

Annual State and Federal Mandated Training 2010-2011



LABBB Collaborative



Purpose of Training

This PowerPoint presentation is designed to provide annually required mandated training for all staff.

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Sandra Goldstein, Program Director
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Civil Rights Training



Annual Training – Civil Rights

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



What is non-discrimination?

- The LABBB Collaborative 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, sex, color, disability, national origin, religion, race, or sexual orientation in accordance with applicable laws and regulations.



Federal Law: Title VI of the Civil Rights Act

- Protects against discrimination based on race, color, national origin, 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
- Program Directors respond to initial inquiries regarding non-discrimination policies
- Collaborative Complaint Coordinator: Patric Barbieri, Executive Director



Title IX Training



Federal Law: Title IX

- Prohibits discrimination or harassment related to gender, including sexual harassment
- Refer to the district sexual harassment policy for specifics regarding steps taken to investigate complaints.
- Refer all Title IX issues to your program director and the Executive Director, Patric Barbieri



Title IX: Understanding Sexual Harassment

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



Title IX: Understanding Sexual Harassment

- Examples of prohibited activities that might create a hostile work/learning environment might include:
 - vulgar or explicit sexually related epithets, abusive language
 - sexually explicit behavior or indecent exposure by students or employees
 - graffiti, posters or calendars



Tips for Addressing Harassment/Discrimination

- Enlist parents, students, and community groups in the effort
- Monitor the school climate
- Foster respect and appreciation for diversity
- Be sensitive to religious holidays
- Implement measures to address harassment immediately and effectively



More Tips for Addressing Harassment/Discrimination

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



Reporting Requirements

- **Any employee or student who believes he/she has been the victim of harassment or discrimination should report it to the program director, teacher, or directly to Patric Barbieri.**
- **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.**



Rehabilitation Act of 1973



Federal Law: Section 504

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



Federal Law: Section 504

- **No discrimination against a person with a disability will be permitted in any of the programs of the LABBB Collaborative.**
- **Questions about eligibility and enforcement should be directed to a program director.**



Title II Training



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

- Prohibits discrimination against:
 - access to programs and facilities
 - free appropriate public education for elementary and secondary students
 - employment
- Applies to special education services, evaluations, and IEPs, as well as, student discipline



MGL Chapter 119, Section 51A Training



Care and Protection of Children Under 18 (51A)

- School personnel are mandated reporters legally obligated to contact the Massachusetts Department of Social Services (DSS)
- If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect they must follow DSS 51A reporting requirements
- Immediately consult with the program director for assistance if abuse or neglect is suspected



Physical Restraint Guidelines Crisis Prevention and Intervention Training



General Overview of Physical Restraint Requirements for Public Education Programs

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

Caution

- 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

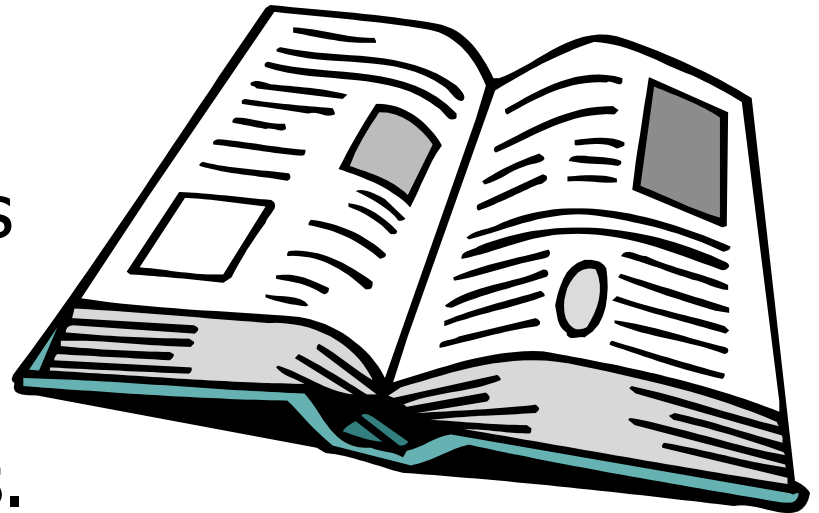
Because



- 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.



