

# Wilmington Public Schools

*161 Church Street*

*Wilmington, MA 01887*



## Annual State and Federal Mandated Review / Training Information

*This presentation is designed to provide important review / training information regarding state and federal educational law mandates for staff.*

***Once you have reviewed this material, please complete this***

***Electronic Sign-Off Sheet***

*Updated: July 2020*

# Central Office Personnel



<b>Glenn Brand, Ed.D.</b>	Superintendent of Schools	978-694-6000 (x6811)
<b>Christine Elliott</b>	Assistant Superintendent for Curriculum & Staff Development	978-694-6000 (x6807)
<b>Paul Ruggiero</b>	Assistant Superintendent for Administration & Finance	978-694-6000 (x6804)
<b>Alice Brown-LeGrand</b>	Director of Student Support Services and District Title VI, Title IX, and Section 504 Coordinator	978-694-6032 (x1101)
<b>Andrea Stern Armstrong</b>	Director of Human Resources	978-694-6000 (x6809)
<b>Kenneth Lord</b>	Director of Technology and Digital Learning	978-694-6000 (x6700)

# Why Provide Annual Review / Training Information for Staff?



- Having informed employees helps foster a healthy work and learning environment
- Annual training is mandated by the State and Federal Department of Education
- All employees are required to participate
- This training protects individuals and the District and ensures that all employees know their rights and responsibilities



# CIVIL RIGHTS FOCUS AREAS

*Part 1*

# School Responsibility

*Massachusetts D.O.E. Regulations*

*Active Efforts – C.M.R. 26:07*



- All public schools shall strive to prevent harassment or discrimination and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence
- The school community and the Superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment and the appropriate methods for responding to such discrimination in a school setting
- The Superintendent shall promote and direct effective procedures for the full implementation of 603 CMR 26.00

# Who is School Personnel?



## ■ School Personnel is Everyone!

- Administrators
- Teachers
- Counselors
- Para-professionals
- Health Staff
- Bus Drivers
- Cafeteria Staff
- Custodians
- Parents and Students

# Responsibilities of School Personnel



- Be familiar with basic facts about discrimination harassment, bullying and hate crimes and follow District Policy
- Know your district's discrimination/harassment/bullying policies
- Recognize and identify bias indicators
- Report all discrimination, bullying and harassment to appropriate authorities
- Don't tolerate harassment and bullying
- Challenge biased or disrespectful attitudes of and behavior by students and staff
- Be alert to signs of harassment and bullying
- Support victims and hold offenders accountable

# Responsibilities of School Personnel

*Continued*



- Post the District's Discrimination/Harassment Policy and Bullying Summaries in all school classrooms and offices
- Monitor the school climate
- Be sensitive to religious holidays and diverse cultures
- If a student mocks another's appearance, mannerisms or mobility, call the offender's attention to the fundamental issue of respect
- Utilize District prevention curricula: Massachusetts Aggression Reduction Center. Second Step, PBIS and Responsive Classroom
- Foster respect and appreciation for diversity
- Actively ensure school safety, report and respond to all violations





# Title VI and MGL 76 (Focus Areas)

*Title VI of the Civil Rights Act of 1964*

*MGL Chapter 76 Section 5*

# Federal Law: Title VI



- 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
- Protects English Language Learner (ELL) students
- Titles VI & IX Coordinator (Alice Brown-LeGrand), will respond to inquiries regarding non-discrimination policies

# Wilmington Public Schools

## Non-Discrimination Statement



All educational and non-academic programs, activities and employment opportunities at Wilmington Public Schools are offered without regard to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability, and any other class or characteristic protected by law.

# M.G.L.

## Chapter 76: Section 5



- Section 5. Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law (homelessness) or by the school committee
- 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, gender identity, religion, national origin or sexual orientation

# Unlawful and Prohibited Conduct (Definition)



Discrimination occurs when an individual is treated differently and/or unfairly in an educational or employment context, solely on the basis of the individual's race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, and/or disability. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment. In all cases, such actions will be considered unwelcome for the very young (elementary school age students).

