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# Legal Issues Training

Canton Public Schools 2023-2024

# Why provide online training?

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1. The Massachusetts Department of Elementary and Secondary Education (DESE) mandates annual civil rights training and other important trainings.
2. All employees are required to participate.
3. This training protects individuals and the district, and ensures that all employees know their rights and responsibilities.

# What is non-discrimination?

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The Canton Public Schools actively seeks to prevent discrimination or harassment on the basis of age, sex, color, disability, national origin, religion, race, sexual orientation, homelessness, or gender identity.

We are committed to ensuring that all programs and facilities are accessible to all.

# MA General Law (M.G.L.) Chapter 76, Section 5

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No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, or sexual orientation age, homelessness or disability.

Severe or pervasive harassment unlawfully denies a student the “advantages and privileges” of school, creating a hostile, humiliating, intimidating, and offensive educational environment.

**Note:** Effective July 1, 2012, the Massachusetts Legislature amended M.G.L. c. 76, §5 to prohibit discrimination on the basis of gender identity of students who enroll in or attend public schools.

**Note:** Effective October 1, 2016, the Massachusetts Legislature amended M.G.L. c. 272, §§92A and 98 to prohibit discrimination based on gender identity in places of public accommodation.

# Gender Identity: M.G.L. Chapter 76, Section 5

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**Gender identity** is defined as a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. (603 CMR 26.01, Acts of 2011, Session Law 199)

Schools must respect and accommodate a student's gender identity, so long as it is a "sincerely held belief."

Gender identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of 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.

# DESE Guidance: Implementing the Gender Identity provisions of M.G.L. c. 76, §5

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**Student records:** A district must keep confidential a student's birth sex, name change for gender identity purposes, gender transition, and any medical or mental health treatment related to gender identity.

**Addressing students:** School personnel should refer to the student based on their *chosen name*. A student's teacher(s) should ensure that the class uses the proper pronoun (he, she, they, etc.) to refer to the student based on their gender identity.

**Restrooms, locker rooms, and changing facilities:** A student must be provided access to the facilities that correspond with their gender identity. Students who are not comfortable using these facilities should be provided with access to a unisex bathroom or a reasonable accommodation to help the student feel comfortable. Each situation should be reviewed and addressed based on the particular circumstances of the student and school facilities.

**Sex-segregated classes and/or activities:** In schools where there are sex-segregated classes or athletic activities, a student must be allowed to participate consistent with their gender identity.

# Implementing the Gender Identity provisions of M.G.L. c. 76, §5: Gender Identity & Bullying

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School personnel need to be cognizant of bullying against students based on gender identity.

School officials should also remember that the parents of LGBTQ students may not be aware of their child's sexual orientation or gender identity/expression. Reports of bullying based on gender identity need to be discussed with the student and a plan should be developed for sharing information with the student's parent(s).

Students who fear disclosure are less likely to report bullying or assist/participate in bullying investigation(s).

# Self Checkpoint #1: True or false?

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**Gender identity** is defined as a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

**Student records:** A district must keep confidential a student's birth sex, name change for gender identity purposes, gender transition, and any medical or mental health treatment related to gender identity.

**Addressing students:** School personnel should refer to the student based on their given name. A student's teacher(s) should ensure that the class uses the proper pronoun (he or she) to refer to the student based on their gender identity.

**Bullying investigations:** Students who fear disclosure are more likely to report bullying or assist/participate in bullying investigation(s).



# Checkpoint #1: Answers

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**True False Gender identity** is defined as a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

**True False Student records:** A district must keep confidential a student's birth sex, name change for gender identity purposes, gender transition, and any medical or mental health treatment related to gender identity.

**True False Addressing students:** School personnel should refer to the student based on their given name. A student's teacher(s) should ensure that the class uses the proper pronoun (he or she) to refer to the student based on their gender identity.

**True False Bullying investigations:** Students who fear disclosure are more likely to report bullying or assist/participate in bullying investigation(s).

# Access to Equal Educational Opportunity

## MA Regulations 603 CMR 26:00

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DESE promulgated 603 CMR 26.00 to ensure that Massachusetts public schools do not discriminate against students on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation age, homelessness or disability, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools.

The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association that would limit the eligibility or participation of any student on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation age, homelessness or disability.

# Active Efforts: 603 CMR 26:07

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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.

# Mandates in Federal Law

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## **Federal Civil Rights laws require schools to:**

- prevent, respond to, and remedy discrimination and harassment;
- promote equal access to all programs and facilities;
- regularly notify students, parents, and employees that the district does not discriminate on the basis of race, color, national origin, sex or disability;
- implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment; and,
- designate an employee responsible for coordinating compliance with these federal civil rights laws.

# Unlawful and prohibited conduct defined

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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 is not limited to, sexual harassment.

In the Canton Public Schools, discrimination, sexual harassment, and harassment, including teasing and bullying, is unacceptable and will not be tolerated.

***Staff have a responsibility to report incidents or behavior they believe to be unlawful or prohibited.***

# Unlawful and prohibited conduct defined, cont.

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Harassment based on a person's race, color, sex, gender identity, religion, national origin, or sexual orientation age, homelessness or disability consists of conduct that:

- (a) 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 or academic performance; and/or
- (c) otherwise adversely affects a person's academic standing or employment opportunities.

***Discrimination and harassment are unlawful and hurt all members of the school community.***

# Self Checkpoint #2: True or false?

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The district must implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment.

- Teachers must designate an employee responsible for coordinating compliance with these federal civil rights laws.
- Staff have a responsibility to report incidents or behavior they believe to be unlawful or prohibited.
- Discrimination and harassment are unlawful and hurt all members of the school community.

