# **Mandatory Training**

2024-2025 SY

**Dover School District** 

August 2024



Title IX
Dover School Board Policies
AC-Non Discrimination

ACAA

ACAA-R1

ACAA-R2

ACAB

ACAB-R1

ACAB-R2

JIE



## What is Title IX?

Title IX is a federal law that prohibits discrimination on

the basis of sex in all schools that accept federal funds.

#### Goals for this session

- Participants will understand the definitions of sexual harassment and sexual violence and will be able to recognize this activity when it happens or is reported to them.
- Participants will understand how to report instances of sexual harassment and sexual violence
- Participants will understand the importance of intervening immediately in instances of sexual harassment or sexual violence



# Why is understanding your obligations under Title IX so important?

Violation of the rules surrounding Title IX can result in penalties:

- Loss of federal funding or money damages awarded against a school district
- Discipline up to and including discharge for individual employees who fail to comply with their obligations under the law.

## Things to Keep in Mind

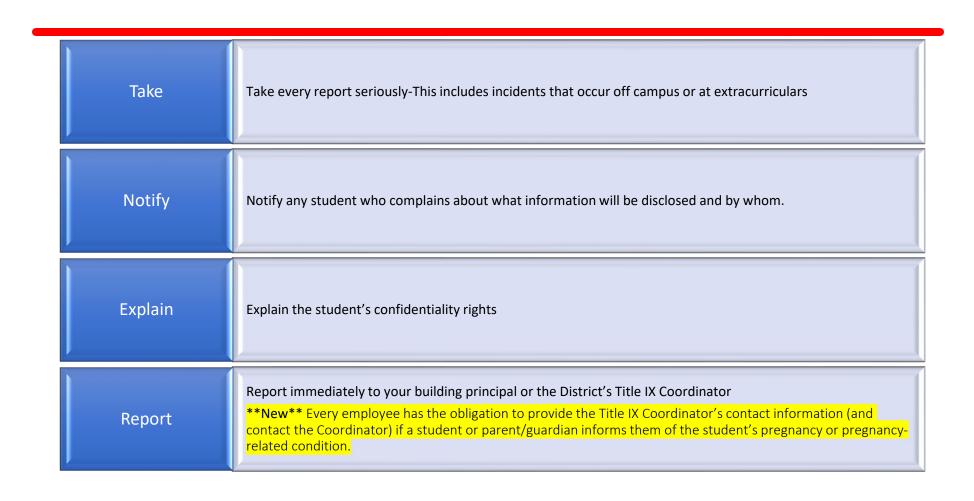
In addition to traditional male/female and same sex interactions, harassment based on gender identity or nonconformity with sex stereotypes are prohibited under Title IX

In addition to sexual assault, sexual violence includes any physical sexual act perpetrated against a person's will.

# Sex Discrimination or Sex Based Harassment?

- Sex Discrimination is: treating individuals differently, interfering with, or preventing them from enjoying the advantages or privileges afforded to others because of their sex, sexual orientation, or gender identity.
- Sex-Based Harassment is: harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, or pregnancy/pregnancy-related conditions, that meets one of the following:
  - "Quid pro quo" harassment by an employee/agent of the school: conditioning the provision of some aid/service/benefit on participation in unwelcome sexual conduct.
  - Hostile environment harassment, which is unwelcome, sex-based conduct that is so severe or pervasive that it limits or denies the individual's ability to participate in or benefit from the school's programs or activities; or
  - Sexual assault (including fondling), dating violence, domestic violence or stalking.

# What are your obligations under Title IX if a student reports to you being a victim of sexual harassment and sexual violence?





## Confidentiality under Title IX

A balancing of the interests of the student in keeping matters confidential with the obligation of the school to investigate and address sexual harassment and sexual violence.

## What you must report

A report of sexual harassment or sexual violence should include the following information :

- ☐ Name of complainant
- Name of alleged perpetrator
- ☐ Brief description of what occurred
- ☐ Whether complainant has requested confidentiality

If you don't have all of this information, provide what you do have. A lack of full information is never an excuse not to report.

If you are unsure...report!

