



# Mandated Civil Rights Training Presentation

*Somerset Public Schools  
Somerset Berkley Regional School  
District*

August 26, 2020

# Annual Civil Rights Training

- ❑ Annual Training is mandated by the 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.

# What is Non-Discrimination

- ❑ Non-discrimination is the practice of treating all people the same way in order to be fair.
- ❑ The Somerset Public Schools and Somerset Berkley Regional School District actively seek to prevent discrimination or harassment on the basis of age, sex, color, disability, national origin, religion, race, sexual orientation or gender identity.
- ❑ We are committed to ensuring that all programs and facilities are accessible to all.

## Massachusetts General Law (M.G.L.) 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, **gender identity**, 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.
  
- ❑ **NOTE:** Effective July 1, 2012, the Legislature amended M.G.L. c. 76, § 5 to prohibit discrimination on the basis of gender identity of students who enroll in or attend public schools.

## Gender Identity M.G.L. Chapter 76, Section 5

- ❑ Gender Identity is defined 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. (603 CMR 26.01, Acts of 2011, Session Law 199)
  
- ❑ Schools must respect and accommodate a student's gender identity, so long as it is a "sincerely held belief."
  - ❑ According to DESE, the student and/or parent should be given broad discretion to demonstrate the student's gender identity, including confirmation of a student's asserted gender identity by a parent, health care provider, school staff member familiar with the student, clergy member, coach or family member.

## DESE Guidance to Assist in Implementing The Gender Identity Provisions of M.G.L. c. 76, § 5

- ❑ **Student Records.** A district must keep confidential a student's birth sex, name change for gender identity purposes, gender transition, and any medical or mental health treatment related to gender identity.
- ❑ **Addressing Students.** School personnel should refer to the student based on his or her chosen name. A student's teacher(s) should ensure that the class uses the proper pronoun (he or she) to refer to the student based on his or her gender identity.
- ❑ **Restrooms, Locker Rooms, and Changing Facilities.** A student must be provided access to the facilities that correspond with his or her gender identity. Students who are not comfortable using these facilities should be provided with access to a unisex bathroom or a reasonable accommodation to help the student feel comfortable.
- ❑ **Sex Segregated Classes/Activities:** In schools where there are sex-segregated classes or athletic activities, a student must be allowed to participate consistent with his or her gender identity.

## Implementing The Gender Identity Provisions of M.G.L. c. 76, § 5 - Gender Identity & Bullying

- ❑ School personnel need to be cognizant of bullying against students based on gender identity.
- ❑ School officials should also remember that the parents of LGBTQ students may not be aware of their child's sexual orientation or gender identity/expression. Reports of bullying based on gender identity need to be discussed with the student and a plan should be developed for sharing information with the student's parent(s).
- ❑ Students who fear disclosure are less likely to report bullying or assist/participate in bullying investigation(s).

## Massachusetts Regulations

### 603 CMR 26:00: Access to Equal Educational Opportunity

- ❑ DESE promulgated 603 CMR 26.00 to ensure that Massachusetts public schools do not discriminate against students on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools.
  
- ❑ The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association that would limit the eligibility or participation of any student on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation.



## 603 CMR 26:07 – Active Efforts

- ❑ 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.

## Unlawful and Prohibited Conduct Defined

- ❑ 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 sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity or sexual orientation.
- ❑ Discrimination on the basis of sex shall include, but is not limited to, sexual harassment.
- ❑ In the Somerset Public Schools and Somerset Berkley Regional School District, discrimination, sexual harassment, and harassment, including teasing and bullying, is unacceptable and will not be tolerated.

## Unlawful and Prohibited Conduct Defined, cont.

- Harassment based on a person's sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity or sexual orientation consists of conduct that:
  - (a) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or educational environment;
  - (b) has the purpose of substantially or unreasonably interfering with a person's work or academic performance; and/or
  - (c) otherwise adversely affects a person's academic standing or employment opportunities.
  
- Discrimination and harassment are unlawful and hurts all members of the school community.

## Hate Crimes

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, religion, sex, gender identity, sexual orientation, disability, national origin, ethnicity, or ancestry.
  
- ❑ Under Massachusetts Law, a Hate Crime can be charged under three (3) different statutes and is punishable with prison time, fines, or a combination of both.

# Federal Law Mandates

## Federal Civil Rights Laws Require Schools to:

- ❑ Remedy discrimination and harassment.
- ❑ Promote equal access to all programs and facilities.
- ❑ Regularly notify students, parents, and employees that the District does not discriminate on the basis of age, sex, color, disability, national origin, religion, race, sexual orientation or gender identity
- ❑ 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.

## Federal Laws Overview

**The following are key federal laws governing Civil Rights:**

- ❖ Americans with Disabilities Act of 1990 (Title I and Title II)
- ❖ Civil Rights Act of 1964 (Title VI)
- ❖ Equal Educational Opportunities Act of 1974
- ❖ Educational Amendments of 1972 (Title IX)
- ❖ Rehabilitation Act of 1973 (Section 504)
- ❖ McKinney-Vento Homeless Assistance Act of 2001
- ❖ No Child Left Behind Act of 2001

## Federal Law: Title II of the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendments Act of 2008 (ADAAA)

- ❑ The ADA prohibits discrimination on the basis of a disability.
- ❑ The ADA requires the District to provide reasonable accommodations or modifications to ensure access to programs and facilities, a free appropriate public education for elementary and secondary students, and non-discriminatory employment practices.
- ❑ The ADA applies to special education services, evaluations, Individual Education Plans (IEPs), and student discipline.
- ❑ It is the responsibility of all educators who work with a student on a 504 plan or an IEP to provide the plan's accommodations and/or modifications - this is a legal requirement.

