment at school for the target;
 - Infringes on the rights of the target at school; or
 - Materially and substantially disrupts the educational process or the orderly operation of a school.

Definitions From An Act Relative To Bullying In Schools

- **Cyberbullying**: bullying through the use of technology or electronic communication which shall include, but not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.
- In addition, it includes the creation of web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of these conditions enumerated in the definition of bullying.

Bullying Is Prohibited

- On school grounds
- On property immediately adjacent to school grounds
- At school sponsored or school related activities, functions or programs whether on or off school grounds
- At school bus stops
- On school buses or other vehicles owned, leased or used by the school district
- Or through the use of technology or an electronic device owned, leased or used by the school district.

The Bullying Prevention & Intervention Plan

Requires ongoing professional development relative to:

- Developmentally appropriate strategies to prevent bullying and for immediate, effective interventions to stop bullying incidents;
- Information on the complex interactions and power differential that can take place between and among aggressor, target, and witnesses to bullying;
- Information on research findings on bullying and specific categories of students who have been shown to be at particular risk for bullying in the school environment and how to support those students;
- Information on the incidence and nature of cyberbullying; Internet Safety Issues as they relate to cyberbullying; and
- Information on how to provide all students with skills, knowledge and strategies to prevent or respond to bullying.

The Bullying Prevention & Intervention Plan

- Requires annual training for all school staff on the plan including:
- Staff intervention, investigation, procedure, notification and reporting duties upon receipt of an allegation or knowledge of bullying or retaliation;
- An overview of the bullying prevention curricula to be offered at all grades throughout the district.

Written notice of the Bullying Plan is located on the Holbrook District webpage in District Policy Manual- Section J

REPORTING

- All staff members are required to report any bullying or harassment they see or learn about. The district will promptly and reasonably investigate all allegations of harassment including bullying. The principal of each building will be responsible for handling all complaints alleging harassment or bullying. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying is prohibited.
- Please refer to the Holbrook Public Schools Anti-Bullying Policy Reporting Procedures

INTERNET ACCEPTABLE USE POLICY

- Users are subject to all state and federal laws related to the use of Internet and computer systems
- Users will not attempt to gain unauthorized access to the district computing systems through the network or any other method.
- Users will not attempt to log on to another person's account.
- Users will not transmit viruses.
- Users will not deface or intentionally destroy computers.
- Users will not engage in cyberbullying or issuing threats via the internet or school computers.

FEDERAL LAW: TITLE II AMERICAN WITH DISABILITIES ACT (ADA)

A disability is defined as:

- A person who has a physical or mental impairment that substantially limits one or more major life activities, or:
- Has a record of such impairment; or
- Is regarded as having such impairment.

Private employers, state and local governments, and labor unions from discriminating against students and qualified individuals with disabilities.

For more information go to:

- <https://www.eeoc.gov/laws/types/disability.cfm>
- <https://www.ada.gov/>

FEDERAL LAW: TITLE II (ADA) AMERICAN WITH DISABILITIES ACT

- Prohibits discrimination against: access to programs and facilities; a free and appropriate education for elementary and secondary students; employment discrimination.
- Applies to special education services, evaluations, Individual Education Plans (IEPs), and student discipline.
- When an IEP exists for a student, it is the responsibility of all educators who work with that student to provide accommodations and/or modifications. This is a legal requirement.

THE REHABILITATION ACT OF 1973

SECTION 504

Requires that no qualified disabled person shall be discriminated against or be excluded from participation in an activity.

- A disability is a mental or physical impairment that limits a person's major life activity (self-care, walking, seeing, learning, breathing, speaking, working).
- Reasonable accommodations/modifications must be made to provide access to programs and/or facilities.

For Students:

- For benefits or services provided to be "equally effective," they must afford students with disabilities an equal opportunity to obtain the same results, gain the same benefit, or reach the same level of achievement as other students.

For Employees:

- A reasonable accommodation is one that would allow the person to perform the "essential functions" of their position with the accommodation.

FEDERAL LAW: SECTION 504

- The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.
- Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.
- When a 504 Accommodation Plan exists for a student, it is the responsibility of all educators who work with that student to provide the accommodations – this is a legal requirement.
- Recent case law indicates that educators who do not provide accommodations listed in 504 plans may be personally liable for failing to do so.
- No discrimination against a person with a disability will be permitted.
- Questions about eligibility and enforcement should be directed to the building 504 coordinators or Director of Pupil Personnel Services.

603 CMR 46.00 Prevention Of Physical Restraints And Requirements If Used

- 603 CMR 46.00 – Regulations developed in April 2001 pursuant to M.G. L. c. 69 1B and c. 71 37G.
- Governs the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, collaborative education programs and special education schools
- The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint.
- Regulations updated and implemented in January 2016.
- Regulations apply to all public education programs including school events and school sponsored activities.
- Intent – to provide appropriate responses to potentially dangerous circumstances and to eliminate or minimize negative consequences.

