



Civil Rights Training

Marblehead Public Schools



Marblehead Public Schools - Civil Rights Training

Why provide training ?

- This training protects individuals and the district ensuring that all employees know their responsibilities as well as their rights.
- Annual Civil Rights training is mandated by the Department of Elementary and Secondary Education (DESE).
- All employees are required to participate.



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What is Non-discrimination?

- It is the policy of the Marblehead Public Schools (MPS) to provide equal employment opportunity to all persons, regardless of age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity.
- MPS is committed to ensuring that all programs and facilities are accessible to all.
- MPS actively seeks to prevent discrimination and/or harassment of all federal and state protected classes.



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MGL (Massachusetts General Law)

Chapter 76: Section 5

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



Massachusetts DESE Regulations Active Efforts – (603 CMR 26:07)

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



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Federal Law Mandates

Federal Civil Rights Laws Require Schools to:

- Regularly notify students, parents, and employees that Marblehead Public Schools does not discriminate on the basis of age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity.
- Implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and/or harassment.
- Designate administrators responsible for coordinating compliance with these federal civil rights laws.
- Remedy discrimination and harassment.



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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 age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity.
- Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.
- Harassment based on a person's age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity consists of conduct that: (1) 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, academic performance; and/or (c) otherwise adversely affects a person's academic standing or employment opportunities.
- In the Marblehead Public Schools, discrimination, sexual harassment, harassment, including teasing and bullying, is unacceptable and will not be tolerated. Discrimination and harassment are unlawful and cause harm to the individual and the work/school climate.



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Federal Law: Section 504

- Under Section 504, a disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, learning, breathing, speaking, working.)
- Requires that no qualified individual shall be discriminated against or excluded from participation in an activity.
- In considering substantial limitations, **reasonable** accommodations and/or modifications must be made to provide access to programs and/or facilities.
- In addition, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology or accommodations.



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Federal Law: Section 504

- When a 504 Accommodation Plan exists for a student, it is the responsibility and a legal requirement of all educators who work with that student to provide the accommodations.
- Case law indicates that educators who do not provide accommodations listed in 504 plans may be held personally liable for failing to do so.
- No discrimination against a person with a disability, whether a student or employee shall be permitted in any of the programs of the Marblehead Public Schools.
- Questions about eligibility and enforcement should be directed to your building Section 504 Coordinator, your principal, and can be appealed to the District Section 504 Coordinator, Eric Oxford (781) 639-3140 x6



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Federal Law: Title VI

- Protects against discrimination based on race, color, and national origin.
- Applies to students, parents, and employees of the district.
- Prohibits discrimination in student class assignments or ability tracking and protects English Language Learners.
- John Moretti, Interim Business Manager, is Title VI Coordinator.
- Philip McManus, Asst. Principal | Veterans MS, and Michele Carlson, Asst. Principal | Marblehead HS, are Title IX Coordinators.
- Principals are the building Harassment Officers. The District Harassment Officer is Eric Oxford, Director of Student Services.



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What defines Harassment?

- Any unwelcome verbal, written, or physical contact in a school or school-related activity,
- relating to a student's age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity,
- that is sufficiently severe, persistent, or pervasive to create a hostile, humiliating, intimidating, or offensive educational environment.
- Bias-motivated harassment is a form of discrimination.



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Federal Law: Title IX

- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Marblehead Public Schools policies can be found at: <https://www.marbleheadschoools.org/Page/353>
- Policy regarding Harassment can then be found at ACAB using the online tool. Contained within the policy are specifics regarding steps to be taken to investigate and remediate the situation. School personnel must contact their building principal, the District Title VI Coordinator, Business Mgr.
- Building Principals are the first contact in cases of discrimination and harassment. Any appeal of a discrimination or harassment case should be directed to Eric Oxford.



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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, physical or verbal, 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 be student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.



Title IX: Understanding Sexual Harassment (continued)

- Sexual harassment may include, but is not limited to:
 - Unwelcome sexual advances or requests for sexual favors
 - Inappropriate touching; intentionally impeding movement; verbal comments; gestures; drawn, written, or electronic communication of a sexually derogatory nature; or intimidation based on gender, gender identity or sexual preference
 - Continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction between peers is not considered sexual harassment)



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Title IX: Understanding Sexual Harassment (continued)

- Sexual harassment may also include:
 - Subtle pressure or requests for sexual activity
 - Leering or voyeurism
 - Displaying sexually suggestive pictures or objects anywhere in the workplace



Title IX: Understanding Sexual Harassment (continued)

- More examples of prohibited activities that may create a hostile school or work environment include:
 - Vulgar or explicit sexual-related epithets and/or abusive language;
 - Sexually explicit behavior and/or indecent exposure by students or employees;
 - Sexual-related graffiti, posters, or calendars.



