

# Annual State and Federal Mandated Training

2017-2018

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HAMILTON-WENHAM REGIONAL  
SCHOOL DISTRICT

# Purpose of 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 Training

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# Annual Training – Civil Rights

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- 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 nondiscrimination 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

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- 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 @ 978-468-5303

# Title IX Training

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# 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

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- 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

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- 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

# More Tips for Addressing Harassment/Discrimination

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- Collaborate with law enforcement
- Review crisis intervention plans
- Document and report all harassment incidents

# Reporting Requirements

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- 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 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

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- 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

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- 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 978-468-5348

# Title II Training

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

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- 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**

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**Training**

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

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- 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

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- 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

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- 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.

**Physical Restraint  
Guidelines, Crisis  
Prevention and  
Intervention Training**

# General Overview of Physical Restraint Requirements for Public Education Programs

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**Prepared by the Massachusetts Department of Education for use  
by Public Education Programs in Annual Staff Training.**

# Caution

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- This presentation provides an overview of the regulatory requirements for the use of physical restraint, but does not iterate all of the detail in the regulations.
- All school staff should read and be familiar with the regulations.
- Viewing this presentation does not substitute for a careful reading of the full regulatory requirements.

# TRAINING IS IMPORTANT BECAUSE



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

# Read the Regulations

- 603 CMR 46.00 -- these regulations apply to all public education programs including school events and school sponsored activities.

- Reference <http://www.doe.mass.edu/lawsregs/>



Lack of knowledge of the law will not protect you or your students from the consequences of inappropriate actions.

# Key Aspect: Training and Awareness

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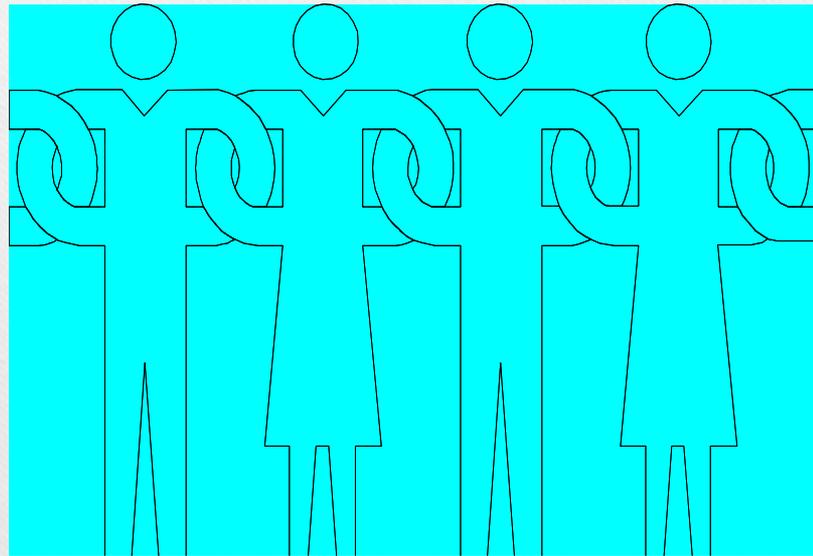
Regulation  
46.03(1 & 2)  
and 46.04(2)

- Annually, For ALL staff - Review:
  - School restraint policy
  - Methods of prevention of need for physical restraint
  - Types of restraint and related safety considerations
  - Administering restraint in accordance with student's needs/limitations
  - Required reporting & documentation
  - Identification of selected staff to serve as information resource to school

# FOR SELECTED STAFF: IN-DEPTH TRAINING-CONTENTS

- Prevention techniques
- Identifying dangerous behaviors
- Experience in restraining and being restrained
- Demonstration of learned skills
- Recommended 16 hours
- Instruction on the impact physical restraint has on the student and family

Regulation  
46.03(4) and  
46.04(4)



# KNOWING THE TERMINOLOGY:

## Physical restraint

“Direct physical contact that prevents or significantly restricts a student’s freedom of movement.”