# Checkpoint #2: Answers

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**True False** The district must implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment.

**True False** Teachers must designate an employee responsible for coordinating compliance with these federal civil rights laws.

**True False** Staff have a responsibility to report incidents or behavior they believe to be unlawful or prohibited.

**True False** Discrimination and harassment are unlawful and hurt all members of the school community.



# Federal Laws Overview

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## **The following are key federal laws governing Civil Rights:**

Americans with Disabilities Act of 1990 (Title I and Title II)

Civil Rights Act of 1964 (Title VI)

Equal Educational Opportunities Act of 1974

Educational Amendments of 1972 (Title IX)

Rehabilitation Act of 1973 (Section 504)

McKinney-Vento Homeless Assistance Act of 2001

Every Student Succeeds Act (2015)

# Federal Law:

## Section 504 of the Rehabilitation Act

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- 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, berating, speaking, working)
- Reasonable accommodations must be made to provide access to programs and/or facilities

# Federal Law:

## Section 504 of the Rehabilitation Act

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- 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 not doing so.
- No discrimination against a person with a disability will be permitted in any of the programs of the Canton Public Schools.
- Questions about eligibility and enforcement should be directed to the building based 504 Coordinator.

# Federal Law:

## Title II of Americans with Disabilities Act of 1990 (ADA) Americans with Disabilities Amendments Act of 2008 (ADAAA)

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The ADA:

- prohibits discrimination on the basis of a disability;
- requires the District to provide reasonable accommodations or modifications to ensure access to programs and facilities, a free appropriate public education for elementary and secondary students, and non-discriminatory employment practices; and,
- applies to special education services, evaluations, Individual Education Plans (IEPs), and student discipline.

It is the responsibility of all educators who work with a student on an IEP to provide the plan's accommodations and/or modifications. ***This is a legal requirement.***

# Federal Law: Title VI of 1964 Civil Rights Act

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Title VI prohibits discrimination on the basis of race, color, religion, national origin, age, homelessness in programs receiving federal financial assistance.

Title VI applies to students, parents, and employees.

Title VI prohibits discrimination in student class assignments or ability tracking, and protects English language learners.

**Meghan Byrne, District Civil Rights Coordinator, is available to handle any inquiries regarding Canton's Non-Discrimination Policies.**

Meghan can be reached at (781) 821-5060 ext. 1121 or [byrneme@cantonma.org](mailto:byrneme@cantonma.org)

# **Federal Law:**

## **Title IX of Education Amendments, 1972**

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Title IX prohibits discrimination on the basis of sex, gender identity, or sexual orientation in educational programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence.

Schools have a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.

Title IX requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence.

# Federal Law:

## Title IX of Education Amendments, 1972

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Refer to the District's Sexual Harassment Policy for specifics regarding how to file a complaint and steps that must be taken to report, investigate and remediate complaints.

**Meghan Byrne is the District's Civil Rights Coordinator.** As such, she oversees all complaints of sex discrimination and identifies and addresses any patterns or systemic problems that arise during the review of such complaints. All discrimination and/or harassment issues should be referred to the Title IX Coordinator.

Refer all sexual harassment concerns to a supervisor or an administrator as detailed in the District's Sexual Harassment Policy.

# Title IX:

## Understanding Sexual Harassment, cont.

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Sexual harassment affects women and men.

Sexual harassment may include, but is not limited to:

- unwelcome sexual advances or requests for sexual favors, and
- inappropriate touching; intentionally impeding movement; displaying sexually suggestive materials; verbal comments; gestures; drawn, written, or electronic communication of a sexual nature; leering or voyeurism, or intimidation based on gender or sexual preference.
- Continuing to express sexual interest after being informed that the interest is unwelcome
- Subtle pressure or requests for sexual activity.

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, comments on appearance and/or indecent exposure by students or employees; and,
- sexually related graffiti, posters, or calendars.



# Title IX:

## How must a school respond to sexual harassment?

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- A recipient with **actual knowledge** of **sexual harassment** in an **education program or activity** against a person in the **United States** must respond promptly and in a manner that is not **deliberately indifferent**.
- Actual knowledge: notice of sexual harassment or allegations of sexual harassment to any district employee. This means the district must respond to allegations of sexual harassment.
- Deliberate indifference: failure to respond reasonably in light of the circumstances
- School's education program or activity
  - Locations, events, or circumstances over which the District exercised substantial control over the respondent and in the context where the sexual harassment occurred;
  - Includes any building owned or controlled by a student organization that is officially recognized by the school (more applicable to higher education institutions);
  - In the United States; not in foreign countries – even if a student is participating in a school sponsored activity or program.
- More Information can be found on our Civil Rights Section of the CPS website: <https://www.cantonma.org/student-services/civil-rights>
- If you have questions or concerns, please contact Meghan Byrne, the Title IX Coordinator for the Canton Public Schools at 781-821-5060 ext 1121 or [byrneme@cantonma.org](mailto:byrneme@cantonma.org)

# Title IX: Reporting Sexual Harassment

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- Anyone can report sexual harassment. May be in writing or verbal, formal or informal
- No specific form required
- 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.

# **Title IX: Understanding Sexual Harassment, cont.**

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## **Title IX Grievance Process**

The Canton Public Schools (“District”) will promptly respond to all reports alleging sexual harassment as defined by Title IX regulations. The District will ensure a fair and equitable resolution and will provide supportive measures to both alleged victim (the “Complainant”) and the alleged perpetrator (the “Respondent”). If sexual harassment is found to have occurred, the District will take steps to prevent recurrence and to provide remedies designed to restore or preserve equal access to the District’s programs.