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

Key Aspect: Training and Awareness

Regulation
46.03(1 & 2)

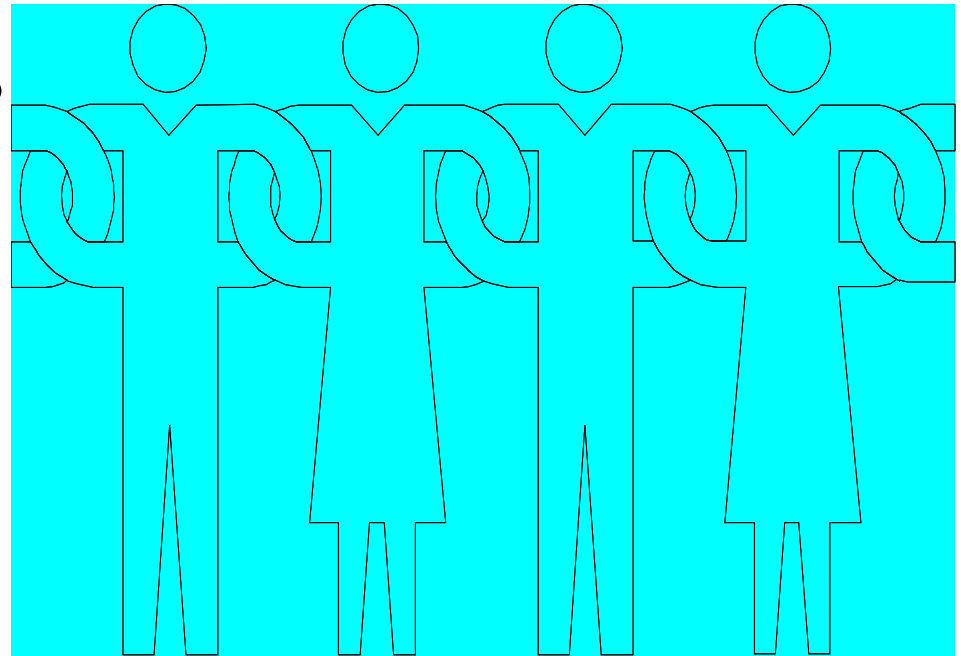
- Annually, For ALL staff - Review:
 - School restraint policy
 - Methods of prevention of need for physical restraint
 - Types of restraint and related safety considerations
 - Administering restraint in accordance with student's needs/limitations
 - Required reporting & documentation
 - Identification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



For Selected Staff: In-Depth Training - Contents

Regulation
46.03(4)

- Prevention techniques
- Identifying dangerous behaviors
- Experience in restraining and being restrained
- Demonstration of learned skills
- Recommended 16 hours



Knowing the terminology:

Physical restraint

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

Regulation
46.02(3)

Not physical restraint:

“Touching or holding a student without the use of force” --- includes physical escort, touching to provide instructional assistance, and other forms of physical contact that do not include the use of force.

Other terminology:

Regulation
46.02(5)

- chemical restraint - do not use without physician's order and parental consent.
- mechanical restraint - do not use without physician's order and parental consent.
- seclusion restraint - "physically confining a student alone in a room or limited space without access to school staff." **Don't do it.**
- time-out - staff remains accessible.

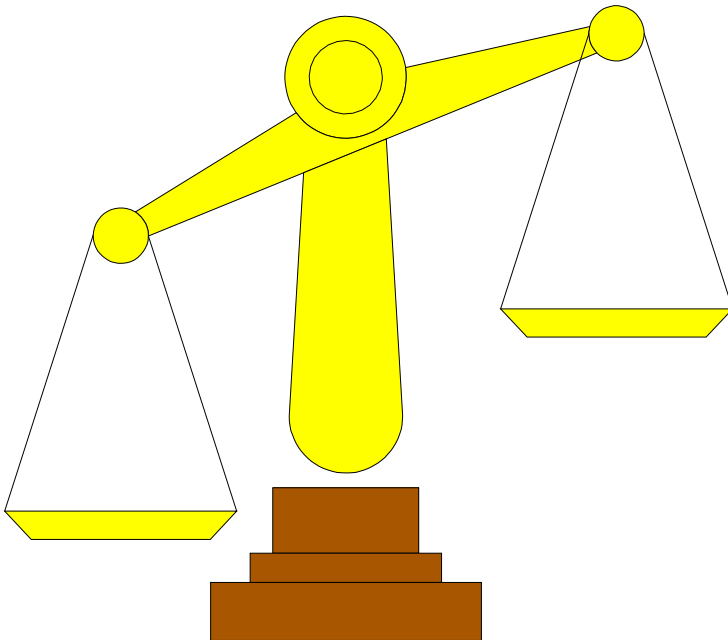
Extended Restraint

Regulation
46.02(1)



- Longer than 20 minutes.
- Increases the risk of injury.
- Requires additional written documentation and report to the Department of Education.

