

Congress OF THE United States

begun and held at the City of New-York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine

THE Conventions of a number of the States, having at the time of their adoption

proposed, that further declaratory and restrictive clauses should be added: And as extending the ground of public

RESOLVED by the Senate and House of Representatives of the several States, as amendments

that the following be
to be valid

to the said Constitution

SSEC

Civil Rights, Ethics, Student Confidentiality

2021-2022

Basic Overview

We the People

insure domestic Tranquility, provide for the
and our Posterity, do ordain and establish

IN CONGRESS
The unanimous Declaration
When in the course of human events it
the powers of the earth, the separate and equal station to which the Laws
the causes which impel them to the separation.
unalienable Rights, that among these are Life, Liberty and the
sent of the governed, - That whenever any Form of Govern-
foundation on such principles and organizing the
nts long established should not be changed for
themselves by abolishing the forms to
which is now the

Civil Rights, Student Confidentiality and Ethics

1. SSEC Non-Discrimination Statement
2. Title VI of the Civil Rights Act
3. Chapter 622, Section 504 of the Rehabilitation Act of 1973
4. Americans with Disability Act
5. FERPA
6. Student Confidentiality
7. Ethics



SSEC Disability & Title II Non-Discrimination Policy

The South Shore Educational Collaborative conducts its programs and operations in conformity with Title VI, Title IX, Chapter 622, Section 504 of the Rehabilitation Act of 1973, G.L. c.151C and the Americans with Disabilities Act and M.G.L. Chapter 76, Section 5. It is the policy of the Collaborative not to discriminate, and not to allow discrimination on the basis of sex, race, color, religion, national origin, sexual orientation, gender identity, homelessness and handicap/disability in any of the activities. This policy also ensures that students should be free from retaliatory and/or harassment based upon any of the foregoing attributes. Anyone having a complaint alleging a violation of any anti-discrimination laws or regulations, including the proscription against sexual harassment, should immediately bring the complaint to the attention of the administration of the Collaborative who will conduct a prompt and thorough investigation into the charges. In the event that the charges are substantiated, the administration will take appropriate disciplinary action.

*Applies to students, families/guardians, and employees.

*Prohibits discrimination in student class assignments or ability tracking and protects English Language Learners.



SSEC Disability & Title II Non-Discrimination Policy

The goal of these procedures is to protect the substantive rights of interested persons, meet appropriate due process standards, assure SSEC compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Civil Rights Act in order to provide a prompt, equitable and impartial resolution of complaints alleging a violation of either.

Any staff, student or any parent/guardian of a student may be a complainant and may file a formal or informal grievance.

Filing a Complaint

- Any complainant should submit a complaint alleging discrimination as soon as possible to the Compliance Officer or to any other school or school administrative staff. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, to the employee's supervisor, or to any other school or school administrative staff. Any employee who receives a complaint under this policy shall immediately forward the complaint to the Compliance Officer.
- The complainant should use the “Complaint of Discrimination” form to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with any school administrator, or the Compliance Officer. Any school staff (non-administrative) receiving a complaint of discrimination shall forward it to the Director/Coordinator of that program, who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Executive Director. Any complaint that involves the Executive Director shall be reported to the SSEC Board Chair.

Filing a Complaint

- The complaint and the identity of the complainant, the individual who is the subject of the complaint (if other than the complainant), and the persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant.

Investigation

Upon receipt of a report or complaint of discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by SSEC. The investigation shall be completed as soon as practicable, but not later than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer unless the extension below is exercised.

