



Wrentham Public Schools

Annual Mandated Training

August 2016

Purpose of Training

- ▶ This PowerPoint presentation is designed to provide annually required, mandated training for all staff.
- ▶ Topics include: Confidentiality, Civil Rights, Americans with Disabilities Act, Section 504, Title I, District Curriculum Accommodation Plan (DCAP), Care and Protection of Children under 18 (Section 51A), McKinney-Vento Act - Homeless Assistance, Student Discipline, Bullying and Cyberbullying, Physical Restraint Guidelines and Crisis Prevention.
- ▶ Once you have completed the training, please sign the Mandated Training certificate and submit it to your building principal.



Confidentiality

Student Information and Records

Confidentiality

The Wrentham Public Schools reminds staff of their responsibilities regarding confidentiality of student information.

- ▶ While it is sometimes necessary for staff to discuss student issues during the workday, personal and confidential information regarding a student should not be shared outside of the school walls for any reason by any staff person. The most appropriate means of complying with this regulation is to approach it conservatively. In addition, it is helpful to view it from a personal perspective in the sense of how we would want someone to deal with information if it was about our own children or ourselves.
- ▶ Any staff member who is interested in additional information relating to the student record regulations can access copies from the Department of Education website at www.doe.mass.edu.

Confidentiality of Student Records

- ▶ The student record regulations (603 CMR) allow only authorized school personnel to have access to information in a student's record. Authorized school personnel is defined as school administrators, teachers (to include therapists) and counselors (to include school psychologists) who are employed by the School Department and who are working directly with the student. Individuals not working with a student do not have access to the record without written permission of the parent or student (at age 14+).
- ▶ All student records maintained in the school must be private and secure. Computerized systems should be electronically secure.

“Sole” Possession Records

- ▶ Records kept “in sole possession of the maker” are not considered part of educational records (personal notes and test protocols)
- ▶ Once these records are shared with others (via email or in person, for example,) they are considered educational records.

Parents' Rights to Student Records

Parents have the right:

- To inspect their child's file within two weekdays of a request.
- To inspect their child's file prior to any meeting regarding an IEP.
- To obtain copies of their child's records at no charge.
- To request that information in their child's file be changed if they believe it to be inaccurate, or if it violates the student's rights.

Third Party Access to Records

People outside of the school team may access records in certain situations:

- ▶ Court Order/Lawfully Issued Subpoena
 - ▶ School shall attempt to notify parent in advance of compliance
- ▶ First responders in emergency situations
- ▶ Any school to which a student plans to transfer
- ▶ Federal, State/Local Officials (no identifiable data)
- ▶ Department of Social Services (51A)



Civil Rights

Non-Discrimination and Harassment

Civil Rights

- The Wrentham Public Schools is committed to ensuring that all programs and facilities are accessible to all.
- We seek to prevent discrimination or harassment on the basis of age, color, disability, national origin, religion, race, color, creed, sexual orientation, homelessness, or gender identity.
- This applies to students, parents, and employees.
- Prohibits discrimination in student class assignments or ability tracking, and protects English Language Learner (ELL) students.

Expectations for Addressing Harassment and Discrimination

- Actively monitor the school and classroom climate.
- Foster respect and appreciation for diversity.
- Implement measures to address harassment immediately; involve administration whenever you have a concern of this nature and document the issue.

Expectations for addressing Harassment and Discrimination

- Be sensitive to religious holidays (see list of dates at <http://www.doe.mass.edu/resources/holidays.html>). Those that students might miss school for include: Rosh Hashana, Yom Kippur, Eid al-Fitr, Divali, Good Friday, and Eastern Orthodox Good Friday.
- Massachusetts law requires that students who miss school for religious observance must have the opportunity to make up the work without penalty.
- Please 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.

Federal Law: Title IX

- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Refer to the district sexual harassment policy, located within the Wrentham School Committee handbook posted on the district website, and at both school offices, for specifics regarding steps taken to investigate. School personnel must contact an administrator or appropriate personnel if a complaint is made.