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 IMMEDIATE, 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, or verbal threats.

Proper Administration of Physical Restraint

Regulation Section 46.05

- Remember training considerations.
- Have an adult witness if possible.
- Use only the amount of force necessary to protect the student or others.
- Use the safest method. Do not use floor or prone restraints unless you have received in-depth training.
- Discontinue restraint ASAP.

Regulation
46.05(5)

Safety requirements



- 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:



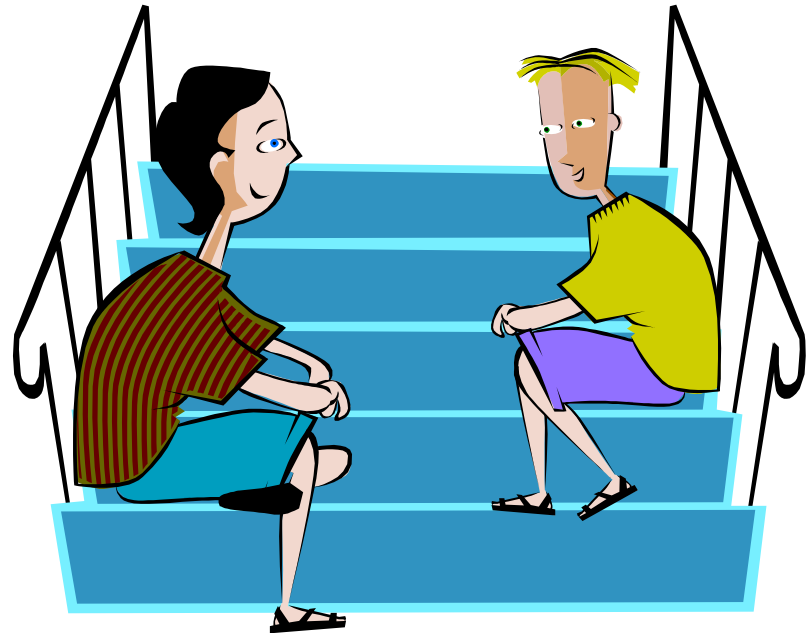
- The right to report a crime.
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities.
- Mandated reporting of neglect or abuse.
- The use of reasonable force to protect oneself, a student, or others.

Regulation 46.04(4)

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.
- Ask: “How can we avoid this happening again?”





Key Reporting Requirements

Regulation Section 46.06

- When to Report: Report only restraints over 5 minutes or in any case of an injury (to student or staff).
- Notify School Administration: Notify school administration as soon as possible, & provide written report by the next school working day.
- Notify Parents: The director of the program notifies the parent, verbally as soon as possible, and by written report within 3 school working days.