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What Is Considered a Hate Crime?

- 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:
 - age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity.



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Bullying Prevention

Definitions

Bullying

- The repeated use by one or more students or by a member of a 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

- Physical act or gesture or any combination thereof directed at a victim.

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Bullying Definition (continued)

- Any written or verbal expression or physical act or gesture to 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, taunting, ridicule, jokes, insults, threats);
 - Emotional (stalking, spreading rumors, exclusion).



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Definitions (continued)

Cyberbullying

- Bullying through the use of technology or any electronic communication, which includes, but is not 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, instant message, social media or facsimile communications.

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Cyberbullying (continued)

- Also includes 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 impersonation created any of the above mentioned conditions of bullying
OR
- 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 impersonation created any of the above mentioned conditions of bullying



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It's bullying or cyberbullying :

IF:

- It causes physical or emotional harm to the target or damage to target's property.
- It places target in reasonable fear of harm to himself or property.
- It creates a hostile environment at school for target.
- It infringes on the rights of the target.
- It materially and substantially disrupts the education process or the orderly operation of a school.

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Why should Educators be concerned with issues of bullying and cyber-bullying?:

- 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 it is wrong. Children should be able to attend school or take part in community activities without fear of being harassed, assaulted, belittled, or excluded.
- Educators must fully comply with the federal and state laws regarding bullying prevention.



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Harassment and Bullying Myths:

- If we ignore it, it will go away.
- If you stood up for yourself, you wouldn't be bullied.
- As victim, you must have done something to cause the negative actions of others.
- Oh well, boys will be boys and girls will be girls.
- Harassment and bullying toughens you up. Be strong!
- It's a part of life, so just accept it.
- Only wimps get bullied.
- Children who get harassed or bullied are passive, loners, overly sensitive or are asking for it.



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Signs of Possible Harassment or Bullying

(Please look for the signs even if the student is not telling you explicitly!)

- Student indicates fear of walking in the halls unsupervised.
- Student shows signs of being intimidated when interacting with certain students in class, cafeteria, or halls.
- Student appears fearful of walking to or from school.
- Student seems withdrawn, disengaged in class; has noticeable drop in classroom participation.
- Student no longer participates in school-related activities.
- Student is suddenly doing poorly in school.

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Signs of Possible Harassment or Bullying (continued)

- Student often arrives late for school or certain classes.
- School absences dramatically increase.
- Student often “loses” his or her money
- Student’s possessions are mysteriously “missing.”
- Student is the victim of repeated thefts.
- Student is the focus of jokes or graffiti.
- Student is the target of abuse or insults in chat rooms, on social media sites.
- Student explanations for any of the above do not make sense or seem unusual. Don’t be afraid to Question it!



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Parameters of the Law

Acts of bullying, which include cyber bullying, are prohibited:

- On school grounds and property immediately adjacent to school grounds
- at school – sponsored or school – related activities, functions, or programs, whether on or off school grounds;
- at school bus stops, on school buses or other vehicles owned, leased, or operated by school district personnel; or
- through the use of technology or technological device owned, leased, or provided school personnel.

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Parameters of the Law (continued)

As well as.....

- At locations, activities, functions, or programs not school-related through the use of technology or technological devices not owned, leased, or provided by school personnel, **IF**
- **the action happens outside of school but creates a hostile environment at school for the target or witnesses; infringes on their rights at school; or materially and substantially disrupts the education process or the orderly operation of a school, these actions are covered under the law.**



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Responsibilities of School Personnel

- **Be familiar** with basic facts about harassment and hate crimes.
- **Recognize and identify** bias indicators.
- **Report** all harassment to appropriate authorities.
- **Don't tolerate** harassment and bullying.
- **Challenge** biased or disrespectful attitudes of and behavior by students and staff.
- **Be alert** to signs of student harassment and bullying.
- **Don't look the other way** when you see signs of bullying or harassment.
- **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 a safe school environment** in order for students to share situations and be active and involved citizens of your classrooms.
- Understand that under new regulations, school personnel are included in the definition of individuals capable of bullying students.