**Dr. Allan Cameron, Superintendent, and
Karen McNamara, Director of Student Services,
are the Title IX Coordinators for the district.**

Title IX: Understanding Sexual Harassment

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

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 or written communication of a sexually derogatory nature, or intimidation based on gender 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)
- ▶ Subtle pressure or requests for sexual activity
- ▶ Leering or voyeurism
- ▶ Displaying sexually suggestive pictures or objects anywhere in the workplace

Title IX: Reporting Requirements

- Any employee or student who believes he/she has been the recipient of harassment or discrimination should report it to a building administrator, counselor, or a teacher.
- It is an incremental, multi-step process toward resolution.
- 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.

Civil Rights and Nondiscrimination Resources

- ▶ In addition to contacting the appropriate building or district administrator, the state agency responsible for enforcing the laws prohibiting discrimination and harassment is the Massachusetts Commission Against Discrimination. <http://www.mas.gov/mcad/>
- ▶ The federal agency responsible for enforcing federal laws prohibiting discrimination and harassment is the Equal Employment Opportunity Commission. <http://www.eeoc.gov/>



Rehabilitation Act of 1973

Federal Law Section 504

Title II Americans with Disabilities Act (ADA)

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 activities (ie. self-care, walking, seeing, learning, breathing, bodily functions, speaking, working).
- Reasonable accommodations/modifications must be made to provide access to programs and/or facilities.
- No discrimination against a person with a disability will be permitted in any of the programs of the Wrentham Public Schools.

Federal Law: Section 504

- ▶ When a 504 Accommodation Plan exists for a student, it is the responsibility of all educators who work with that student to provide the accommodations - this is a legal requirement.
- ▶ Recent case law indicates that educators who do not provide accommodations listed in 504 plans may be personally liable for failing to do so.
- ▶ Questions about eligibility and enforcement should be directed to the building-based 504 coordinator.

Karen McNamara, Director of Student Services,
is the 504 Coordinator for the district.

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

The American with Disabilities Act (ADA) was written in 1990 and the Americans with Disabilities Amendments Act of 2008, effective January 1, 2009, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. An individual with a disability is a person who: has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

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

- ▶ Prohibits discrimination against access to programs and facilities, a free appropriate public education for elementary and secondary students, and employment discrimination.
- ▶ Applies to special education services, evaluations, Individualized Education Programs (IEPs), and student discipline.
- ▶ When an IEP exists for a student, it is the responsibility of all educators who work with that student to provide the accommodations and/or modifications-this is a legal requirement. An individual educator's judgment cannot be substituted for the requirements of the IEP.

Accommodations under ADA

Reasonable accommodations may include, but are not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring, modifying work schedules, reassignment to a vacant position; acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

Karen McNamara, Director of Student Services,
is the ADA coordinator for the district.



Title I

Federal Support Program

Title I : Supplement vs. Supplant

- ▶ Title I provides financial assistance to districts based on the percentage of children from economically disadvantaged families to help ensure that all children meet challenging state academic standards.
- ▶ Title I funds must be used only to supplement, and not supplant, the level of funds that would, in the absence of Title I, be available from non-federal sources for Title I students.
- ▶ A district may not use funds to provide services that the district is required to make available under federal, state, or local law.

Title I School District Criteria

- ▶ Delaney Elementary is the only Title I school in the district.
- ▶ Multiple, objective, educationally-related criteria are used to select eligible Title I participants.
- ▶ Eligible students are those identified by the school as failing, or most at risk of failing to meet the state's challenging academic achievement standards.
- ▶ Additional information can be found at:
<http://www.doe.mass.edu/apa/titlei>

Kristin Dykstra,
Director of Curriculum, Instruction, and Assessment,
is the Title I Director for the district.



District Curriculum Accommodation Plan

General Education Supports
Student Support Team Process

District Curriculum Accommodation Plan (DCAP)

Purpose of the DCAP is to ensure that all efforts have been made to meet students' needs in general education.