## Federal Law: Title VI of the Civil Rights Act of 1964

- ❑ Title VI prohibits discrimination on the basis of race, color, and national origin in programs receiving federal financial assistance.
- ❑ Title VI applies to students, parents, and employees.
- ❑ Title VI prohibits discrimination in student class assignments or ability tracking, and protects English language learners.
- ❑ School principals respond to initial inquiries regarding Title VI and other non-discrimination policies.
- ❑ Contact the **CENTRAL OFFICE at (508) 324-3100** with any inquires regarding Somerset or Somerset Berkley's Non-Discrimination Policies.



## Federal Law: Title IX of the Education Amendments of 1972

- ❑ Title IX prohibits discrimination on the basis of sex in educational programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence.
- ❑ Schools have a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.
- ❑ Title IX requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence.

## Federal Law: Title IX of the Education Amendments of 1972

### *Obligation of Schools*

Responsible for addressing incidents about which it knows or reasonably should have known.

School district is responsible to act, even if the misconduct is covered by an anti-bullying policy, and regardless of whether an individual has complained, asked the school to take action, or identified the harassment as a form of discrimination. The label for the incident does not determine how the school has to respond.

If reported as bullying, will be investigated under both bullying and harassment.

## Federal Law: Title IX of the Education Amendments of 1972

### *Sexual Harassment Under Title IX vs. Bullying*

- Quick review of bullying: repeated verbal, written, physical, or electronic expression or action direct against a target to scare or harass them.
- **Title IX does not need to involve repeated action-once is enough.**
- Some things will be both:
  - Mocking someone repeatedly on basis of gender- compare to recent Title VII cases such as Franchina v. City of Providence, 1<sup>st</sup> Cir., January 25, 2018
  - Generally, **homophobic comments** should be included in both Title IX and bullying investigations.

## Federal Law: Title IX of the Education Amendments of 1972

- ❑ Refer to the District's Sexual Harassment Policy for specifics regarding how to file a complaint and steps that must be taken to report, investigate and remediate complaints.
  
- ❑ Refer all possible sexual harassment concerns to a supervisor or building principal as detailed in the District's Sexual Harassment Policy.
  
- ❑ Meg Ashton is the District's Title IX Coordinator.  
As Title IX Coordinator, she oversees all complaints of sex discrimination and identifies and addresses any patterns or systemic problems that arise during the review of such complaints. All discrimination and/or harassment issues should be referred to the Central Office and Title IX Coordinator (508) 324-3100 ext. 3217.

## Title IX: Understanding Sexual Harassment

- ❑ Sexual harassment creates a hostile environment due to inappropriate sexual 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, verbal, visual or physical, of a sexual nature.
- ❑ Sexual harassment interferes with school or work performance and creates an intimidating, humiliating, and/or offensive environment.
- ❑ Sexual harassment issues can involve student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.

## Title IX: Understanding Sexual Harassment, cont.

- ❑ Sexual harassment affects **women and men**
  - ❑ Sexual harassment may include, but is not limited to:
    - ❑ Unwelcome sexual advances or requests for sexual favors
    - ❑ Inappropriate touching; intentionally impeding movement; displaying sexually suggestive materials; verbal comments; gestures; drawn, written, or electronic communication of a sexual nature; leering or voyeurism, or intimidation based on gender or sexual preference
  
- ❑ Examples of prohibited activities that may create a hostile school or work environment that include:
  - ❑ Vulgar or explicit sexual-related epithets and/or abusive language;
  - ❑ Sexually explicit behavior, comments on appearance and/or indecent exposure by students or employees;
  - ❑ Sexually related graffiti, posters, or calendars.

## Federal Law: Title IX of the Education Amendments of 1972

### *Reporting Sexual Harassment/Discrimination*

- **District staff must report possible incidents of discrimination or harassment to the school principal.**
- **District staff should report incidents or complaints even if received orally.**
- Anonymous tips may be relied upon to initiate an investigation.
  - But: a school district should avoid taking disciplinary action based on an anonymous tip alone, without corroborating evidence.
- Individuals can make a complaint in writing or orally.

## Federal Law: Rehabilitation Act of 1973 (Section 504)

- ❑ Provides 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 activities (self-care, walking, seeing, hearing, learning, breathing, speaking, thinking, concentrating, and reading).
- ❑ The ADAAA amended both the ADA and Section 504 to more broadly construe the definition of disability.
- ❑ Reasonable accommodations/modifications must be made to provide access to programs and/or facilities.



## Federal Law: Section 504

- ❑ When a student has a 504 Accommodation Plan, it is the responsibility of all educators who work with that student to provide the accommodations - **this is a legal requirement.**
- ❑ Case law suggests 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 in any of the programs of Somerset or the Somerset Berkley Regional School District.
- ❑ Questions about eligibility and enforcement should be directed to the building-based 504 coordinator.

## Responsibilities of School Personnel

- ❑ **Who is Responsible?**

- ❑ **EVERYONE!!!**

- ❑ **Who is everyone?**

- ❑ Administrators, Teachers, Secretaries, Teacher Aides/ Assistants, Tutors, Specialists/Related Services Providers, Monitors, Counselors, Health Staff, Bus Drivers, Cafeteria Staff, Custodians, Volunteers, Parents, and Students.

- ❑ **What do you need to do?**

- ❑ Know the District's Discrimination/Harassment Policy.
  - ❑ Know the District's Bullying Prevention and Intervention Plan.
  - ❑ Promote a socially inclusive school environment for all.
  - ❑ Actively ensure school safety; report and respond to all violations.

## Responsibilities of School Personnel, cont.

### ❑ What do you need to do, cont.

- ❑ Be familiar with basic facts about harassment, bullying, and hate crimes.
- ❑ Recognize and identify bias indicators.
- ❑ **Report** all bullying/discrimination/harassment to the appropriate school (principal) or district personnel.
- ❑ Challenge biased or disrespectful attitudes and behavior by students and staff.
- ❑ Be alert to signs of student harassment and bullying.
- ❑ Support victims and hold offenders accountable.
- ❑ If a student mocks another's appearance, mannerisms, or mobility, call the offender's attention to the fundamental issues of respect.
- ❑ Encourage student involvement.