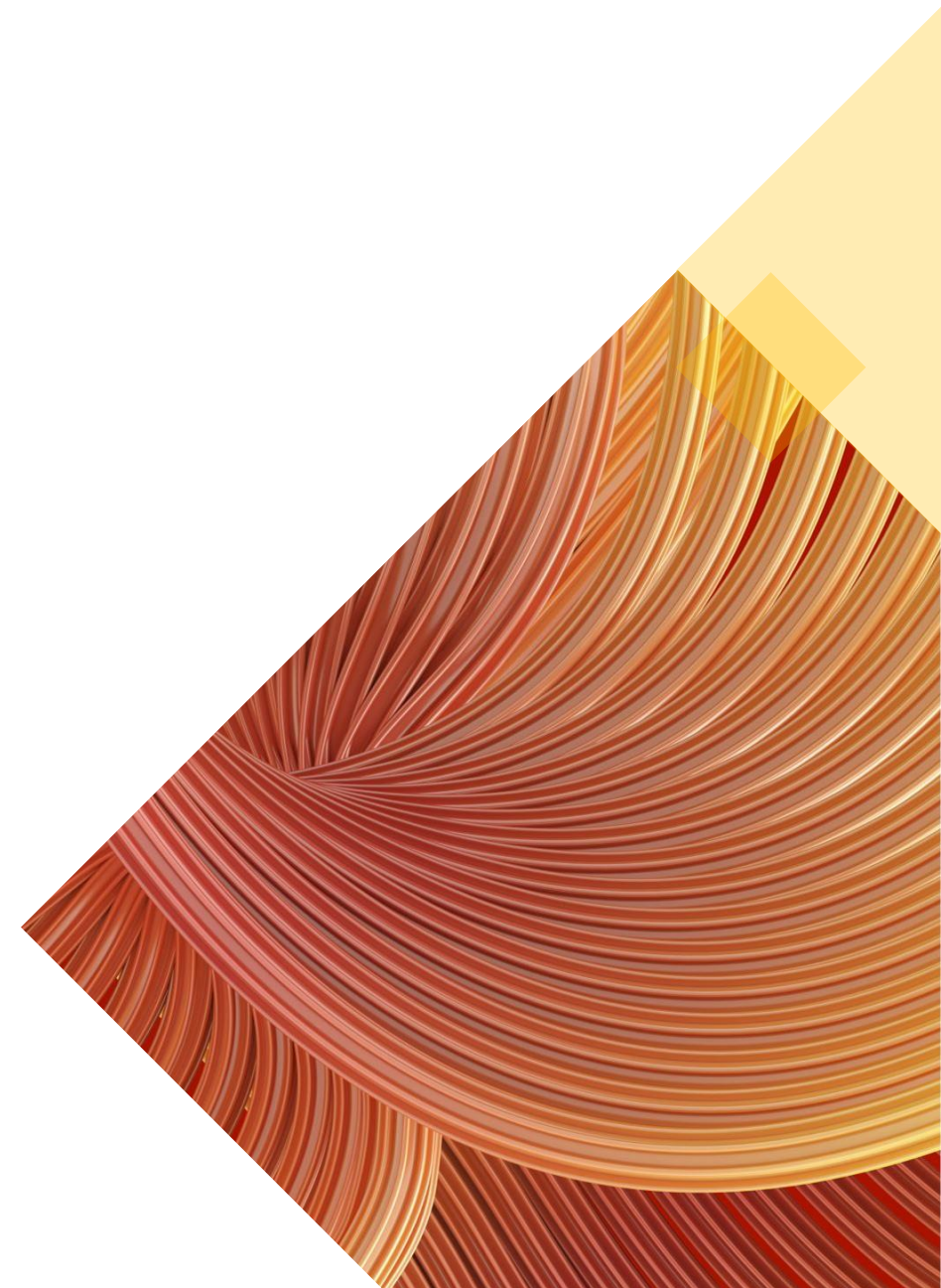
Within 5 school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination (the accused) which may include SSEC itself as it relates to Title II.

Investigation

Upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. This may include but is not limited to supportive measures which will be discussed with the complainant. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, they will notify the complainant and the accused of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded, which will be no longer than an additional 15 school days.

The investigation may consist of personal interviews with the complainant, the persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator.