- ▶ To support general education teachers in analyzing and assessing the diverse student learning styles in their classrooms
- ▶ To help teachers implement accommodations to support the diverse student learning styles within the regular education classrooms
- ▶ To provide appropriate services and support within the general education classroom
- ▶ To address services for students whose behavior may interfere with learning
- ▶ To encourage parental involvement in their child's education
- ▶ To promote teacher mentoring, collaboration, and professional development

DCAP and Student Support Team (SST) Process

- Teachers are encouraged to follow the “Instructional Support Process” flowchart that is included within the DCAP, which includes a tiered system of intervention.
- Supporting documents (ie. classroom accommodations, student learning profile checklist) are included to assist teachers in meeting the needs of all learners.
- If a student continues to struggle despite these interventions and strategies, teachers may refer students to the Student Support Team (SST) using the SST Process flowchart.
- The DCAP is located within the Student Services section of the district website.

Kathleen Maloney, Lead Teacher for Student Support
is the SST Coordinator for the district.



Section 51A

Care and Protection of Children under 18

Section 51A - Mandated Reporting

- 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.
- The building principal will follow the reporting requirements of the Department of Children and Families (DCF, formerly known as the Department of Social Services, or DSS) and the policy of the Wrentham Public Schools.
- Personnel who report the suspected abuse/neglect will be informed as to whether a formal complaint will be made to DCF.

Section 51A - Mandated Reporting

- 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.

Definitions

Child Abuse:

The non-accidental commission of any act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of physical or emotional injury; or constitutes a sexual offense under the laws of the Commonwealth; or any sexual contact between a caretaker and a child under the care of that individual. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting).

(110 CMR, section 2.00)

Neglect:

Failure by a caretaker, either deliberately or through negligence or inability to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home setting).

(110 CMR, section 2.00)

Warning Signs

Physical Abuse:

- ▶ Bruising, welts or burns that cannot be sufficiently explained; particularly bruises on the face, lips, and mouth of infants or on several surface planes
- ▶ Withdrawn, fearful or extreme behavior;
- ▶ Clusters of bruises, welts or burns, indicating repeated contact with a hand or instrument;
- ▶ Burns that are insufficiently explained; for example, cigarette burns; and
- ▶ Injuries on children where children don't usually get injured (torso, back neck buttocks, or thighs).

Neglect:

- ▶ Lack of medical or dental care;
- ▶ Chronically dirty or unbathed;
- ▶ Lack of adequate school attendance;
- ▶ Lack of supervision; for example young children left unattended or with other children too young to protect or care for them;
- ▶ Lack of proper nutrition;
- ▶ Lack of adequate shelter;
- ▶ Self-destructive feelings or behavior; and
- ▶ Alcohol or drug abuse.



McKinney-Vento Act

Homeless Assistance

Students Considered Homeless

- ▶ Do not have a permanent home
- ▶ Live in motels, hotels, trailer parks, or camp grounds
- ▶ Live in state care and custody
- ▶ Live in cars, parks, public places, abandoned buildings, substandard settings
- ▶ Share housing of other persons due to loss of housing, economic hardships, or a similar reason
- ▶ May be unaccompanied youth (not in physical custody of a parent or guardian)

Homeless Students' Rights

- ▶ Access to the same public education provided to other students, no matter where they live or for how long.
- ▶ Continue in the school they attended before they became homeless, or the last school they attended, if that is their choice, and is feasible.
- ▶ Receive transportation to the school they attended before they became homeless, or the school they last attended, if they request transportation.
- ▶ Attend school and participate in school programs with students who are not homeless.
- ▶ Enroll in school without giving a permanent address. The district cannot require proof of residency that might prevent or delay school enrollment.

Homeless Students' Rights

- ▶ Enroll and attend classes while the district 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 students served in those programs.

Additional information is available at:

<http://www.doe.mass.edu/mv/>

Karen McNamara, Director of Students Services,
is the Homeless Liaison for the district.



Student Discipline

603 CMR 53.00

Purpose of Student Discipline Regulations

- ▶ Keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.
- ▶ Limit the use of long-term suspension as a consequence for student misconduct until other consequences, and ways to re-engage the student in learning, have been considered and tried. (see Chapter 222 of Act Relative to School Discipline)
- ▶ Promote engagement of the student's parents in discussion of misconduct and options for responding.
- ▶ Ensure that every student who is suspended or expelled has the opportunity to receive educational services to make academic progress during that period of time the student is excluded from school.