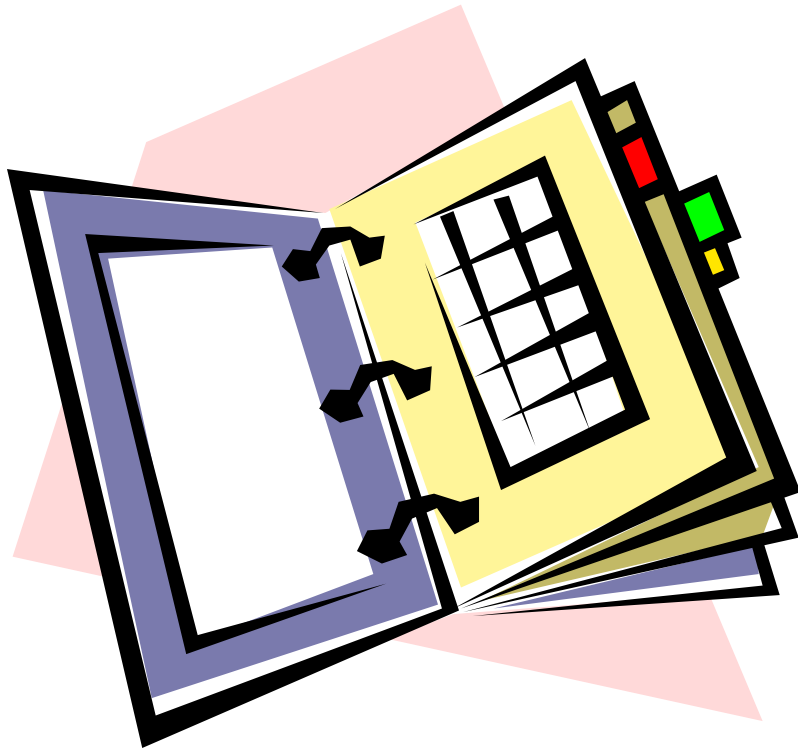
Content of Written Report

Regulation4
6.06(4)

- 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.
- Documentation of any injury to students or staff.
- Has the school taken, or will it take, any further actions, including disciplinary consequences?

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



- 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.

Regulation
46.06(5)



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.

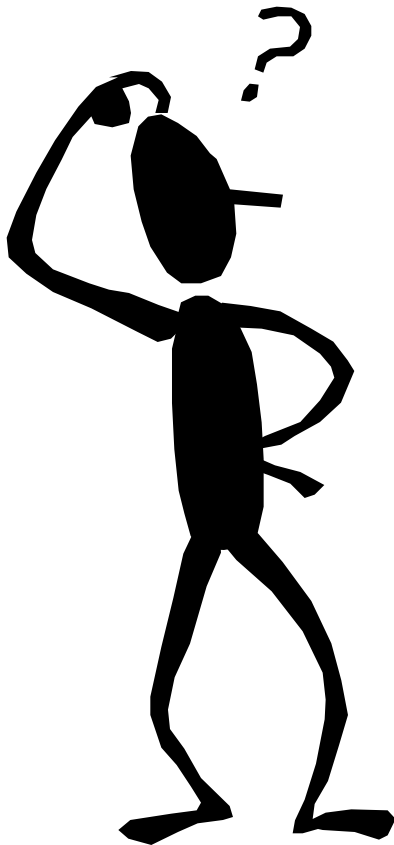
Parents may agree to a waiver of reporting requirements in individual circumstances (not for serious injury and not for extended restraints), but

- School cannot require parental consent to waiver
- School must detail alternate reporting mechanism.

Find the Regulations:

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

See 603 CMR 46.00



Any questions?

MGL 603 CMR 23.00

Confidentiality of Student

Records Training



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 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**



Confidentiality of Student Records

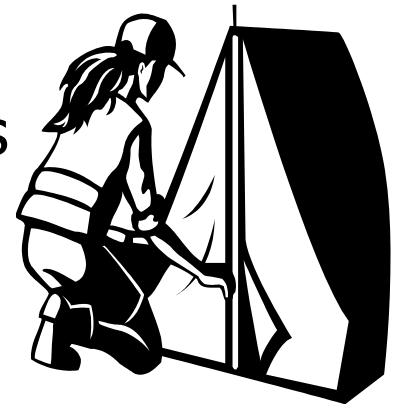
- **All student records maintained in the school must be private and secure. Computerized systems should be electronically secure.**
- **School personnel should be informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H (Refer to www.doe.mass.edu/lawsregs/603cmr23.html?section=01).**
- **It is important that the information contained in student records is private and confidential.**



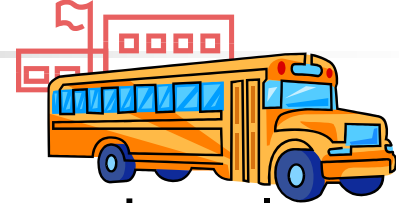
McKinney-Vento Act - Homeless Assistance

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.



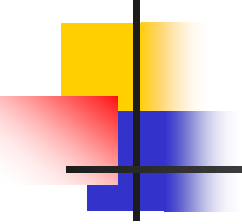
They have the right to:

- 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.