The complainant and the accused shall have the right to identify witnesses and other relevant information as well as rebut evidence presented by opposing parties. SSEC shall take necessary steps to protect the complainant and others pending the completion of the investigation.



Investigation

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on a preponderance of the evidence revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the Executive Director upon completion of the investigation. If the complaint involves the Executive Director, then the report shall be sent to the SSEC Board Chair. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act. The report shall be issued to the Executive Director, the complainant and the accused within 20 school days of receipt of the complaint, unless additional time was utilized for the investigation in which case the report shall be issued within 35 school days of receipt of the complaint.

Action by the Executive Director

Within 10 school days of receiving the Compliance Officer's report, the Executive Director or designee shall issue a decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. This decision shall be provided in writing to the complainant and the accused. If the Executive Director determines that discrimination occurred, SSEC shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence.

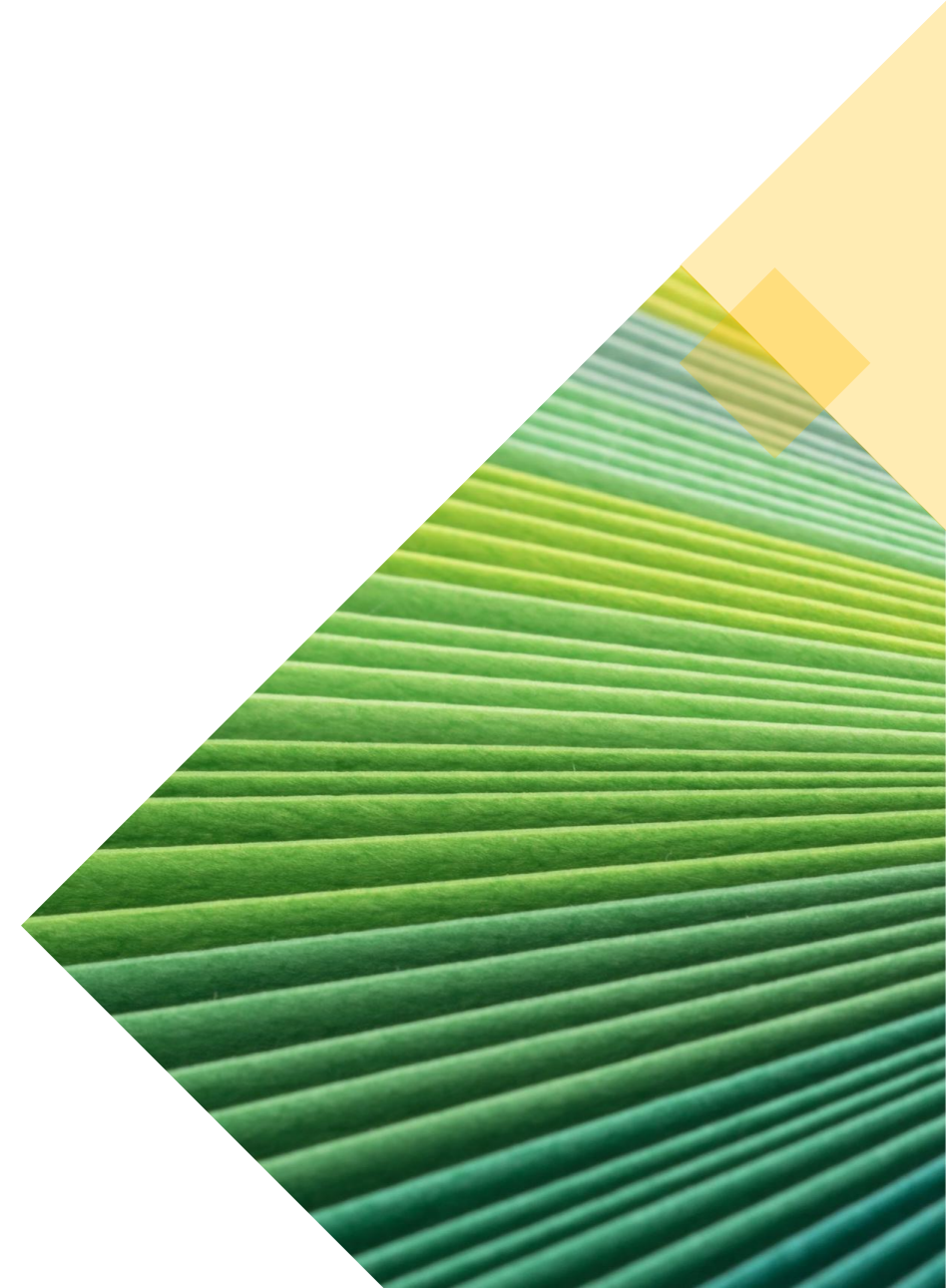
Such action may include; supportive measures, accommodations, discipline and where appropriate termination of employment. Any student discipline must comply with all legal protections for students found eligible for special education. discipline up to and including recommending that a student be expelled or that an employee be discharged.

