

Framingham Public Schools

Annual State and Federal Mandated Training

2018-2019

Purpose of Training

- This PowerPoint presentation is designed to provide annually required mandated training for all staff.
- Annual training is mandated by the Massachusetts 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

Title I (Federal Law)

Improving The Academic Achievement of the Disadvantaged

- The purpose is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.
- Multiple, objective, educationally-related criteria are used by schools to select the eligible pool of Title I participants. Eligible students are those identified by the school as failing, or most at risk of failing, to meet the State's challenging student academic achievement standards.
- Refer all Title I questions/issues to your building principal and the Title I and Grants Director, Dr. Coretta McCarter (508-626-9132)

Federal Law: Title III

State Law, G.L.c. 71A, obligates schools to determine if students will need additional language support to ensure that they will be able to perform ordinary classroom work in English.

- Home language survey must be completed by all students registered in Framingham Public Schools
- If survey indicates a primary language other than English:
 - Copy survey for student's cumulative folder
 - Notify the Director of ELL
 - Student will be tested for English language proficiency
 - ESL placement will be determined by the assessment results
 - Parents have the right to accept or deny ESL services
 - Parents have the right to receive home communications in their native language if requested

Federal Law: Title VI of the Civil Rights Act

- Protects against discrimination based on race, color, religion, sex and national origin
- Applies to students, parents, and employees
- Prohibits discrimination in student class assignments or ability tracking and protects English Language Learner (ELL) students
- School principals and Title VI coordinator respond to inquiries regarding non-discrimination policies

Framingham Public Schools Non-Discrimination Statement

“The Framingham Public Schools strive to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. The Framingham Public Schools prohibit discrimination on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation and ensures that all students have equal rights of access and equal enjoyment of opportunities, advantages, privileges, and courses of study.”

Non-Discrimination Statement Continued

“Since Framingham Public Schools is committed to providing an environment that is free from discrimination and sexual harassment, it shall be a violation for any student, teacher, school personnel, or person on business with the Framingham Public Schools to engage in sexual or bias-related harassment or to violate the civil rights of any student, teacher, or other school personnel. Framingham Public Schools will act to investigate all complaints, formal or informal, of sexual or bias-related harassment, violations of civil rights or the Act Related to Bullying and will take the appropriate action against any student, teacher, or school personnel, or person on business with the Framingham Public Schools who is found in violation of this statement.”

Americans with Disabilities Act (ADA)

- Defines disability as:
 - A person who has a physical or mental impairment that substantially limits one or more major life activities;
 - Has a record of such an impairment
 - Is regarded as having such impairment
- Prohibits private employers, state, and local governments and labor unions from discriminating against students and qualified individuals with disabilities.
- For more information go to:
 - <http://www.eeoc.gov/types/ada.html>
 - <http://www.ada.gov/regs2010/ADAregs2010.htm>

Accommodations under ADA

- For Students: For benefits or services provided to be "equally effective," they must afford students with disabilities an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as other students.
- For Employees: A reasonable accommodation is one that would allow the person to perform the 'essential functions' of their position with the accommodation.

Section 504 of the Rehabilitation Act:

A 504 Accommodation Plan may be written for eligible students who meet the 504 criteria. A 504 Accommodation Plan is developed to provide access to general education and school activities. A 504 Accommodation Plan is a legally binding contract. Decisions of eligibility and accommodations should be made with staff members who are familiar with the student.

Section 504 Eligible Criteria

3-pronged approach

- Has a physical or mental impairment
- ...that substantially limits...
- a major life activity

****Needs to be documented****

Major life activities under Section 504

1. caring for one's self
2. performing manual tasks
3. seeing
4. hearing
5. eating
6. sleeping
7. walking
8. standing
9. lifting
10. speaking
11. breathing
12. learning
13. reading
14. concentrating
15. thinking
16. communicating
17. working
18. bending
19. other

Special Education – IDEA 2004

Individuals with Disabilities Education Act (Federal Law)

603 CMR 28.00 (MA Regulations)

- Provides special education services to children, ages 3- 22, who are found eligible due to an educational disability that affects their ability to make effective progress without specialized instruction and/or related services.
- Entitles eligible students with disabilities to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).
- Each student in special education has an Individualized Educational Plan (IEP) that is a legally binding contract between the families and the school district.
- All decisions are made by the student's Team that includes special and general education teachers, service providers, and parents. Students are invited to participate in the Team process beginning at age 14.