# What are your obligations if you witness sexual harassment or sexual

1. Make sure that a staff member intervenes to stop the conduct.

1. Report what you have seen to the building principal or Title IX Coordinator

# What are the consequences to YOU if you do not comply with your obligations?

Failure to comply with your obligations under Title IX constitutes **misconduct** under state and federal law as well as Board policy and **will result in discipline, up to and including discharge**.



### Title VII

#### Title VII of the Civil Rights Act of 1964

 Prohibits employers from discriminating against any individual with respect to employment opportunity, compensation, terms, conditions, or privileges of employment, because of individual's sex and other protected categories

#### NH Protective Legislation - RSA 354-A:7

- Prohibits discrimination in hiring and terms and conditions of employment based on sex, pregnancy, and/or sexual orientation, and other protected categories
- Prohibits aiding/abetting discriminatory conduct





# Sexual Harassment in the Workplace

- Sexual Harassment under RSA 354-A includes:
- Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:
- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creatingan intimidating, hostile, or offensive work environment

# Forms of Workplace Sexual Harassment

- Quid Pro Quo Sexual Harassment
- Where treatment of employee related to terms/conditions of employment (benefits, evaluations, promotions, etc.) is linked to employee's willingness to comply with supervisor's unwelcome verbal or physical conduct of a sexual nature
- Hostile Work Environment Sexual Harassment
- Unwelcome conduct that related to employee's gender that has a detrimental effect on employee's ability to do their job and which is either severe or pervasive





### Retaliation

Both state and federal law prohibit retaliation against employees who:

- complain in good faith about conduct they believe constitutes unlawful harassment; or,
- participate in a subsequent investigation related to such a complaint

## Individual Liability for Harassment

No individual liability under Title VII

#### Potential individual liability under RSA 354-A for:

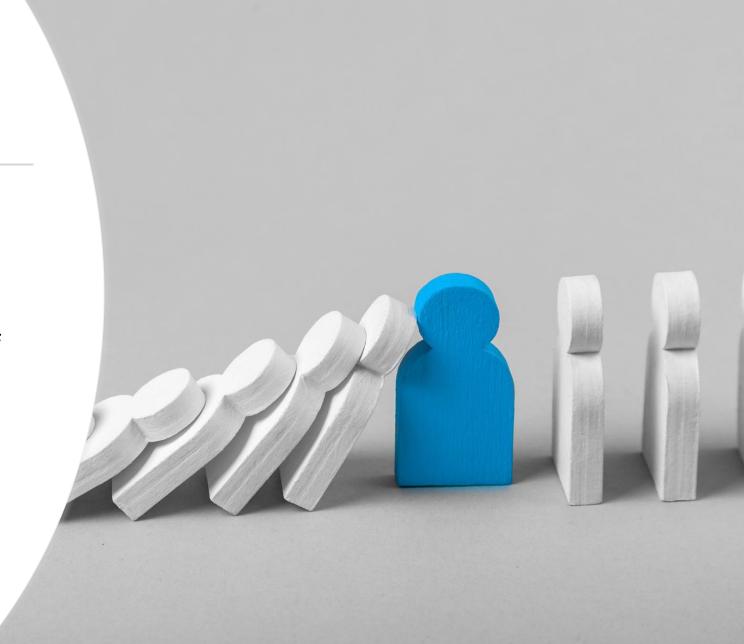
- Aiding and abetting harassment/discrimination; or
- Retaliation against an individual who reports or participates in an investigation related to an alleged violation of RSA 354-A

# Pupil Safety/Bullying

Dover School Board Policy JICK

## Objectives

- Policies
- Preventing
- Identifying
- Responding to and reporting incidences of bullying and cyber-bullying.



# Policies and Legislation

- The <u>Public Safety & Violence Prevention Act of 2000</u> (amended 2010) is RSA-F of NH Title XV Education Law. This act as amended in 2010 reaffirms that "one of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyber-bullying in our public schools" (RSA 193-F:2).
- What is the purpose and intent of the law? All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. The highest priority is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyber-bullying in public schools. Bullying in schools includes actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional or learning disability, gender, gender identity and gender expression, obesity or other distinguishing characteristics, or based on association with any person identified in any of the above categories. The purpose of the law is to protect our children from bullying related to the characteristics above and to prevent the creation of a hostile educational environment.
- How does this law define "bullying" and "cyber-bullying"? Bullying is defined as a single significant incident, or a pattern of incidents involving written, verbal or electronic communication, or physical or a physical act or gesture directed at another student which:
  - Physically harms a pupil or damages the pupil's property
  - Interferes with a pupils educational opportunities
  - Causes emotional distress to a pupil
  - Creates a hostile educational environment or
  - Substantially disrupts the orderly operation of the school
- Dover School Board Policy JICK PUPIL SAFETY AND VIOLENCE PREVENTION POLICY BULLYING AND CYBERBULLYING