The District Title IX Coordinator (“Coordinator”) is responsible for ensuring District’s compliance with Title IX and this Grievance Process. The District Coordinator’s contact information is as follows:

Meghan Byrne

(781)821-5060 ext.1121

byrneme@cantonma.org

# Self Checkpoint #3: True or false?

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The ADA requires the District to provide **all** accommodations or modifications to ensure access to programs and facilities, a free appropriate public education for elementary and secondary students, and non-discriminatory employment practices.

It is the responsibility of all educators who work with a student on an IEP to provide the plan's accommodations and/or modifications - this is a legal requirement.

Title VI prohibits discrimination on the basis of race, color, and national origin in programs receiving federal financial assistance.

Title IX does not requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence.

Sexual harassment issues can involve student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.

# Checkpoint #3: Answers

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**True False** The ADA requires the District to provide **all** accommodations or modifications to ensure access to programs and facilities, a free appropriate public education for elementary and secondary students, and non-discriminatory employment practices.

**True False** It is the responsibility of all educators who work with a student on an IEP to provide the plan's accommodations and/or modifications - this is a legal requirement.

**True False** Title VI prohibits discrimination on the basis of race, color, and national origin in programs receiving federal financial assistance.

**True False** Title IX does not requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence.

**True False** Sexual harassment issues can involve student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.

# Self Checkpoint #4: True or false?

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A disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, hearing, learning, breathing, speaking, thinking, concentrating, and reading).

When a student has a 504 Accommodation Plan, it is the responsibility of some educators who work with that student to provide the accommodations.

Questions about eligibility and enforcement should be directed to your colleagues.

# Checkpoint #4: Answers

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**True False** A disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, hearing, learning, breathing, speaking, thinking, concentrating, and reading).

**True False** When a student has a 504 Accommodation Plan, it is the responsibility of some educators who work with that student to provide the accommodations.

**True False** Questions about eligibility and enforcement should be directed to your colleagues.

# **Federal Law: Every Student Succeeds Act 2015 (ESSA)**

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ESSA is the latest reauthorization of Elementary and Secondary Education Act of 1965 (ESEA). It replaces its predecessor, the No Child Left Behind Act of 2001 (NCLB).

ESSA was signed into law by President Obama in December 2015, but most provisions took effect at the start of the 2017-2018 school year.

ESSA maintains the original law's intent of advancing equity and opportunity for all students, with an emphasis on disadvantaged and other high need students

ESSA gives more power to states to develop plans that describe how student progress and achievement will be measured. Overall, ESSA aligns well with the work Massachusetts public schools are already doing and Massachusetts Department of Elementary and Secondary Education's strategic plan.



# Federal Law: Every Student Succeeds Act 2015 (ESSA)

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Accountability and support for struggling schools are at the core of ESSA.

Key requirements include:

- High academic standards to help prepare all students for success in college and careers
- Annual assessments in grades 3-8 and high school that measure students' progress toward reaching the state's academic standards.
- Long-term goals and interim measures of progress for improving outcomes for all students in all public schools.
- Accountability, interventions, and supports for struggling schools
- Public reporting in student and school performance, the professional qualifications of educators, and district and school spending.

Source: ESSA and Massachusetts Schools, DESE Publication (October, 2016).

# Hate Crimes

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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, sex, gender, gender identity, sexual orientation, disability, national origin, ethnicity, or ancestry.

Under Massachusetts Law, a Hate Crime can be charged under three different statutes and is punishable with prison time, fines, or a combination of both.

# Self Checkpoint #5: True or false?

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ESSA is the latest reauthorization of Elementary and Secondary Education Act of 1965 (ESEA). It replaces its predecessor, the No Child Left Behind Act of 2001 (NCLB).

A hate crimes 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, sex, gender identity, sexual orientation, disability, national origin, ethnicity, or ancestry.

# Checkpoint #5: Answers

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**True False** ESSA is the latest reauthorization of Elementary and Secondary Education Act of 1965 (ESEA). It replaces its predecessor, the No Child Left Behind Act of 2001 (NCLB).

**True False** A hate crimes 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, sex, gender identity, sexual orientation, disability, national origin, ethnicity, or ancestry.

# Massachusetts Anti-Bullying Law: M.G.L. c. 71, §370

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In 2010, the Massachusetts Legislature passed a bullying and intervention law, M.G.L., c. 71, §370 (as added by Chapter 92 of the Acts of 2010.)

**Note:** Effective, July 1, 2013, the Legislature amended the Anti-Bullying Law to include bullying by **school staff**.

**Note:** Effective April 24, 2014, the Legislature amended the Anti-Bullying Law to require school districts to “recognize” in their bullying prevention and intervention plans that certain categories of students may be more vulnerable to bullying. A District must also provide, in its plan, specific steps it will take to support these individuals.

The law requires all schools to develop and adopt bullying prevention and intervention plans ([BPIP](#)). Canton Public School’s BPIP and related information are available on the District’s website.

**Canton’s BPIP must be reviewed by all staff to ensure familiarity with the plan’s procedures, staff reporting, and other obligations under the law.**

# Massachusetts Anti-Bullying Law: Definitions

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**Bullying is defined as** the repeated use by one or more students, *or by a member of the 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.

For purposes of this law, bullying includes cyber-bullying.

OR

Physical act or gesture or any combination thereof directed at a victim.

# Massachusetts Anti-Bullying Law: Definitions

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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); and/or
- emotional (stalking, spreading rumors, exclusion).