District Curriculum Accommodation Plan DCAP

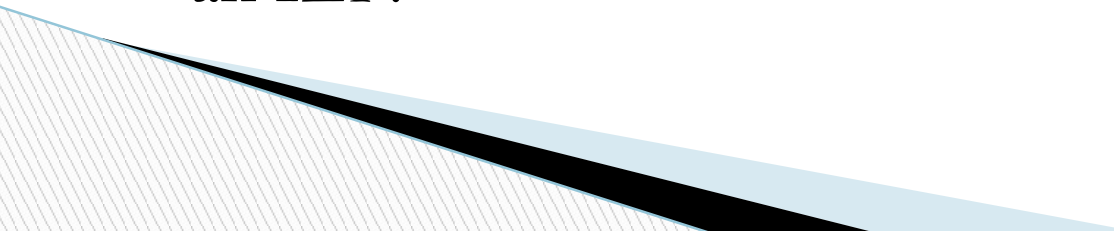
- Each school district is required to have on record a District Curriculum Accommodation Plan (DCAP). (M.G.L. Chapter 71, Section 38Q 1/2)
- The written plan shall assist Principals in ensuring that appropriate support is available for students and teachers. Instructional support shall include remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with educational practices and the requirements of M.G.L. c. 71B section 2.
- Efforts regarding accommodations and interventions for students and their results shall be documented and placed in the student's record and provided to the building Special Education Team if the student is referred for a special education evaluation. See your school principal for a copy of the school's DCAP for your school.

Special Education Regulations

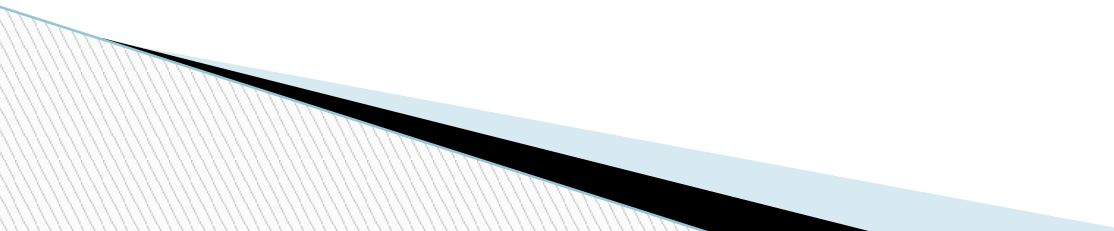
Authority, Scope and Purpose

- ▶ 603 CMR 28.00 governs the provision by Massachusetts public schools of special education and related services to eligible students and the approval of public or private day and residential schools seeking to provide special education services to publicly funded eligible students. The requirements set forth in 603 CMR 28.00 are in addition to, or in some instances clarify or further elaborate, the special education rights and responsibilities set forth in state statute (M.G.L. c. 71B), federal statute (20 U.S.C. §1400 et seq. as amended), and federal regulations (34 CFR §300 et seq. as amended).
- ▶ The purpose of 603 CMR 28.00 is to ensure that eligible Massachusetts students receive special education services designed to develop the student's individual educational potential in the least restrictive environment in accordance with applicable state and federal laws.
- ▶ General. Each school district shall provide or arrange for the provision of special education and related services for eligible students in accordance with the provisions of state and federal law and regulation.
 - ▶ 1. The school district shall provide training to all school district staff, including general and special educators, administrators, and paraprofessionals, on the requirements of special education.
 - ▶ 2. The school district shall provide such staff training in analyzing and accommodating diverse learning needs of all students in the general education classroom.
 - ▶ 3. The school district shall provide such staff training in methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs.
 - ▶ 4. The district shall conduct, in cooperation with the parent advisory council, at least one workshop annually within the school district on the rights of students and their parents and guardians under state and federal special education laws.