## Religious Holidays and Observance

- ❑ Be sensitive to religious holidays (see list of dates at <http://www.doe.mass.edu/resources/holidays.html>).
- ❑ Holidays that students might miss school for include: Rosh Hashanah, Yom Kippur, Eid al-Fitr, Divali, Good Friday, and Eastern Orthodox Good Friday.
- ❑ Massachusetts law require that students who miss school for a religious observance must have the opportunity to make up the work without penalty.
- ❑ Avoid major assessments or deadlines for projects on such dates, and provide reasonable accommodations for students who need to make up work missed due to religious obligations.

## Tips For Addressing Harassment/Discrimination

- ❑ Enlist parents, students, and community in this effort
- ❑ Foster respect and appreciation for diversity
- ❑ Monitor the school climate
- ❑ Be sensitive to different cultures and religious holidays
- ❑ Implement measures to address harassment immediately and effectively
- ❑ Collaborate with law enforcement
- ❑ Review crisis intervention plans
- ❑ Document and report all incidents of harassment/discrimination/bullying



## Reporting Requirements

- ❑ Any employee or student who believes he/she has been the victim of harassment and/or discrimination should report it to his/her building principal, a teacher, or directly to the Central Office.
- ❑ Any employee who becomes aware of an incident of harassment or discrimination must promptly report the incident to his/her building principal or the Central Office.
- ❑ 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.

**Section 504, Special Education, Title VI & IX Coordinators,  
Homeless Liaison and Foster Care Point of Contact**

Building based 504

Coordinators: SBRHS

Somerset Middle School  
Chace St. Elementary School  
North Elementary School  
South Elementary  
School

Elizabeth Coogan  
Dr. Pauline Camara  
Tim Plante  
Dr. Paula Manchester  
Steph Brown

Special Education Coordinators:

SBRHS  
Somerset Middle School  
Chace St/ South Elementary  
North Elementary School

Jeannine Wood  
Cassey Monte  
Jennifer McCarthy  
Kristine Burke

Section 504/ADA District Coordinator

Meg Ashton, Director of Special Education

District Foster Care Point of Contact and Homeless Student Coordinator: :

Meg Ashton, Director of Special Education

District Civil Rights Coordinator (Title VI and IX):

Meg Ashton, Director of Special Education

# Bullying and Cyber-bullying Law



M.G.L. c. 70 Sect.  
370



## M.G.L. c. 70 Sect. 370 Massachusetts Anti-Bullying Law

- ❑ In 2010, the Massachusetts Legislature passed a bullying and intervention law, M.G.L., c. 71, § 37 O (as added by Chapter 92 of the Acts of 2010.)
- ❑ **NOTE:** Effective, July 1, 2013, the Legislature amended the Anti-Bullying Law to include bullying by **school staff**.
- ❑ **NOTE:** Effective April 24, 2014, the Legislature amended the Anti-Bullying Law to require school districts to “recognize” in their bullying prevention and intervention plans that certain categories of students may be more vulnerable to bullying. A District must also provide, in its plan, specific steps it will take to support these individuals.
- ❑ The law requires all schools to develop and adopt bullying prevention and intervention plans. The Somerset and Somerset Berkley Bullying Prevention and Intervention Plans and related information are available on each District’s website.

## Massachusetts Anti-Bullying Law: Definitions

### ❑ **Bullying is defined as:**

- ❑ The repeated use by one or more students, or by a member of the school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
  - (i) causes physical or emotional harm to the victim or damage to the victim's property;
  - (ii) places the victim in reasonable fear of harm to himself or of damage to his property;
  - (iii) creates a hostile environment at school for the victim;
  - (iv) infringes on the rights of the victim at school; or
  - (v) materially and substantially disrupts the education process or the orderly operation of a school.

For purposes of this law, bullying includes cyber-bullying.

## Massachusetts Anti-Bullying Law: Definitions

- ❑ A bully's words and/or actions intimidate, frighten, ridicule, humiliate, or cause harm to another person (based on, for example: physical appearance, lack of athletic ability, clothing, neighborhood).
  
- ❑ A bully has actual or perceived physical, social and/or psychological power over his/her target.
  
- ❑ Bullying usually involves a pattern of behavior including:
  - ❑ Physical (hitting, kicking, pushing, intimidation, damaging, defacing, or taking personal property);
  - ❑ Verbal (verbal intimidation, name-calling, ridicule, jokes, insults, threats);
  - ❑ Emotional (stalking, spreading rumors, exclusion).

## Massachusetts Anti-Bullying Law: Definitions

- ❑ **Cyberbullying** is defined as bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. This does not have to happen repeatedly to be considered cyberbullying. It includes, but is not limited to, email, internet communications, instant messages, pictures/videos, posts or messages sent via messaging apps, social networking sites or fax communications.
  - ❑ Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.
  - ❑ Cyber-bullying 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 the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

## Massachusetts Anti-Bullying Law: Definitions

It's bullying IF there is repeated behavior that:

- i. Causes physical or emotional harm to the target or damage to target's property.
- ii. Places target in reasonable fear of harm to him/herself or property.
- iii. Creates a hostile environment at school for target.
- iv. Infringes on the rights of the target.
- v. Materially and substantially disrupts the education process or the orderly operation of a school.

## Reasons to be Concerned About Bullying

- ❑ Many children are involved in bullying, and most are extremely concerned about it.
- ❑ Bullying can seriously affect the mental health, academic work, and physical health of children who are targeted.
- ❑ Children who bully are more likely than other children to be engaged in other antisocial, violent, or troubling behavior.
- ❑ Bullying can negatively affect children who **observe** bullying going on around them—even if they aren't targeted themselves.
- ❑ Bullying is a form of victimization or abuse, and children should be able to attend school or take part in community activities without fear of being harassed, assaulted, belittled, or excluded.