Harassment is unwelcome oral, written, graphic, electronic, or physical conduct on school property or at a school-related activity relating to an individual's actual or perceived race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, and/or disability (i.e. protected status), that is sufficiently severe, pervasive or persistent so as to interfere with a student's ability to participate in or benefit from the District's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment.

Harassment shall also mean 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. Bias-motivated harassment is a form of discrimination.

# Hate Crime



- A hate crime is a crime motivated in whole or in part by hatred or bias, or where the victim is targeted or selected based on his/her actual or perceived race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age and/or disability.



# **Title IX Review / Training MGL 151C (Focus Areas)**

**Title IX of the Education Amendments of 1972  
MGL Fair Educational Practices Chapter 151C**

# Federal Law: Title IX



- Prohibits discrimination or harassment related to gender, including sexual harassment
- Refer to the District Discrimination/Harassment Policy for specifics regarding steps taken to investigate complaints
- Refer all Title IX issues to your building principal, equity coordinators and the district's Title VI and Title IX Coordinator (Alice Brown-LeGrand)



# Sexual Harassment

*MGL C. 151C*



- The issue of sexual harassment receives special treatment under both Massachusetts and federal law. Massachusetts law is more specific, including an additional definition of and protection against harassment in educational institutions based on sex. MGL 151C defines sexual harassment in educational institutions as:
  - *Any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.*

# Sexual/Gender Harassment (Definition)



- Sexual harassment can be based on gender or sexual orientation. Sexual harassment can include advances, requests, conduct directed from male to female, female to male, male to male, female to female, student to student, student to employee, employee to student, employee to employee.

# Understanding Sexual Harassment



- Sexual harassment creates a hostile environment due to inappropriate speech, materials, and/or actions
- Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances; requests for sexual favors; and/or any other conduct, physical or verbal, of a sexual nature
- Sexual harassment interferes with school or work performance and creates an intimidating and/or offensive environment

# Reporting Requirements



- 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 to the Title IV / Title IX Coordinator (Alice Brown-LeGrand)
- Active investigations will result from the report as applicable, and may result in sanctions up to suspension or dismissal
- If the conduct violates the law, the appropriate authorities will be notified



# Rehabilitation Act of 1973 (Focus Areas)

Section 504 of the Rehabilitation Act of 1973

*Part 2*

# Section 504 (Federal Law)



- 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 (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, major bodily functions which include: immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions)
- Reasonable accommodations/modifications must be made to provide access to programs and/or facilities

# Section 504 (Federal Law)



- No discrimination against a person with a disability will be permitted in any of the programs of the Wilmington Public School District
- You are required by federal law to ensure that all accommodations or modifications are made within your setting in accordance with the 504 Plan
- Questions about eligibility and/or enforcement should be directed to your building principal or Alice Brown-LeGrand (District 504 Coordinator)



# Title II Review / Training

**(Focus Areas)**

*Americans with Disabilities Act of 1990*



# Federal Law: Title II (Americans with Disabilities Act)



- Prohibits discrimination specific to:
  - access to programs and facilities
  - access to a free, appropriate public education for elementary and secondary students
  - employment opportunities
- Applies to special education services, evaluations and IEPs and to student disciplinary measures



# **Title I: Review / Training**

## **(Focus Areas)**

**Every Student Succeeds Act (ESSA) formerly known as the 2001 Reauthorization of the Federal Elementary and Secondary Education Act also known as No Child Left Behind Act of 2001**

# Title I (Federal Law)



- Title I is a federal program supporting elementary and secondary education to fund strategies for raising student achievement in high poverty areas
- Title I funds must be used only to supplement, and in no case supplant, the level of funds that would, in the absence of Title I, be available from federal sources for Title I students
- A district may not use Title I funds to provide services that the district is required to make available



# McKinney-Vento Review/Training (Focus Areas)

*McKinney-Vento Homeless Education Assistance Improvements Act of 2001*

*Part 3*

# McKinney-Vento (Federal Law)



- The federal *McKinney-Vento Homeless Education Assistance Act* is designed to ensure educational rights and protections for students experiencing homelessness. Homelessness is defined as children and youth who “lack a fixed, regular, and adequate nighttime residence.”

