

Civil Rights, Bullying, Mandated Reporter – 51A

Newburyport Public Schools

Why provide on-line training?

- Annual Civil Rights 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.

What is Non-Discrimination?

- The Newburyport Public Schools are 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 or sexual orientation.

MGL (Massachusetts General Law)

Chapter 76: Section 5

- 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, gender, sex, religion, national origin, or sexual orientation.
- Severe or pervasive harassment unlawfully denies a student the “advantages and privileges” of school, creating a hostile, humiliating, intimidating, and offensive educational environment.

Massachusetts DESE Regulations

Active Efforts – (603 CMR 26.07)

- All public schools shall strive to prevent harassment or discrimination and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.
- The school community and the Superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment and the appropriate methods for responding to such discrimination in a school setting.
- The Superintendent shall promote and direct effective procedures for the full implementation of 603 CMR 26.00.

Federal Law Mandates

Federal Civil Rights Laws require schools to:

- Remedy discrimination and harassment.
- Regularly notify students, parents, and employees that the District schools do not discriminate on the basis of sex or disability.
- Implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment.
- Designate an employee responsible for coordinating compliance with these federal civil rights laws.

Unlawful and Prohibited Conduct Defined:

- Discrimination occurs when an individual is treated differently and/or unfairly in an educational or employment context, solely on the basis of the individual's sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity, or sexual orientation. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.
- Harassment based on a person's sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity, or sexual orientation consists of conduct that: (1) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or educational environment; (b) has the purpose of substantially or unreasonably interfering with a person's work, academic performance; and/or otherwise adversely effects a person's academic standing or employment opportunities.
- In this school district, discrimination, sexual harassment, harassment, including teasing and bullying is unacceptable and will not be tolerated. Discrimination and harassment are unlawful and hurt all people.

Federal Law: Section 504

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

Federal Law: Section 504 (continued)

- When a 504 Accommodation Plan exists for a student, it is the responsibility of all educators who work with that student to provide the accommodations – this is a legal requirement.
- Recent case law indicates that educators who do not provide accommodations listed in 504 plans may be personally liable for failing to do so.
- No discrimination against a person with a disability will be permitted in any of the programs of the Newburyport Public Schools.
- Questions about eligibility and enforcement should be directed to the building-based 504 coordinator.

Federal Law: Title II (ADA)

Americans with Disabilities Act

- Prohibits discrimination against: access to programs and facilities; a free and appropriate public education (FAPE) for elementary and secondary students; and employment discrimination.
- Applies to special education services, evaluations, Individual Education Programs (IEPs) and student discipline.
- When an IEP exists for a student, it is the responsibility of all educators who work with that student to provide all the accommodations and/or modifications – this is a legal requirement.

Federal Law: Title VI

- Protects against discrimination 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.
- The Director of Pupil Services, is the Title VI and IX Coordinator and handles all inquiries regarding non-discrimination policies.

Defining the Term Harassment

- Any unwelcome verbal, written or physical contact in a school or school related activity...
- relating to a student's race, color, religion, ethnicity, or national origin, ancestry, gender, sexual orientation, gender identity, or disability...
- that is sufficiently severe, persistent, or pervasive to create a hostile, humiliating, intimidating or offensive educational environment.
- Bias-motivated harassment is a form of discrimination.

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 and remediate. School personnel must contact an administrator or appropriate personnel if a complaint is made.
- Refer all discrimination and/or harassment issues to the Director of Pupil Services, and Title IX coordinator.
- Refer all sexual harassment concerns to a supervisor or an administrator as detailed in the Newburyport Public Schools Sexual Harassment Policy.

Title IX: Understanding Sexual Harassment

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

Title IX: Understanding Sexual Harassment (continued)

- 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; drawn, written, or electronic 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 (continued)

- Sexual harassment may include, but is not limited to:
 - Subtle pressure or requests for sexual activity
 - Leering or voyeurism
 - Displaying sexually suggestive pictures or objects anywhere in the workplace.

Title IX: Understanding Sexual Harassment (continued)

- Examples of prohibited activities that may create a hostile school or work environment include:
 - Vulgar or explicit sexual-related epithets and/or abusive language;
 - Sexually explicit behavior and/or indecent exposure by students or employees;
 - Sexual-related graffiti, posters, or calendars.

A Hate Crime is...

- A crime motivated in whole or in part by hatred or bias, or where the victim is targeted or selected based on his/her actual or perceived:
 - race, color, religion, gender, sexual orientation, gender identity, disability, national origin, ethnicity, or ancestry.

Definitions

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: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Mass General Law, Chapter 71 Section 37O.

OR

- Physical act or gesture or any combination there of directed at a victim.

Bullying Definition (continued)

- Any written or verbal expression or physical act or gesture to intimidate, frighten, ridicule, humiliate, or cause harm to another person (based on, for example, physical appearance, lack of athletic ability, clothing, neighborhood).
- A bully has actual or perceived physical, social and/or psychological power over his/her target.
- Bullying usually involves a pattern of behavior including:
 - Physical (hitting, kicking, pushing, intimidation, damaging, defacing or taking personal property);
 - Verbal (verbal intimidation, name-calling, taunting, ridicule, jokes, insults, threats);
 - Emotional (stalking, spreading rumors, exclusion).

