



**ANNUAL
STATE AND FEDERAL
MANDATED TRAINING**

2018-2019

HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT



Purpose of the Training

This PowerPoint presentation is designed to provide the required annual mandated training for all staff of the Hamilton-Wenham Regional School District.



CIVIL RIGHTS

Annual Training – Civil Rights

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

WHAT IS NON-DISCRIMINATION?

- It is the policy of the Hamilton-Wenham Regional School District that non-discrimination will extend to students, staff, the general public and individuals with whom it does business; no person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, religion, national origin, gender identity, sexual orientation, homelessness or disability.
- Certain acts of harassment have also been defined by federal and state regulations as forms of discrimination:

Age harassment has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidations based on a person's age.

Sexual harassment has been defined by federal and state regulations as a form of sex discrimination.

Federal Law: Title VI of the Civil Rights Act

- Protects against discrimination based on race, color, national origin, gender identity, sex, and disability
- Applies to students, parents, and employees
- Prohibits discrimination in student class assignments or ability tracking and protects English Language Learner (ELL) students
- Principals respond to initial inquiries regarding non-discrimination policies
- District Complaint Coordinator: Stacy Bucyk, Director of Student Services, 978-468-5348



TITLE IX

Federal Law: Title IX

Prohibits discrimination or harassment related to gender, including sexual harassment

It is the policy of the Hamilton Wenham Regional School District that all persons associated with the School District, including students, are expected to conduct themselves so as to provide an atmosphere free from sexual harassment. This policy refers to but is not limited to harassment in the following areas: age, race, color, national origin/ancestry, gender identity religion, sex or gender, sexual orientation, mental or physical disability. For purposes of this policy, sexual harassment also refers to behaviors which are personally offensive, impairs morale and interferes with the work effectiveness of employees. Incidents of sexual harassment should be addressed to the Principal or the district's Title IX Officer, Stacy Bucyk, Director of Student Services, 978-468-5348.

Title IX: Understanding Sexual Harassment

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

- *Unwelcome sexual advances-whether they involve physical touching or not;*
- *Dissemination of sexually explicit voicemail, email, graphics, downloaded material or websites*
- *Sexual epithets, sexual jokes, written or oral references to sexual conduct, gossip regarding one's sexual life;*
- *Comment about an individual's body and/or comment about an individual's sexual activity, deficiencies or prowess;*
- *Unwelcome leering, whistling, brushing against the body, gestures, suggestive or insulting comments*
- *Inquiries into one's sexual experiences and or discussion of one's sexual activities.*

Tips for Addressing Harassment/Discrimination

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

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 or directly to:

Stacy Bucyk, Director of Student Services

978-468-5348

- 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:
REHABILITATION ACT OF 1973

Federal Law: Section 504

- Requires that no qualified disabled person shall be discriminated against or be excluded from participation in an activity
- A disability is a mental or physical impairment that limits a person's major life activity (self-care, walking, seeing, learning, breathing, speaking, working)
- Reasonable accommodations/modifications must be made to provide access to programs and/or facilities

Federal Law: Section 504

- No discrimination against a person with a disability will be permitted in any of the programs of the Hamilton- Wenham Regional School District
- Questions about eligibility and enforcement should be directed to the district's 504 Coordinator:

Stacy Bucyk, Director of Student Services

978-468-5348



TITLE II

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

This act requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.



**MGL CHAPTER 119,
SECTION 51A**

Care and Protection of Children Under 18 (51A)

- This statute identifies school personnel as mandated reporters of abuse or neglect of children under the age of 18.
- If school personnel have reasonable cause to suspect physical or emotional injury as the result of abuse, including sexual abuse or from neglect, including malnutrition or who is physically dependent on an addictive drug, this abuse or neglect must be reported.
- If a student discloses such abuse or neglect or there is other evidence of the same, the law requires that it be reported. The district policy is that staff reports the abuse or neglect to a member of the crisis intervention team (building administrator, guidance, school counselor or school nurse) who then makes the official report to the Department of Children and Families (DCF).

MA GENERAL LAWS CHAPTER 119 S. 51A

- It is not the responsibility of the reporter to initiate the investigation or to ascertain any facts in the case
- No civil or criminal actions can be taken against a mandated reporter as long as one acts in good faith. This means that the report is truthful and accurate
- Failure by a mandated reporter to report suspicions of abuse or neglect of a child can result in a fine of up to \$1,000 by the courts and written reprimand by the school administration.




