

Haverhill Public Schools Policies

Acknowledgement of Receipt Annual State and Federal Mandated Trainings

Haverhill Public Schools is required by regulation to provide annual mandated training on the topics listed below as outlined by the Massachusetts Department of Education and Secondary Education. To review the mandated training, please log onto

- Civil Rights & Nondiscrimination
- Title IX Training
- Section 504 of the Rehabilitation Act of 1973
- Title II Training
- MGL Chapter 119 Section 51A Training
- Physical Restraint
- Confidentiality of Student Records
- McKinney-Vento Homeless Education Stability for Students in Foster Care
- Educational Stability for Students in Foster Care
- Bullying and Cyberbullying Law M.G.L. c. 70 Sect. 370

This acknowledgement must be signed and returned to the Human Resources Department prior to employment.

I, _____, an employee/applicant of the Haverhill Public School, hereby certify, that I have reviewed and understand the Annual State and Federal Mandated Training materials.

Employee Signature

Date

All Haverhill Public School Policies and forms can be found on the HPS Website on the Human Resources and School Committee pages.

Updated: April 2021



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Annual State and Federal Mandated Trainings

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Each school district in the Commonwealth of Massachusetts is required by regulation to provide annual mandated training on topics outlined by the Massachusetts DESE

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Training is required because:

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

Training is important because:

> A safe school environment is better able to promote effective teaching and learning.

> Preparing appropriate responses to potentially dangerous circumstances helps to minimize or eliminate negative consequences.

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This presentation is designed to provide annually required mandated training for all staff.

1. Civil Rights
2. Title IX training
3. Rehabilitation Act of 1973
4. Title II Training
5. 51A Training
6. General Overview of Physical Restraint
7. Confidentiality of Student Records and Family Educational Rights and Privacy Act (FERPA)
8. McKinney Vento Homeless / Educational Stability for Students in Foster Care
9. Bullying and Cyberbullying

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Civil Rights/ Nondiscrimination

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What is Nondiscrimination?

- We actively seek to prevent discrimination or harassment on the basis of age, race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness in accordance with applicable laws and regulations.
- Haverhill is committed to ensuring that all programs and facilities are accessible to all.

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It is critical as a school community that we:

- Enlist parents, students, and community groups in the effort
- Monitor the school climate
- Foster respect and appreciation for diversity
- Respect diversity - teach about a variety of cultures and religious traditions, do not emphasize the dominant culture, embrace all
- Implement measures to address harassment immediately and effectively

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Federal Law: Title VI

Enacted as part of the Civil Rights Act of 1964:

- Protects against discrimination based on age, race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.
- Applies to students, parents, volunteers, and employees
- Prohibits discrimination in student class assignments or ability tracking and protects English Learner (EL) students
- School Principals respond to initial inquiries regarding nondiscrimination policies

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Massachusetts DESE Regulations Active Efforts – (603 CMR 26:07)

All public schools shall strive to prevent harassment or discrimination based upon students' race, color, sex, gender identity, religion, national origin or sexual orientation, and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.



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Title IX Training



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Civil Rights: Legal References

- Title I of the American Disabilities Act of 1990 – prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of employment
- Title II of the Americans with Disabilities Act of 1990 - prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of educational programming and activities
- Title VI of the Civil Rights Act of 1964 – prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, and national origin
- Title IX of the Education Amendments of 1972 - prohibits discrimination, exclusion from participation, and denial of benefits in educational programs based on sex or age
- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination, exclusion from participation, and denial of benefits based on disability
- M. G. L. Chapter 76 section 5 – prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion and sexual orientation
- Madeline-Yemio Homeless Assistance Act – prohibits discrimination in all public schools on the basis of homelessness.



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Federal Law: Title IX

The IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination on the basis of sex in educational programs or activities that receive federal funds. Title IX obligations can include:

- > recruitment, admissions, and counseling;
- > financial assistance;
- > athletics;
- > sex-based harassment;
- > treatment of pregnant and parenting students;
- > discipline;
- > single-sex education;
- > and employment



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Title IX and Sexual Misconduct

Definitions under MA State Law:

In the **employment context**, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as 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.

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Title IX Complaint Process

- If you have actual knowledge of an event or allegation that may constitute sexual harassment or discrimination based on gender, contact the Title IX Coordinator, **Sandra McArthur (staff)**, **Dianne Connolly (students)**
- The Title IX Coordinator will then contact the complainant and do the following:
 - ➔ Discuss/offer supportive measures
 - ➔ Consider complainant's wishes about supportive measures
 - ➔ Explain that supportive measures can be received with or without filing a complaint
 - ➔ Determine whether a formal complaint will be filed
 - ➔ Review the purpose of filing a formal complaint with complainant

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Title IX and Sexual Misconduct in Schools

In the **educational context**, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

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What is a Formal Complaint?