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Responsibilities of School Personnel (continued)

- Know MPS's Discrimination and Harassment policies.
- Promote a socially inclusive school environment for all.
- Actively ensure school safety. Report and respond to all violations...every time.
- If you are not sure what to do when troubling behaviors are present, ask your supervisor!

Who is Responsible? Everyone!!!!

- **Who is everyone?** Administrators, Teachers, Support staff, Secretaries, Monitors, Counselors, Health Professionals, Bus Drivers, Cafeteria Staff, Custodians, Parents, Students, as well as anyone else contracted by or receiving monies from MPS in our schools.



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Reporting Requirements

- Any employee or student who believes he/she has been the victim of harassment, discrimination and/or bullying should report it to his/her teacher or building administrator. If the complaint involves the building administrator, the complaint should go to the District Harassment Officer. Depending on the issue, the Administrator receiving the complaint will share the complaint with the appropriate officer.
- Any employee who becomes aware of an incident of harassment or discrimination must promptly report that incident. Determinations resulting from active investigation of complaints may result in reprimands, suspension or dismissal of parties involved.
- If, in addition to violating School policy, the conduct violates state or federal law, the appropriate authorities will be notified.
- For a list of designated personnel covering the various reporting areas, see page 54 of this training unit for a printable copy.



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Ways to Avoid other Civil Rights Violations

- Use common sense. If it seems unfair, it probably is.
- Know and be sensitive to religious holidays, especially those less common in our area.
- MPS policy and MA law requires schools to provide the opportunity to make up work without penalty when students miss school for religious reasons.
- Avoid major assessments or deadlines for projects on or near religious holidays and provide reasonable accommodations for students who need to make up work missed due to religious observances.



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Responsibilities for the Care and Protection of Children Under 18

- All school personnel are mandated reporters in cases of suspected abuse and/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, **it must be reported as soon as possible, but no later than 48 hours**, to the building administrator.
- The building administrator or designee will follow the reporting requirements of the Department of Children and Families (DCF), and Marblehead Public Schools policy. This process must be confidential and only involve individuals on a need to know basis.
- While the building administrator must take actions to ensure student safety, when a suspected risk is brought to his/her attention, the principal should not conduct his/her own investigation. DCF should be contacted to investigate. They make the initial determination as to whether a formal investigation is required. While we are mandated reporters, DCF is charged with the investigation.



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Responsibilities for the Care and Protection of Children Under 18

- 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.



Marblehead Public Schools - Civil Rights Training

Physical Restraint Guidelines

School Personnel Responsibilities

- All school staff must read and be familiar with the new physical restraint regulations that went into effect January 1, 2016. To access an overview of the new restraint regulations, please follow the link below:
www.doe.mass.edu/lawsregs/603cmr46.html
- 603CMR 46.00 – These regulations apply to all public education programs including school events and school sponsored activities.
- Lack of knowledge of these new regulations and policy do not protect you or your students from the consequences of inappropriate actions.
- Each building principal must that all staff members receive this required general restraint training
- Designate a Crisis Team for their schools to receive full non-violent intervention training as first responders.
- Ensure that certain designated staff members have received updated in-depth restraint training
- Ensure that all newly hired staff members receive general restraint training within their first month of hire



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What is Physical Restraint?

- Physical restraint: "The use of bodily force to limit a student's freedom of movement."

Physical restraint is a last resort and is not to be used

- As discipline or punishment
- When a student cannot be safely restrained
- As a response to noncompliance, property destruction, or verbal threats
- As a standard response for any individual student. This should be removed from IEPs and behavior plans



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Use of Physical Restraint

- Only properly trained personnel shall administer restraint.
- Have an adult witness if possible
- Use only the amount of force necessary to protect the student and others
- Know students' medical and psychological limitations
- Monitor physical well-being, respiration, skin temperature, and color
- If the student indicates that (s)he cannot breathe, the restraint must be stopped immediately



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The following are prohibited:

- Mechanical Restraint
- Medication (Chemical) Restraint
- Prone Restraint- Prone is permitted only under the following conditions:
 - *Parent consent has been obtained
 - *All other forms of physical restraint have failed
 - *No medical contraindications
 - *Repeated