Bullying and Cyberbullying Law

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

An Act Relative to Bullying in Schools

- ▶ In May 2010, the Governor signed Chapter 92 of the Acts of 2010 into law which addresses Bullying in Schools.
- ▶ The law requires all schools and school systems to develop and implement a Bullying Prevention and Intervention Plan.
- ▶ In 2013, the Act was amended to expand the context of bullying to include bullying of students by any adult school personnel.

Definition of Bullying and Retaliation

Bullying is defined by the law as the repeated use by one or more students or adults of a written, verbal, or electronic expression or a physical act or any combination thereof, directed at a recipient that:

- Causes physical or emotional harm to the recipient or damage to the recipient's property
- Places the recipient in reasonable fear of harm to himself or of damage to his property
- Creates a hostile environment at school for the recipient
- Infringes on the rights of the recipient at school
- Materially and substantially disrupts the education process or the orderly operation of a school

Retaliation is any form of intimidation, reprisal, or harassment directed against a student or adult who reports bullying, who provides information during an investigation of bullying, or who witnesses or has reliable information about bullying.

Bullying

- Massachusetts General Law, Chapter 71, Section 370 makes all Massachusetts educators mandated reporters of bullying or retaliation.
- Any instance of student or adult behavior that appears to a staff member as potential bullying or retaliation must be reported to the principal. Follow the reporting procedures that are posted on the district website, or see your building principal.
- The principal will investigate and determine whether the actions require further disciplinary action.
- While bullying is defined as "repeated" behavior, a staff member should report any negative behavior that could be bullying even if observing it for the first time; the administration may be aware if other behaviors by the same student/adult(s) has been reported in the past by other staff, or it may be reported in the future.

Cyberbullying

- Cyberbullying is bullying through the use of technology or any electronic communication, including text messaging, use of the Internet (such as posting information through social networking websites like Facebook), e-mail, etc.
- Cyberbullying that occurs at school using cell phones, computers, tablets etc. is subject to school discipline; however, the school may also investigate and discipline students or adults for cyberbullying that originates outside of school if the effect of text messages, web postings, e-mails, etc. creates a hostile. educational environment for the recipient or substantially disrupts the educational process (e.g., if an online rumor creates problems at school between students/adults and requires intervention).
- Staff who become aware of a potential cyberbullying situation must report it to the principal, even if it originated outside of school.

Bullying and Civil Rights

- Bullying is a form of harassment. Depending on the situation, in addition to falling under the state law prohibiting bullying, behaviors such as name-calling, graffiti, rumor-spreading, etc. can also violate federal civil rights laws that prohibit harassment and the creation of a hostile environment.
- Any behavior that negatively targets a student or adult for a real or perceived characteristic he/she/they possess, such as gender, sexual orientation, gender identity, religion, race/color, ethnicity/national origin, disability (including learning disability), physical appearance, or other traits, must be reported to the principal.



Physical Restraint and Crisis Prevention

603 CMR 46.00

Physical Restraint of Students

- ▶ All school staff should read and be familiar with current physical restraint regulations, which were amended as of January 1, 2016, and can be viewed at <http://www.doe.mass.edu/lawsregs/603cmr46.html>
- ▶ These regulations apply to all public education programs, including school events and school sponsored activities.
- ▶ Training is important so staff members can be prepared with appropriate responses to potentially dangerous situations which will eliminate or minimize negative consequences.
- ▶ Lack of knowledge of the law will not protect you or your students from the consequences of inappropriate actions.

Crisis Prevention is Key

- ▶ Appropriate behavioral supports, and verbal de-escalation strategies are the first steps in preventing the need for physical restraint.
- ▶ Select staff members have been trained in the CALM de-escalation and crisis prevention model.
- ▶ CALM trained staff include the school adjustment counselors, school psychologists, select special education teachers, and ABA tutors.
- ▶ Daniela Paparo, school adjustment counselor, is the CALM trainer for the district.
- ▶ Physical restraint is only used as a last resort to maintain student and staff safety.