- A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the district investigate the allegation of sexual harassment.
- The complaint process will generally take place between 30-60 days but can be extended for good cause.
- If the complainant declines to file a formal complaint, the Title IX Coordinator may decide to still do so.
- *This is appropriate when safety or similar concerns lead the district to investigate and potentially sanction a respondent.*
- *If the Title IX Coordinator chooses to do this, the decision will be documented in writing with an explanation as to why.*

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Can a Formal Complaint be dismissed?

- > Yes under these circumstances:
 - *The action would not constitute sexual harassment as defined even if proved*
 - *The action did not occur in the district's educational program or activity*
 - *Did not occur against a person in the United States*
- > A dismissal of a Formal Complaint will include a written notice of dismissal signed by the Title IX Coordinator.

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Title IX: Written Notice of Complaint

- > Prior to any investigation, the district will send written notice to both parties with details which include:
 - *Identities of the parties if known*
 - *The conduct allegedly constituting sexual harassment*
 - *The date and location of the alleged incident, if known*
- > The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- > The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

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Title IX: Informal Resolution

- > This can occur after a formal complaint has been filed and written notice has been issued.
- > The Title IX Coordinator can consider offering mediation; both parties must give written consent for this process.
- > Informal resolution cannot be used if the allegation is against an employee respondent.
- > The mediation offered must not be biased in any way or run by anyone who is biased in any way. This includes having a conflict of interest.
- > Informal resolution is entirely voluntary.
- > If both parties feel their grievances have been sufficiently addressed this ends the process.

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Title IX: Investigation

- > The Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person.
- > The investigator must not be biased against any of the parties at the outset of the investigation.
- > The investigator will be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report.
- > The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

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Title IX: Investigation

- Complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings.
- During the investigation, each party must be provided an equal opportunity to present both fact and expert witnesses.
- Prior to completion of the investigative report, the school district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- School districts may not limit students' and employees' ability to discuss (i.e., speak or write about) the allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization.

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Title IX: Investigative Report

- This is a formal report of the findings.
 - This report will not include final determinations of responsibility for sexual harassment.
 - A copy will be sent to the complainant and the respondent.
 - It will also be sent to the decision-maker who will be the Superintendent of Schools or other designee as determined by the Title IX Coordinator.
- The decision-maker will not be someone who is biased against either party.*

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Title IX: Decision-Making

- The decision-maker will offer both the complainant and respondent the opportunity to submit proposed relevant, written questions to ask of any party or witness, to respond to questions posed by another party, and to offer additional limited follow-up.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.
- The decision-maker must consider what is relevant, using the same criteria of relevancy as discussed during the investigation.

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Title IX: Formal Decision

- After this process is complete, the decision-maker will create a written determination (formal decision) regarding whether sexual harassment has occurred using a preponderance of the evidence standard.
- A preponderance of the evidence means more likely than not.
- A school district must think about how a reasonable person would view the conduct when determining whether the conduct constitutes sexual harassment. In making this determination, school districts may consider the age and number of parties involved.

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Title IX: Next Steps

- > The decision-maker shall further recommend what action, if any, is required.
- > If there is a finding that sexual harassment occurred, the school district will provide remedies to the complainant designed to restore or preserve equal access to the school district's education program or activity. Such remedies may include supportive measures.
- > Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion or termination. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.
- > School district cannot take discipline in the absence of following this formal process. It does not limit the District from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

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Title IX: Retaliation is Prohibited

- > Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy.
- > The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator.
- > The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

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Title IX: Right to Appeal

- > Any party may appeal the decision in writing on the following bases:
- > Procedural irregularity that affected the outcome of the matter;
- > New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- > The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- > All parties will be notified about any appeal.
- > Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- > The appeal will review the investigation for comprehensiveness and accuracy and issue written findings to both parties.

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Title IX:

Any questions can be directed to the Title IX Coordinator:

- > Sandra McArthur (staff) smcarthur@haverhill-ps.org
- > Dianne Connolly (students) dconnolly@haverhill-ps.org

Legal references, FAQs, web page:

- > https://www2.ed.gov/about/offices/list/oeo/docs/tix_dis.html
- > <https://www2.ed.gov/about/offices/list/oeo/frontpage/faq/sex.html>

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Section 504 of the Rehabilitation Act of 1973

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FEDERAL LAW: SECTION 504

Requires that no qualified disabled person shall be discriminated against or be excluded from participation in an activity.

- ▶ A disability is a mental or physical impairment that limits a person's major life activity (self-care, walking, seeing, learning, breathing, speaking, working).
- ▶ Reasonable accommodations/modifications must be made to provide access to programs and/or facilities.