Appeal

If the Executive Director or designee determines that no discrimination occurred, the complainant may appeal the determination to the SSEC Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Executive Director, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the SSEC Board. The SSEC Board shall make a decision within 30 calendar days of receiving the record.

The Board may require oral or written argument from the complainant, the person or persons accused of discrimination, the Executive Director, and any other individual it deems appropriate. An extension of the 30-calendar daytime limit may occur if necessary as determined by the SSEC Board Chair up to an additional 10 calendar days. The decision of the SSEC Board shall be in writing and shall be provided to the complainant and the accused.

If the Executive Director or designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing SSEC Board policies and regulations.



Compliance Officer

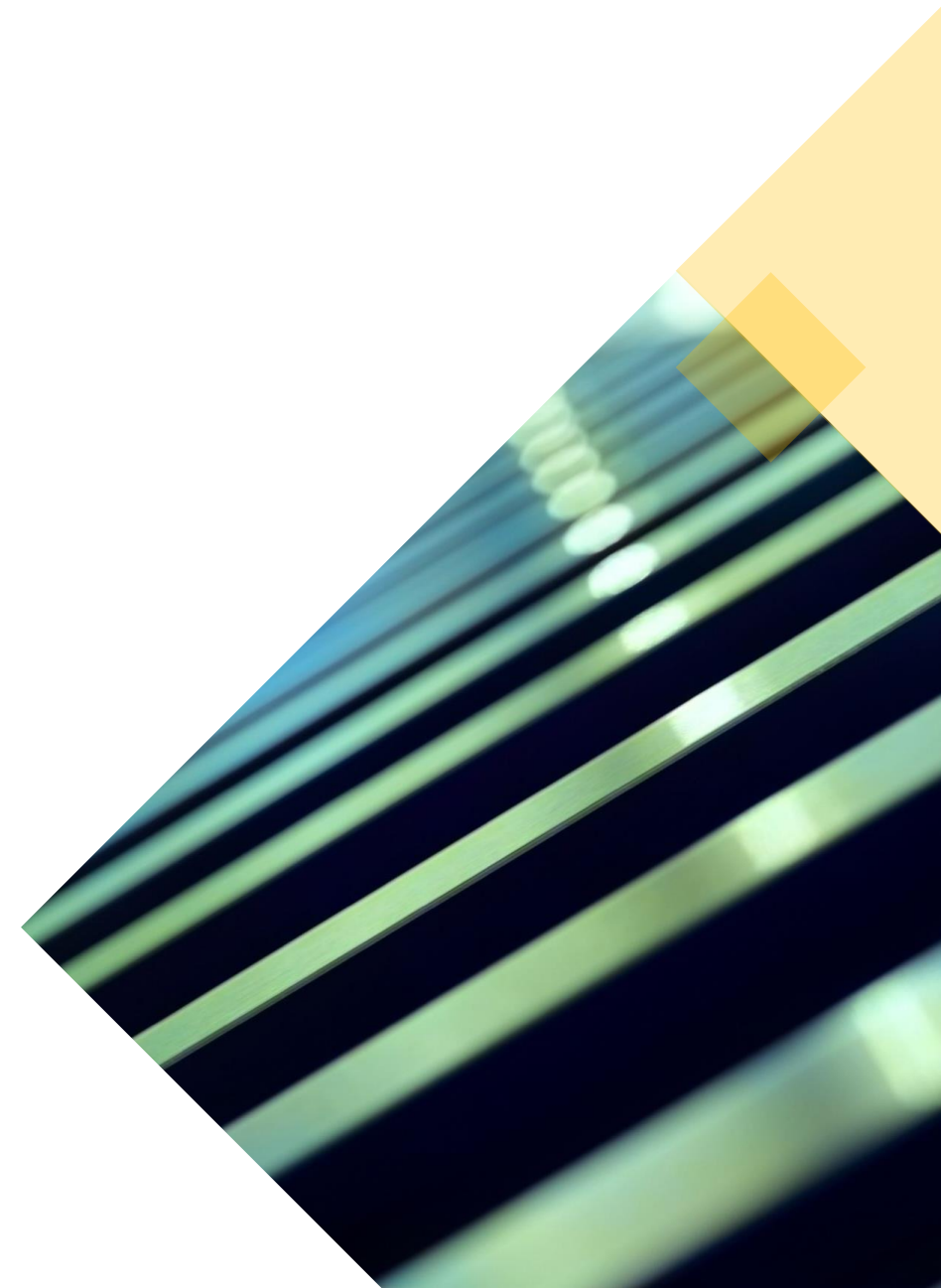
- The SSEC Board shall at all times designate a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this policy. The name and contact information for the Compliance Officer shall be posted on SSEC's website at all times. The Compliance Officer may be contacted at;
- Patricia Mason, Director of Student Services
 - 75 Abington Street
 - Hingham, MA 02043
 - 781-749-7518 x1618
 - pmason@ssec.org