Physical Restraint Definitions

- ▶ Physical escort: "Touching or holding a student without the use of force for the purpose of directing the student."
- ▶ Physical restraint: "The use of bodily force to limit a student's freedom of movement."
- ▶ 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.
- ▶ Extended restraint: "A physical restraint the duration of which is more than 20 minutes. Risk of injury is increased, requires additional written documentation."
- ▶ Time-out: "A behavioral support strategy that allows school staff to temporarily separate a student from the group for the purpose of calming. Staff must be accessible to student during time-out; it ends as soon as student is calm."
- ▶ Seclusion restraint: "Physically confining a student alone in a room or limited space without access to school staff."

When May Physical Restraint be Necessary?

Physical restraints should **only** be used when other, less intrusive alternatives have been tried and failed, would not be effective, or are deemed inappropriate to prevent a student's behavior from posing a threat of **imminent, serious, physical harm** to self and/or others.

Physical restraints **must be terminated** as soon as a student is no longer in immediate danger to himself or others, or if the student is observed to be in severe distress such as prolonged crying, coughing, or difficulty breathing.

When Physical Restraint CANNOT be Used

Restraint may not be used:

- ▶ 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 part of a behavior treatment plan.
- ▶ As a response to property destruction, school disruption, refusal to comply, or verbal threats.
- ▶ When medically contraindicated.

Caution should be used for students who have known or suspected history of trauma.

Proper Use of Physical Restraint

- Only staff trained in the CALM crisis prevention and intervention model should use physical restraints, except in an emergency, as described in the next bullet.
- A physical hold should be implemented to prevent or minimize physical harm. Training requirements in 603 CMR 46.00 do not prevent 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.
- Only the amount of force necessary to protect the student or others from physical harm or injury should be used.
- The safest method available and appropriate to the situation and the individual should be used. Floor or prone holds are prohibited unless staff administering these has received in-depth training (16 hours minimum) in such procedures.

Proper Use of Physical Restraint

- The hold should end as soon as possible. A hold of over 20 minutes is defined as an "extended restraint" and requires administrative authorization.
- CALM trained staff should have a witness who does not participate in the hold.
- Monitor student's physical well-being, including respiration.
- If student experiences physical distress, release restraint and seek medical assistance immediately.
- Know students' medical and psychological limitations and behavior intervention plans.
- When a situation occurs where a student is demonstrating potentially harmful behaviors, seek assistance immediately.

Process and Procedure if Physical Restraint is Necessary

During the Incident:

- **Communicate** if a student is in crisis ("out of control"). Contact CALM-trained staff quickly by calling the school office and stating what type of assistance you need.
- **Ensure a witness** is present during any crisis.
- **Document** the occurrence of each instance of aggression and/or use of physical restraint.

Process and Procedure if Physical Restraint is Necessary

After the Incident:

- Review the incident with student to address behavior.
- 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.
- Review to see if established procedures were followed.
- Look for patterns in responding.
- Discuss difficulties and develop strategies to address these difficulties.
- Get consensus on any recommendations - consistency is necessary for any procedure to work effectively.

Documentation of the Incident

Notify school administration of any physical restraint as soon as possible, and provide a written report by the next school working day.

The principal or teacher must notify the parent verbally as soon as possible, and by written report within three (3) school working days.

Content of written report should include:


- Participants and observers
- Date / Time / Place of restraint
- What was happening before, during, after the restraint.
- Description of alternative efforts attempted and outcome of those efforts; description of behavior that prompted the restraint.
- Description of the restraint.
- Documentation of any injury to students or staff.
- School actions, or intended actions, including disciplinary consequences.

Reporting to the Department of Education

- ▶ Principals are responsible for reporting any physical restraints resulting in serious injury to DESE within 3 working school days.
- ▶ Principals must report all physical restraints annually to DESE each July.
- ▶ Principals are required to conduct weekly/monthly reviews of all physical restraints and consider patterns of restraint, number of restraints, duration of restraints and any injuries caused by restraints. The principal will determine whether it is necessary to modify the school's physical restraint process and procedures and/or whether there is a need for additional staff training on positive behavioral supports and de-escalation strategies.



Thank you for your time.



Please sign the
Mandated Training Certificate
and submit it to your building principal.