# Massachusetts Anti-Bullying Law: Definitions

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**Cyberbullying** is defined as bullying through the use of technology or any electronic communication which shall include, but not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photo electric or photo optical system, including but not limited to electronic mail, internet communications, instant message, or facsimile communication.

**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 (ii) 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.

**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.

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# Massachusetts Anti-Bullying Law: Definitions

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**It's bullying or cyberbullying *IF* there is repeated behavior that:**

- causes physical or emotional harm to the target or damage to target's property;
- places target in reasonable fear of harm to him/herself or property;
- creates a hostile environment at school for target;
- infringes on the rights of the target; or,
- materially and substantially disrupts the education process or the orderly operation of a school.

# Reasons to be concerned about bullying

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Many children are involved in bullying, and most are extremely concerned about it.

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 engage in other antisocial, violent, or troubling behavior.

Bullying can negatively affect children who **observe** bullying around them-even, if they aren't 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 and harassment **myths**

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- Ignore it and it will go away.
- Bullying does not occur if you stand up for yourself.
- The victim did something to cause/deserve the bullying.
- 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.
- Adults do not bully.

# Signs of possible bullying or harassment

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- 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 class or school-related activities.
- Is suddenly doing poorly in school.
- Increase in absences; arrives late for school or certain classes.
- Often “loses” their money and/or possessions.
- Is the victim of repeated thefts.
- Is the target of jokes, abuse or insults in school, chat rooms, websites, social networking sites, or graffiti.
- Explanations for above do not make sense.

# Parameters of the Anti-Bullying Law

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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.
- 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.

# Anti-bullying law and Children with Disabilities

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M.G.L. c. 71B §3 (as amended)

Whenever the evaluation of the IEP team indicates that a child has a disability that affects social skills development or that a child is vulnerable to bullying, harassment or teasing because of the child's disability, the IEP shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

Applies equally to students who are perpetrators of bullying.

In addition, the U.S. Department of Education has warned that a school district's failure to properly address bullying of students with disabilities could result in a denial of FAPE for these students.

# Responsibilities of school personnel

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## Who is responsible?

***Everyone!!***

## Who is everyone?

Administrators, Teachers, Secretaries, Teacher Aides/ Assistants, Tutors, Specialists/Related Services Providers, Monitors, Counselors, Health Staff, Bus Drivers, Cafeteria Staff, Custodians, Volunteers, Parents, and Students.

## What do you need to do?

- Know the District's Discrimination/Harassment Policy.
- ***Know the District's BPIP and reporting requirements.***
- Promote a socially inclusive school environment for all.
- Actively ensure school safety; report and respond to all violations or suspected violations.

# Responsibilities of school personnel, cont.

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## What do you need to do, cont.

- Be familiar with basic facts about harassment, bullying, retaliation, 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 or staff member mocks another's appearance, mannerisms, or mobility, call the offender's attention to the fundamental issues of respect.
- Encourage student involvement.



# Discrimination and Harassment

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- The Canton Public Schools does not tolerate discrimination or harassment on the basis of age, color, disability, national origin, religion, race, sex, gender, gender identity, or homelessness.
- Link to nondiscrimination policy:  
<https://www.cantonma.org/school-committee/policy-manual>
- Link to policy against harassment:  
<https://www.cantonma.org/school-committee/policy-manual>

# Reporting requirements and investigation

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**Anyone can report bullying or retaliation.** Reports can be made in writing or orally to the principal or another staff member, or reports may be made anonymously. *(Note: no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)*

**All school staff are required to immediately report any instance of bullying or retaliation they witness or become aware of to their building principal using the CPS [Suspicion of Bullying Reporting Form](#) (available on the district website and in each school).**

It is up to the Principal/designee to determine whether reported conduct is bullying. Reporters do not need to be certain conduct is bullying before reporting it. Staff should report all **suspected** instances of bullying or retaliation. **Reporting obligation is a legal requirement. M.G.L. c. 71, s. 37O(g).**

**NOTE:** Reporting suspicious or questionable student or staff behavior can help stop bullying or retaliation before it happens.

The requirement to report to the principal/designee does not limit the authority of staff to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

# Reporting requirements and investigation, cont.

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If a bullying incident involves the Principal or their designee as the alleged aggressor, a report can be made to the Superintendent or their designee. If the Superintendent is the alleged aggressor, the School Committee Chair shall be responsible for investigating the report.

The Principal/designee will investigate promptly all reports of alleged bullying or retaliation.

The investigation may include an interview with: the person who filed the complaint, the alleged student target/victim, the student(s) or staff member(s) alleged to have committed the bullying or retaliation, witnesses to any alleged incidents, or others as necessary.

The principal/designee will remind the alleged aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful, and that retaliation is strictly prohibited and will result in disciplinary action.

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.

Discipline for staff found to have engaged in bullying may include disciplinary action up to and including termination and/or court involvement.

**Massachusetts superintendents are required to report educator misconduct to the Department of Elementary and Secondary Education. 603 CMR 7.14(8)(h).**

# Self Checkpoint #6: True or false?

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Bullying is defined as the repeated use by one or more students, or by a member of the 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.

Bullying can negatively affect children who **observe** bullying going on around them-even if they aren't targeted themselves.

Staff do not need to know the District's BPIP and reporting requirements.

Staff must report all cases of harassment to appropriate authorities.

---

# Checkpoint #6: Answers

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**True False** Bullying is defined as the repeated use by one or more students, or by a member of the 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.

**True False** Bullying can negatively affect children who **observe** bullying going on around them-even if they aren't targeted themselves.

**True False** Staff do not need to know the District's BPIP and reporting requirements.

**True False** Staff must report all cases of harassment to appropriate authorities.

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# Religious Holidays and Observance

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Be sensitive to religious holidays.