# What is Bullying?

- "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs if those actions cause one or more of the results in paragraphs (a) through (e) above.
  - The above-referenced conduct is only considered "bullying" if it:
  - (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event, on or off school property;
  - or (b) Occurs off school property or outside of a school-sponsored activity or event, and the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.
  - Bullying or cyberbullying of a student on the basis of sex, sexual orientation, gender identity, race, color, creed, ancestry, national origin, religion, age, marital status, familial status, economic status, physical or mental disability may also constitute illegal discrimination or harassment under federal and/or state laws.

## How to Prevent Bullying

- Training for staff and parents
- Teaching kindness and empathy
- Create opportunities for connection
- Identify 'gateway behaviors'
- Using the arts to create context
- Minimizing 'concentric circles' in schools
- Participate in simulations (bystander scenarios)

6 Ways Educators Can Prevent Bullying in Schools | Lesley University

## Micro-Credentials

JUST & EQUITABLE SCHOOLS CORE VALUES SOCIAL JUSTICE TRAININGS LEADERSHIP TRAININGS

#### **MICRO-CREDENTIALS**

NEA offers 7 micro-credentials that support bully-free schools. To find out more about NEA micro-credentials, go to the <u>NEA Micro-credential Website</u>. The following micro-credentials are available at nea.certificationbank.com:

**GET INVOLVED** 

- Creating Bully-Free Environments within Structured Settings
- Cyberbullying/Cyber Safety
- Education Support Professionals: First Responders
- Empowering Students To Find Their Voices
- Federal, State, and Local Policy Related to Bully
- Intervention Strategies for Educators
- School Connectedness

Or, you may view the entire **Bully Free stack** of micro-credentials.



- Dover School Board Policy ACAA-R
- Students who are subjected to bullying or cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to any school employee, including but not limited to teachers, administrators, counselors, or other staff.
- School staff and volunteers are required to report possible incidents of bullying or cyberbullying to the building principal or designee as soon as practicable. Parents and other adults are also encouraged to report any concerns about possible bullying or cyberbullying of students to the building principal or designee.

# Mandated Abuse/Neglect Reporting

Dover School Board Policy JLF

## Policies/Legislation

#### Section 169-C:29

- 169-C:29 Persons Required to Report. Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science practitioner, teacher, school official, school nurse, school counselor, social worker, day care worker, any other child or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.
- Dover School Board Policy JLF Reporting Suspected Child Abuse or Neglect

## Nature and Content of Report

Any school employee having reason to suspect that a child is being or has been abused or neglected shall immediately report his/her suspicions to the building Principal. The Principal shall then immediately notify the appropriate state officials at the New Hampshire Department of Health and Human Services. The Principal will then notify the Superintendent that such a report to Health and Human Services has been made.

A written report shall be made by the Principal within twenty-four (24) hours. The report should contain the name and address of the child suspected of being abused or neglected, the person responsible for the child's welfare, the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the Department of Health and Human Services.

## Immunity from Liability

• 169-C:31 Immunity From Liability. — Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.



Difference in State Law: NH neighbors three states. One would expect the laws to be similar. The standard of law is much higher in NH. In Vt, for example, individuals who work with students in any capacity are required to report suspected abuse or neglect. In NH, **ALL** citizens are considered to be mandatory reporters.



Legal Requirement to Report: It is a violation of NH Law for any citizen to abstain from making a report of suspected child abuse or neglect. Failure to report is a misdemeanor and punishment legal consequences could include fines and imprisonment.



Reports Against School Employees: If an allegation is made that a school employee has abused a student, a report must be made to DCYF Intake Unit immediately, followed by a written report within 48 hours. The allegation must also be reported by the Superintendent to the NH Department of Education.



