

Civil Rights and Student Records Confidentiality Training and Other Important Information 2023-2024



IMPORTANT INFORMATION PLEASE READ CAREFULLY!

Please carefully read and review this PowerPoint presentation which includes important information you need to know as a Quincy Public Schools employee.

Why Provide Civil Rights Training?

- Annual training is mandated by the Department of Elementary and Secondary Education (DESE).
- All employees are required to participate.
- This training protects individuals and the District and ensures that all employees know their rights and responsibilities.
- If you have questions about any information contained herein, please contact Allison Cox, Senior Director of Human Resources & Educator Development.

What is Non-discrimination?

- The Quincy Public School District 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, religion, race, homelessness, gender identity, sexual orientation, gender expression, pregnancy and pregnancy-related medical condition, ancestry, or marital status.
- Students should have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at all schools.

Federal Law: Title II American Disabilities Act

Prohibits discrimination against:

- Access to programs and facilities
- Free Appropriate Public Education (FAPE) for elementary, middle and secondary students
- Employment
- Applies to special education services, evaluations and IEPs as well as student discipline

Federal Law: Title VI

- Protects against discrimination based on race, color, and national origin
- Applies to students, parents, and employees
- Prohibits discrimination in students' class assignments or ability tracking and protects English Language Learner (ELL) students
- Senior Director of Human Resources Allison Cox handles all inquiries regarding non-discrimination policies, but you should also feel free to speak directly to your building administrator if you have any questions or concerns

Federal Law: Title IX

- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Sexual harassment creates a hostile environment due to inappropriate speech, materials or actions.
- Quincy Public Schools does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities and to third parties.

Understanding Sexual Harassment

- Sexual discrimination and discrimination on the basis of gender are forms of prohibited discrimination and include 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.
- Sexual harassment will not be tolerated in the Quincy Public Schools.

Understanding Sexual Harassment

Examples of prohibited activities that might create a hostile work/learning environment include:

- Vulgar or explicit sexually-related epithets, abusive language
- Sexually-explicit behavior or indecent exposure by students or employees
- Graffiti, posters or calendars

Reporting Requirements

- Any employee or student who believes he/she has been the victim of harassment or discrimination should report it to a building administrator, counselor or a teacher, or the Title IX Coordinator, Maura Papile, Senior Director of Student Support Services.
- Active investigations will result from the report, as applicable, and may result in sanctions up to termination or expulsion.
- If the conduct violates the law, the appropriate authorities will be notified.

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 substantially limits a person's major life activity (self-care, walking, hearing, seeing, learning, breathing, speaking, working)
- Reasonable accommodations 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 schools or programs of the Quincy Public Schools.

Federal Law: Section 504

Questions about eligibility and enforcement should be directed to Senior Director of Human Resources & Educator Development Allison Cox at 617-984-8766.

Tips for Addressing Harassment/Discrimination

- Monitor the school climate
- Foster respect and appreciation for diversity
- Be sensitive to religious holidays
- Enlist parents, students, and community groups in the effort
- Implement measures to address harassment immediately and effectively
- Collaborate with law enforcement
- Review crisis intervention plans
- Document and report all harassment incidents
- QPS will not tolerate harassment/discrimination of any kind

Please immediately report any suspected incidences to your building administrator or directly to Senior Director of Human Resources Allison Cox

Massachusetts Transgender Equal Rights Law

- In November of 2011, Massachusetts became the 16th state to add non-discrimination laws for gender identity and expression in the areas of employment, housing, K-12 public education and credit.
- Additionally, Massachusetts Hate Crimes laws were also updated to include gender identity.
- This law is known as An Act Relative to Gender Identity.

Massachusetts Transgender Equal Rights Law

- “Gender identity” shall mean a person’s gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.
- Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care of treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, as part of a person’s core identity; provided, however, gender-related identity shall not be asserted for any improper purpose.