Regulation Section  
46.02

## NOT physical restraint:

“Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

# Other Terminology:

Regulation  
Section 46.02

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- chemical restraint/medication restraint –is prohibited.  
Medication that is prescribed by a physician and authorized by the parent is not medication restraint.
  - mechanical restraint –Prohibited in all instances.
  - seclusion – “The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.” Prohibited.

# TYPES/EXAMPLES OF TIME OUT AS A BEHAVIORAL SUPPORT STRATEGY

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- **INCLUSIONARY TIME-OUT-** “Student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.”
- Inclusionary time-out includes practices used by teachers as part of their classroom behavior support tools such as “planned ignoring,” asking students to put their heads down, or placing a student in a different location within the classroom (this does NOT include walled off “time out rooms” located within the classroom).

# TYPES/EXAMPLES OF TIME OUT AS A BEHAVIORAL SUPPORT STRATEGY-CONTINUED

- **EXCLUSIONARY TIME OUT-** “The separation of students from the rest of the class either through complete visual separation or from actual physical separation.”
- During an exclusionary time out:
  - The student must be continuously observed by a staff member;
  - Staff must be with the student or immediately available to the student at ALL times
  - The space used for exclusionary time-out must be clean, safe, sanitary, and appropriate for the purpose of calming
  - **Exclusionary time out must cease as soon as the student has calmed.**
  - Exclusionary time out should be reserved for use only when a student is displaying behaviors which present or potentially present an unsafe or overly disruptive situation in the classroom
  - Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time out setting.
  - **Staff must obtain principal approval to extend time out longer than 20 minutes.**

# Prone Restraint

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- Prone restraint is prohibited except if *ALL* of the below is true and documented:
  - The student has a documented history of repeated dangerous behavior to self or others.
  - All other forms of restraint have been unsuccessful.
  - There are no medical contraindications.
  - There is no psychological/behavioral justification with no contraindications.
  - The program has obtained consent to use prone restraint.
  - The program has documented all of the above in advance of the use of prone restraint.
- Then, prone restraint **only by people with in-depth training.**

**This form of restraint is not endorsed by the District.**

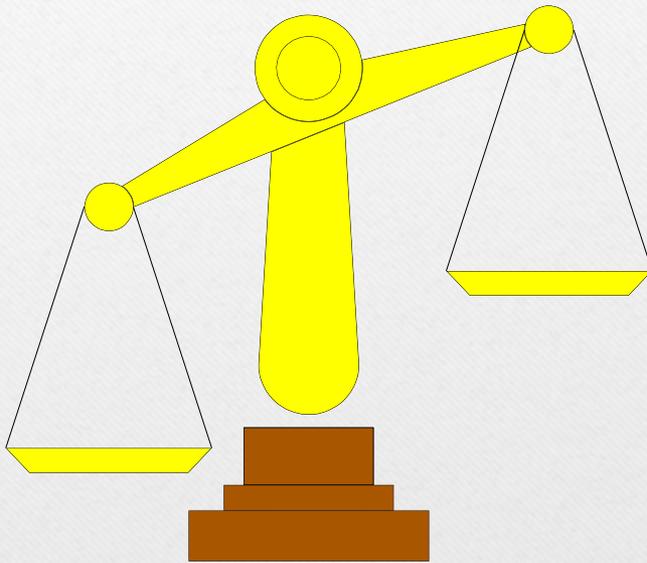
# EXTENDED RESTRAINT

Regulation 46.02(1) and Regulation 46.05(5)(c)

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- Longer than 20 minutes.
- Increases the risk of injury
- Requires approval of the principal prior to the restraint exceeding 20 minutes.

# Is restraint good or bad?



- It depends on how it is used.
- The definition of physical restraint does not identify negative or positive motives nor does it recognize negative or positive consequences.