Holidays that students might miss school for include: Rosh Hashanah, Yom Kippur, Eid al-Fitr, Duvali, Good Friday, and Eastern Orthodox Good Friday.

Canton School Committee policy and Massachusetts 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 missed due to religious obligations.

# Teen dating violence

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## **M.G.L. c.71,§2C:**

- became effective November 4, 2010, and
- requires all school districts to maintain policies addressing teen dating violence.

Teen dating violence may result in disciplinary sanction by the school or District.

If you observe or become aware of teen dating violence, report it to your building Principal without delay.

# Massachusetts Anti-Hazing Law: M.G.L. c. 269, §§ 17-19

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**Hazing is** any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

**Consent is NOT a defense to hazing.**

Under Massachusetts Law, hazing is punishable with prison time, a fine, or a combination of the two. **Failure to report hazing is also a crime.**

See 603 CMR 33.00 for Anti-Hazing reporting requirements.

All student groups, student teams, and student organizations recognized by the school district or allowed to use its facilities, must provide members, recruits and other interested parties with a copy of M.G.L. c. 269 each year, and the school district must obtain an attested acknowledgment from such groups confirming that copies of the statute have been distributed and that such groups agree to comply with the law.



# Protecting children from abuse

## Protection and care of children under 18 (51A)

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MA law (M.G.L. c. 119, §51A) requires that all “**mandated reporters**” report suspected cases of abuse and/or neglect to the Department of Children and Families (DCF) of the town in which the child resides.

**All school personnel are mandated reporters** in cases of suspected abuse or neglect of a minor.

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.

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 the building principal.

If you have reason to believe that a child has suffered, or is suffering physical or emotional injury as a result of abuse or neglect contact \_\_\_\_\_ your supervisor.

# **Protecting children from abuse, cont.**

## **Protection and care of children under 18 (51A)**

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If there is reasonable cause to suspect abuse or neglect, the appropriate administrator will make an oral report of suspected abuse to DCF and, within 48 hours, will file a written report.

The supervisor and staff will meet as to whether or not to notify the parent(s).

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.

# Self Checkpoint #7: True or false?

---

Hazing is any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

Consent is a defense to hazing.

Failure to report hazing is also a crime.

## **Protecting Children from Abuse**

Mandated Reporters: All school personnel are mandated reporters in cases of suspected abuse or neglect of a minor.

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 the building principal.

# Checkpoint #7: Answers

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**True False** Hazing is any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

**True False** Consent is a defense to hazing.

**True False** Failure to report hazing is also a crime.

## **True False Protecting Children from Abuse**

Mandated Reporters: All school personnel are mandated reporters in cases of suspected abuse or neglect of a minor.

**True False** 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 the building principal.

# Protecting disabled adults from abuse

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## **The Disabled Persons Protection Commission (DPPC)**

An independent state agency responsible for investigating complaints of abuse of adults with disabilities (age 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 to the DPPC 24-hour Hotline.

# Physical restraint regulations: 603 CMR 46.00

## School personnel responsibilities

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All school staff should read and be familiar with the physical restraint regulations, 601 CMR 46.00.

The Amended Physical Restraint Regulations took effect on January 1, 2016. All school staff should be familiar with these amended regulations.

A central theme of the amended regulations is that physical restraint should only be used **as an emergency procedure as last resort.**

**The amended regulations prohibit the inclusion of physical restraint in a student's IEP or behavior plan.**

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.

# Physical restraint

---

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

**Not physical restraint:** “Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

## **When may physical restraint be necessary?**

- When a student’s behavior poses a threat of assault or imminent, serious, physical harm to self and/or others and the student is not responsive to other lawful and less intrusive behavior interventions or such interventions are deemed to be inappropriate under such circumstances.

# Prohibitions

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- Mechanical restraint
- Medical restraint
- Seclusion
- Prone restraint except under certain circumstances
- As a means of discipline
- When medically contradicted
- As a response to behavioral incident that does not constitute threat of assault or imminent serious physical harm
- As standard response to individual student as provision of IEP/BIP.



# Physical restraint: understanding the terms

---

**Physical escort:** Temporary touching or holding, without use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

**Extended restraint:** The amended regulations do not include a definition of an extended restraint, however, under the new regulations approval by a principal or designee will be required to continue a restraint beyond 20 minutes.

All physical restraint must end as soon as the student is no longer an immediate danger to himself or others.

# Physical restraint: understanding the terms

---

**Time-out:** Behavioral support strategy in which student temporarily separates from learning activity or classroom, either by choice or by direction from staff, for purpose of calming. During time-out, student must be in clean, safe, sanitary and appropriate space, and continuously observed by staff member; includes inclusionary and exclusionary time-out.

**Inclusionary time-out:** When student is removed from positive reinforcement or full participation in classroom activities while remaining in classroom. Functions as a behavior support strategy while allowing student to remain aware of activities of classroom.

**Exclusionary time-out:** Separation of student from rest of class, either through complete visual separation or from actual physical separation. During exclusionary time-out, student must be continuously observed by staff member, and staff member must be with or immediately available to student. Exclusionary time-out must cease as soon as student has calmed down. *Should only be used when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom.*

**Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Both elements of the definition establish seclusion. **The use of seclusion is prohibited in Massachusetts.**

# Use of physical restraint

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Only staff trained in physical intervention should administer physical restraints.

Only the amount of force necessary to protect the student or others from physical harm or injury should be used.

When possible, the administration of a restraint shall be witnessed by an adult who does not participate in the hold.