Civil Rights Coordinator

If you believe your rights have been violated in any way, or if you believe the rights of a student have been violated in any way, please contact the Civil Rights Coordinator for the Quincy Public Schools:

Ms. Allison G. Cox

Senior Director of Human Resources & Educator Development

Quincy Public Schools

34 Coddington Street

Quincy, MA 02169

617-984-8766

Mandated Reporting of Suspected Child Abuse/Neglect

- On July 8, 2008, Governor Patrick signed a new law called, “An Act Protecting Children in the Commonwealth (H4905)”; it has significant changes to child abuse and prevention laws in Massachusetts.
- Additional information regarding child abuse and the Department of Children and Families, is available at: www.mass.gov/dcf

Mandated Reporters: Who are They?

- Mandatory Reporting under Massachusetts Law Ch. 119, Section 51A
- All educators, medical practitioners, counselors, day care workers, police and professionals in a care-giving role with children are mandated reporters.

What Needs to be Reported?

- All suspicions of child abuse or neglect of children under the age of 18 years, including suspicions of sexual or physical abuse must be reported.
- Failure on the part of a mandated reporter to report a suspected case of abuse or neglect may result in a fine of up to \$5,000 or 2 ½ years in jail or both and, upon guilty finding, report to a professional licensing authority.

What Should I do if I Suspect the Abuse or Neglect of a Student?

- Foremost, remember that one only needs the suspicion that a student has been abused or neglected to file a report. It is the responsibility of others to investigate the suspicion.
- Share your concerns with your building Principal and or guidance counselor immediately.
- The building Principal and guidance counselor will discuss the suspected abuse with the reporting individual and determine who will file with DCF. Prior to filing, the Principal or guidance counselor should consult with Maura Papile, Senior Director of Student Support Services.

What Should I do if I Suspect Abuse or Neglect of a Student? - Continued

- The report of abuse is filed, via phone, to the area Department of Children and Families (DCF) office and is followed up within 48 hours with a written 51A report.
- A building-based team under the direction of the Principal and the Senior Director of Student Support Services, will decide what action(s) will be taken by the school during the investigation process.
- DCF will decide to “screen in” or “screen out” a case.

Will the Name of the Reporter be Kept Confidential?

- DCF will not share the name of the reporter to the alleged perpetrator, but must, if requested, provide a copy of the report with the name of the reporter redacted.
- The Principal may sign the 51A report to protect the identity of the reporting staff member.

Do Reporting Educators Have Protection From Legal Recourse of Alleged Perpetrators?

Yes, civil and or criminal action cannot be taken against a mandated reporter, provided one has acted in good faith.

What Happens to the 51A After it is Received by DCF?

- All 51A reports are maintained for a period of one year after which all unsupported reports are destroyed.
- Reports which are supported are kept for a period of 75 years.
- DCF may coordinate investigative services with the District Attorney's Office and/or local or state police.

Important Things to Remember When Talking With Students:

- Confidentiality should never be guaranteed.
- Students need to know that in their best interest, all educators are mandated to report any information, which may indicate a student has been abused or neglected.
- Students' trustful relationships with staff members are desirable, however, educators must remain mindful of the responsibilities under the law.

Mandated Reporter for Adults With Disabilities

- The mission of the Disabled Persons Protection Commission (DPPC) is: To protect adults (ages 18-59) with disabilities from the abusive acts or omissions of their caregivers through investigation oversight, public awareness and prevention.
- The DPPC was created through legislation (M.G.L.c 19C) in 1987 as an independent state agency responsible for the investigation and remediation of instances of abuse committed against persons with disabilities in the Commonwealth.

Mandated Reporter for Adults With Disabilities - Continued

- Pursuant to its enabling statute M.G.L. c. 19C, the jurisdiction of DPPC includes adults with disabilities between the ages of 18 and 59, who are within the Commonwealth whether in state care or in a private setting and who suffer serious physical and/or emotional injury through the act and/or omission of their caregivers.
- The DPPC enabling statute fills the gap between the Department of Children and Families (DCF) (through the age of 17) and the Executive Office of Elder Affairs (EOEA) (age 60 and over) statutes.

