

MANDATED TRAININGS

Marlborough Public Schools
2021-2022

Table of Contents

□ Introduction	Slides 3-4
□ Significant Legal Provisions	Slides 5-6
□ Title VI	Slide 7
□ Federal Law: Title IX	Slides 8-12
□ Bullying Prevention	Slides 13-16
□ Section 504 /Title II (ADA)	Slides 17-25
□ I.E.P Requirements	Slides 26-27
□ Health Information	Slides 28-30
□ MPS Confidentiality Policy	Slide 31
□ Student Records	Slide 32-35
□ Non-Custodial Parent Regulations	Slide 36
□ Technology	Slides 37-39
□ Social Media Policy	Slides 40-48
□ Conclusion	Slide 49

What is the Purpose of this Training?

3

- Annual training is mandated by the Department of Elementary and Secondary Education (DESE, formerly the Department of Education, or DOE).
- 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?

- The Marlborough Public Schools is committed to ensuring that all programs and facilities are accessible to all.
- We actively seek to prevent discrimination or harassment on the basis of age, color, disability, national origin, ancestry, religion, race, veteran status, sex, gender identity, or sexual orientation.



Significant Federal Laws

5

- ❑ Title IX of the Education Amendments of 1972
 - ❑ Prohibits gender discrimination and harassment
- ❑ Title VI of the Civil Rights Act
 - ❑ Prohibits discrimination and harassment based on race, color, national origin, religion
- ❑ Section 504 of the Rehabilitation Act
 - ❑ Prohibits discrimination and harassment based on disability
- ❑ Individuals with Disabilities Education Act
 - ❑ Entitles eligible student with disabilities to a free appropriate public education
- ❑ Age Act
 - ❑ Prohibits discrimination on the basis of age.



Significant State Laws

6

- M.G.L. c.76, §5
 - Prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion, gender identity and sexual orientation.
- M.G.L. c.71B
 - Massachusetts special education statute
- M.G.L. c.71, §37O
 - The Massachusetts Anti-Bullying Law
- M.G.L. c.151C
 - Prohibits sexual harassment – education
- M.G.L. c.119, §51A
 - Reporting abuse of children 0-17
- M.G.L. c.19C
 - Reporting abuse of adults (18-59) with disabilities
- M.G.L. c.71, §34
 - Student Records

Federal Law: Title VI

7

- Protects against discrimination or harassment based on race, color, and national origin.
- Applies to students, parents, and employees.
- Prohibits discrimination in student class assignments or ability tracking and protects English language learners.

Federal Law: Title IX

8

- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Prohibits discrimination or harassment based on traditional notions of masculinity and femininity, including protections from discrimination or harassment based on gender identity or expression.
- Refer to the district discrimination/harassment policy for specifics regarding steps taken to investigate. School personnel must contact an appropriate administrator if a complaint is made.
- Douglas Dias, Director of Finance and Operations, is the Title IX Coordinator.

Title IX:

Understanding Sexual Harassment

- Any instance of quid pro quo harassment by an employee; or
- Unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act and the Violence Against Women Act.
- Sexual harassment issues can involve student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.

Title IX:

Understanding Sexual Harassment

10

- 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)

Title IX:

Understanding Sexual Harassment

11

- Sexual harassment may include but is not limited to (continued):
 - ▣ Subtle pressure or requests for sexual activity
 - ▣ Leering or voyeurism
 - ▣ Displaying sexually suggestive pictures or objects anywhere in the workplace
 - ▣ Jokes and teasing of a sexual nature

Reporting Requirements

- Any district employee who observes sexual harassment of a student or receives notice of an allegation of sexual harassment **must report** the incident to the Principal or Title IX Coordinator. Includes: teachers, support staff, administrators, cafeteria workers, bus drivers, custodial staff, etc.
- That employee should intervene to stop the conduct and report it to the Principal and Title IX Coordinator.
- For employee victims, the incident should be reported to the Principal or Director of ECC or Hildreth, the Human Resources Director or Title IX Coordinator.
- Active investigations will result, as applicable, and may result in sanctions up to suspension or dismissal.
- If the conduct violates the law, the appropriate authorities will be notified.