## When Does Bullying Occur?

Bullying tends to happen most often in and around schools – specifically in those areas where there is little or no adult supervision:

- Playgrounds and recess
- When waiting to go on or off the bus
- At dismissal time
- Hallways
- Cafeteria
- Classroom before the lesson begins
- Bathrooms or Locker rooms

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



## Bullying and Harassment Myths

- Ignore it and it will go away.
- Bullying does not occur if you stand up for yourself.
- The victim did something to cause/deserve the bullying.
- Boys will be boys/girls will be girls.
- Harassment and bullying toughens you up.
- It's a part of life, accept it.
- Only wimps get bullied.
- Children who get harassed or bullied are passive, loners, overly sensitive.



## Signs of Possible Bullying and Harassment

- Indicates fear of walking in the halls unsupervised.
- Shows signs of being intimidated when interacting with certain students in class, cafeteria, or halls.
- Appears fearful of walking to or from school.
- Seems withdrawn, disengaged in class.
- No longer participates in class or school-related activities.
- Is suddenly doing poorly in school.
- Increase in absences; arrives late for school or certain classes.
- Often “loses” his or her money and/or possessions.
- Is the victim of repeated thefts.
- Is the target of jokes, abuse or insults in school, chat rooms, websites, or social networking sites.
- Explanations for above do not make sense.

## Parameters of the Anti-Bullying Law

- ❑ Acts of bullying, which include cyber bullying, are prohibited:
- ❑ 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 electric device owned, leased, or used by a school district.
- ❑ At a location, activity, function, or program that is not school-related through the use of technology or 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.

## Anti-Bullying Law and Children With Disabilities

- M.G.L. c. 71B § 3 (as amended)
  - Whenever the evaluation of the IEP team indicates that a child has a disability that affects social skills development or that a child is vulnerable to bullying, harassment or teasing because of the child's disability, the IEP shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.
  - Applies equally to students who are perpetrators of bullying.
  
- In addition, the U.S. Department of Education has warned that a school district's failure to properly address bullying of students with disabilities could result in a denial of a free appropriate public education (FAPE) for these students.

## **Somerset Public School District and Somerset Berkley Regional School District**

### **Bullying Prevention and Intervention Plan**

- ❑ The Somerset and Somerset Berkley Bullying Prevention and Intervention Plan was developed in 2010, under the auspices of the *Safe and Drug-Free Schools and Wellness Advisory Council* and it was updated by both the Somerset and Somerset-Berkley School Committees in 2017.
- ❑ The Plan indicates that, at the start of each school year, the building principal reviews the Plan as well as the Anti-Bullying Policy, and what steps to take when witnessing bullying, with all staff.
- ❑ A copy of the Plan along with plan specifics is available on each District's website.
- ❑ A report of bullying can be done by completing an incident report or anonymously through a dedicated phone number.

**Somerset Public School District and  
Somerset Berkley Regional School District  
Bullying Prevention and Intervention  
Plan**

**STAFF OBLIGATION TO REPORT**

- ❑ Staff members are required to immediately report to his/her building principal when s/he witnesses or becomes aware of conduct that may be bullying or retaliation.
- ❑ The requirement to report to the principal or his/her designee does not limit the authority of a staff member to respond to behavior or incidents consistent with school and district policies for student behavior/discipline.

**Somerset Public School District and  
Somerset Berkley Regional School District  
Bullying Prevention and Intervention  
Plan**

**PRINCIPAL/DESIGNEE RESPONSE TO REPORTS  
OF BULLYING OR HARASSMENT**

- ❑ Before fully investigating the allegations of bullying or retaliation, the principal/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.
- ❑ The principal or designee will take additional steps to promote safety before, during and after the investigation, as necessary.
- ❑ The principal 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.

**Somerset Public School District and  
Somerset Berkley Regional School District  
Bullying Prevention and Intervention  
Plan**

**PRINCIPAL/DESIGNEE RESPONSE TO REPORTS  
OF BULLYING OR HARASSMENT**

- ❑ **Notice to parents or guardians.** Upon determining that bullying or retaliation has occurred, the principal/designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it.
  
- ❑ **Notice to Another School or District.** If the reported incident involves students from more than one school/school district, the principal/designee will promptly notify the principal/designee of the other school(s) so that they may take appropriate action.
  
- ❑ **Notice to Law Enforcement.** At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal/designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency (consult with School Resource Officer, as appropriate).

**Somerset Public School District and  
Somerset Berkley Regional School District  
Bullying Prevention and Intervention  
Plan  
PRINCIPAL/DESIGNEE RESPONSE TO REPORTS  
OF BULLYING OR HARASSMENT**

- ❑ The principal/designee will investigate promptly all reports of bullying or retaliation and consider all known/available information, including the nature of the allegation(s) and the ages of the students involved.
- ❑ The principal/designee will make a determination based on all facts and circumstances.
- ❑ The principal/designee (or whoever is conducting the investigation) will remind all involved that retaliation is strictly prohibited and will result in disciplinary action.
- ❑ To the extent practicable, the principal/designee will maintain confidentiality during the investigative process.
- ❑ The principal or designee will maintain a written record of the investigation.



## Somerset Public School District and Somerset Berkley Regional School District Bullying Prevention and Intervention Plan

### NOTIFICATION and CONFIDENTIALITY

- ❑ The principal/designee will promptly notify the parents or guardians of the target and the aggressor of 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 legal requirements regarding confidentiality of student records, the principal/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.**
- ❑ The principal/designee shall inform the parent or guardian of the target about DESE's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

**Somerset Public School District and  
Somerset Berkley Regional School District  
Bullying Prevention and Intervention  
Plan**

**BULLYING PREVENTION CURRICULA**

- ❑ To be incorporated district-wide Grades K-8 and 9-12.
- ❑ Curricular implementation continues this year, incorporating prevention lessons and activities
- ❑ Curriculum development/support continues during school year.
- ❑ Comprehensive evidence-based prevention curriculum
- ❑ Each grade level includes activities and lessons that teach students skills for dealing with bullying situations.
- ❑ Lessons derived from various modules (Safety; Social-Emotional Health; Violence Prevention)

# Our Commitment

Somerset Public School District and the Somerset Berkley Regional School District are committed to providing our students equal educational opportunities and a safe learning environment free from bullying and cyber-bullying, where all school community members treat each other with respect and appreciate the rich diversity in our schools. This commitment is an integral part of each District's comprehensive efforts to promote learning, eliminate all forms of violent, harmful, and disruptive behavior and enable students to achieve their personal and academic potential and become successful citizens in our increasingly diverse society.