Mandated Reporter for Adults With Disabilities - Continued

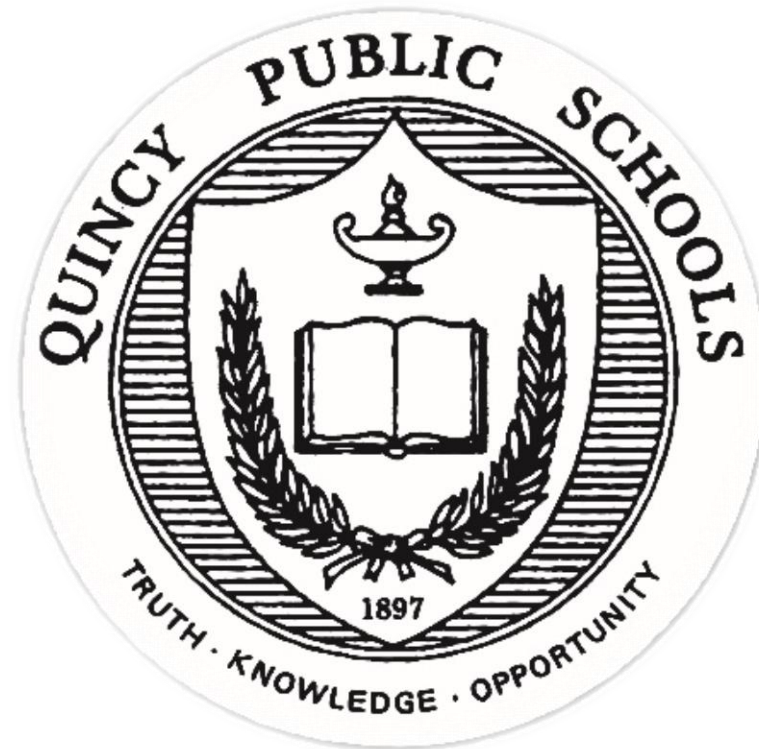
How to file a Report of Abuse or Neglect:

- DPPC Hotline: 800-426-9009 or 888-822-0350 TTY

Filing a Report of Abuse:

- Instances of suspected abuse or neglect must be reported immediately to the DPPC's 24-hour hotline. (numbers above)
- A written report of abuse or neglect must follow within 48 hours of the verbal report to the hotline.

Special Education Laws and Principles



What is Special Education?

- Special education provides specially designed curriculum and/or related services that meet the unique needs of an eligible student with a disability, or that provide for a specific service need that is necessary to allow the student with a disability to access the general curriculum.
- The purpose of special education is to allow the student to develop successfully to his/her individual educational potential. Along with providing services to the student, services may be provided to parents and staff as deemed appropriate.

Are Special Education Regulations Federal and State Requirements?

- The Massachusetts Special Education laws (M.G.L. Chapter 71B) and regulations are based on the federal special education law, the Individuals with Disabilities Education Act – 04 (IDEA – '04).
- These laws and regulations protect the rights of eligible students and ensure they receive a Free and Appropriate Public School Education (FAPE).

May Anyone Refer a Student for Special Education?

YES.

The parent, however, must provide written consent before the eligibility process begins and before the initial IEP is implemented.

Do Regular Education Teachers Have Obligations Under Special Education?

- YES. Once an IEP is agreed upon, it is the obligation of the district to implement the services. ALL teachers are obligated to familiarize themselves with the IEPs of their current students, and to implement the services, modifications and/or accommodations which are their responsibility. At least one regular education teacher must attend each team meeting.
- If you work with a child with an IEP or a 504 plan, you MUST read that document and familiarize yourself with it. Please take time BEFORE students begin the school year to complete this important task.

What do I do if I Have a Question or Need Help With a Student?

Whenever you have a problem or concern about a student, begin with the guidance counselor or Principal. Teachers must follow a pre-referral process to ensure services are provided in the least restrictive environment.

Student Records Confidentiality



What is Confidentiality?

- Confidentiality is the act of protecting all personally identifiable data, information, and records collected, used, or kept by the school district about a student. Confidentiality requirements also apply to discussions about a student and the student's record.
- Personally identifiable data includes:
 - Child or family names and addresses
 - Student social security or student number
 - Descriptions that would easily identify the student

Confidentiality and the Law

- The Family Education Rights and Privacy Act (FERPA)
- Individuals with Disabilities Education Act (IDEA)
- Any school that receives federal or state education funds must comply with all privacy acts.