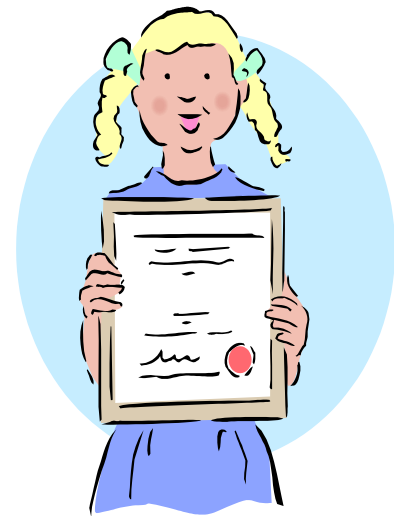
For more information:

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





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





New Bullying and Cyberbullying Law, M.G.L. c. 70 Sect. 370



Our commitment

- **LABBB Collaborative 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 Collaborative'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.**

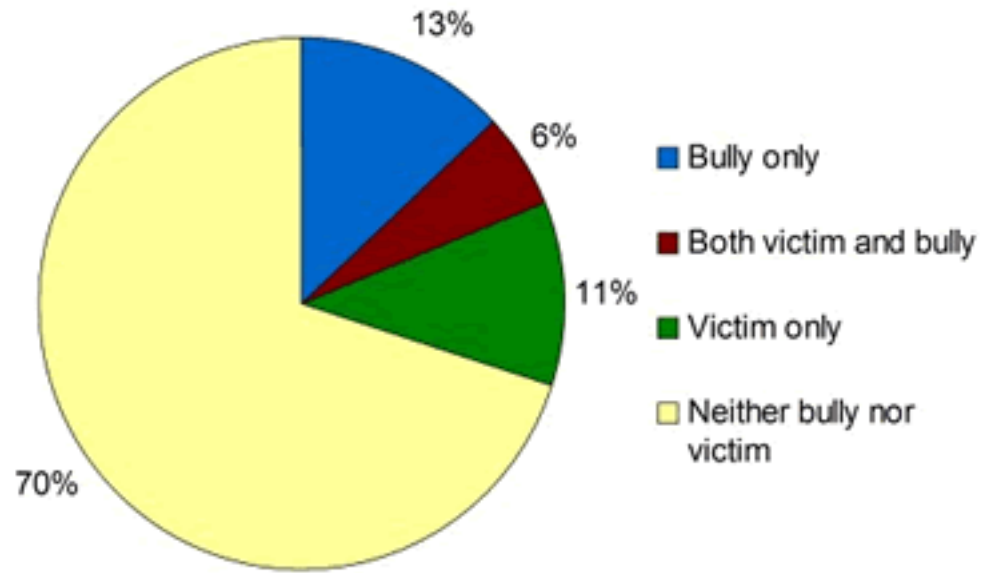


Bullying will not be tolerated:

- **The Collaborative 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 Collaborative will support this commitment in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.**

In a nationally representative survey of youth in grades 6 through 10, conducted in 1998 by the National Institute of Child Health and Human Development (NICHD):

- 3.2 million students were victims of bullying
- 3.7 million students reported that they bullied others
- 1.2 million reported that they were both victims of bullies as well as bullies themselves
- So, at the time of the survey, 30 percent of young people across the nation were involved in moderate to frequent bullying, either as perpetrators, victims, or both.





Where and When Does Bullying Occur?

Bullying tends to happen most often in and around schools — specifically in those areas where there is little or no adult supervision:

- ◆ Playgrounds and recess
- ◆ When waiting to go on or off the bus, at dismissal time
- ◆ Hallways
- ◆ Cafeteria
- ◆ Classroom before the lesson begins



An Act Relative to Bullying in Schools

- “Bullying” is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
 - causes physical or emotional harm to the victim or damage to the victim’s property;
 - places the victim in reasonable fear of harm to himself or of damage to his property;
 - creates a hostile environment at school for the victim;
 - infringes on the rights of the victim at school; or
 - materially and substantially disrupts the education process or the orderly operation of a school.
- Bullying includes cyber-bullying.



Cyberbullying

- “Cyber-bullying”, is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to: any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include:
 - i) the creation of a web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.
 - ii) Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.



Definition of Hostile Environment

- “Hostile environment” means, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.



Retaliation Prohibited

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



Responding to Allegations of Bullying

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



Confidentiality

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



Bullying Prevention Plan

- The collaborative will develop a Bullying Prevention Plan as required by state law.
- A Bullying Prevention Task Force will be formed this September to develop our plan, if interested in becoming a member please contact Patric Barbieri.

Thank you for your time.

