

Pembroke Public Schools Annual Mandated Training



2024-2025

Why do we provide training?

- Annual training is mandated by DESE
- All employees are required to participate
- This training protects individuals and the district; and ensures that all employees know their rights and responsibilities as well as state and federal laws and regulations



The Pembroke Public Schools does not exclude from participation, deny the benefits of Pembroke Public Schools from or otherwise discriminate against, as well as prohibits discrimination, exclusion, harassment or retaliation, on individuals on the basis of race, color, sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

Specific to Title IX the school district prohibits discrimination on the basis of sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, marital status, familial status, pregnancy or pregnancy-related conditions and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Procedure is unlawful and will not be tolerated by the Pembroke Public Schools.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school district administration, subject to applicable procedural requirements.

Equal Opportunity, Discrimination, Harassment and Retaliation

Federal Civil Rights Laws and Regulations

Title VI: Title VI of the Civil Rights Act of 1964: Prohibits discrimination, exclusion from participation or denial of benefits based on race, color or national origin

Title II-Americans with Disabilities Act: Prohibits discrimination against those with disabilities regarding access to programs and facilities, a free appropriate public education for elementary and secondary students, and prohibits employment discrimination

Title IX: Prohibits sex discrimination including sex based harassment

Civil Rights Coordinator: Jessica DeLorenzo, Director of Student Services

Discrimination and Harassment

Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group to participate in or benefit from employment or a program or activity of the Pembroke Public Schools; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

Title IX-Final Rule 2024

- Prohibits sex discrimination on the basis of sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, marital status, familial status, pregnancy or pregnancy-related conditions that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access
 - Sex discrimination includes sex based harrassment and sexual harassment
 - Quid pro quo harassment-In the employment context, sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment under Title IX (and under Title VII) and Massachusetts law when such conduct is either explicitly or implicitly a term or condition of an individual's advancement, submission to or rejection of such conduct by an individual is used as a the basis for employment decisions, such conduct interferes with an individual's job duties or the conduct creates an intimidating, hostile or offensive work environment.
 - Also includes any instance of sexual assault, dating violence, domestic violence, or stalking

Sexual Discrimination

Sexual discrimination includes discrimination on the basis of:

- **Sex stereotypes**
- **Sex characteristics**
- **Pregnancy or related conditions**
- **Sexual orientation**
- **Gender identity**

*****Massachusetts law has already prohibited discrimination on the basis of sex (including pregnancy and related conditions), sexual orientation and gender identity**

Sexual Harassment

- Unwelcome sexual advances—whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences
- Discussion of one's sexual activities
- Sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion as well as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent)

Retaliation

Retaliation means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or other Federal or State law providing protection against sex discrimination including sexual and sex-based harassment, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing as provided under District's , including in an informal resolution process, in grievance procedures and in any other actions taken by the District under § 106.44(f)(1) of Title IX.

Employee Responsibilities

Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the building principal, Jessica DeLorenzo or Natalie Vandermolen.

Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to the Principal.

Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform Jessica DeLorenzo of the report, and the District will respond in a manner consistent with their Grievance Procedure.

If the report involves an accusation against the Principal, Civil Rights Coordinator or Human Resources Manager, the employee shall report the incident to the Superintendent.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

Title IX Complaint-Process

Upon receiving a complaint, the Title IX Coordinator will conduct an investigation as outlined in the District's Grievance Procedures. *****Will be updated pending School Committee Approval**

The District may remove a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision shall not be construed to modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*

The District may place an employee respondent on administrative leave from employment responsibilities during the pendency of the District's grievance procedures. This provision shall not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*

NOTICE OF NONDISCRIMINATION & RELATED TITLE IX INFORMATION

The Pembroke School Committee and the Pembroke Public Schools do not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to Pembroke Public Schools' Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. Pembroke Public Schools' Title IX Coordinator is:

Jessica DeLorenzo
Director of Student Services
72 Pilgrim Road
Pembroke, Ma 02359
(781) 826-8740
jessica.delorenzo@pembrokek12.org

The Pembroke Public Schools' nondiscrimination policy and grievance procedures can be located at <https://www.pembrokek12.org/departments/student-services/student-services> or by requesting the information through the Office of Student Services (781) 826-8740. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact Jessica DeLorenzo. *****Will be updated pending School Committee Approval**

Section 504 of the Rehabilitation Act

Prohibits discrimination and/or exclusion from participation and denial of benefits based on disability

An individual with a disability under Section 504 is anyone with a mental or physical impairment that substantially limits one or more of these major life activities: self-care, walking, seeing, learning, breathing, speaking, working.

Reasonable accommodations must be made to provide access to programs and/or facilities when someone's disability substantially limits their life functioning. These accommodations are outlined in a 504 Plan, which is a legally binding document. 504 Plans must be implemented by teaching staff. Any refusal of implementation is considered a violation of a student's civil rights.

The district 504 Coordinator is Jessica DeLorenzo, Director of Student Services.

IDEA– Individuals w/Disabilities Education Act



This federal law ensures students with a disability are provided with a Free Appropriate Public Education that is tailored to a student’s individual needs.

This law governs special education and related services programming for children on an Individualized Education Program (IEP).