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FEDERAL LAW: SECTION 504

- Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that the child with a disability has equal access to an education. The child may receive accommodations and modifications to assist with access.
- Unlike the Individuals with Disabilities Education Act (IDEA), Section 504 does not require the school to provide an individualized educational program (IEP) that is designed to meet the child's unique needs and provides the child with educational benefit. Under Section 504, fewer procedural safeguards are available to children with disabilities and their parents than under IDEA.

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FEDERAL LAW: SECTION 504

What are Section 504 accommodations? Accommodations are adjustments and/or modifications made by the classroom teacher(s) and other school staff that enable students to have equal access and benefit from the educational program. The accommodations must go beyond what a teacher or school would normally provide as a part of best teaching practices. Types of accommodations may include:

1. Presentation Accommodations: Changes in the way information is presented to accommodate learning styles
2. Response Accommodations: Allows student to complete work in different ways or to use an assistive device or organizer
3. Setting Accommodations: Changes in the setting or location in which an assignment or test is given.

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FEDERAL LAW: SECTION 504

For Students:

- For benefits or services provided to be "equally effective," they must afford students with disabilities an equal opportunity to obtain the same results, gain the same benefit, or reach the same level of achievement as other students.

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Title II Training

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- No discrimination against a person with a disability will be permitted in any of the programs of the Haverhill Public School district.
- **504 Plans are legally binding documents - it is the responsibility of all staff working with a student to know and implement their 504 Plan**
- Questions about 504 plans are to be directed to the building based 504 coordinator.

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Federal Law: Title II Americans with Disabilities Act (ADA)

Extends protection to persons with disabilities against discrimination in the private sector and in state and local government

Assures equality of opportunity, full participation, independent living, and economic self-sufficiency to persons with disabilities

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MGL Chapter 119 Section 51A Training

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51A/ Child Abuse or Neglect Report

- All school personnel are mandated reporters and legally obligated to contact the Massachusetts Department of Children and Families (DCF) and follow 51A reporting requirements if they have reasonable cause to suspect that a child may have suffered physical or emotional abuse or substantial risk of harm/neglect

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51A/ Child Abuse or Neglect Report

- Staff should consult with school administrator for assistance if abuse or neglect is suspected.
- While the staff should inform administration and seek guidance in reporting - permission to report is not required, as reporting is mandated.
- The human resource link of the DCF website contains the most current mandated reporter guidelines, as well as several resources for faculty and staff.
- The 51 A form is located at <http://www.Massachusetts-Dept.-of-Children-and-Families-DCF>

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51A/ Child Abuse or Neglect Report

Mandated reporters who are licensed by the Commonwealth are required to complete [training on recognizing and reporting suspected child abuse or neglect](#) (51A Reports).

For more information on reporting alleged child abuse or neglect, please see the Department of Children and Families' [guide for mandated reporters](#).

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Physical Restraint

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PHYSICAL RESTRAINT

Please take a moment to review and complete the link below provided by the Department of Elementary and Secondary Education.

[HTTP://WWW.DOE.MASS.EDU/SPEP/VIDEOS/RESTRAINT/STORY.HTML](http://www.doe.mass.edu/spep/videos/restraint/story.html)

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MGL 603 CMR 23.00

Confidentiality of Student Records

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Student Records

Parents have the right:

- > To inspect their child's file within two weekdays of a request
- > To inspect their child's file prior to any meeting regarding an IEP
- > To obtain copies of their child's record at no charge
- > To request that the information in their child's file be changed if they believe it to be inaccurate or if it violates the student's rights

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Confidentiality of Student Records

- All student records maintained in the school must be private and secure. Computerized systems should be electronically secure.
- Do not include students' names when emailing staff to discuss any sensitive issues. Any email containing a student's name will become part of the student's record.
- School personnel should be informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H ([Refer townwww.doe.mass.edu/lawsregs/603cmr23.html?section=01](http://Refer.townwww.doe.mass.edu/lawsregs/603cmr23.html?section=01)).
- It is important that all information contained in a student's record is private and confidential.



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FERPA

The Family Educational Rights and Privacy Act

- Employees and volunteers must maintain appropriate confidentiality with respect to confidentiality with respect to conversations and/or information relating to students, families, parents/guardians, faculty, administration, and colleagues.
- Such information is required to be maintained in strict confidence.
- Employees and volunteers are not to discuss such information outside the confines of the school building except on an authorized need to know basis in order to perform assigned duties. All business employee, volunteer, and student records, computerized data and related information are the property of Haverhill Public Schools.
- Employees are not to copy, distribute, alter or modify such records, materials, computerized data or information unless authorized to do so.



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McKinney-Vento Homeless Education and Educational Stability For Students in Foster Care



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What should staff do:

- All staff is responsible for recognizing, identifying and supporting students that may be homeless or in state care.
- All must be aware of the impact these situations have on students and their families
- All staff must complete a McKinney Vento intake when a family/student is identified as homeless, and send it to the homeless liaison.