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Understanding the Terms

- Physical escort: Touching or holding a student without the use of force for the purpose of directing the student.
- Seclusion-Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include the use of time out as defined by 603 CMR 46.02
- Time out: It is a behavioral support strategy. During a time out, a student must be continuously observed(meaning within direct eye sight) by a trained staff member



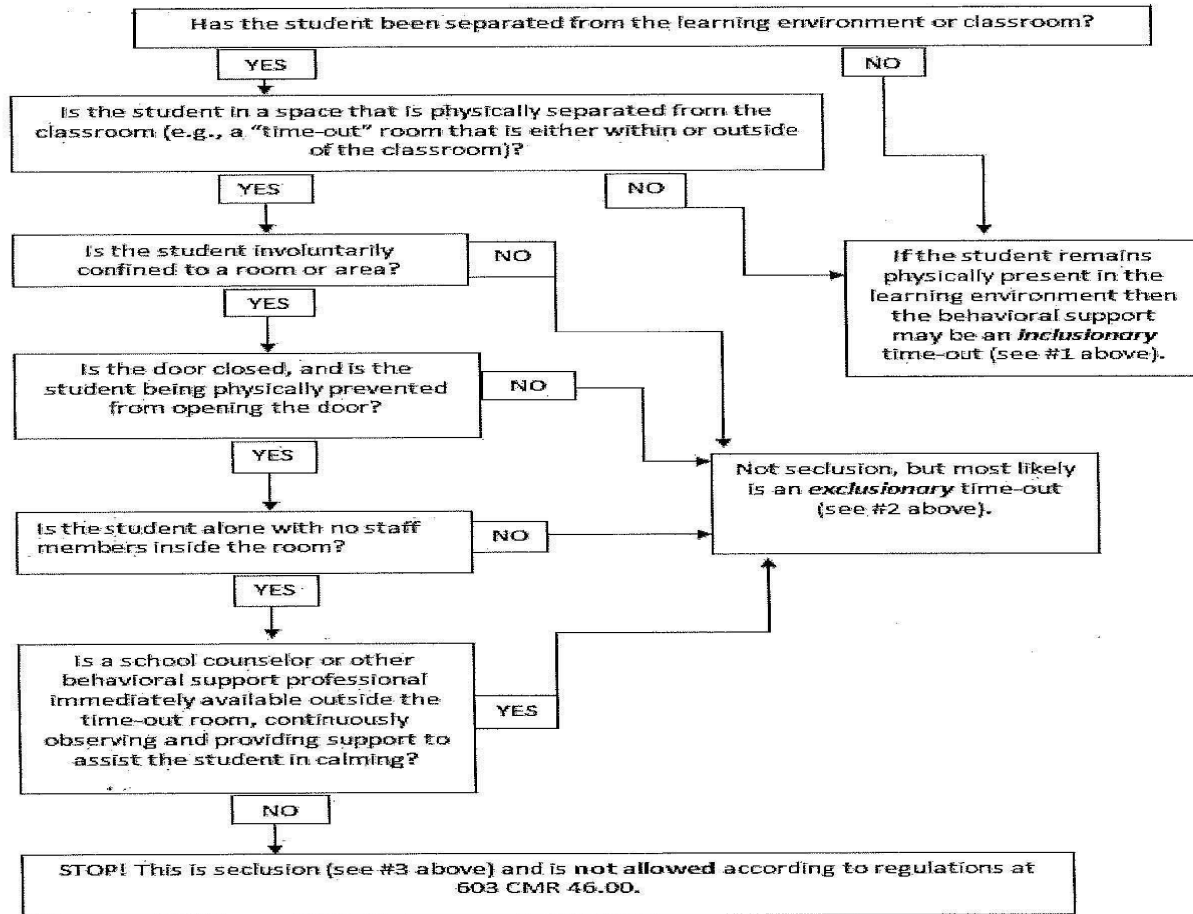
Understanding the Terms

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- Exclusionary Time Out:
 - *Should only be used when the student is displaying behaviors which present, or potentially present an unsafe or overly disruptive situation in the classroom.
 - *Should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
 - *During an exclusionary time out, the student must be continuously observed by a staff member, with the staff member immediately available to the student at all times.
 - *Exclusionary time out must cease as soon as the student has calmed.
 - *The time out space must be clean, safe, sanitary, and appropriate for the purpose of calming.
- Inclusionary Time Out: This is when the student is removed from positive reinforcement or full participation in program or classroom activities while remaining in the classroom
- The use of inclusionary time out functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom.
- **To determine whether an action is exclusionary time out, inclusionary time out or seclusion, please look at the flow chart on the next slide.**



Exclusionary time-out vs. seclusion





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When May Physical Restraint Be Necessary?