603 CMR 46.00 Prevention Of Physical Restraints And Requirements If Used

- Only school personnel who have received in-depth training shall administer physical restraint.
- Administration of physical restraint should always be witnessed by at least one person.
- The regulations do not prevent a teacher, employee, or agent of the District from using reasonable force to protect students, other persons, or themselves from assault or imminent serious harm or from restraining students as otherwise provided in the regulations.

603 CMR 46.00 Prevention Of Physical Restraints And Requirements If Used

Administration of restraint shall discontinue as soon as possible:

--Use of physical restraint must be reported by staff:

- If restraint lasts more than 5 minutes
and/or
- When there is an injury to student or staff.
- Following any restraint, a report must be made by staff:
 - Verbally to principal immediately:
 - Written report no later than the next school day.

The Principal must maintain a record of all instances of physical restraint which shall be made available to DESE upon request.

603 CMR 46.00 Prevention Of Physical Restraints And Requirements If Used

- An extended restraint is one that lasts longer than 20 minutes.



- When injury or extended restraint:
 - Report to DESE within 5 school days
 - (DESE provides forms to use—see principal)
 - Copy of the record of all restraints administered within the 30 day period prior to reported restraint is sent to DESE.

603 CMR 46.00 Prevention Of Physical Restraints And Requirements If Used

- All school staff should read and be familiar with physical restraint regulations, which can be viewed at <http://www.doe.mass.edu/lawsregs/603cmr46.html?section=01>
- These regulations apply to all public education programs including school events and school sponsored activities
- Lack of knowledge of the law will not protect you or your students from the consequences of inappropriate actions

Mandated Reporting

MGL Chapter 119, Section 51A

- Mandated reporters include public and private school teachers and administrators, guidance counselors, attendance officers, psychologists, nurses and other medical practitioners, social workers, day care workers, foster parents, police and court officers, firefighters and others.
- DCF defines *abuse* to mean the non-accidental commission of any act by a caretaker upon a child that causes, or creates a substantial risk of, physical or emotional injury, or an act by a caretaker involving a child that constitutes a sexual offense under the laws of the Commonwealth or any sexual contact between a caretaker and a child under the care of that individual.
- *Neglect* is the failure by a caretaker either deliberately, through negligence or inability, to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or the existence of a handicapping condition.
- Reasonable cause to believe means known or suspected instances of child abuse or neglect. A *suspicion of child abuse* is sufficient to trigger the requirements of §51A.
- **Child:** A child is a person under the age of 18.
- School personnel are mandated reporters.
- Please consult with school principals for assistance if abuse or neglect is suspected.

Mandated Reporting

MGL Chapter 119, Section 51A

- It is important that educators understand their obligation under 51A and the penalties for failure to comply. Please refer to the law in its entirety for complete information.
- <http://www.doe.mass.edu/lawsregs/advisory/082010childabuse.html>

MGL CMR 23.00

Confidentiality Of Student Records

- 603 CMR 23.00 Student Records Regulations ensures parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records.
- These rights belong to parents when the student is under the age of 14 and has not entered 9th grade. The rights are shared by the parent and child when the child is 14-17 years of age or upon entering grade 9. At age 18, the rights belong to the student alone. (For a student receiving special education services, the student can be their own guardian, share educational decision making with the parent, or the parent may be designated as the sole decision maker for the student).
- The student record consists of the transcript and the temporary record, including all information in any form that is organized on the basis of the student's name or in any manner that the student can be individually identified.

MGL CMR 23.00

Confidentiality Of Student Records

- The Principal shall be responsible for the privacy and security of all student records maintained by the school.
- The Principal shall ensure that all records are kept physically secure and that all school personnel are educated as to the importance of information privacy and confidentiality.
- Records cannot be destroyed without providing notice to parents and/or students age 14 and older.
- A Log of Access shall be maintained in each child's record. The Log must indicate the name, position, date, part of record accessed, and purpose. The Log of Access does not apply to authorized school personnel, office clerical staff, or school nurses.

MGL CMR 23.00

Confidentiality Of Student Records

- Non-custodial refers to physical custody, not legal.
- A non-custodial parent may have access to the student record after a written request is submitted. The school must immediately notify the custodial parent of the request by certified and first class mail. The custodial parent has 21 days to respond that the non-custodial parent cannot have access due to a denial of legal custody, order of supervised or denied visits, restrictions under protective orders, or order of a probate and family court judge prohibiting the distribution of the records.
- No response from the custodial parent allows release of records to the non-custodial parent with the following conditions:
- All records provided to the non-custodial parent must have deleted information regarding the address, phone number (home and work of the custodial parent) and must be marked to indicate that the records cannot be used for enrollment in another school.