Informal Procedure Option

If the complainant and the persons allegedly responsible for the discrimination agree, the school director/coordinator, designee or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a mutually agreed upon designated staff person(s) who will act as a mediator.

If the complainant and the persons allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedure.

If the complaint is resolved informally, the designated mediator shall notify the school director/coordinator of the resolution. The director/coordinator shall notify the complainant, the persons allegedly responsible for the discrimination and the Compliance Officer in writing that the complaint has been resolved informally.



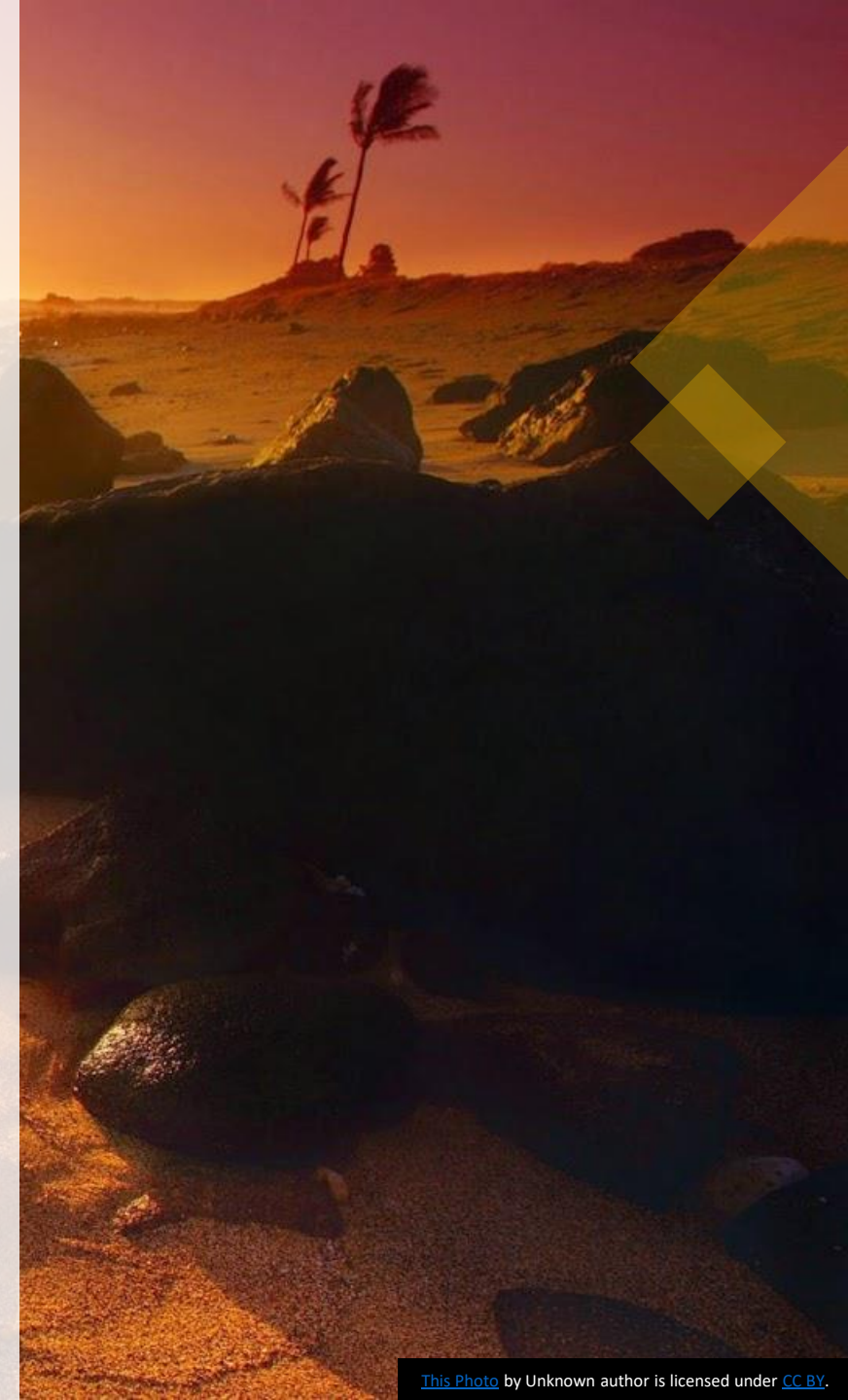
Retaliation & False Charges

- Retaliation against students, families/guardians or school staff who report discrimination or participate in the related proceedings is prohibited. SSEC shall take appropriate action against any student or employee who retaliates against another student, family/guardian or employee who reports alleged discrimination or participates in related proceedings.
- Students and SSEC staff who knowingly make false charges of discrimination shall be subject to disciplinary action.



Forms

- SSEC Complaint Form:
<https://docs.google.com/forms/d/e/1FAIpQLSeaCe7wtn8BPjiLdnZJiSv0jL-N8ZCcm60IkASPYaEdZNMWjw/viewform>
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- SSEC Grievance Form:
https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-3i_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform
-



Other Related Civil Rights Legislation

- Section 504 of the Rehabilitation Act
- Americans with Disabilities Act

Chapter 622, Section 504 of the Rehabilitation Act of 1973

*Under Section 504, a disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, learning, breathing, speaking, working).

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

*In considering substantial limitations, reasonable accommodations and or modifications must be made to provide access to programs and/or facilities

*In addition, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavior or adaptive neurological modifications, assistive technology or accommodations.

*When a 504 Accommodation Plan exists for a student, it is the responsibility and a legal requirement of all educators who work with that student to provide the accommodations.