NH DCYF Central Intake: The staff at DCYF (NH-State level) Central Intake Unit is composed of people who have worked in the field and who can be used as consultants. Paperwork for the filing of reports to Central Intake should be available in every school office, in the office of the School Nurse and the Guidance Counselor.

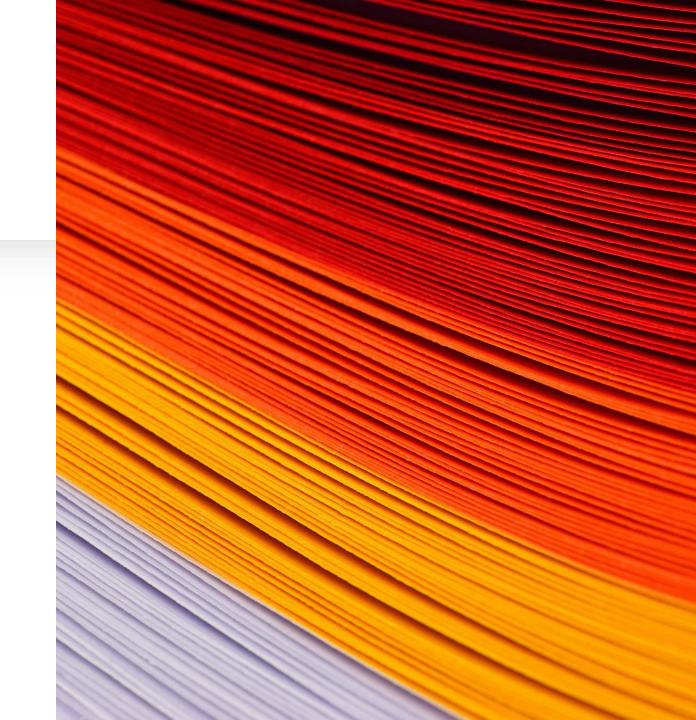
### FERPA



- Dover School Board Policy JRA- Access to Student Records
- General Statement. It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.
- Right to inspect and correct records
- Records retention, disclosure and maintenance

# What are Educational Records?

 Defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche.



## Wait....does that mean my email????

- Yes. If you are discussing a student via email that constitutes an educational record and would have to be disclosed to a parent making a records request.
- Texting?

## **Directory Information**

- Directory Information. For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term "directory information" means:
- · Students' name, address, telephone number, date and place of birth, dates of enrollment
- Parents'/guardians' name and address
- Students' grade level, enrollment status and dates of attendance
- Students' photograph
- · Students' participation in recognized school activities and sports
- Weight and height of members of athletic teams
- Students' diplomas, certificates, awards and honors received

The District may release or disclose student directory information without prior consent of the student's parents/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/eligible students that the District may publish directory information without their prior consent. Parents/eligible students will be given until the third Friday in September to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all direction information shall not be released will only be valid for that school year and must be re-issued each school year