UNIVERSAL PRECAUTIONS

Universal Precautions

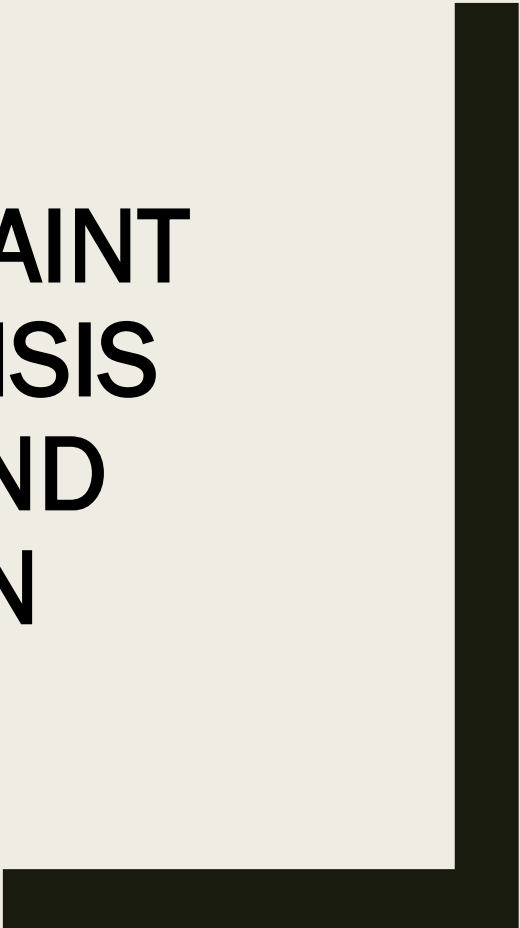
The Exposure Control Plan of the Hamilton-Wenham Regional School District is developed in accordance with the regulations for Blood-borne Pathogens set forth by the US Departments of Labor, Occupational Safety and Health Administration (OSHA) and recommendations of Massachusetts Department of Labor and Industries, Division of Occupational Hygiene. The purpose of this plan is to eliminate or minimize employee occupational exposure to diseases transmitted through contact with blood or certain body fluids.

Please Review Standard Precautions:

<https://docs.google.com/document/d/1Cub7wgFlk4ruW6PoSo8McpRR9L0ngmkvubxZcMTx9xQ/edit?usp=sharing>



**PHYSICAL RESTRAINT
GUIDELINES, CRISIS
PREVENTION AND
INTERVENTION**




PREVENTION OF PHYSICAL RESTRAINT AND REQUIREMENTS IF USED

Please review the prepared by the Massachusetts Department of Education for use by Public Education Programs in Annual Staff Training accessed through the link:

http://www.doe.mass.edu/sped/videos/restraint/story_html5.html

District Restraint Reporting Form:

https://drive.google.com/file/d/1Uat_XQLwfaGKd8fI4IC_zK0DZvu7rKd5/view?usp=sharing



**MGL 603 CMR 23.00
CONFIDENTIALITY-FERPA AND
STUDENT RECORDS**

STUDENT RECORDS

- The policies and practices of the Hamilton Wenham Regional School District are intended to honor and comply with both federal and state regulations governing student records and the use of information contained therein. Such regulations identify rights for parents and/or students in matter of student records.
- The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age, known as eligible students, certain rights with respect to the student's education records. These rights transfer solely to the student upon attending a post-secondary institution and/or reaching the age of 18.

Confidentiality of Student Records

The following persons may also have access to the student's educational records:

- **Authorized school personnel** shall consist of three groups:

(a) School 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, and who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.

(b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

- Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.
- Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.
- A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.
- Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.
- Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

Student Records

Parents have the right:

- To inspect their child's file within ten calendar days of a request
- To obtain copies of their child's record
- To request that the information in their child's file be changed if they believe it to be inaccurate or if it violates the student's rights
- Teacher grade books are exempt.

Confidentiality of Student Records

- 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 Refer to the following:
- <http://www.doe.mass.edu/lawsregs/603cmr23.html?section=all>
- It is important that the information contained in student records is private and confidential. Information can only be released to third parties with signed written consent of the parent, and student when the student is 18+.



**MCKINNEY-VENTO
HOMELESS
ASSISTANCE ACT**

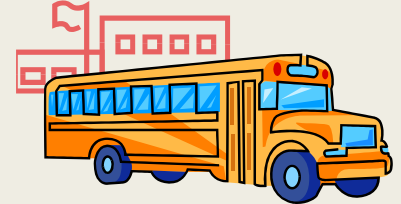


Individuals who are eligible to receive services include children and youth who:

- Do not have a permanent home
- Live in motels, hotels, trailer parks or camping grounds
- Live in State Care and Custody
- Live in cars, parks, public places, abandoned buildings, substandard buildings, or similar settings
- Share housing of other persons due to loss of housing, economic hardships, or a similar reason
- Are considered an unaccompanied youth (youth not in physical custody of a parent or guardian)



They have the right to:



- Go to school, no matter where they live or how long they have lived there. They must be given access to the same public education provided to other students.
- Continue in the school they attended before they became homeless or the school they last attended, if that is their choice and is feasible. The school district's local liaison for homeless education must assist them, if needed, and offer them the right to appeal a decision regarding their choice of school if it goes against their wishes.
- Receive transportation to the school they attended before they became homeless or the school they last attended, if they request such transportation.