G.L. c.151C and the Americans with Disabilities Act

- Is the federal law which prohibits discrimination against persons with disabilities.
 - Someone with a mental or physical impairment that limits one or more major life activities; or
 - has a history of such impairment;
 - who is perceived as having such an impairment.



The background of the slide is a photograph of the Massachusetts State House, a large red brick building with a prominent white portico supported by columns and a large golden dome. A semi-transparent white circle is overlaid on the left side of the image, containing the title and the list item.

M.G.L. Chapter 76, Section 5

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

Accommodations

- All SSEC students have accommodations written into their IEPs. We are required by law to provide these accommodations as designated to provide access to their education and to make effective progress.
- Staff may need disability based accommodations as well. SSEC cannot approach a staff member and ask if they might need or benefit from an accommodation. This is considered discrimination.
- Staff members may go to their supervisor, Cinde Lindberg (Human Resources), Patricia Mason, Director of Students Services or Richard Reino, Executive Director to discuss any need for an accommodation.
- A collaborative conversation will occur and based on that collaborative conversations supports may be provided. Although this is a confidential process, some other individuals may need to know in order for the accommodation to be implemented.

FERPA: Student Confidentiality

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- 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."



FERPA

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

FERPA

The Family Educational Rights and Privacy Act?



FERPA

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.



Directory Information

- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. This is done through the student handbook.

CONFIDENTIALITY OF STUDENT RECORDS (MGL CMR 23.00)

- Current and complete files are kept on every student.
- Records are maintained and locked.
- FERPA regulations are followed.
- Access log is kept.
- Medical section is maintained in a locked file cabinet in the Mini School nurse station.
- Medical section also has an access log.
- Students over the age of 14 has access to review record.
- Students over 18 may grant the right to examine the student record to parent/guardian.
- Non-custodial parent may have access if a waiver is signed by the parent/guardian permitting release.
- School may release information from the school record upon request from DCF, a probation officer, a justice of any court, DYS-through the Program Director.
- Record consists of: all reports written while the student was enrolled, current and recent IEP's, Progress Reports, any evaluations and Statewide testing.



CONFIDENTIALITY ADDENDUM

The Mini School Program at the South Shore Educational Collaborative is committed to the protection of student & parent personal information and is responsible for safeguarding their privacy. It is expected and critical that all employees of the Mini School maintain the confidentiality of the parents/guardians and students at all times. This includes during both paid and unpaid time as well as following the cessation of employment.

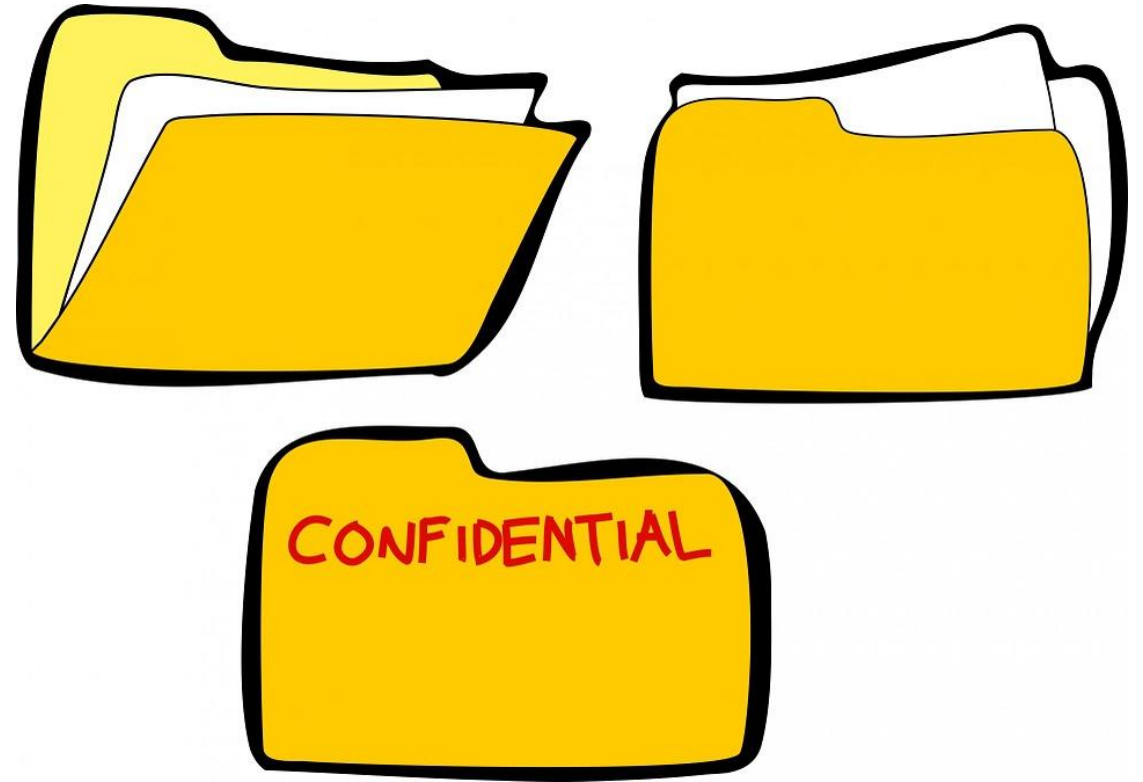
It is the responsibility of the Mini School staff to protect against the release of family/guardian and student confidential information at all times unless appropriate authorization has been obtained. Only authorized personnel may release such information in accordance with FERPA regulations.