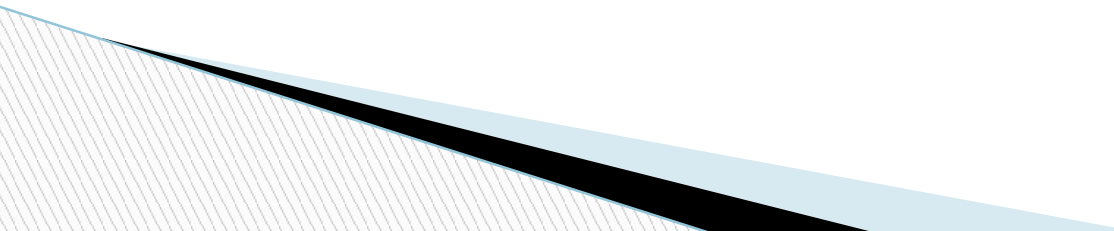
Individuals with Disabilities Education ACT (IDEA)

- ▶ The Individual with Disabilities Education ACT (IDEA) is a federal law ensuring services to children with disabilities throughout the nation.
 - ▶ IDEA requires that public schools create an IEP for every child receiving Special education services.
 - ▶ Kids from age 3 through high school graduation or their 22nd birthday (whichever comes first) may be eligible for an IEP.
- 

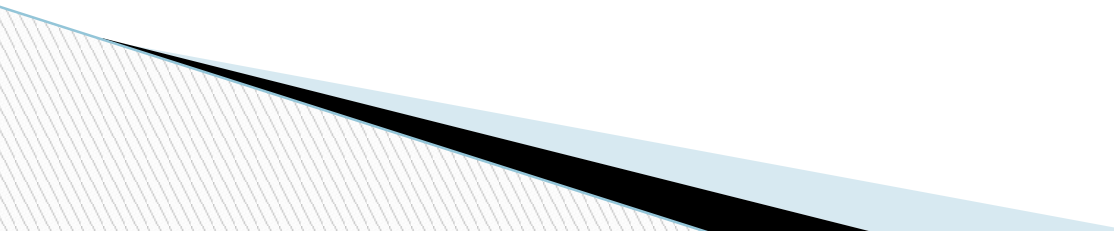
Specially Designed Instruction

- ▶ DEA defines specially designed instruction as:
 - ▶ (3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction-
 - ▶ (i) To address the unique needs of the child that result from the child's disability; and
 - ▶ (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.
- 

Massachusetts Law Chapter 766

- ▶ Chapter 766 is the Massachusetts law which guarantees that rights of all young people with special needs (age 3-22) to an educational program best suited to their needs.
 - ▶ Team evaluations and Annual Reviews are conducted to develop an ongoing individual education plan that ensures an appropriate education.
 - ▶ Students are entitled to a free and appropriate education (FAPE) that allows them to be a part of their school community. Most students with disabilities in the Commonwealth attend their local public schools.
 - ▶ There are modifications, adaptations and accommodations that allow each student with a disability to be able to participate and take advantage of educational opportunities.
- 

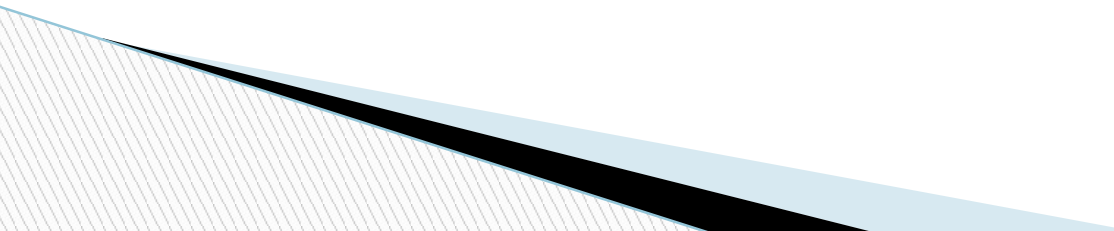
Eligibility Criteria

- ▶ After a student is evaluated, a team, including parents, meets to discuss whether the student requires special education services. These are the questions that must be answered at each of those eligibility meetings:
 - ▶ Is there an educational disability?
 - ▶ Is the student making effective progress in school?
 - ▶ Is the lack of progress a result of the disability?
 - ▶ Does the student require specially designed instruction in order to make effective progress?
 - ▶ Is the parent satisfied with the school evaluation?
 - ▶ If the IEP team agrees that a child needs services, then the next step is to create an IEP.
- 