MGL CMR 23.00

Confidentiality Of Student Records

- The term “student record” does not include notes, memory aids, and other similar information that is maintained in the personal file of the school employee and is not accessible or revealed to any other school employee.
- ***Emails are considered part of the student record!***
- ***Be vigilant about your communication- what you say is part of the record once you press send!***

MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE ACT

Every Child Without A Permanent Home Has A Right To An Education

Students who live in shelters, motels, vehicles, campgrounds, on the streets, in abandoned buildings, trailers, or other inadequate accommodations; or with friends or relatives because they cannot find or afford housing, have certain rights and protections under the McKinney-Vento Homeless Education Assistance Act.

Legal definition of homelessness:

- Lacks a regular, fixed, and adequate nighttime residence
- Is sharing housing due to economic struggles
- Is living in a shelter, hotel or motel
- Is living in a public place not designated for sleeping (cars, parks)
- Is an unaccompanied youth
- Is a child or youth awaiting foster care placement.
- Is a child or youth abandoned in a hospital
- Is a migrant child who qualified under any of the above

Mckinney-Vento Homeless Education Assistance Act

- Homeless children have the right to:
- Access the same free and appropriate public education, including a public preschool education, as provided to all other children
- Remain in the school he/she attended before becoming homeless
- Receive transportation to the school he/she attended before becoming homeless or the school he/she last attended if you or a guardian requests such transportation
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment
- Enroll and attend classes in the school of your choice even while the school and you seek to resolve disputes over enrolling your child
- Receive the same special programs and services, if needed, as provided to all other children
- For additional information, please contact

The Department of Education State Coordinator
(781) 338-6294

The Massachusetts Coalition for the Homeless
(866) 205-1700 x100 Toll Free
mahomeless.org

Mckinney-Vento Homeless Education Assistance Act

- If you suspect that a student is homeless, notify the principal, counselor or school nurse so that the appropriate referral can be initiated
- The Homeless Education Liaison for Holbrook Public Schools is Cheryl Flynn (781) 767-1226 x.1689
cflynn@holbrook.k12.ma.us

COMPLAINTS PROCEDURE

Any student, employee, parent, or guardian who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district program or activity on the basis of race, color, sex, religion, national origin, sexual orientation, or disability in violation of this policy may file a written grievance with the

Director of Pupil Personnel Services

Cheryl Flynn

245 South Franklin Street

Holbrook, Ma

781-767-1226

DISTRICT COORDINATORS

Section 504/ADA District Coordinator
Homeless Student Coordinator
Title VI District Coordinator
Civil Rights Coordinator

Cheryl Flynn
Director of Pupil Personnel Services
781-767-1226

Title IX Coordinator

Julie Hamilton
Assistant Superintendent
781-767-1226

Building 504 Coordinators

John F. Kennedy

Casey McMahon
School Adjustment Counselor

South

Alicia Roundtree
School Adjustment Counselor

HJSHS

Marybeth Moriarty
Katie Cleggett
Guidance Counselors

CRISIS INTERVENTION TEAMS

JFK

- Mallory Stevens
- Stefanie DeRosa
- Casey McMahon
- Rachel Ealy
- Renee Walker

South

- Mallory Stevens
- Stefanie DeRosa
- Sheila Sterling
- Alicia Rountree
- Rachel Ealy

HJSHS

- Mary Ann DeMello
- Shannon O'Driscoll
- Lisa Tarashuk
- Marybeth Moriarity
- Katie Clegett
- Irma Froio

CIVIL RIGHTS TRAINING PROCEDURES

- Thank you for reviewing the information regarding the legal obligations regarding civil rights and the protection of students.
- Should you have any questions about the material please reference the Civil Rights Handbook or contact Cheryl Flynn, Director of Pupil Personnel Services
- Please print and sign the following page

Holbrook Public Schools

Confirmation of Review of Civil Rights Training and Related Documents

Please print the following form, sign it and return to your building principal by Friday, September 9, 2016 or 10 days after hire.

- 1) I have viewed and understand the Civil Rights Training Information.
- 2) I have viewed and understand the Federal Law: Section 504, Title II and Title VI information.
- 3) I have viewed and understand Federal Law: Title IX, Sexual Harassment.
- 4) I have viewed and understand the information on Bullying and Harassment.
- 5) I have viewed and understand the Physical Restraint Training Information.
- 6) I have viewed and understand which staff to contact regarding Section 504, ADA, Homeless Students, Title VI and Title IX, and Civil Rights.

Signature

Print name

Date