FERPA

- FERPA stands for The Family Educational Rights and Privacy Act.
- Parents and students have certain rights to the student's education records.
- Rights include:
 - The right to inspect and review the records within 45 days of the day the school receives a request for access. Written request is required.
 - The right to request the amendment of the student's education records that the parent of eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
 - The right to privacy of personally identifiable information in the student's education records, except to the extent the FERPA authorizes disclosure without consent.
 - The right to file complaint with DESE concerning alleged failures by the school to comply with the requirements of FERPA

Confidentiality in the Workplace

- It is important to be aware of confidentiality within the workplace.
 - Talk in a private space about confidential student information.
 - Do not share student information with those that do not have a specific reason to have access to that information.
 - Be cautious of taking in hallways or other public spaces.
 - Do not leave confidential written information or communication where it can be read by others. This includes the copier, on your desk out in the open, on your email with your screen left unattended etc.



Confidentiality in Home Based Services

- Home based services must be treated in the same manner with some additional considerations.
- Information about a student that would normally be provided by someone other than yourself should not be given out unless it is basic everyday communication.
- Ex. Communication about special events, school calendar, who to contact etc. would be important to share.
Information about another student in the classroom, interventions not related to the reason you are there etc.. should be redirected to the appropriate person.

Confidentiality in Home Based Services

While doing home based services you have access to other personal routines and information within the home. It is critical that these remain confidential and do not need to be shared in any way with the school.

The only time the school may need to know is if you feel you have witnessed some form of abuse. As mandated reporters action may be needed.

PCA Services by a Staff Member

- If you are a staff member who provides PCA services to a student attending SSEC, all confidentiality rules continue to apply.
- In working a separate job, at no time do you share what happens in the home to the school nor any information from school with the home. Functioning in the role of PCA would make any sharing a serious breach.

Social Media & Public Conversations

Use caution when discussing work outside of the workplace. Do not share any information that could identify a student or their family/guardian.

Do not post pictures of students on social media or in any forum outside of SSEC.

Ethics

All staff are required to take the ethics training and submit a copy of completion to their supervisor. New staff must take this within the first 30 days. Returning staff take the ethics training every 3 years.

*Log onto: <https://www.mass.gov/complete-conflict-of-interest-law-training-and-summaries>

*Take the Municipal Conflict of Interest Law Training by clicking on the **“Complete the online training program for MUNICIPAL employees”**