IEPs are legally binding documents and must be implemented accordingly.

The Director of Special Education (Director of Student Services) is Jessica DeLorenzo.

Anti-Bullying Law

This law prohibits bullying by students or staff at school and school facilities, school sponsored events and functions, on buses and at bus stops, through the use of technology or electronic devices licensed by the school, and at non-school-related locations and through personal technology devices if the bullying affects the school environment.

Bullying, the repeated use by one or more students or staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

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

Upon receipt of any report of bullying, the building principal or designee shall promptly conduct and investigation and follow the process outlined in the District's plan.

PPS Bullying Prevention and Intervention Plan

Prevention of Physical Restraint Regulations

Physical Restraint Regulations are in place to reduce the use of restraints in public schools due to risks associated with injuries and emotional toll that restraints have on children as well as on staff (prevention). The use of physical restraint shall be considered an “emergency procedure of last resort”

Emphasis on identifying and using behavior support alternatives and de-escalation strategies; Emphasis on the emergency circumstances surrounding the use of restraint.

Regulations prohibit the use of restraint in a student’s IEP or behavior plan; must have school wide behavior support plan and behavior support team that includes a plan for managing all students’ behavior including de-escalation strategies and positive behavior supports and physical restraint as a last resort.

Prevention of Physical Restraint Information

Prevention of Physical Restraint Regulations

Assures administration of physical restraint is only done by trained personnel. Building Based Behavioral Support Team will consist of staff that will have additional specific training (those allowed to implement physical restraint; training in Sept-PMT)

Assures use of minimum amount of force necessary in the safest manner possible

Assures a non-participating adult witness when possible

Assures a nurse is present to assess student

Any restraint requires documentation other than if it is brief in nature (10/15 seconds) or if providing physical guidance or prompting when teaching a skill or redirecting attention (such as shoulder tap).

Prevention of Physical Restraint Regulations

May not be used as punishment/discipline; in response to property destruction, disruption of school order, refusal to comply with rules/directions; or verbal threats unless harm standard is also met

Must consider student's health (asthma, seizures, cardiac condition, obesity, bronchitis, communication-related disability, risk of vomiting)

May not be used as a standard response to a student

Right to use reasonable force to protect oneself, a student, or others from assault or imminent, serious, physical harm

Right of law enforcement/school security/judicial authorities to exercise responsibilities such as detaining student alleged to have committed a crime or posing a security risk

Importance of Prevention

Prevention includes using positive steps taken before a behavioral crisis occurs.

- Interrupting

Interrupting is the first thing to do when trying to break a chain of behaviors, distracting the individual to another topic or something in the environment.

- Ignoring

Ignoring is used during the early stages of negative behavior in which the behavior is not visibly responded to, in order to avoid inadvertently reinforcing it. It does not mean that early danger signs are truly ignored and does not mean that dangerous behaviors are ever ignored.

- Redirecting

Redirecting is used to manage a potentially dangerous behavior by deflecting or redirecting the behavior, and then reinforcing a more appropriate behavior by rewarding the individual for displaying the more appropriate behavior, providing a break or using verbal prompting/reminders.

Time Outs

- Defines the difference, and use of, time-outs versus seclusion
- Time outs are clearly defined as a behavioral support strategy in which a student is temporarily separated from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming
- Staff must be with student at all times (no leaving student in hallway/conference room alone for purpose of calming)
- Space used must be clean, safe, sanitary and appropriate for calming
- Must terminate as soon as student has calmed
- Students may not be secluded. A student may not be left alone in a room/hallway until they calm down without a staff member present.

Reporting

- **Staff must verbally report physical restraint to principal**
- **Parents must receive a verbal report immediately and written report within 3 school days of restraint (email okay).**
- **Principals must review reports on a weekly basis and monthly review school wide restraint data.**
- **Reports regarding any injury must be sent to DESE within 3 school days of incident.**
- **Reports regarding any injury should be reported the school nurse and forms are filed by the nurse to central office**
- **Copy of Restraint form should be sent to the Director of Student Services**

FERPA and Records



The Family Educational Rights and Privacy Act-FERPA is a federal law that protects the privacy of students' educational records.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

Student records requests include access and/or copying and may be requested by guardians/parents and any eligible student. This includes access to cumulative information and special education records. This may also include access to emails pertaining to the student.

Public record requests include inspection and/or furnishing of any public records including books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency. This may also include the furnishing of emails.

Any requests for records should be directed to the building principal.

Safe and Supportive Schools

- The responsibility for determining a student's gender identity rests with the student, or in the case of a young student not yet able to advocate for him/herself, with the parent/caregiver
- A school should accept a student's assertion of his or her gender when there is 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
- Decisions regarding whether and how to undergo gender transition is personal and depends on the unique circumstances of each individual
- There is no threshold or health diagnosis required for a student to begin gender transition in school
- Best course of action is engage student in conversations (pronoun change; name change; school records-SIMS) and develop a plan

Questions?



Additional information related to these topics is available:

- **Pembroke School Committee Policies**
- **Student Handbooks**
- **Student Services section of the website**
- **MA Department of Elementary and Secondary Education**
- **Office for Civil Rights**
- **U.S. Department of Education**