Bullying Prevention

13

MGL c. 71, § 37O

Bullying Prevention and Intervention Act, 5/2010

Section 5, (C) Each school district, charter school, approved private day or residential school and collaborative school *shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.*

The Massachusetts Anti-Bullying Act: Definitions

With July 13, 2014 Amendment

14

- 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 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 Prevention

- Each school will provide all staff with an annual written notice of the Marlborough Public Schools Bullying Prevention and Intervention Plan by publishing information about it, including sections related to staff responsibilities in the school employee handbook.
- Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

Bullying Prevention

16

MPS's plan is available on our district website at the following:

[Bullying Prevention and Intervention Information on Website](#)

www.mps-edu.org

Federal Law:

Section 504/Title II (ADA)

17

- Requires that no qualified individual with a disability shall be discriminated against or be excluded from participation in an activity.
- A disability is a mental or physical impairment that substantially limits a person's major life activities (e.g., 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/Title II

18

- No discrimination against a person with a disability will be permitted in any of the programs of the Marlborough Public Schools.
- Questions about eligibility and enforcement should be directed to the building-based 504 coordinator, which, in most cases, is the Assistant Principal (s).

Federal Law:

Section 504/Title II

19

- 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.**
- Case law indicates that educators who do not provide accommodations listed in 504 plans may be personally liable for failing to do so.

Federal Law:

Section 504/Title II

20

- Prohibits discrimination against access to programs and facilities, a free appropriate public education (FAPE) for elementary and secondary students, and employment discrimination.
- Applies to special education services, evaluations, 504 Plans, Individual Education Plans (IEPs), and student discipline.
- When a 504 Plan or 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.

Expectations for Addressing Harassment & Discrimination

21

- Be sensitive to religious holidays (see list of dates at <http://www.sec.state.ma.us/cis/cishol/holidx.htm>. Those that students might miss school for include: Rosh Hashanah, Yom Kippur, Eid al-Fitr, Divali, Good Friday, and Eastern Orthodox Good Friday.
- Marlborough School Committee policy and MA law require 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.

Expectations for Addressing Harassment & Discrimination

22

- 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.
- Immediately report harassment or discrimination to school principal/director or Civil Rights Coordinator as soon as you become aware of it and/or it is reported to you.

Responsibilities for the Care and Protection of Children Under 18

23

- All school personnel are mandated reporters in cases of suspected abuse or neglect of a minor (aka 51A).
- 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 a member of the school's Child Abuse Review Team (CART)**, which consists of the principal, psychologist and/or counselor, nurse, the reporting staff member, and any other staff as deemed appropriate.
- The school-based Child Abuse Review team 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 Marlborough Public Schools. The CART team will determine whether a "reportable condition" exists and will act accordingly. This process must be confidential and only involve members of the CART team.

Responsibilities for the Care and Protection of Children Under 18

24

- It is not the responsibility of staff to prove that a child has been abused or neglected; a reasonable cause for concern should trigger the process.
- As mandated reporters, school personnel who report with reasonable cause are presumed to be acting in good faith and are immune from any civil or criminal liability.
- **Failure to make a report when there is a reasonable cause for concern can result in a fine of not more than \$1,000; more importantly, a child could suffer additional harm if a report is not made when there is reasonable suspicion of abuse or neglect.**

Protecting Disabled Adults from Abuse

25

- The Disabled Persons Protection
 - An independent state agency responsible for investigating complaints of abuse of adults with disabilities (18-59)
 - Suspected abuse of any student with a disability who has reached 18 years of age must be reported
 - Instances of suspected abuse or neglect must be reported immediately to the DPPC 24-hour Hotline at 1-800-426-9009 V/TTY.

IEP Requirements for Teachers

- All accommodations must be followed as written on the IEP.
- Special education staff in each building are assigned as liaisons for the students.
- Please consult with the Educational Team Leader in your building if you have any questions about the IEP process in general or specific questions about a particular child's needs.

IEP Requirements for Teachers

27

- All Staff Members who teach students on an IEP must review the accommodations in Aspen, our student information database.
- If you have not yet been trained to access Aspen, please contact a building administrator.