The training requirements in 603 CMR 46.04 **shall not preclude** a teacher, employee, or agent of a school from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

When physical restraint is necessary, the safest method available and appropriate to the situation and the individual should be used.

# Use of physical restraint, cont.

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Prone restraints are **prohibited** unless the following criteria are met:

- Student has documented history of repeatedly causing serious injury to self or others;
- All other forms of restraint have been unsuccessful in ensuring safety;
- There is no medical contraindications as documented by a licensed physician;
- There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
- The program has obtained consent from the parent to use prone restraint in an emergency, and the consent has been approved in writing by the principal;
- All of the above has been documented by the school **in advance** of the use of prone restraint.

Other forms of physical restraint, including supine restraint, remain permissible in emergency situations as long as those participating in the restraint have received the required training.

# Physical restraint: Safety requirements

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A student's color and respiration during a hold must be monitored.

- If there is any change in student's pallor, respiration, speech, or other signs of physiological distress, the hold must be released immediately.
- If student experiences physical distress – release restraint and seek medical assistance immediately.

Physical restraint should be implemented as a last resort and to prevent or minimize physical harm.

## **Know your students.**

- Be aware of medical or psychological issues and attempt to implement behavior interventions before considering utilization of physical restraint.
- When a situation occurs where a student is demonstrating potentially harmful behaviors, seek assistance immediately.

# Physical restraint: Safety requirements, cont.

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**Communicate** during a crisis. State what type of assistance you need.

**Post information** about how to communicate during an emergency in your classroom so that someone can contact help quickly.

Try to **ensure a witness** is present during any crisis.

**Document** the occurrence of each instance of aggression and/or use of physical restraint. (See 603 CMR 46.06(4) for specific requirements.)

**Report** *any* injuries resulting from a physical restraint. In these instances, the school or program must send a copy of the written report required by 603 CMR 46.06(4) and a copy of the principal's physical restraint log for the 30 day period preceding the reported injury/restraint.

# Physical restraint: Follow-up procedures

---

Review incident with student (and parents if necessary) to address behavior.

Those staff members involved in the situation must debrief with an administrator regarding the situation.

Consider follow-up that may be necessary with students who may have witnessed the restraint.

## **Reporting requirements** (603 CMR 46.06)

**When to report:** Report all restraints.

**Notify school administration:** Verbally notify school administration of any physical restraint as soon as possible, and provide written report by the next school working day.

**Notify parents:** The principal or director of the program must notify the parent verbally as soon as possible, and by written report within three school working days.

**Notify DESE:** Report all physical restraints to the DESE. Physical restraints causing injury must be reported within 3 school working days (see previous slide). All other data shall be collected and reported annually in a manner and form directed by DESE.

# Physical restraint: Training for All Staff

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- District's restraint prevention and behavior support policy
- Requirements when restraint is used
- Within 1<sup>st</sup> month of each school year; for employees hired after school year begins, within a month of employment .



# Physical restraint: In-depth training for selected staff

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## In-depth physical restraint training components:

- prevention techniques, relationship building and use of alternatives
- identifying dangerous behaviors
- experience in restraining and being restrained (simulated experience)
- demonstration of learned skills
- recommended that such training be at least 16 hours in length
- instruction regarding documentation and reporting requirements and investigations of injuries and complaints
- instruction regarding impact of physical restraint on student and family, recognizing the act of restraint has impact, including but not limited to, psychological, physiological, and social-emotional effects.

# Self Checkpoint #8: True or false?

---

A central theme of the amended regulations is that physical restraint should only be used in an emergency situation and as a last result.

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

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

Use of seclusion is prohibited in Massachusetts.

Do not use physical restraint when non-physical interventions can be used to de-escalate the situation or problem solving strategies could be implemented.

School staff must report all restraints.

# Checkpoint #8: Answers

---

**True False** A central theme of the amended regulations is that physical restraint should only be used in an emergency situation and as a last result.

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

**True False** Physical restraint is: “Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

**True False** Use of seclusion is prohibited in Massachusetts.

**True False** Do not use physical restraint when non-physical interventions can be used to de-escalate the situation or problem solving strategies could be implemented.

**True False** School staff must report all restraints.

# Section 504 and Title IX Coordinators

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## **Section 504/ADA District Coord.**

Meghan Byrne x1121

## **Building-based 504 Coordinators**

Canton High School

Norma Hollenbach x 2518

Galvin Middle School

Janet Rigdon x 4107

JFK Elementary School

Molly Piaseczny x 5143

Luce Elementary School

Brenda Kimball x 6146

Hansen Elementary School

Tina Wong x 4324

## **McKinney-Vento District Coord.**

Meghan Byrne x1121

## **McKinney-Vento Liaison/**

Stephanie Shapiro x2107

## **Foster Care Point of Contact**

## **District Civil Rights Coord. (Title VI and IX)**

Meghan Byrne x1121

# **IDEA: Individuals With Disabilities Education Act**

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The IDEA entitles eligible students to an individualized program of specially designed instruction and/or related services that are reasonably calculated to provide an educational benefit in the least restrictive setting consistent with that goal.

Students eligible for IDEA services:

- a student with a disability who, because of the disability requires specially designed instruction and/or related services to progress effectively in the general curriculum.

# Individualized Education Programs (IEPs)

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An IEP is an annual written statement of:

- the student's current strengths and weaknesses;
- summary of key evaluations;
- annual goals for the student; and,
- description of the special education services, accommodations, and placement necessary to enable the student to progress toward identified goals and to make effective progress in the general curriculum.