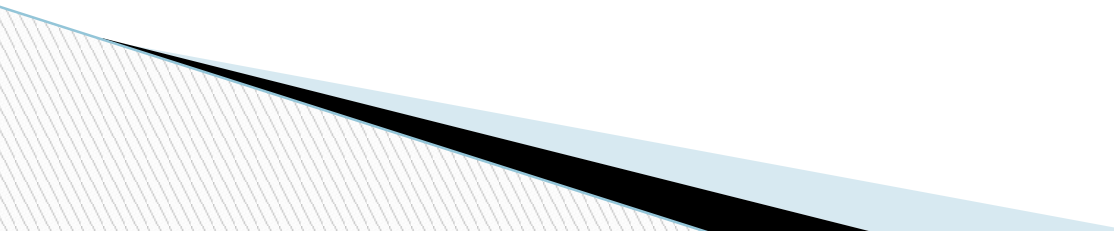
The IEP and TEAM

- ▶ *Individualized Education Program (IEP)* shall mean a written statement, developed and approved in accordance with federal special education law in a form established by the Department that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.
- ▶ These meetings are called Annual Reviews and happened once a year
- ▶ A Reconvene (reassemble the TEAM) happens if potential changes need to be made to the IEP
- ▶ **These meetings are important and all teachers should make every best effort to attend!**
- ▶ What is a *Team*? A *Team* shall mean a group of persons, meeting participant requirements of federal special education law as provided at 34 CFR §§300.321 and 300.116(a)(1), who, together, discuss evaluation results, determine eligibility, develop or modify an IEP, or determine placement

Accommodations and Modifications

- ▶ An **accommodation** is a change that helps a student overcome or work around the disability or learning challenge. This is NOT a change to the grading or course expectations for a student. An accommodation helps a student access the curriculum and learning and shows what he or she has learned through different means.
 - ▶ A **modification** is a change in what is being taught to a student or what is expected from the student. Making an assignment easier so the student is not doing the same level work as other students is an example of a modification. This is a change from the grading or course expectations due to the student's academic delay or learning style.
- 

Who Can Have Access to Student Records?

- ▶ Students 14 or over, and high school students (whichever comes first), have the same right of access to records as parents.
 - ▶ Only school personnel who work directly with the student, or whose clerical/administrative duties require them to have access to student records.
 - ▶ Third parties (e.g. therapist), with specific, informed, written consent of eligible student (high school age or 14) or parent.
 - ▶ DCF, DYS, and probation, if there is a court order to release the records.
- 

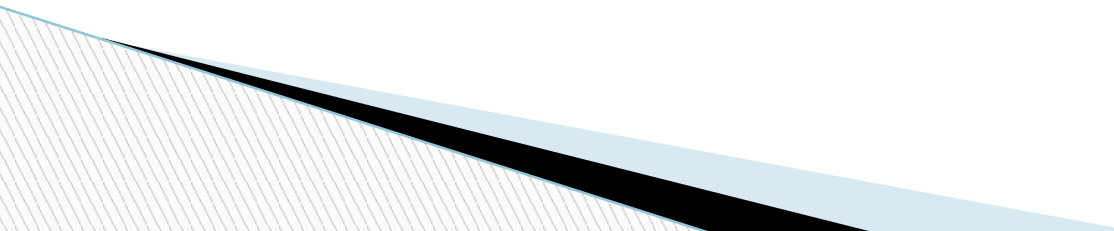
When can a parent who does not live with a child have access to school records?

- ▶ *Eligible* non-custodial parent (parent who doesn't live with the student). A parent is eligible to have access to records *unless*:
 - They have been denied legal custody because they pose a threat to the safety of the child or the custodial parent
 - They have been denied visitation of the child, or they require supervised visitation
 - The parent's access to the student or custodial parent has been restricted via a restraining order.
- ▶ *Note: It is now the custodial parent who has the burden of showing that the non-custodial parent does not meet the eligibility criteria to have access to student records.*