Students are Afforded the Right of Privacy

The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, is a federal law that protects the privacy of student education records. Students have specific, protected rights regarding the release of such records and FERPA requires that institutions adhere strictly to these guidelines. Therefore, it is imperative that the faculty and staff have a working knowledge of FERPA guidelines before releasing educational records.

Educational Records

FERPA gives parents/students the following rights regarding educational records:

- The right to access educational records kept by the school.
- The right to demand educational records be disclosed only with student consent.
- The right to amend educational records.
- The right to file complaints against the school for disclosing educational records in violation of FERPA.

Educational Records

- Students have a right to know about the purpose, content, and location of information kept as a part of their educational records.
- They also have a right to expect that information in their educational records will be kept confidential unless they give permission to the school to disclose such information.
- Therefore, it is important to understand how educational records are defined under FERPA.

Educational Records

Educational records are directly related to the student and are either maintained by the school or by a party or organization acting on behalf of the school. Such records may include:

- | | |
|--|---|
| <ul style="list-style-type: none">• Written documents• Computer media• Microfilm and microfiche | <ul style="list-style-type: none">• Video or audio tapes or CDs• Film• Photographs |
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Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA. This information can also include records kept by the school in the form of student files, student system databases kept in storage devices such as servers, or recordings or broadcasts which may include student projects.

Records Not Considered as Educational Records

- Private notes of individual staff or faculty (NOT kept in student folders)
- Police records
- Medical records (HIPAA protections may apply)
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.
- Faculty notes, data compilation, and administration records kept exclusively by the maker of the records that are not accessible or revealed to anyone else are not considered educational records and, therefore, fall outside of the FERPA disclosure guidelines. However, these records may be protected under other state or federal laws such as the doctor/patient privilege. **It is recommended that you check to make sure that you fully comply with these disclosure guidelines before disseminating any of this information.**

Educational Records

- Our school system maintains student records relating to identification, evaluation and educational placement in secure locations.
- Working copies of IEPs must be maintained in a locked or secure setting.
- The working copy of the IEP should be placed in the student's file at the end of the school year for documentation of progress and mastery of goals and benchmarks. This is essential documentation in cases involving legal action.

Who Can Access Student Records?

- Parents have the legal right to review their child's record unless the school has received legal documentation that the court has limited or terminated parental rights regarding educational decisions.
- Foster Parents have the right to review and inspect school records of a child in their physical custody.
- Contract employees (PT, OT, vision teacher, homebound teacher) who are working directly with students are considered authorized school personnel and may obtain access to the records of the students with whom they work.
- General education teachers and special education teachers who work directly with the student, psychologists, psychometrists, resource specialist, school administrators, and the director of special education have access to student records.

Protected Information

The school does not have to disclose to parents:

- Teacher or counselor personal notes, so long as they are not shared with others
- School security, police records, unless subpoenaed or released
- Personnel records of school employees, unless subpoenaed

Records on More than One Student

- Parents will have access ONLY to their child's record.
- If any information contains references to another student, the parent may review only the data pertaining to their child.
- Warning: During disciplinary process this becomes very critical. DO NOT discuss other students' actions or consequences.
- Information on other students that cannot be isolated will require that a designee from the school district verbally inform the parent of what is written in the form.

Summary

- All students have a right to their privacy.
- As professionals, it is our responsibility to protect that right.
- Treat all students as if they are your own.
- Avoid “Ball park talk” and community conversations - It’s the law!
- Avoid discussions with students’ siblings.

District Curriculum Accommodation Plan

As per M.G.L. Chapter 71, Section 38 Q ½, the Quincy Public Schools has a District Curriculum Accommodation Plan (DCAP). This plan is designed to assist the regular education classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular education classroom and in providing appropriate services and support within the regular education program.

District Curriculum Accommodation Plan

The DCAP can be found on the QPS website under Staff Academy. Please familiarize yourself with its contents.

Mandated Reporting of any School Fires

- If you see a fire on school property, inform your building principal immediately
- As per M.G.L. c 71, s. 37L, principals are mandated to report the “unauthorized ignition of any fire within the school building or on school grounds to the local fire department” within 24 hours.