## Teen Dating Violence

- M.G.L. c.71,§2C
  - Became effective November 4, 2010.
  - Requires all school districts to maintain policies addressing teen dating violence.
  - Teen dating violence may result in disciplinary sanction by the school or District.
  - If you observe or become aware of teen dating violence, report it to your building Principal without delay.

# Physical Restraint Regulations



603 CMR46.00

## 603 CMR 46.00: Physical Restraint Regulations School Personnel Responsibilities

- All school staff should read and be familiar with the physical restraint regulations, 601 CMR 46.00.
  - Amended Physical Restraint Regulations were approved by the DESE and took effect on January 1, 2016.
  - All school staff must should read and be familiar with the new regulations.
  - A central theme of the amended regulations is that physical restraint should only be used in an emergency situation and as a last result.
  - **The amended regulations prohibit the inclusion of physical restraint in a student's IEP or behavior plan.**
- 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.

## Physical Restraint

- **Physical restraint:** “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 skill, redirecting attention, providing comfort, or a physical escort.”
  - Even if you hold a child for five (5) seconds and during that time they cannot move, that is considered a restraint and must be documented.
- **Not Physical Restraint:** “Touching or holding a student without the use of force” – including physical escort, touching to provide instructional assistance, and other forms of physical contact that do not include the use of force.

### **When May Physical Restraint be Necessary?**

- When other, non-physical interventions have been tried and failed or are judged to be inadequate to the circumstances; as a last resort.
- When a student’s behavior poses a threat of **IMMINENT, SERIOUS, PHYSICAL HARM** to self and/or others and the student is not responsive to other lawful and less intrusive behavior interventions.

## Physical Restraint: Understanding the Terms

- **Physical escort:** Temporary touching or holding, without use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.
- **Extended restraint :** The amended regulations do not include a definition of an extended restraint, however, under the new regulations approval by a principal or designee will be required to continue a restraint beyond 20 minutes.

Under the amended regulations, all physical restraint must end as soon as the student is no longer an immediate danger to himself or others.



## Physical Restraint: Understanding the Terms

### □ Time-out and Seclusion:

- **Time-out:** A behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, student must be in a clean, safe, sanitary and appropriate space, and continuously observed by a staff member. Includes inclusionary and exclusionary time-out.
- **Inclusionary time-out:** when a student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom. Functions as a behavior support strategy while allowing student to remain aware of the activities of the classroom.
- **Exclusionary time-out:** separation of student from the rest of the class either through complete visual separation or from actual physical separation. During an exclusionary time-out, the student must be continuously observed by a staff member, and a staff member must be with or immediately available to the student. Exclusionary time-out must cease as soon as the student has calmed down.
  - **Should only be used when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom.**
- **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Both elements of the definition establish seclusion.
  - **Use of seclusion is prohibited in Massachusetts.**

## Use of Physical Restraint

- Only staff trained in physical intervention should administer physical restraints.
- Only the amount of force necessary to protect the student and others from physical harm or injury should be used.
- When possible, the administration of a restraint shall be witnessed by an adult who does not participate in the hold.
- The training requirements in 603 CMR 46.00 **shall not preclude** a teacher, employee, or agent of a school from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.
- When physical restraint is necessary, the safest method available and appropriate to the situation and the individual should be used.

## Use of Physical Restraint, cont.

- Floor or prone holds are prohibited unless staff administering these holds have received in-depth training (16 hours minimum) in such procedures.
- Prone restraints are **prohibited** unless the following criteria are met:
  - Student has documented history of repeatedly causing serious injury to self or others;
  - All other forms of restraint have been unsuccessful in ensuring safety;
  - There is no medical contraindications as documented by a licensed physician;
  - There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
  - The program has obtained consent from the parent to use prone restraint in an emergency, and the consent has been approved in writing by the principal; and
  - All of the above has been documented by the school **in advance** of the use of prone restraint.
- Other forms of physical restraint, including supine restraint, remain permissible in emergency situations as long as those participating in the restraint have received the required training.

## Use of Physical Restraint, cont.

- In addition to prone restraint, mechanical restraint, medication restraint (currently referred to as chemical restraint), and seclusion are prohibited.
  
- Do **not** use physical restraint:
  - When non-physical interventions could be used to de-escalate the situation or problem solving strategies could be implemented.
  
  - As a means of punishment or as “treatment.”
  
  - As a response to property destruction, school disruption, refusal to comply, or verbal threats.
  
  - If you have not been properly trained.

## Physical Restraint: Safety Requirements

- ❑ A student's color and respiration during a hold must be monitored.
  - If there is any change in student's pallor, respiration, speech, or other signs of physiological distress, the hold must be released immediately.
  - If student experiences physical distress – release restraint and seek medical assistance immediately.
- ❑ Physical restraint should be implemented as a last resort and to prevent or minimize physical harm.
- ❑ **KNOW YOUR STUDENTS:**
  - Be aware of medical or psychological issues and attempt to implement behavior interventions before considering utilization of physical restraint.
  - When a situation occurs where a student is demonstrating potentially harmful behaviors, seek assistance immediately.