# When may physical restraint be necessary?

Regulation  
46.04(1 & 2)

- When other, non-physical, interventions have been tried and failed or are judged to be inadequate to the circumstances.

AND

- a student's behavior poses a threat of **IMMINENT, SERIOUS, PHYSICAL HARM** to self and/or others



# Do not use physical restraint



Regulation 46.04(3)

- When non-physical interventions could be used.
- As a means of punishment.
- As a response to property destruction, school disruption, refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious or physical harm.

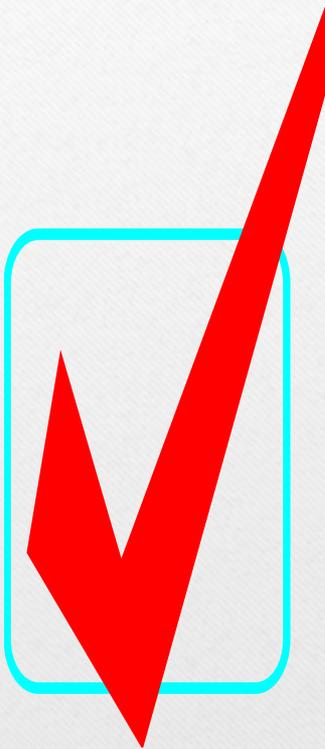
# Proper Administration of Physical Restraint

Regulation Section 46.05

- Remember training considerations. Only school personnel who have received training pursuant to 603 CMR 46.03 (2) or (3) shall administer physical restraint on students.
- Have an adult witness if possible.
- Use only the amount of force necessary to protect the student or others from physical injury or harm.
- Use the safest method. Do not use floor or prone restraints unless you have received in-depth training.
- Discontinue restraint ASAP.

# Safety Requirements

Regulation  
46.05(5)



- Make sure student is able to breathe and speak.
- Monitor physical well-being, monitor respiration.
- If student experiences physical distress -- release restraint and seek medical assistance immediately.
- Know students' medical and psychological limitations and behavior intervention plans.

# Regulations do not prohibit or limit:

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- The right to report a crime.
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities.
- Mandated reporting of neglect or abuse.
- The use of reasonable force to protect oneself, a student, or others.

# Follow-Up Procedure: Prevention/Learning from the Experience

Regulation  
46.05(5)(d)

- Following every restraint action taken, the circumstances should be discussed with the student, and with others, as appropriate. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed and consideration of whether any follow-up is appropriate for students who witnessed the incident.
- Ask: “How can we avoid this happening again?”



# Key Reporting Requirements

Regulation Section 46.06

- When to Report: All restraints are now documented and reported to DESE via on-line.
- Notify School Administration: Notify school administration as soon as possible, & provide written report by the next school working day.
- Notify Parents: The principal or director of the program notifies the parent, verbally as soon as possible, and by written report within 3 school working days following the use of restraint.

# Content of Written Report

Regulation 46.06(4)

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- Who participated in the restraint? Observers? Who was informed and when?
  - When did the restraint occur? (date/time)
  - What was happening before, during, and after the restraint? Describe alternative efforts attempted and the outcomes of those efforts. What behavior prompted the restraint? Describe the restraint.
  - Has the school taken, or will it take, any further actions including disciplinary consequences?