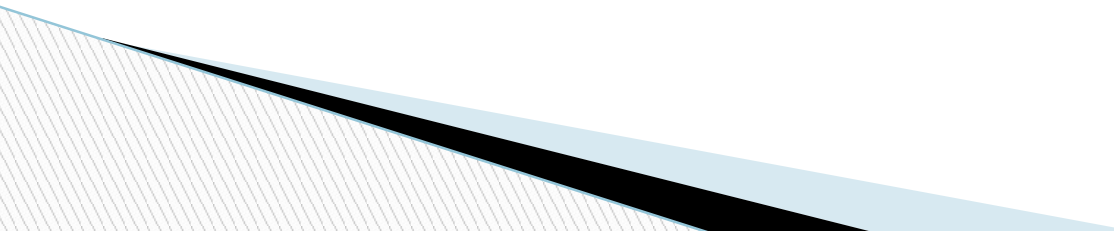
What does the non-custodial parent need to do to obtain school records?

- ▶ The non-custodial parent must submit a *written request to the principal* for access to the child's record.
- ▶ The school must *immediately notify* the custodial parent of the non-custodial parent's request for records via first class mail, certified mail, return receipt requested
- ▶ The notice must be sent in English *and* the primary language of the custodial parent.
- ▶ The notice must state that Framingham will provide the non-custodial parent with access to the student record after *twenty-one calendar days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access to the records.*
- ▶ The school must delete the address and telephone number of the student and custodial parent from the student record given to the non-custodial parent. The records should be marked to indicate that they should not be used for enrollment purposes.
- ▶ If the school receives a copy of a court order that prohibits distribution of information to the non-custodial parent, the school should notify the non-custodial parent that records will no longer be provided to him/her.

Essential Practices Regarding Email Communication and Confidentiality

- ▶ When sending an email about a student, use initials in the subject line.
 - ▶ The body of the email can contain the student's first name and last initial.
 - ▶ If you are emailing about a group of students or listing student names, it is best practice to attach a separate document with the information.
 - ▶ Be cautious when selecting "reply all" as parents and others could be attached to the emails. This also creates an email train that is a part of the student record.
 - ▶ If a parent emails with concerns, it is best to let the parent know a time that they can contact you by phone.
 - ▶ All communication with parents should be considered formal and not casual.
- 

Effective Collaboration

- ▶ It is the special education liaison's responsibility to collaborate and share the student's individual education plan with the team. This includes specialists staff (i.e. Music, PE, Drama).
 - ▶ In elementary schools, the special education teachers participate in grade level collaboration meetings.
 - ▶ In middle school, there is a designated "team time" when the special educator meets with the general education team to collaborate.
 - ▶ In high school, there are collaboration days when special educators can meet with staff.
 - ▶ The special educators regularly communicate with the school's support team about the social, emotional and academic needs of the students with disabilities.
- 

Title IX – Sex Discrimination or Sexual Harassment

- Sex Discrimination = exclusion or denial of participation of benefits on the basis of sex.
- Sexual Harassment = any sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:
 - Submission is either explicitly or implicitly a term or condition of employment or academic status
 - Submission to or rejection of such conduct by a person is the basis for an employment decision or an academic decision affecting the person
 - Such conduct substantially interferes with a person's work or academic performance or creates and intimidating, hostile, or offensive working or learning environment

Types of Sexual Harassment

Verbal Harassment

Sexual innuendo or other suggestive comment, humor or jokes about sex or gender-specific traits, offensive written notes, sexual propositions, insults, threats, inquiries into one's sexual experiences, sexual comments about a person's body and/or discussion of one's sexual activities.

Nonverbal Harassment

Written notes or photographs of a sexual nature, whistling, making suggestive or insulting sounds and/or gestures, exhibiting suggestive posters, displaying suggestive reading materials, obscene sexual noises, and/or rude comments about a person's gender or sexual preference.

Liability for Harassment

You may be personally liable for sexual harassment issues between students or staff and students, if any school employee:

- ✓ has actual knowledge of the issue
 - ✓ has the ability or authority to correct the issue
 - ✓ responds with deliberate indifference
-
- All harassment must be reported to the Principal or administrator as soon as it is observed or notification is received.
 - Document date, time, and specifics of complaint and the actions taken.