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Who is homeless?

Anyone who lacks fixed regular and adequate nighttime residence

This includes:

- ✓ Shelters and motels
- ✓ On the street: cars, parks, ...
- ✓ Doubling up due to loss of housing, economic hardship, or similar reason
- ✓ Preschool-age children
- ✓ Unaccompanied youth
- ✓ Migrant children in these living arrangements

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Homeless Definition Continued...

> State Shelter system

- Family shelters: congregate shelter, scatter site shelter
- Motels
- Unaccompanied youth in adult shelters
- Enrollment verification letter
- Moving out of shelter & signing a Lease

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Homeless Definition Continued...

> Doubling Up

- Living with friends or relatives due to economic hardship, loss of housing and similar reason

> Summer Campgrounds & Winter Rentals

- Couch Surfing
- Families
- Unaccompanied youth

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Educational Rights of Students Who are Homeless

Immediate Enrollment Locally

> With or without documentation

- Academic records
- Health records
- Residency/shelter
- Special education records
- Discipline
- Guardianship

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Educational Rights of Students Who are Homeless

Equal Access & Comparable Services

- Go to school, no matter where they live or how long they have lived there. They must be given access to the same public education provided to other students.
- Continue in the school they attended before they became homeless or the school they last attended, if that is their choice and is feasible. The school district's local liaison for homeless education must assist them, if needed, and offer them the right to appeal a decision regarding their choice of school if it goes against their wishes.
- Receive transportation to the school they attended before they became homeless or the school they last attended, if they request such transportation.

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Educational Stability for Students in Foster Care

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Students who are in:

- 24-hour substitute care, placed away from their parents or guardians, and for whom the Department of Children and Families (DCF) has placement and care responsibilities.

Includes students previously identified as "awaiting foster care" (in emergency, short term placements) under McKinney-Vento

Foster homes include, but are not limited to:

- Group homes
- Foster homes
- Kinship foster homes
- STARR
- Transitional care units (TCUs)

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Zoraida Lopez is the Homeless and Foster Care Liaison for the district. Please notify [Zoraida Lopez](mailto:Zoraida.Lopez@psps.org) at 978-420-1967 when you become aware that a child may be homeless.

If you have any questions regarding the McKinney-Vento Act please feel free to call or email Zoraida at:

zoraida.lopez@haverhill-ps.org

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Bullying and Cyberbullying Law,

M.G.L. c. 70 Sect. 370

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Where and When Does Bullying Occur?

Bullying tends to happen most often in and around schools — specifically in those areas where there is little or no adult supervision:

- Playgrounds and recess
- When waiting to go on or off the bus, at dismissal time
- Hallways
- Cafeteria
- Classroom before the lesson begins

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Bullying will not be tolerated:

Haverhill will promptly investigate all reports and complaints of bullying and cyberbullying

- We will take prompt, effective action to end that behavior and prevent its recurrence.
- Action will include, where appropriate, referral to a law enforcement agency.
- Haverhill will support this commitment in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

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Bullying vs. Conflict

Be sure you understand the difference between bullying and conflict. Conflict is a more common occurrence and simply means an argument or disagreement between two students who are, for the most part, not afraid of each other.

Bullying is a dynamic whereby one student has power to degrade and humiliate another, and the target feels afraid and powerless.

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"bullying" is 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 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; or
 - Materially and substantially disrupts the education process or the orderly operation of a school.
- Bullying includes cyber-bullying.

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Cyberbullying

"Cyber-bullying", is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to: any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. 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 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.

(ii) 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.

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Retaliation Prohibited

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is prohibited.

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Responding to Allegations of Bullying

A member of a school staff (this means everyone) shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the teacher, coordinator or program director.

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Confidentiality

Reports of bullying should be kept completely confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the victim and stopping the behavior.



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Bullying Prevention and Intervention

Staff members who are interested in reviewing the full **Bullying and Intervention Plan** can access it on the district website.

<https://www.haverhill-ma.gov/sites/default/files/2020/09/HPS-Bullying-Prevention-and-Intervention-Plan-May-2020-1.pdf>
45802c



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M.G.L. ch., 71 section 370

Staff can be Aggressors under Bullying Statute

The Fiscal Year 2014 budget adopted in June by the Legislature and signed into law by Governor Patrick, included amendments to the Massachusetts anti-bullying law (M.G.L. chapter 71, section 370). Those amendments extend protections to students who are bullied by a member of the school staff, who are defined to include but are not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.



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Please take a moment to review:

- Do I understand the key ideas in this policy?
- Do I understand my obligation to report acts of bullying?
- Do I know to whom I should report suspected bullying at my school?

Please speak with your building principal if you have any questions.



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*Thank you for your attention to these laws which impact
your daily practice - it is your professional responsibility
to know and abide by these laws.*