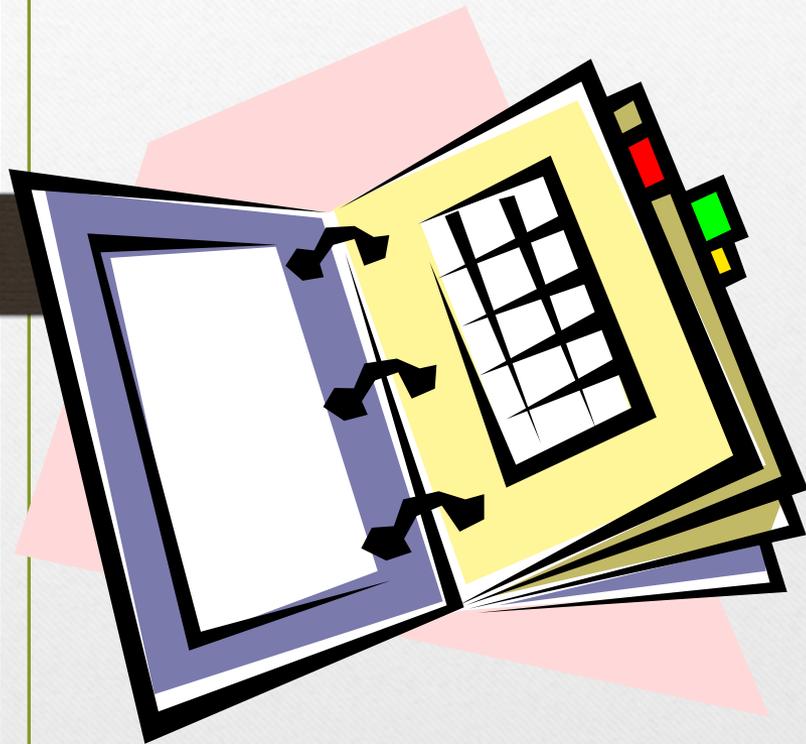
# Content of Written Report- continued

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- A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended and documentation of any injury to students or staff, if any, during the restraint and any medical care provided.
- For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.
- Information regarding any further action(s) that the school has taken or may take including any disciplinary sanctions that may be imposed on the student.
- Information regarding opportunities or the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

# Key Data Keeping Aspect: Ongoing Log

Regulation 46.06(2)



- School district maintains a log of all reported instances of physical restraint in the school.
- Use the log for review of incidences and consideration of school safety policies and procedures.

# Reporting to the Department of Education

Regulation 46.06(5)

- Extended restraints (restraints over 20 minutes).
- Any time there is a serious injury.
- Send report within 5 school working days of restraint. Include log for 30 day period prior to restraint.
- Department may determine additional required action.

# Special Circumstances

Regulation Section 46.07

For students with disabilities (w/ IEPs or 504 plans), physical restraint can be used for different reasons (other than danger) if reasons are detailed and part of the IEP or 504 Plan. Certain limits and requirements will still apply.

Parents may agree to a waiver of reporting requirements in individual circumstances (not for serious injury and not for extended restraints), but

- School cannot require parental consent to waiver.
- School must detail alternate reporting mechanism.
- Individual waivers should be sought only for student who present a high risk of frequent, dangerous behavior that may require the frequent use of restraint.

# Find the Regulations:

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

See 603 CMR 46.00

**MGL 603 CMR 23.00**  
**Confidentiality-FERPA**  
**and**  

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**Student Records Training**

# STUDENT RECORDS

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- 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

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

- School employees on a need to know basis
- Transfer institutions
- Law officials and/or persons with court orders or subpoenas
- Financial Aid personnel
- Accrediting organizations
- Persons involved in a health or safety emergency 52

# Student Records

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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 record at no charge
- 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
- Teaching 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 [www.doe.mass.edu/lawsregs/603cmr23.html?section=01](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=01)).
- It is important that the information contained in student records is private and confidential.

# McKinney-Vento Act

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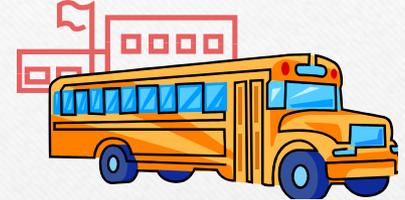
# Homeless Assistance

# 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/>



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

# Bullying and Cyberbullying Law

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

# Our Commitment

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HW 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*

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“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

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- “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?

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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

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- “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:

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- 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

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- 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

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- 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

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- 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

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- 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)

# Thank you for your time.

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

Originally developed by Katherine Harris, 2016