- When other non-physical interventions have been tried and failed or when they are judged by a fully trained staff member to be inadequate to de-escalate the situation and
- The student's behavior poses a threat of **IMMINENT, SERIOUS, PHYSICAL HARM** to self and/or others.



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Proper Administration of Physical Restraint

- Only trained school personnel shall administer restraint
- Use only the amount of force necessary to protect the student, yourself or others.
- Use the safest method. Only those who have received in-depth training may participate in a floor restraint
 - *For prone, all required steps must be completed beforehand. (See slide 37)
- Discontinue restraint ASAP if the student indicates that s/he cannot breathe
- Physical restraint must be stopped after 20 minutes unless the principal has been made aware of the situation and approves the continuation of the restraint.



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Safety Requirements

- A student's color and respiration during a hold must be monitored.
- If there is any change in student's color, respiration, speech or other signs of physiological distress, the hold must be abandoned immediately.
- If the student experiences physical distress, the restraint must be discontinued and medical assistance provided.
- Physical holding should be implemented to prevent or minimize physical harm.



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Safety Requirements (continued)

- KNOW YOUR STUDENTS:
 - Be aware of medical or psychological issues and attempt to implement behavior interventions before considering utilization of physical restraint.
 - Have a plan ready (that everyone is aware of) to implement for those students with known issues that could involve the need to de-escalate
 - When a situation occurs where a student is demonstrating potentially harmful behaviors, seek assistance BEFORE it gets physical.



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Communicate with Others

- **Communicate** during a crisis. State what type of assistance you need from others. If you are not needed, assist by re-routing students or on-lookers, clearing obstructions, etc. Self-assess; sometimes there are too many people helping.
- **Post communication information in your classroom** so that others can contact help quickly.
- **Ensure a witness** is present during any crisis.
- **Document** the occurrence of each incident of aggression and/or use of physical restraint.



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Follow-up Procedures After a Physical Restraint

- Process the incident with the student involved to address behavior.
- Staff members involved in the restraint must debrief with an administrator regarding the situation, so incident can be properly documented while the memory is fresh.
- Gather Crisis Team to consider follow-up that may be necessary with students who may have witnessed the restraint or to address areas of the crisis plan that need updates or changes.



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Notification and Reporting Requirements

- Building principal must be notified regarding all restraint
- Principal or designee notifies parents
- Principal conducts weekly review of individual restraint data
- Principal conducts monthly review of school-wide restraint data
- All injuries sustained during a restraint must be reported to DESE
- Every Principal collects and reports all restraint data for their building to DESE annually



When is Parental Consent Required?

What are Parental Notification Requirements?

- Restraint is an emergency intervention and does not require consent.
- Only the use of prone restraint requires parental consent.
- Parents **MUST** be notified with 24 hours of the restraint.
- Written report emailed or sent within three working days of the restraint.
- Parents must be given an opportunity to provide feedback about the restraint.



Written Parental Notification and Report must contain:

- Name of the student
- Name and title of staff members involved
- Name(s) of observer(s)
- Date of restraint
- Name of the principal who was informed and if necessary approved the extension beyond 20 minutes
- Information about imposed consequences
- Justification for restraint
- Description of antecedent activity
- Behavior prompting restraint
- De-escalation efforts
- Alternatives attempted
- Holds used
- Documentation of injury (if any) and medical care provided
- How the restraint ended
- Information regarding opportunities for parents to discuss the restraint and the report.