## Bloodborne Pathogens

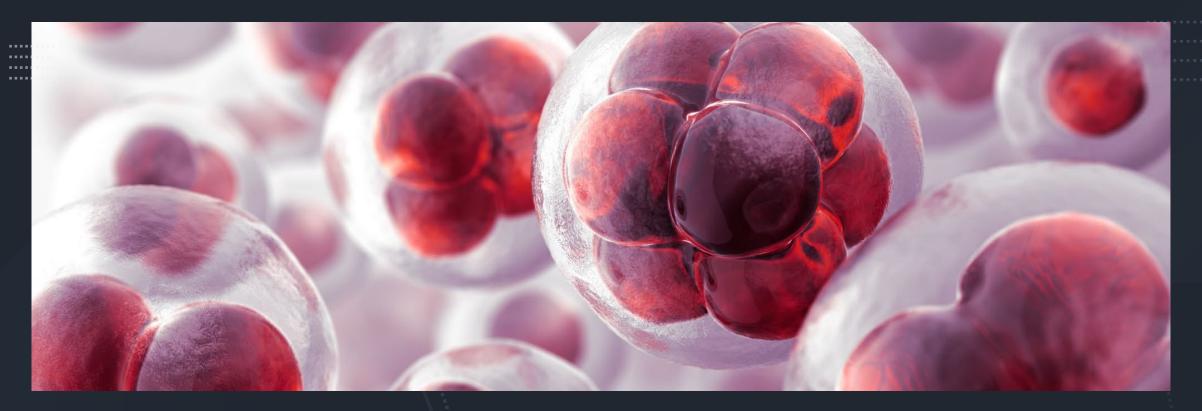


# WHATDAYISITP ANNUAL, MANDITÓRY BLOODBORNE PATHOGEN TRAINING DAY!

#### Objectives

- When you complete this course, you will be able to
- describe bloodborne pathogens and how they are transmitted
- control your exposure to bloodborne pathogens
- apply appropriate procedures in the event of an exposure incident





# Pathogens and Disease

- Pathogens and Diseases
- Bloodborne pathogens are microorganisms present in human blood that can cause disease in humans. They can be transferred to a healthy person through direct contact with blood or other potentially infectious materials (OPIM). OPIM include semen, vaginal secretions, cerebrospinal fluid, synovial (joint) fluid, pleural (lung) fluid, amniotic fluid, and any body fluid that is visibly contaminated with blood. OPIM also include human cell lines or cell lines known to be infected with human bloodborne pathogens. Three key bloodborne pathogens are HIV, HBV, and HCV.



Inhalation or direct contact with mucous membranes.

Injection through unbroken skin, such as a needlestick.

Direct contact with broken skin.

#### **Exposure Control**

- Although there are many ways that bloodborne pathogens can enter the body, use of appropriate exposure controls reduces the possibility of them being transmitted from one person to another. Exposure controls include following safe work practices or using equipment that provides a barrier between you and the pathogens.
  - Vaccine
  - Personal Protective Equipment
  - Sharps Control
  - Universal Precautions



#### Universal Precautions



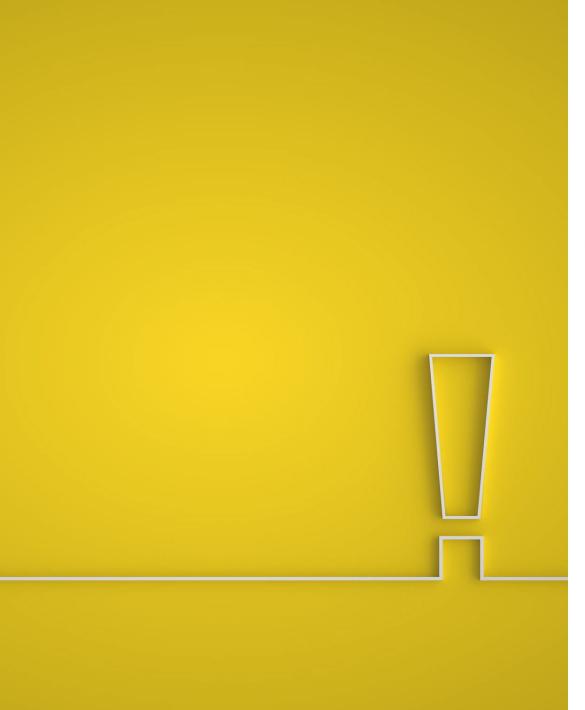
Because you have no way of knowing whether a person is infected with a bloodborne pathogen, it is prudent to use "Universal Precautions" if you may be exposed to blood or body fluids.



Universal Precautions reduce exposure in the workplace by either removing the hazard or isolating the worker from exposure through workplace design.



All blood and body fluids should be treated as potentially infectious, regardless of the perceived risk level of an exposure situation.



#### Post Incident Actions

- Even with preventative measures in place, there are risks.
- You may need to clean up potentially infectious materials after an incident.
- Surfaces and equipment should be immediately cleaned and decontaminated with appropriate disinfectants.
- Any employee who is exposed to bloodborne pathogens, along with his or her employer, has the responsibility to follow the regulatory recommendations for post-exposure follow-up.