**The IEP is an enforceable contract.**

# Role of regular education Teacher as Special Education Team Member

---

## IEP/504 Plan Development and Review

- Participate in the development and review of the IEP and 504 Plans
  - Participate in the review of evaluations
  - Be knowledgeable about, and prepared to describe, the student's ability to progress in the general curriculum
    - Teachers must be prepared to provide objective data and documentation to support conclusions and recommendations
    - Be candid in assessing skills and future progress
    - Do not make judgments or offer opinions that are outside your field of expertise
-

# Students with disabilities: Discipline

---

All students are entitled to a level of due process prior to being excluded from school.

Students with disabilities are entitled to additional protections prior to the imposition of a disciplinary sanction that will remove them from school for more than 10 days in a year.

## **Students with Disabilities:**

- Students with IEPs
- Student with 504 plans
- Any student whom the District had reason to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education.



# Students with disabilities: Discipline, cont.

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## **Additional procedural protections:**

“Manifestation determination” prior to any removal constituting a change in placement.

Where appropriate, development of a Functional Behavioral Assessment (FBA) plan or review of existing Behavior Intervention Plan.

Continued provision of services (FAPE) as of the 11<sup>th</sup> cumulative day of removal.

# Manifestation Determination

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Was the conduct giving rise to disciplinary action caused by or directly and substantially related to the child's disability?

Was the conduct giving rise to the disciplinary action the direct result of the schools' failure to implement the IEP?

## **If behavior is NOT a manifestation:**

- May impose sanctions applicable to all students.
- Team considers whether it would be appropriate to conduct a functional behavioral assessment.
- Provide FAPE for students on IEPs as of day 11 of removal.

**Note:** *Effective July 2014, all students are entitled to academic services when removed from school for an extended period of time. This includes students on 504 plans and regular education students.*

# Manifestation Determination

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## **If behavior IS a manifestation:**

Team requests a functional behavioral assessment (new assessment or an update to an old assessment) and/or develops/revises existing behavior intervention plan.

Child returns to school prior to the 11<sup>th</sup> day, unless the conduct meets criteria for a unilateral removal or the school district obtains either:

parental consent to change placement;

Hearing Officer's order; or

temporary restraining order (TRO).

# **RELATED REMINDER: Law on student discipline**

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## **Chapter 222 of the Acts of 2012**

- Signed into law August 2012; effective July 1, 2014.
- Provides for continued educational services for all students when subject to exclusion from school.
- Designed to establish uniform and consistent due process procedures throughout the state.
- Creates New Discipline Statute – M.G.L. c. 71, § 37H<sup>3/4</sup>
- Applies to any offense that does not fall under 37H or 37H<sup>1/2</sup>.
- Requires principals to consider other options and ways to reengage the student prior to imposing a long term suspension. (603 CMR 53.05)
- Limits exclusion of a student to 90 school days in a single school year
- Effectively eliminates the ability to expel students for non-37H or 37H<sup>1/2</sup> offenses.
- Requires that district notify DESE of all suspensions and exclusions

# Checkpoint #9: True or false?

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The IEP is an enforceable contract.

Students with disabilities are entitled to additional protections prior to the imposition of a disciplinary sanction that will remove them from school for more than 10 days in a year.

# Self Checkpoint #9: Answers

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**True False** The IEP is an enforceable contract.

**True False** Students with disabilities are entitled to additional protections prior to the imposition of a disciplinary sanction that will remove them from school for more than 10 days in a year.

# Student records and right to privacy

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## **Massachusetts Student Records**

State Law: M.G.L. c. 71 §34(A-H)

Regulations: 603 CMR 23:00

Family Education Rights and Privacy Act (FERPA)

Federal Law: 20 U.S.C. §1232g

Regulations: 34 CFR Part 99

# What is a student record?

---

**Permanent Record:** Transcript

## **Temporary Record**

All information, in any form, that is organized on the basis of the student's name or in a way that the student may be individually identified.

The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party.

Such information may be shared with the student, parent or a temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.



# Student Records: Access

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## Who has access to the student record?

- Parents and Students upon reaching age 14 or entering 9<sup>th</sup> grade (whichever comes first)
- Administrative and clerical staff
- Authorized school personnel
- Administrators, teachers, counselors, and other professionals who are providing services directly to the student.
- Other individuals with written consent of the parent(s)/students.

## Authorized School Personnel

Administrators, teachers, counselors, 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,
- are working directly with the student in a administrative, teaching, counseling, and/or diagnostic capacity.

# Student Records: Access, cont.

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## **Non-Custodial Parents**

Non-custodial parents are entitled to student record information unless access has been limited or restricted.

M.G.L. c. 71 §34H and 603 CMR 23.07(5).

When a request for information is received from a non-custodial parent, the school must review the student record for any documents limiting or restricting access and shall immediately notify the custodial parent of the request.

The custodial parent has 21 days to notify the school if the non-custodial parent is not eligible to receive records.

If records are produced to the non-custodial parent, the school must remove all addresses, phone numbers, emails, etc. (i.e., all identifying work and home information) from the documents.

# Restraining orders and harassment prevention orders

---

At times a member of the school community will be made aware that a restraining order or harassment prevention order is in place restricting certain individuals from having access to a student in the district or between two students.

Anyone notified of a restraining order or harassment prevention order must alert the building principal *immediately*. The building principal will alert the necessary staff as well as the Superintendent and Director of Student Services of the order and any specific conditions or safety plans that must be followed/put into place to ensure that the order is adhered to.

In instances of student to student “stay away” orders, the building principal or designee will ensure that both students are aware of their responsibility to stay away from each other.

Staff will be alerted to the removal of the order if and when it is lifted.

# Self Checkpoint #10: True or false?

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Temporary Record is all information, in any form, that is organized on the basis of the student's name or in a way that the student may be individually identified.