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In-Depth Physical Restraint Training

(For Selected Staff)

Must Include:

- Procedures for and emphasis on preventing restraint
- Identification of specific dangerous behaviors that may lead to the use of physical restraint
- The simulated experience of administering and receiving restraint
- Instructions on how to monitor the person being restrained for physical signs of distress
- Demonstrated proficiency in restraint techniques
- Instruction about documentation and reporting
- Instruction on the impact restraint has on the student and family



Weekly Individual Student Review

Principal is to identify individual students restrained multiple times within the previous week and convene a review team to consider:

- *Reports about the use of restraint and comments provided by parents and the student

- *Analyze circumstances and factors leading up to the need for the use of restraint

- *Consider strategies to reduce or eliminate the use of restraint for this student in the future

- *Review team agreement on a written plan of action



Principal's Monthly Review of Restraint Data

- Principal must review school-wide restraint data at least monthly to consider patterns of use, looking for commonalities
- As part of the review, the Principal must
 - *consider modification(s) to the restraint policy
 - *determine need for additional training
 - *determine other necessary actions to reduce the need for the use of restraint



Annual Reporting to DESE

- Collect and annually report all physical restraints to DESE.
- Reports of restraints must be submitted via the Security portal by July 31st of each year.
- Report **all** restraint related injuries to DESE within 3 school working days.
- If an injury occurs, a Restraint Injury Report must be filled out and submitted to DESE's Office of Program Quality Assurance.
- As a local resource for any questions or comments about restraint policy or procedure within Marblehead, please contact your building principal or Jessica Lievense, BCBA, at lievense.jessica@marbleheadschoools.org

FERPA:



Protecting the Privacy of Student Education Records

- Student education records are **official and confidential documents** protected by one of the nation's strongest privacy protection laws, the Family Educational Rights and Privacy Act (FERPA). FERPA, also known as the Buckley Amendment, defines education records as all records that schools or education agencies maintain about students.
- FERPA gives parents (as well as students in postsecondary schools) the right to review and confirm the accuracy of education records. This and other United States **privacy laws** ensure that information about citizens collected by schools and government agencies can be released only for specific and legally defined purposes. Since enacting FERPA in 1974, Congress has strengthened privacy safeguards of education records through this law, refining and clarifying family rights and agency responsibilities to protect those rights.
- FERPA's legal statute citation can be found in the U.S. Code (20 USC 1232g), which incorporates all amendments to FERPA. FERPA regulations are found in the Federal Register (34 CFR Part 99). FERPA's 1994 amendments are found in Public Law (P.L.) 103-382.



FERPA (Continued)

FERPA Protects Privacy

- FERPA applies to public schools and state or local education agencies that receive Federal education funds, and it protects both paper and computerized records. In addition to the Federal laws that restrict disclosure of information from student records, most states also have privacy protection laws that reinforce FERPA. State laws can supplement FERPA, but compliance with FERPA is necessary if schools are to continue to be eligible to receive Federal education funds.
- FERPA requires schools and local education agencies to annually notify parents of their rights under FERPA. The notice must effectively inform parents with disabilities or who have a primary home language other than English. The annual notice pertaining to FERPA rights must explain that parents may inspect and review records and, if they believe the records to be inaccurate, they may seek to amend them. Parents also have the right to consent to disclosures of personally identifiable information in the record, except under authorized circumstances.
- FERPA gives both parents, custodial and noncustodial, equal access to student information unless the school has evidence of a court order or state law revoking these rights. When students reach the age of 18, or when they become students at postsecondary education institutions, they become "eligible students" and rights under FERPA transfer to them. However, parents retain access to student records of children who are their dependents for tax purposes.



FERPA (Continued)

FERPA Defines an Education Record

- **Education records** include a range of information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Examples are:
 - Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
 - Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
 - Special education records;
 - Disciplinary records;
 - Medical and health records that the school creates or collects and maintains;
 - Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned;
 - Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.
 - Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.
 - Part of the education record, known as **directory information**, includes personal information about a student that can be made public according to a school system's student records policy. Directory information may include a student's name, address, and telephone number, and other information typically found in school yearbooks or athletic programs. Other examples are names and pictures of participants in various extracurricular activities or recipients of awards, pictures of students, and height and weight of athletes.
 - Each year schools must give parents public notice of the types of information designated as directory information. By a specified time after parents are notified of their review rights, parents may ask to remove all or part of the information on their child that they do not wish to be available to the public without their consent.



FERPA Guarantees Parent Review and Appeal

- If, upon review, parents find an education record is inaccurate or misleading, they may request changes or corrections, and schools and education agencies must respond promptly to these requests.
- Requests should be made in writing, according to an agency's annual notice of procedures for exercising rights to amend records. Within a reasonable time period, the school or agency must decide if the request to change a record is consistent with its own assessment of the accuracy of the record. If a parent's request is denied, he or she must be offered the opportunity for a hearing. If the disagreement with the record continues after the hearing, the parent may insert an explanation of the objection in the record. FERPA's provisions do not apply to grades and educational decisions about children that school personnel make.
- While parents have a right to review records, schools are not required by Federal law to provide copies of information, unless providing copies would be the only way of giving parents access. Schools may charge a reasonable fee for obtaining records, and they may not destroy records if a request for access is pending.