Communicable Diseases

- Students and staff who are infected with one of the communicable diseases contracted by airborne organisms may be excluded from school until the child/staff's presence will not have an adverse effect on the health of the other children and staff.
- A number of serious infectious diseases are spread with human blood.
- HIV/AIDS: Parents/guardians are the gatekeepers of this information and are not obliged to disclose this information to school personnel. If they choose to disclose this information, specific written consent is required.
- If a staff member is notified by parent/guardian that a student is HIV/AIDS infected, the staff member is required to share the information with the school nurse and no one else.
- A student health record related to HIV/AIDS should be regarded as CONFIDENTIAL.
- Staff members with a need to know may be liable for civil damages in the event of disclosure.

Universal Precautions

- The following precautions are recommended for all employees who deal with the treatment and clean up of blood and bodily fluids.
 - a. Appropriate equipment (mops, buckets, bleach, hot water, hand soap, disposable towels and gloves) must be readily available for the clean up of bodily fluid spills.
 - b. Treat human blood spills with caution.
 - c. Clean up blood spills promptly.
 - d. Inspect the intactness of skin on all exposed body parts, especially the hands. Cover any and all open cuts or broken skin or ask another staff member to do the clean up. Gloves contribute an added measure of protection, but are not essential if skin is intact.
 - e. Clean up blood spills with a solution of one part household bleach to ten parts water, pouring the solution around the periphery of the spill.

Classroom Staff Guidelines

1. Teach the students correct hand washing technique and cough etiquette.
2. Students will wash their hands before and after snack, lunch and after the use of the bathroom and recess.
3. If there is a student with a Life Threatening Food Allergy in the room, send a letter to the parents requesting they not send that particular food into the classroom that has the allergen in the ingredients.
4. Sharing or trading food will not be permitted.
5. Tables will be washed after snacks and lunches.
6. If food is used in the curricula, the principal must give prior permission and a signed parental/guardian permission note must be on file.
7. Food and beverage will not be brought in to commemorate a holiday or birthday.
8. Food will not be used as a reward unless stated in an IEP.

MPS Confidentiality Policy

- Only authorized personnel, which includes staff that are providing services to the student, can have access to a student's record and personal information that is required to educate the student. Authorized personnel are responsible for keeping records and information about the students they educate and service confidential.
 - Keep physical student records in a secure location so that unauthorized personnel do not have access.
 - Do not discuss students with other authorized personnel in open areas where others may hear.
 - Do not share any student information, including verbally, with any unauthorized personnel.
 - Do not discuss students or share student information with others outside of school.

Student Records

32

A student's personal educational information is guarded by a number of legal protections:

- Family Educational Rights and Privacy Act (FERPA)
- Individuals with Disabilities Education Act (IDEA)
- M.G.L. c. 71 §34(A-H)
 - 603 CMR 23.00
 - State Student Records Regulations

Confidentiality of Student Information

- Except where the regulations specifically authorize access by third parties, no individuals or organizations other than the parent, eligible student and authorized school personnel to have access to information in the student record without the specific, informed, written consent of the parent or eligible student.



Access to Student Records

34

□ Access to the Student Record

- Parents and Students over 14
- Administrative and clerical staff
- Authorized school personnel
 - Administrators, teachers, counselors, paraeducators, behavior technicians and other professionals who are providing services directly to the student
- Other individuals with written consent of the parents/student

□ Authorized School Personnel

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

603 CMR 23.02

Log of Access

35



The District must maintain a log for each student record reflecting:

- Name, position, and signature of the individual authorizing access to the record
- Name, position/affiliation of the individual accessing the record
- Date on which the record is accessed
- Reason for accessing the record

Exceptions:

Authorized school personnel

Administrative and clerical staff

School nurses who inspect the health record

Custodial & Non-Custodial Parents

- Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under chapter 71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school.
- For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.

Technology Usage Policy

- All City computers are the sole property of the City of Marlborough. All hardware, software, files and documents contained therein are considered to be exclusively the property of the City of Marlborough and may and shall be viewed by the City as it determines to be necessary.
- Any unauthorized non-City use of these resources for personal or business purposes may be cited as a violation of City computer access privileges and/or disciplinary action to the person or departments found in violation.
- No software or hardware is to be installed, added to, or removed from City computer systems without the proper authorization and assistance from the Informational Systems Department through a request to the Help Desk.
- Any Employee who knowingly misuses the system, including, but not limited to, loading unapproved software which corrupts the system in any other way causes system corruption, may be subject to disciplinary action.