## Physical Restraint: Safety Requirements, cont.

- **Communicate** during a crisis. State what type of assistance you need.
- **Post communication information in your classroom** so that someone can contact help quickly.
- Try to **ensure a witness** is present during any crisis.
- **Document** the occurrence of each instance of aggression and/or use of physical restraint. [603 CMR 26.06(4) for specific requirements]. **There is no time limit...if restrain a student for 15 seconds, that must be documented**
- Under the regulations there are strict reporting and documentation requirements. Additionally, where previously only serious restraint-related injuries had to be reported to DESE, effective 1/1/16, **ANY** injuries resulting from a physical restraint must be reported. In these instances, the school or program must send a copy of the written report required by 603 CMR 26.06(4), and a copy of the principal's physical restraint log for the 30 day period preceding the reported injury/restraint.

## Follow-up Procedures After a Physical Restraint

- Review incident with student (and parents if necessary) to address behavior. [\[Ask: How can we avoid this happening again?\]](#)
- Those staff members involved in the situation must debrief with an administrator regarding the situation.
- Consider follow-up that may be necessary with students who may have witnessed the restraint.

### **Reporting Requirements (603 CMR 46.06)**

- **When to Report/Document:** Report/document all restraints.
- **Notify School Administration:** Verbally notify school administration of any physical restraint as soon as possible, and provide written report by the next school working day. **This is the same for all restraints.**
- **Notify Parents:** The principal or director of the program must notify the parent verbally as soon as possible, and by written report within three school working days. **This is the same for all restraints.**
- **NOTIFY DESE :** Report all physical restraints to the DESE. Physical restraints causing injury must be reported within 3 school working days. All other data shall be collected and reported annually in a manner and form directed by DESE.

## De-escalation Techniques: Ten Tips for Prevention Intervention

Our behavior effects their behavior.

1. Be empathetic.
2. Clarify messages.
3. Respect personal space.
4. Be aware for your body position.
5. Ignore challenging questions.
6. Permit verbal venting when possible.
7. Set and enforce reasonable limits.
8. Keep your nonverbal cues non-threatening.
9. Avoid overreacting.
10. Use physical techniques only as a last resort.

*Source: Crisis Prevention Institute, Non-Violent Crisis Intervention*



## For Your Information

### For Selected Staff: In-Depth Physical Restraint Training

#### In-Depth Physical Restraint Training Components

- Prevention techniques, relationship building and use of alternatives
- Identifying dangerous behaviors
- Experience in restraining and being restrained (simulated experience)
- Demonstration of learned skills
- Recommended that such training be at least 16 hours in length

#### **In addition, training must also include:**

- Instruction regarding documentation and reporting requirements and investigations of injuries and complaints
- Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social- emotional effects.

## Training is IMPORTANT Because

- ❑ A safe school environment is better able to promote effective teaching and learning
- ❑ Preparing appropriate responses to potentially dangerous circumstances help to eliminate or minimize negative consequences

**NOTE:** This presentation does not substitute for a careful reading of the full regulatory requirements or the District's restraint prevention policy and procedures, and is not a substitute for the required annual



## IDEA: Individuals With Disabilities Education Act

- ❑ The IDEA entitles eligible students to an individualized program of specially designed instruction and/or related services that are reasonably calculated to provide an educational benefit in the least restrictive setting consistent with that goal.
  
- ❑ Students Eligible for IDEA Services
  - A student with a disability who, because of the disability requires specially designed instruction and/or related services to progress effectively in the general curriculum.

## Individualized Education Programs (IEPs)

- An IEP is an annual written statement of:
  - The student's current strengths and weaknesses
  - Summary of key evaluations
  - Annual goals for the student
  - Description of the special education services, accommodations and placement necessary to enable the student to progress toward identified goals and to make effective progress in the general curriculum
  - **The IEP is an enforceable contract**

## The Role of the General Education Teacher as a Special Education Team Member

- IEP/504 Plan Development and Review
  - Participate in the development and review of the IEP and 504 Plans
  - Participate in the review of evaluations
  - Be knowledgeable about, and prepared to describe, the student's ability to progress in the general curriculum
    - Teachers must be prepared to provide objective data and documentation to support conclusions and recommendations
    - Be candid in assessing skills and future progress
    - Do not make judgments or offer opinions that are outside your field of expertise

## Discipline and Students with Disabilities

- ❑ All students are entitled to a level of due process prior to being excluded from school.
- ❑ Students with disabilities are entitled to additional protections prior to the imposition of a disciplinary sanction that will remove them from school for more than 10 days in a year.

### **Students with Disabilities:**

- ❑ Students with IEPs
- ❑ Student with 504 plans
- ❑ Any student whom the District had reason to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education.

## Discipline and Students with Disabilities, cont.

### **Additional Procedural Protections:**

- “Manifestation determination” prior to any removal constituting a change in placement.
  
- Where appropriate, development of a Functional Behavioral Assessment (FBA) plan or review of existing Behavior Intervention/Support Plan.
  
- Continued provision of services (FAPE) as of the 11<sup>th</sup> cumulative day of removal.

## Manifestation Determination

- ❑ Was the conduct giving rise to disciplinary action caused by or directly and substantially related to the child's disability?
- ❑ Was the conduct giving rise to the disciplinary action the direct result of the schools' failure to implement the IEP?

### If Behavior is NOT a Manifestation:

- ❑ May impose sanctions applicable to all students.
- ❑ Team considers whether it would be appropriate to conduct a functional behavioral assessment.
- ❑ Provide FAPE for students on IEPs as of day 11 of removal.
  - ❑ **NOTE:** Effective July 2014, all students are entitled to academic services when removed from school for an extended period of time. This includes students on 504 plans and general education students.



## Manifestation Determination

### If Behavior IS a Manifestation:

- ❑ Team requests a functional behavioral assessment (new assessment or an update to an old assessment) and/or develops/revises existing behavior intervention plan.
- ❑ Child returns to school prior to the 11<sup>th</sup> day, unless the conduct meets criteria for a unilateral removal or the school district obtains either:
  - ❑ Parental consent to change placement;
  - ❑ A Hearing Officer's order; or
  - ❑ A temporary restraining order (TRO).