FERPA (Continued)



- Local education agencies and schools may release information from students' education records with the prior written consent of parents, under limited conditions specified by law, or as stated in local agencies' student records policies. The same rules restricting disclosures apply to records maintained by third parties acting on behalf of schools, such as state and local education agencies, intermediate administrative units, researchers, psychologists, or medical practitioners who work for or are under contract to schools.
- If an education agency or a school district has a policy of disclosing records, it must specify the criteria for determining school officials within an agency, including teachers, who have a legitimate educational interest. Generally, school officials have legitimate educational interest if they need to review an education record to fulfill their professional responsibilities.
- Teachers and school officials who work with the students and schools to which students apply for entrance may also have access to education records without prior consent of the parent. In addition, information from students' records may be released to state and local education officials to conduct audits or to review records in compliance with Federal laws. Schools may also disclose information from education records without the consent of parents in response to subpoenas or court orders. A school official must make a reasonable effort to notify the parent before complying with the subpoena unless the subpoena is issued to enforce a law and specifies not to notify the parent. In emergencies, school officials can provide information from education records to protect the health or safety of the student or others.



FERPA (Continued)

- There are cases when schools or school systems decide it is in the public interest to participate in policy evaluations or research studies. If student records are to be released for these purposes, the school or school system must obtain prior consent of the parent. Signed and dated written consent must:
 - Specify the records that will be released;
 - State the reason for releasing the records;
 - Identify the groups or individuals who will receive the records.
- In general, information about each request for records access and each disclosure of information from an education record must be maintained as part of the record until the school or agency destroys the education record. Outside parties receiving records must receive a written explanation of the restrictions on the re-release of information.

Additional FERPA Provisions

- In 1994, the Improving America's Schools Act amended several components of FERPA, tightening privacy assurances for students and families. The amendments apply to the following key areas:
 - Parents have the right to review the education records of their children maintained by state education agencies;
 - Any third party that inappropriately re-releases personally identifiable information from an education record cannot have access to education records for five years;
 - Information about disciplinary actions taken against students may be shared, without prior consent of the parent, with officials in other education institutions;
 - Schools may release records in compliance with certain law enforcement judicial orders and subpoenas without notifying parents.



Marblehead Public Schools - Civil Rights Training

Confirmation

- Thank you for reviewing the information regarding our various legal responsibilities and rights including civil rights and the protection of students.
- Thank you as well for your ongoing efforts to ensure that individual rights are protected and that all members of our school community are treated with respect.
- Should you have any questions about **anything** in this material, please be sure to address it with your building principal or district administration.

NEXT STEPS

- Please print Page 60 as a guide to building and district coordinators to contact regarding any areas covered by this training.
- Please also print Page 62 and check off all sections, print your name, sign and date the document attesting that you have viewed and understand what is presented.
- Return your signed page to your building principal on or before November 15, 2019.

Thank you!



Marblehead Public Schools

9 Widger Road, Marblehead, MA 01945

781-639-3140

Fax 781-639-3149

Please check off and sign this page and return it to your building principal.

- I have viewed slides 1-6 and understand the Civil Rights Training information presented here
- I have viewed slides 7 & 8 and understand the information regarding Section 504.
- I have viewed slides 9-15 and understand the information regarding Title VI & Title IX including Sexual Harassment.
- I have viewed slides 16-33 and understand the information regarding Hate Crimes, Bullying, Cyberbullying, Harassment of all types and requirements as Mandated Reporters.
- I have viewed slides 34-53 and understand the general Physical Restraint information.
- I have viewed slides 54-59 and understand the Family Educational Rights and Privacy Act (FERPA).
- I have viewed and printed slide 60 and understand which administrators to contact regarding Section 504, ADA, Homeless Students, Title VI and IX, Bullying and Civil Rights issues as well as my obligations as a mandated reporter.
- I understand that if I have any other questions about the material presented within this document, I should contact my building or district administrator. They are available to answer any new or clarifying questions that may arise.

Date: _____

Print: _____

Signature: _____