They have the right to:

- Attend a school and participate in school programs with students who are not homeless. Students cannot be separated from regular school programs because they are homeless.
- Enroll in school without giving a permanent address. School cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Receive the same special programs and services, if needed as provided to all other students served in these programs.
- Receive transportation to school and to school programs.

For more information:

- To learn more about the McKinney-Vento Act, visit the Department of Education website at:
<http://www.doe.mass.edu/mv/>



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



BULLYING AND CYBERBULLYING LAW

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



Our Commitment

The Hamilton-Wenham Regional School District is committed to providing our students equal educational opportunities and a safe learning environment free from bullying and cyberbullying, 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 the 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.

An Act Relative to Bullying in Schools

“Bullying” is the repeated use by one or more students 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 himself or of damage to his 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.

Bullying includes cyber-bullying.

Cyberbullying

- “Cyber-bullying”, is 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 facsimile 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 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.
 - ii) 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.

Where and 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*

Definition of Hostile Environment

- “Hostile environment” means, 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.

Bullying will not be tolerated:

- The district will promptly investigate all reports and complaints of bullying and cyberbullying
- We will take prompt, effective action to end that behavior and prevent its reoccurrence.
- Action will include, where appropriate, referral to a law enforcement agency.
- The district will support this commitment in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

Responding to Allegations of Bullying

- A member of a school staff (this means everyone) shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the teacher, department leader or any administrator.

Retaliation Prohibited

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

Confidentiality

- Reports of bullying should be kept completely confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the victim and stopping the behavior.

Bullying Prevention Plan

- The district has developed an Anti- Bullying Prevention Plan as required by state law.
- [http://www.hwschools.net/uploaded/High_School/Documents/PDF's/14-15/HWRSD Anti-Bullying Intervention Plan 1 2015.pdf](http://www.hwschools.net/uploaded/High_School/Documents/PDF's/14-15/HWRSD_Anti-Bullying_Intervention_Plan_1_2015.pdf)

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DISTRICT POLICIES

District Policy G7009

Staff Ethics/Conflict of Interest

All employees of the District are expected to act in the best interests of the district, avoiding any situation that could involve a conflict between personal interest and those of the district. All employees of the district, as required by Commonwealth law, will complete an online ethics and conflict of interest training within 30 days of the date on which they commence employment, and every 2 years thereafter. Employees must provide evidence to the School Committee that they have completed the program and should be reminded to retain a copy of their completion certificate for their own records.

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the District will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

District Policy G7009 cont.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him or her.

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee and the Town or District Clerk.

LEGAL REFS: MGL 286A

SOURCE: MASC

Adopted: May 16, 2013

Reviewed: February 4, 2016

District Policy G7018

Tutoring for Pay

Definition:

“Tutoring” is defined as giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the Hamilton Wenham Regional School District.

Policy

Under the Conflict of Interest Law:

Teachers may only tutor a student if the teacher is approached by the parents of a student in his/her district, but is not one of his/her own students, and is asked to tutor their child, for payment by the parents, and using no public resources in connection with that tutoring.

A teacher cannot recommend that one of his/her own students be provided tutoring and then be paid to tutor the same student in a second job.

A teacher may not tutor students who are currently in his/her class.

A teacher cannot use his/her position to get unwarranted privileges for him/herself, or give them to anyone else. For example, a teacher cannot use school resources such as classrooms or materials in connection with a private tutoring business. A public school employee cannot use a school or district website to advertise private tutoring services.

District Policy G7018

Tutoring for Pay-cont.

Apart from their primary employment, teachers and other public employees are not allowed to have a financial interest in a contract with an agency at their same level of government, unless an exemption applies.

Teachers and other public employees may not be paid by or act for others in matters that are of direct and substantial interest to their public employers. For example, if tutoring is required as part of an IEP, a teacher in the district may not accept payment from the student's family to provide that tutoring.

Teachers and other public employees may not initiate private business relationships with persons under their authority. For example, a teacher may not approach a student, or the student's parents, seeking private tutoring work.

Legal Reference: State Ethics Commission: Public School Teacher FAQs on the Conflict of

Interest Law - Tutoring www.mass.gov/ethics

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LINKS FOR FURTHER INFORMATION

For further information, please refer to the links below.

Title VI: <https://safesupportivelearning.ed.gov/ESSA-TitleIVPartA-SSAE>

Title IX: <https://www2.ed.gov/about/offices/list/ocr/publications.html#TitleIX>

Section 504: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

Title II: https://www.ada.gov/ada_title_II.htm

McKinney-Vento: <http://www.doe.mass.edu/mv/>

Thank you for your time.

Please sign the Acknowledgement Form and submit to your building Principal.

Originally developed by Katherine Harris, 2016
Information provided through MA DESE trainings
and PPTs