## RELATED REMINDER: LAW ON STUDENT DISCIPLINE

- ❑ Chapter 222 of the Acts of 2012
  - ❑ Signed into law August 2012; effective July 1, 2014.
  - ❑ **Provides for continued educational services for all students when subject to exclusion from school.**
  - ❑ Designed to establish uniform and consistent due process procedures throughout the state.
  - ❑ Creates New Discipline Statute – M.G.L. c. 71, § 37H<sup>3/4</sup>
    - Applies to any offense that does not fall under 37H or 37H<sup>1/2</sup>.
    - Requires principals to consider other options and ways to reengage the student prior to imposing a long term suspension (603 CMR 53.05).
    - Limits exclusion of a student to 90 school days in a single school year.
      - Effectively eliminates the ability to expel students for non-37H or 37H<sup>1/2</sup> offenses.
    - Requires that district notify DESE of all suspensions and exclusions.

## Restraining Orders and Harassment Prevention Orders

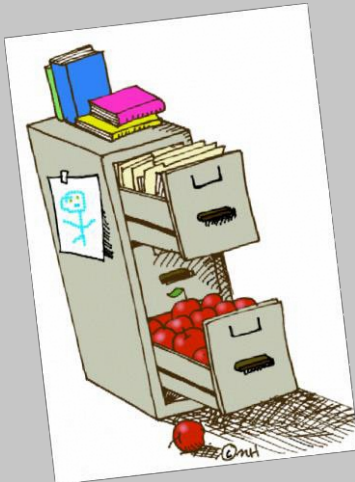
- ❑ At times a member of the school community will be made aware that a restraining order or harassment prevention order is in place restricting certain individuals from having access to a student in the district or between two students.
- ❑ Anyone notified of a restraining order or harassment prevention order must alert the building principal immediately. The building principal will alert the necessary staff as well as the Superintendent and Director of Special Education of the order and any specific conditions or safety plans that must be followed/put into place to ensure that the order is adhered to.
- ❑ In instances of student to student “stay away” orders, the building principal or designee will ensure that both students are aware of their responsibility to stay away from each other.
- ❑ Staff will be alerted to the removal of the order if and when it is lifted.

# Confidentiality of Student Records training



## Student Records and Right to Privacy

- ❑ Massachusetts Student Records
  - ❑ State Law: M.G.L. c. 71 §34(A-H)
  - ❑ Regulations: 603 CMR 23:00
  
- ❑ Family Education Rights and Privacy Act (FERPA)
  - ❑ Federal Law: 20 U.S.C. §1232g
  - ❑ Regulations: 34 CFR Part 99



All student records maintained by the school must be private and secure; computerized systems should be electronically secure.

## What is a Student Record?

- ❑ Permanent Record:
  - Transcript
- ❑ Temporary Record
  - All information, in any form, that is organized on the basis of the student's name or in a way that the student may be individually identified.
  - ❑ The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party.
  - ❑ Such information may be shared with the student, parent temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.

## Access to Student Record

### **Who has access to the Student Record?**

- ❑ Parents and Students upon reaching age 14 or entering 9<sup>th</sup> grade (whichever comes first)
- ❑ Administrative and clerical staff
- ❑ Authorized school personnel
- ❑ Administrators, teachers, counselors, and other professionals who are providing services directly to the student.
- ❑ Other individuals with written consent of the parent(s)/students.

### **Authorized School Personnel**

- ❑ Administrators, teachers, counselors, and other professionals who:
  - ❑ Are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider;
  - ❑ Are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity.

## Access to Student Record, cont.

### Non-Custodial Parents

- Non-custodial parents are entitled to student record information unless access has been limited or restricted.
  - M.G.L. c. 71 § 34 H and 603 CMR 23.07(5).
  
- When a request for information is received from a non-custodial parent, the school must review the student record for any documents limiting or restricting access and **shall immediately notify the custodial parent of the request.**
  - The custodial parent has 21 days to notify the school if the non-custodial parent is not eligible to receive records.
  
- If records are produced to the non-custodial parent, the school must remove all addresses, phone numbers, emails, etc. (i.e., all identifying work and home information) from the documents produced.



## Student Records (603 CMR 23.00)

- ❑ A parent or eligible student has the right to inspect all portions of the student's record upon request. The file must be made available within two days of a request.
- ❑ The parent or student has a right to inspect the student's file prior to any meeting regarding an IEP
- ❑ The parent or student has a right to obtain copies of the student's record (a reasonable fee may be charged for the cost of copying the materials)
- ❑ The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer or withdrawal from the school system.
- ❑ While the student is in school, the principal or his/her designee shall periodically review and destroy misleading, outdated or irrelevant information contained in the temporary record provided that the eligible student and his/her parent are notified in writing and given an opportunity to receive the information or a copy of it prior to its destruction. A copy of this notice shall be placed in the temporary record.
- ❑ The parent or student has a right to request that information in the file be changed if they believe it to be inaccurate or a violation of the student's rights; this can be accomplished by meeting with the principal or providing relevant comments/additional information to be included in the student's record



***Every Student Succeeds Act  
(ESSA)***

**Educational Stability for  
Students who are either  
Homeless or in Foster Care**

## McKinney-Vento Homeless Education Assistance Act

“All Children who are Homeless must have full and equal opportunity to succeed in school and receive educational services.”



## McKinney-Vento Homeless Education Assistance Act

Federal law requires school districts to immediately enroll homeless students, even if they do not have the documents usually required for enrollment, such as school records, medical records or proof of residency.

- ❑ Homeless students have a right to remain in their school of origin or to attend school where they are temporarily residing;
- ❑ Students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they get permanent housing;
- ❑ Students who choose to enroll in school where they are temporarily residing must be enrolled immediately, even if they do not bring the records usually required for enrollment with them; and
- ❑ If a homeless student arrives without records, the school district's designated Homeless Education Liaison must assist the family and contact the previously attended school system to obtain the required records.