# McKinney-Vento (Federal Law)



- Consistent with the Massachusetts DESE Guidelines, the Wilmington Public Schools afford homeless students and unaccompanied youth special consideration in addition to access to the same free, appropriate public education and opportunities thereof, that is provided to all other children and youth living in Wilmington.
- The district will enroll homeless students even if they do not have the documents required for enrollment, such as school records, medical records, or proof of residency.

# McKinney-Vento (Federal Law)



- Homeless students and unaccompanied youth are entitled to receive free and reduced school meals, transportation, English language services, vocational and technical education, gifted and talented services, special education, all extra curricular activities and Title I services



# **An Act Relative to Bullying in Schools**

## **(Focus Areas)**

*Chapter 92 of the Acts of 2010/2014*  
*M.G.L. c. 71, §370*

*Part 4*



# State Law:

## Anti-bullying Act of 2010/2014



- M.G.L. c. 71, §37O: Prohibits acts of bullying, cyber-bullying, and retaliation:
  - On school grounds and or on 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
  - Through the use of technology or an electronic device owned, leased, or used by a school district or school

# State Law: Anti-bullying Act of 2010/2014



- School Districts are required to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs
- WPS Bullying Prevention and Intervention Plan is posted on the District website
- The WPS Bullying Prevention and Intervention Plan will be under review during the 2018-19 school year

# Bullying Prevention and Intervention Protocols



- **Evidenced-based, age appropriate bullying prevention education at all levels**
- **Skill development and social competence lessons= social emotional learning**
- **Consistent enforcement of and compliance with policies, reporting and investigative protocols**
- **Referral to law enforcement, as indicated**
- **Prompt investigation of bullying reports**
- **Implementation of safety plans, as indicated**
- **Supportive services to target and witnesses**
- **Corrective and disciplinary action for aggressor**

# Definitions (Bullying)



- Bullying is the repeated use by one or more students or by school staff members (including, but not limited to administrators, educators, nurses, educational assistants, cafeteria workers, custodians, bus drivers, athletic coaches, or advisors of extracurricular activities) of a written, verbal or electronic expression or a physical act or gesture, or any combination thereof, directed at a victim that:
  - causes physical or emotional harm to the victim or damage to the victim's property
  - places the victim in reasonable fear of harm to him/herself or of damage to his/her property
  - creates a hostile environment at school for the victim
  - infringes on the rights of the victim at school; or
  - materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.
- A bully has actual or perceived physical, social and/or psychological power over his/her target. Bullying is deliberate, repeated, and power-imbalanced.

# Definitions (Bullying)



- Cyber-bullying means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:
  - wire
  - radio
  - electromagnetic
  - photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimiles communications

# Definitions (Bullying)



- Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.
- Cyber-bullying shall also include the distribution by electronic means of 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 the conditions enumerated in the definition of bullying.

# Definitions (Bullying)



- Retaliation (intimidation, reprisal, or harassment) against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying, shall be prohibited.

# Definitions (Bullying)



- *Perpetrator* means the student or staff member who engages in bullying or retaliation.
- *Victim* means the student/staff member who has been bullied or retaliated against
- *Hostile environment* 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 the student's education.



# Reporting (Bullying)



- Students who believe they are a victim of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The victim, however, shall not be subject to discipline for failing to report bullying
- All employees are obligated to immediately report observed or reported incidents of discrimination/harassment or bullying to a principal, designee or supervisor.
- All complaints are recorded in writing, using the complainant's own words.
- Bullying and retaliation may be reported anonymously

# Investigation Procedures (Bullying)



- The school principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.
- The Principal or their designee, upon confirmation of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged victim or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.
- Support staff shall assess an alleged victim's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

# Investigation Procedures (Bullying)



- If the school Principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted.
- The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or his/her designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.
- Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee. A monthly report shall be provided to the Superintendent.