Non-custodial parents are entitled to student record information unless access has been limited or restricted.

When a request for information is received from a non-custodial parent, the school must review the student record for any documents limiting or restricting access and shall immediately notify the custodial parent of the request.

The custodial parent has 21 days to notify the school if the non-custodial parent is not eligible to receive records.

Anyone notified of a restraining order or harassment prevention order must alert the building principal *immediately*.

# Checkpoint #10: Answers

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**True False** Temporary Record is all information, in any form, that is organized on the basis of the student's name or in a way that the student may be individually identified.

**True False** Non-custodial parents are entitled to student record information unless access has been limited or restricted.

**True False** When a request for information is received from a non-custodial parent, the school must review the student record for any documents limiting or restricting access and shall immediately notify the custodial parent of the request.

**True False** The custodial parent has 21 days to notify the school if the non-custodial parent is not eligible to receive records.

**True False** Anyone notified of a restraining order or harassment prevention order must alert the building principal immediately.

# McKinney-Vento Homeless Education Assistance Act

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Federal law requires school districts to immediately enroll homeless students, even if they do not have the documents usually required for enrollment, such as school records, medical records or proof of residency.

Homeless students have a right to remain in their school of origin or to attend school where they are temporarily residing;

Students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they get permanent housing;

Students who choose to enroll in school where they are temporarily residing must be enrolled immediately, even if they do not bring the records usually required for enrollment with them; and

If a homeless student arrives without records, the school district's designated Homeless Education Liaison must assist the family and contact the previously attended school system to obtain the required records.

# McKinney-Vento Homeless Education Assistance Act, cont.

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The Act defines homeless children and youth as:

- individuals who lack a fixed, regular, and adequate nighttime residence;
- children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and,
- children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- migratory children.

# McKinney-Vento Homeless Education Assistance Act, cont.

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Under the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), **the definition of “homeless children and youth” no longer includes individuals awaiting foster care placement.**

This group is now included under Title I, Part A (Title I). *As a result, children awaiting foster care placements are entitled to the same educational stability as children in foster care.*

In addition, amendments to Title I require SEAs and LEAs to work with child welfare agencies to ensure educational access and stability for children in foster care (and those awaiting foster care). These provisions emphasize the importance of collaboration and joint decision making between child welfare agencies and educational agencies.

ESSA also amended McKinney-Vento to clarify and correct the definition of “school of origin” (see next slide).

The new definition was effective October 1, 2016.

The presumption is that it is in the student’s best interest to remain enrolled in the same school the student is attending (school of original) when living placements change.



# McKinney-Vento Homeless Education Assistance Act, cont.

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A **fixed residence** is one that is stationary, permanent, and not subject to change.

A **regular residence** is one which is used on a regular (i.e., nightly) basis.

An **adequate residence** is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

Children and youth who lack a fixed, regular, and adequate residence will be considered **homeless**.

**Enroll and enrollment** shall mean attending classes and participating fully in school activities.

**School of origin** shall mean the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, **including a preschool**.

*When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.*

## **McKinney-Vento Homeless Education Assistance Act, cont.**

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**Stephanie Shapiro** is the **Foster Care Point of Contact** for the Canton Public Schools.

The District's Homeless Education Liaisons are available to handle any inquiries regarding homeless students:

**Meghan Byrne**, ext. 1121  
**Stephanie Shapiro**, ext. 2107

# Canton High School

*Whom do you call if you are feeling...*

<b>Bullied</b>	Jeff Sperling	Principal	781-821-5050 x2102
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Maureen Campbell	Nurse	781-821-5050 x2110
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158

# Galvin Middle School

## *Whom do you call if you are feeling...*

<b>Bullied</b>	Jonathan Mulhern	Principal	781-821-5070 x3103
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Lindsey Coppola	Nurse	781-821-5070 x3110
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158

# Luce Elementary School

## *Whom do you call if you are feeling...*

<b>Bullied</b>	Yeshi Lamour	Principal	781-821-5075 x6106
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Cindy Bonner	Nurse	781-821-5075 x6109
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158

# Hansen Elementary School

## *Whom do you call if you are feeling...*

<b>Bullied</b>	Paul McKnight	Principal	781-821-5085 x4101
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Bethany Glennon	Nurse	781-821-5085 x4102
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158

# John F. Kennedy Elementary School

## *Whom do you call if you are feeling...*

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<b>Bullied</b>	Sandra Watson	Principal	781-821-5080 x5101
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Ellen Stenmon	Nurse	781-821-5080 x5102
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158

# Rodman Early Childhood Center

## *Whom do you call if you are feeling...*

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<b>Bullied</b>	Shelley Evans	Interim Early Childhood Coordinator	781-821-5060 x1505
<b>Harassed</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sexually Assaulted</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Retaliated Against</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Discriminated Against/ Civil Rights</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Threatened</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Unsafe</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158
<b>Sick</b>	Bailey Hewett	Nurse	781-821-5060 x1508
<b>Anxious or Sad</b>	Julie Shore	Director of Personnel Services	781-821-5060 x1158



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Harassment form and 51A forms can be found on the Canton Public Schools website under "[Employee Links and Forms.](#)"

# Links to important policies that relate to classroom and school practices

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[Allergy Management Policy \(Website\)](#)

[Animal in School Policy \(Inclusive of Service Animals\) \(Website\)](#)

[Bullying Policy and Bullying Prevention and Intervention Plan \(Website\)](#)

[DCAP/BCAP \(Website\)](#)

[Harassment Policy \(Website, Building Shared Drive, Student Family Handbook Appendix\)](#)

[Restraint Policy \(District Appendix\)](#)