## McKinney-Vento Homeless Education Assistance Act, cont.

- The Act defines homeless children and youth as:
  - Individuals who lack a fixed, regular, and adequate nighttime residence; and
    - ❖ Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
    - ❖ Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
    - ❖ Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
    - ❖ Migratory children

## McKinney-Vento Homeless Education Assistance Act, cont.

- ❑ Under the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), **the definition of “homeless children and youth” no longer includes individuals awaiting foster care placement.**
- ❑ This group was is now included under Title I, Part A (Title I). As a result, children awaiting foster care placements are entitled to the same educational stability as children in foster care.
- ❑ In addition, amendments to Title I require SEAs and LEAs to work with child welfare agencies to ensure the educational stability of children in foster care (and awaiting foster care). These provisions emphasize the importance of collaboration and joint decision making between child welfare agencies and educational agencies.
- ❑ ESSA also amended McKinney-Vento to clarify and correct the definition of “school of origin” (see next slide). The new definition is effective October 1, 2016, but it is recommended that no student be denied this right during the short period of time between the start of the school year and October 1.

## McKinney-Vento Homeless Education Assistance Act, cont.

- ❑ A **fixed residence** is one that is stationary, permanent, and not subject to change.
- ❑ A **regular residence** is one which is used on a regular (i.e., nightly) basis.
- ❑ An **adequate residence** is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.
- ❑ Children and youth who lack a fixed, regular, and adequate residence will be considered **homeless**.
- ❑ **Enroll and enrollment** shall mean attending classes and participating fully in school activities.
- ❑ **School of origin** shall mean the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool.
  - ❑ When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.

## ESSA Definition Students in Foster Care

Students in Foster Care are in:

- 24-hour substitute care, placed away from their parents or guardians, and for whom the Department of Children and Families (DCF) has placement and care responsibilities.
- Includes students previously identified as “awaiting foster care” (in emergency, short term placements) under McKinney-Vento
- Foster homes include, but are not limited to:
  - Group homes, foster homes, kinship foster homes, STARR, Transitional care units (TCUs)



# Responsibilities of Schools to Students in Foster Care

Students shall remain in their School of Origin, which is:

- The school the student was attending when placed in foster care, or at the time of a subsequent change in foster care placement.
- To promote educational stability, students should remain enrolled in and continue to attend their school of origin, *unless*, after a best interest determination, it is decided to be in their best interest not to.
- Students in foster care have a right to remain in their school of origin for the duration of their time in foster care or until all grades in the school are completed.

## MGL.c. 269, §§ 17-19: Massachusetts Anti-Hazing Law

All student groups, Hazing is:

- ❑ 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.
  - ❑ **Consent is NOT a defense to hazing.**
- ❑ Under Massachusetts Law, hazing is punishable with prison time, a fine, or a combination of the two. **Failure to report hazing is also a crime.**
- ❑ See 603 CMR 33.00 for Anti-Hazing reporting requirements.
  - ❑ All student groups, student teams, and student organizations recognized by the school district or allowed to use its facilities, must provide members, recruits and other interested parties with a copy of M.G.L. c. 269 each year, and the school district must obtain an attested acknowledgment from such groups confirming that copies of the statute have been distributed and that such groups agree to comply with the law.

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

- ❑ M.G.L. c. 119, §51A:
  - ❑ Requires that all “mandated reporters” report suspected cases of abuse and/or neglect to the Department of Children and Families (DCF) of the town in which the child resides.
  - ❑ **Mandated Reporters: All school personnel are mandated reporters in cases of suspected abuse or neglect of a minor.**
- ❑ If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect of a student, this must be reported as soon as possible to the building principal.
- ❑ If you have reason to believe that a child has suffered, or is suffering physical or emotional injury as a result of abuse or neglect contact your supervisor.

## Protecting Children from Abuse      Protection and Care of Children Under 18 (51A), cont.

- ❑ If there is reasonable cause to suspect abuse or neglect, the appropriate administrator will make an oral report of suspected abuse to DCF and, within 48 hours, will file a written report.
  - ❑ The supervisor and staff will meet as to whether or not to notify the parent(s).
- ❑ It is not the responsibility of staff to prove that a child has been abused or neglected; a reasonable cause for concern should trigger the process.
- ❑ As mandated reporters, school personnel who report with reasonable cause are presumed to be acting in good faith and are immune from any civil or criminal liability.
- ❑ Failure to make a report when there is a reasonable cause for concern can result in a fine of not more than \$1,000; more importantly, a child could suffer additional harm if a report is not made when there is reasonable suspicion of abuse or neglect.

## Protecting Disabled Adults from Abuse

- ❑ The Disabled Persons Protection Commission (DPPC)
  - ❑ An independent state agency responsible for investigating complaints of abuse of adults with disabilities (age 18-59).
  - ❑ Suspected abuse of any student with a disability who has reached 18 years of age must be reported.
  - ❑ Instances of suspected abuse or neglect must be reported to the DPPC 24-hour Hotline.

## District Crisis Response Manual

- ❑ Building principals will review key components of Crisis Response Manual.
- ❑ Each school has a Crisis Response Team.
- ❑ You are responsible for understanding key components of the Crisis Response Manual and the established procedures in your building.

## THANK YOU AND COMPLETION STATEMENT

- ❑ Thank you for reviewing the information regarding our various legal obligations related to civil rights and the protection of students. We appreciate all you do to ensure that everyone's rights are protected and that all members of our school community are treated with respect.
- ❑ **ALL employees must be logged into their school Gmail accounts to type and submit the Mandated Civil Rights Training Completion Statement by **4:00 p.m. on Wednesday, August 26, 2020.****

**[LINK: https://forms.gle/HNevCgBV6hcPNHjB7](https://forms.gle/HNevCgBV6hcPNHjB7)**

- ❑ **Should you have any questions, please contact Meg Ashton at [ashtonm@sbregional.org](mailto:ashtonm@sbregional.org)**

**Have a fantastic school year!!!**