Technology Usage Policy

- Information Systems reserves the right to remove the Marlborough Information Network at any time, any computer system, hardware, or software which is deemed to be a security risk.
- All City departments having access to the Marlborough Information Network will be subject to periodic and unannounced computer system inspections by Information Systems in order to ensure compliance with the policies and procedures described herein.
- It is the responsibility of each City department to take proper measures to ensure that a virus-free, secure and uncompromised computer environment is maintained.
- Users have no expectation of privacy.

Email Use

- Any individual misusing the electronic mail facility is subject to loss of all mail privileges and/or other disciplinary measures up to and including termination.
- The City's electronic mail facility (email) and all other applications are to be used for City business purposes only.

Social Media Policy

□ Purpose

The Marlborough Public Schools is committed to ensuring that all stakeholders who utilize social media technology for professional purposes, including staff and students, do so in a safe and responsible manner. However, due to the nature of social networking or social media sites, there exists a risk of misuse.

Social Media Policy

41

□ Definition

Social media is defined as any form of online publication or presence that allows interactive communication, including but not limited to, cell phones, social networks, blogs, internet websites, internet forums, and wikis. Specific networking sites include Facebook, MySpace, Twitter, LinkedIn, YouTube, Flickr, Tumblr, and the like. A distinction is drawn between professional social media, which is work-related social media activity, and personal social media, which is a nonwork-related social media activity.

Social Media Policy

□ Professional Social Media Use

Marlborough Public Schools employees, who engage in professional social media activities, should maintain separate professional and personal email addresses. As such, employees should not use their personal email address for professional social media activities. The professional social media presence should utilize a professional email address and should be completely separate from any personal social media presence maintained by the employee.

Social Media Policy

Staff members are prohibited from engaging in any of the following conduct or uses of the school district's network:

- Fraternizing with students using any social media. Staff members may not invite/accept or list current students as “friends” on networking sites. Classroom participation on educational sites for instructional purposes is permitted. This prohibition extends, as well, to cell phone or texting use.
- Posting of items with sexual content.

Social Media Policy

- ❑ Posting of items exhibiting or advocating use of drugs, alcohol or tobacco.
- ❑ Posting of items encouraging or constituting hazing or bullying.
- ❑ Knowingly posting or communicating inaccurate or false information.
- ❑ Providing students with home telephone numbers or with private cell phone numbers without prior approval of the school district.

Social Media Policy

- ❑ Accessing inappropriate websites, including but not limited to material that is sexually explicit, that is pornographic, that advocates illegal acts, or that advocates violence, harassing, bullying, or discriminatory behavior.
- ❑ Accessing social media or video streaming sites for personal reasons during work hours.
- ❑ Posting information that is reasonably considered to be proprietary, copyrighted, defamatory, libelous or obscene.
- ❑ Posting names or any information about students, including but not limited to “student records” information as defined by law.
- ❑ Providing any confidential or private information regarding students or other employees.

Social Media Policy

□ Personal Social Media Use

In order to maintain a professional and appropriate relationship with students, Marlborough Public School employees should not communicate on personal social media sites with students who are currently enrolled. Communications include, but are not limited to, ‘friending,’ ‘following,’ ‘commenting,’ or posting messages.

Employees of the district are encouraged to use appropriate privacy settings to control access to their personal social media sites. There are limitations to privacy settings and private information published on the internet can easily become public. Employees have an individual responsibility to understand the rules of the social media site being used.

Social Media Policy

Employees should not ‘tag’ photos or videos of other Marlborough Public Schools employees without the prior permission of the individual being tagged.

Personal social media use should not interfere with or disrupt the school day.

The posting or disclosure of personally identifiable student information or confidential information via personal social media sites is prohibited.

In the use of personal social media sites, any use the school’s logo, likeness, or any school photographs or other property that belongs to the school or district, must be of a positive nature.

Social Media Policy

□ Inappropriate Use of Social Media/Discipline

Failure to exercise good judgment in online conduct may result in reprimands. The superintendent or assigned designees may conduct internet searches to see if staff members have posted inappropriate materials online. When inappropriate use of school computers and websites is discovered, the school principals and superintendent will promptly bring that inappropriate use to the attention of the staff member and may consider and apply disciplinary action up to and including termination.

Conclusion

Thank you for reviewing the information regarding our various legal obligations connected with civil rights and the protection of students, and thank you for your ongoing efforts to ensure that everyone's rights are honored and that all members of our school communities are treated with respect.