# Massachusetts Hazing Law (Focus Areas)

M.G.L. c. 269, §17-19



**Section 17 :** Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.



# **51A Review / Training**

## **(Focus Areas)**

*MGL Chapter 119, Section 51A*

*Part 5*

# Care and Protection of Children Under 18 (51A)



- School personnel are mandated reporters legally obligated to contact the Massachusetts Department of Children and Families (formally-DSS).
- If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect they must follow DCF 51A reporting requirements.
- Consult with administration and building principal if abuse or neglect is suspected. Please note that you are responsible to ensure that the 51A is filed.



# **Family Educational Rights and Privacy Act (FERPA) (Focus Areas)**

## *Part 6*

# Federal Law: FERPA



- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."



# Federal Law: FERPA



- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.
- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA.

# Confidentiality of Student Records

*Federal Law: FERPA*

*State Law: 603 CMR 23.00 and MGL 71 § 34H*



- All student records maintained in the school must be private and secure. Computerized systems should be electronically secure.
- School personnel should be informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H
- It is important that the information contained in student records is private and confidential

# Accommodation for Religious and Ethnic Observance



- Teachers shall make every effort to refrain from teaching difficult to make-up material, scheduling exam preparation, tests, quizzes, homework, and other one-time events (field trips, athletic events, music performances, theater plays, and productions, auditions, and back to school functions), on major non-national religious holidays.



# **Physical Restraint Guidelines Review/Training (Focus Areas)**

*Part 7*

# Physical Restraint

*MGL 603 CMR 46.00*



- “The purpose of the physical restraint regulation is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint.”

# In-Depth Physical Restraint Training



- At the beginning of each school year, the principal or her designee shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint.
- Such staff shall participate in in-depth training in the use of physical restraint.
- The District uses Safety Care as the restraint and de-escalation program.

# Physical Restraint

*MGL 603 CMR 46.00*



- Regulations around physical restraint apply to school events and activities sponsored by public education programs with the responsibility of staff to:
- “Administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and, prevent or minimize any harm to the student as a result of the use of physical restraint.”
- “The use of seclusion restraint is prohibited in public education programs.”

# DETERMINING WHEN PHYSICAL RESTRAINT MAY BE USED:



- Restraint may be used when “non-physical interventions would not be effective; and the student’s behavior poses a threat of imminent, serious, physical harm to self and/or others, pursuant to a student’s IEP or written plan developed in accordance with state and federal law and approved by the school and parent/guardian.”
- Restraint must be “limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.”



# DETERMINING WHEN PHYSICAL RESTRAINT MAY NOT BE USED:



- Physical restraint is prohibited in the following circumstances:
  - as a means of punishment
  - as a response to property destruction
  - disruption of school order
  - student refusal to comply with a school rule or staff directive
  - verbal threats that do not constitute a threat of imminent, serious, physical harm.

# REPORTING REQUIREMENTS:



- Verbally inform the designated administrator of the restraint as soon as possible, and provide a written report to the building principal by the next school working day.
- Notify the building principal, district administration and DESE if the physical restraint results in any injury to a student or staff member.
- Notify the building principal, district administration and DESE if the physical restraint lasts more than 20 minutes.
- All restraints must be recorded on the District Restraint Log. This log must be send to Central Office at the end of the school year or when requested.

# **SIGN-OFF FOR WILMINGTON PUBLIC SCHOOLS EMPLOYEES**



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to complete the required sign-off form.

Completing the form provides the Wilmington Public Schools with verification that you have reviewed the policies and procedures outlined in this presentation. If you have any questions, please contact Christine Elliott, Assistant Superintendent for Curriculum and Staff Development.

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