An Act Relative to Bullying in Schools

- In May 2010, the Governor signed Chapter 92 of the Acts of 2010 into law which addresses Bullying in Schools
- The law requires all schools and school systems to develop and implement a Bullying Prevention and Intervention Plan
- The plan was developed and implemented in SY2010

**updated to address students, staff and LGBTQ issues.

Definitions from An Act Relative to Bullying in Schools

- Bullying: the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:
 - Causes physical or emotional harm to the target or damage to the target's property;
 - Places the target in reasonable fear of harm to himself or of damage to his property;
 - Creates a hostile environment at school for the target;
 - Infringes on the rights of the target at school; or
 - Materially and substantially disrupts the education process or the orderly operation of a school

Definitions from An Act Relative to Bullying in Schools

- Cyberbullying: bullying through the use of technology or electronic devices such as: telephones, cell phones, computers, and the internet. It includes, but is not limited to, voice mail messages, e-mail, instant messages, text messages, and internet postings (social networking sites, web pages, etc.). In addition, it 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 as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

The Bullying Prevention & Intervention Plan

- Requires policies and procedures for:
 - Reporting bullying, retaliation by students, parents/guardians, or other witnesses
 - Responding to a report of bullying or retaliation
 - Notifying parents/guardians, other schools, and law enforcement
 - Investigation of reports, including determinations and responses

Civil Rights Complaints/Grievances

The Title IX Coordinator is the responsible district employee who provides leadership and direction in expediting full compliance with the provisions of Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Chapter 622 of Massachusetts General Law and Title IX of the Educational Amendments of 1972, all of the above state and federal regulations require equal opportunity regardless of race, color, national origin, age, sex, sexual orientation, gender identity, disability, and religion in curricular, co-curricular and extra-curricular activities. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal or the Title IX Coordinator.

Ms. Inna London, Assistant Superintendent of Human Resources, 73 Mt. Wayte Avenue, Framingham, MA 01702, (508) 626-9107 or ilondon@framingham.k12.ma.us

Mr. Joseph Corazzini, Assistant Superintendent for Equity, Diversity, and Community Development, 73 Mt. Wayte Avenue, Framingham, MA 01702, (508) 782-6890 or jcorazzini@@framingham.k12.ma.us

Essential Practices Regarding E-mail Communication and Confidentiality

- When sending an e-mail about a student, use initials in the subject line
- The body of the e-mail can contain the student's first name and last initial
- If you are e-mailing about a group of students or listing student names, it is best practice to attach a separate document with the information
- Be cautious when selecting “reply all” as parents and others could be attached to the e-mails. This also creates an e-mail train that is part of the student record.
- If a parent e-mails with concerns, it is best to let the parent know a time that they can contact you by phone
- All communication with parents should be considered formal and not casual.

Child Abuse/Neglect Reporting Procedures

- School personnel are mandated reporters legally obligated to contact the Massachusetts Department of Children and Families
- The Mandatory Reporting of Child Abuse Act – Chapter 119, Section 51A, requires that school personnel report to the DCF whenever there is “reasonable cause” to believe that a child under the age of 18 is suffering physical and/or emotional injury from abuse and/or neglect
- All reports are held in strict confidence and no person required to report shall be held liable in any civil or criminal action
- Please note that you are responsible to ensure that the 51A is filed

Drug-Free Workplace Policy

- It is the intent and obligation of the Framingham Public Schools to provide a drug-free, healthful, safe and secure work environment.
- All employees are prohibited from possessing, using, or distributing illicit drugs or alcohol on school premises or at any school-sponsored activity. Illicit drugs are defined as controlled substances under M.G.L. Ch. 94C and include narcotics, cannabis, stimulants, depressants and hallucinogens. Alcohol is defined as alcoholic beverages including beer, wine and distilled spirits.
- Chapter 71, the Commonwealth of Massachusetts, An act Establishing the Education Reform Act of 1993, prohibits the use of any tobacco products within the school buildings and school facilities, on the school grounds or on school buses by any individual, including school personnel.
- Any employee violating any section of the Drug-Free Schools Employee Policy will be subject to disciplinary action up to and including termination.

Two Guidelines for Using Physical Restraint

Massachusetts Special Education Regulations 603 CMR 46.00:

Guidelines apply to school events and activities sponsored by public education programs.

- “To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and,
- To prevent or minimize any harm to the student as a result of the use of physical restraint.”
- ONLY trained personnel should administer physical restraint.

Changes will be posted if made by the DESE in the course of the year.