Definitions (continued)

Cyberbullying

- Bullying through the use of technology or any electronic communication, which shall include, but 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 electric or photo optical system, including, but not limited to, electronic mail, internet communications, instant message or facsimile communications.

Cyberbullying (continued)

- Also includes 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 impersonation created any of the above mentioned conditions of bullying
- OR
- 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 impersonation created any of the above mentioned conditions of bullying.

It's bullying or cyberbullying IF it:

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

There are a number of **reasons** why adults should be concerned about bullying among children and youth:

1. Many children are involved in bullying, and most are extremely concerned about it.
2. Bullying can seriously affect the mental health, academic work, and physical health of children who are targeted.
3. Children who bully are more likely than other children to be engaged in other antisocial, violent, or troubling behavior.
4. Bullying can negatively affect children who observe bullying going on around them-even if they aren't targeted themselves.
5. 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.

Harassment and Bullying Myths

- Ignore it and it will go away.
- If you only stood up for yourself.
- It's something the victim did.
- Boys will be boys, girls will be girls.
- 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.

Signs of Possible Harassment or Bullying

- Indicates fear of walking in the halls unsupervised.
- Shows signs of being intimidated when interacting with certain students in class, cafeteria, or halls.
- Appears fearful of walking to or from school.
- Seems withdrawn, disengaged in class; has noticeable drop in classroom participation.
- No longer participates in school-related activities.
- Is suddenly doing poorly in school.

Signs of Possible Harassment or Bullying (continued)

- Often arrives later for school or certain classes.
- School absences dramatically increase.
- Often “loses” his or her money.
- Possessions are inconsistently “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 social networking sites.
- Explanations for above do not make sense.

Parameters of the Law

Acts of bullying, which include cyber bullying, are prohibited:

On school grounds and property immediately adjacent to school grounds; at a school–sponsored or school–related activity, function, or program, whether on or off school grounds; at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school; or through the use of technology or an electric device owned, leased or used by a school district.

Parameters of the Law (Continued)

AND

At a location, activity, function, or program that is not school-related through the use of technology or electronic device that is not owned, leased or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Responsibilities of School Personnel

- Be familiar with basic facts about harassment and hate crimes.
- Recognize and identify bias indicators.
- Report all harassment to appropriate authorities.
- Don't tolerate harassment and bullying.
- Challenge biased or disrespectful attitudes of and behavior by students and staff.
- Be alert to signs of student harassment and bullying.
- Support victims and hold offenders accountable.
- If a student mocks another's appearance, mannerisms, or mobility, call the offender's attention to the fundamental issues of respect.
- Encourage student involvement.

Responsibilities of School Personnel (continued)

- Know your District's Discrimination/Harassment Policy.
- Promote a socially inclusive school environment for all.
- Actively ensure school safety, report, and respond to all violations.
- **Who is responsible? Everyone!!!**
- **Who is everyone?** Administrators, teachers, secretaries, instructional assistants, monitors, counselors, health staff, bus drivers, cafeteria staff, custodians, parents and students.

Reporting Requirements

- Any employee or student who believes he/she has been the victim of harassment and/or discrimination should report it to his/her District Section 504 Coordinator , or the District Title IX and Civil Rights Coordinator (the Director of Pupil Services).
- Any employee who becomes aware of an incident of harassment or discrimination must promptly report the incident to his/her District 504 Coordinator or the District Title IX and Civil Rights Coordinator (the Director of Pupil Services).
- 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.

Expectations for Addressing Harassment & Discrimination

- Be sensitive to religious holidays (see list of dates at <http://www.doe.mass.edu/resources/holidays.html>). Holidays that students might miss school for include: Rosh Hashanah, Yom Kippur, Eid al-Fitr, Divali, Good Friday, and Eastern Orthodox Good Friday.
- Newburyport Public School Committee policy/procedures and MA Law require that students who miss school for religious observance must have the opportunity to make up the work without penalty.
- Avoid major assessments or deadlines for projects on such dates and provide reasonable accommodations for students who need to make up work.

Responsibilities for the Care and Protection of Children Under 18

- 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 \$1000; more importantly, a child could suffer additional harm if a report is not made when there is reasonable suspicion of abuse or neglect.

Confirmation

- Thank you for reviewing the information regarding our various legal obligations regarding the 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 community are treated with respect.
- Should you have any questions about anything in this material, please be sure to speak with your building principal, or the Director of Pupil Services, who coordinates civil rights compliance for the District.
- You have one more step...please print and sign the next page. (You can print the page separately by checking print "current slide").

Newburyport Public School District

- I have viewed slides 1 – 6 and understand the Civil Rights Training information.
- I have viewed slides 7 – 11 and understand the Federal Law: Section 504, Title II and Title VI information.
- I have viewed slides 12 – 16 and understand the Federal Law: Title IX, Sexual Harassment.
- I have viewed slides 17 – 34 and understand the information on Hate Crimes, Bullying, Cyberbullying, Harassment and Parameters of the Mandated Reporter – MGL Chapter 51A Law.
- I have viewed slide 31 and 34 and know which staff to contact regarding Section 504, ADA, Title VI and IX and Civil Rights.

Date

Building

Print Name

Signature

Role/Title

Please print, sign and return to your building principal.