Bullying Prevention and Intervention Law



Bullying Prevention and Intervention Law

- On May 3, 2010, Governor Patrick signed into law comprehensive legislation to address bullying in public and non-public schools.
- An Act Relative to Bullying in Schools, Chapter 92 of the Acts of 2010 requires school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs.
- Updates have been made to this in 2013 and again in 2014.

Bullying Prevention and Intervention Law

The law, which took effect immediately upon signing, includes timelines and a number of key requirements.

Bullying Prevention and Intervention Law

- Each school district must create a Bullying Prevention and Intervention Plan that prohibits bullying, cyber bullying, and retaliation.
- The plan is to include information on reporting, notice to parents and guardians, notice to law enforcement as necessary, and counseling strategies and procedures for creating safety plans for targets.
- Bullying Prevention and Intervention Plans must be updated every other year. (See M.G.L. c. 71 Section 370, added by Chapter 92 of the Acts of 2010).

Bullying Prevention and Intervention Law

- A copy of Quincy's plan is posted on the website. Please familiarize yourself with its contents.
- Please go to www.quincypublicschools.com to access the QPS Bullying Prevention Plan.
- We are all responsible for maintaining a safe environment for our students and staff.
- For information about enforcement, please contact Maura Papile, Senior Director of Student Support Services at 617-984-8898

Bullying Prevention and Intervention Law

Requirements for Students with Disabilities

For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71 B, Section 3, as amended by chapter 92 of the Acts of 2010.)

Bullying Prevention and Intervention Law

Requirements for Students with Disabilities

- Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71 B, Section 3, as amended by Chapter 92 of the Acts of 2010).
- These provisions apply to IEP teams as of the effective date of the law: May 3, 2010.

Bullying Prevention and Intervention Law

Among other important tenets of the law, it :

- Requires mandatory reporting by staff of bullying to the principal, whether they witness it directly or become aware of instances of bullying as reported to them by others.
- Requires investigatory response by administration.
- Requires notification to law enforcement if crimes implicated.

Bullying Prevention and Intervention Law

Why Should we be Concerned About Bullying?

- Bullying can seriously affect the mental health, academic work, and physical health of children who are targeted.
- Children who bully are more likely than other children to be engaged in other antisocial, violent or troubling behavior.
- Bullying can negatively affect children who observe bullying going on around them, even if they are not targeted themselves.
- Bullying is a form of victimization or abuse and it is wrong. Children should be able to attend school or take part in community activities without fear of being harassed, assaulted, belittled or excluded.

Bullying Prevention and Intervention Law

Some “Harassment & Bullying” Myths

- Ignore it and it will go away.
- If you only stood up for yourself.
- It’s something the target did.
- Harassment and bullying toughens you up.
- It’s a part of life accept it.
- Only wimps get bullied.
- Children who get harassed or bullied are passive, loners, overly sensitive.

Bullying Prevention and Intervention Law

Signs of Possible Harassment or Bullying

- Often arrive late for school or certain classes.
- School absences dramatically increase.
- Often “loses” his or her money.
- Possessions are consistently “missing.”
- Is the victim of repeated thefts.
- Is the focus of jokes or graffiti.
- Is the target of abuse or insults in chat rooms, websites, or on social media networking sites.
- Explanations for the above do not make sense.

Bullying Prevention and Intervention Law

- The Quincy Public Schools is committed to providing a safe environment in which our students and staff can work, learn, grow, and thrive, thus reaching their full potential.
- It is the obligation of **ALL** staff members to intervene if bullying is seen or suspected. Your action, or inaction, can have a very powerful impact.
- Please do the right thing and set a good example for our students and others. We will **NOT** tolerate bullying or harassment of any type.

STAFF TRAINING ACKNOWLEDGMENT

All staff must sign a Civil Rights and Student Records Confidentiality Training sign-off sheet indicating that they have successfully participated in and reviewed this 2023-2024 Civil Rights and Student Records Confidentiality Training Power Point Presentation and indicating that they understand all the rights and obligations contained within this presentation.

QUESTIONS?

Please reach out to:

Allison G. Cox

Senior Director of Human Resources & Educator Development

allisoncox@quincypublicschools.com

617-984-8766