#### Biological Spill Kit

- All first responder teams should have a basic biological spill kit and know how to use it.
- What should be found in a biological spill kit:
  - Disinfectant
  - Absorbent Material
  - Mechanical Tools
  - Personal Protective Equipment
  - Waste Containers



#### Site Clean Up

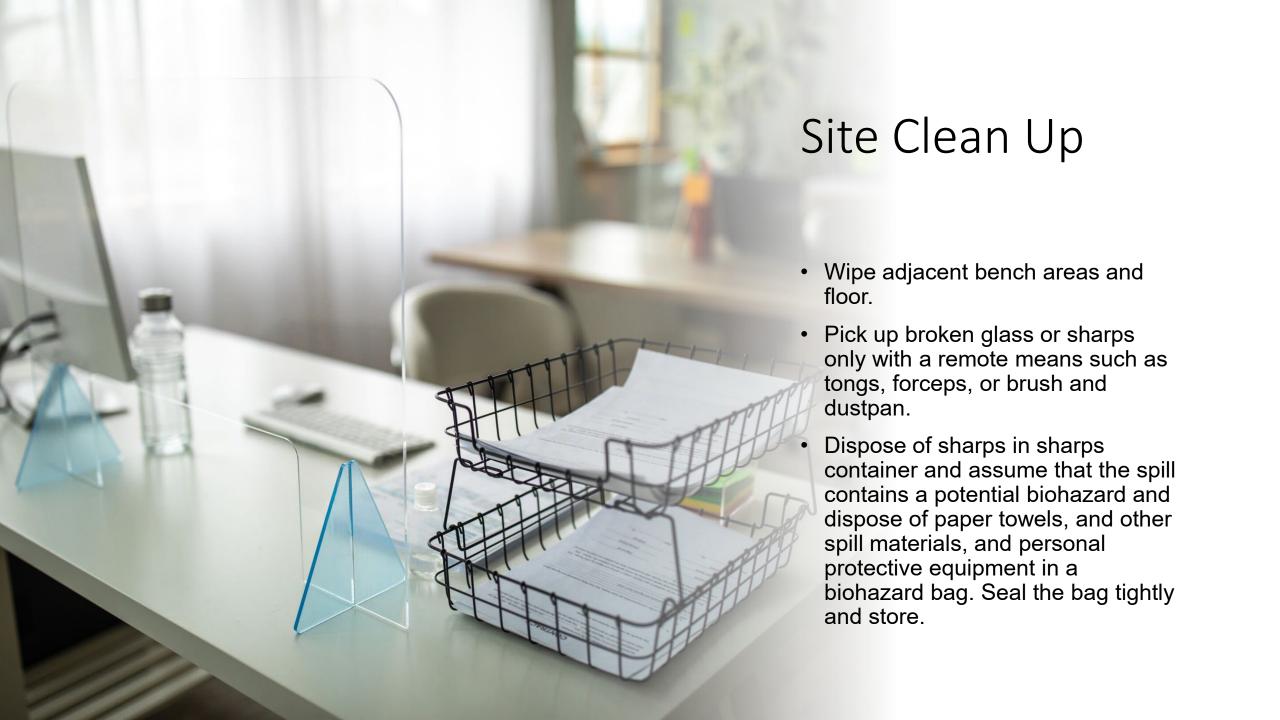
- When a spill occurs, you should clean it up quickly and safely. Make sure you are wearing Personal Protective Equipment (PPE) appropriate for the job, which typically includes eye protection, gloves, and a lab coat.
- Prevent spill from migrating to any floor or sink drains by placing a barrier in front of the spill to contain it or by covering the drain opening.
- Prepare disinfectant. (e.g., dilute bleach to 1:10 solution.)
- Place paper towels over the spill.



#### Site Clean Up

- Pour disinfectant on the paper towels, starting from the periphery of the spill and moving towards the center, being careful to minimize aerosolization of spraying
- As a best practice, let disinfectant soak for at least 10-20 minutes.
- Wipe up the spill with disposable paper towels, starting from the periphery of the spill and moving towards the center.
- Wipe equipment with equipmentcompatible disinfectant (e.g., noncorrosive). Rinse with water if necessary.





#### Disinfection

- Once a site has been properly cleaned and materials disposed of, a thorough disinfection of the site must occur.
- Disinfection refers to the reduction of microorganisms to an acceptable level through the use of sterilants or disinfectants.
- Sterilants are used to eliminate microorganisms.
- Disinfectants are used to reduce microorganism levels below the level necessary to cause disease.
- A fresh 10% bleach solution works well for bloodborne pathogens such as HIV and HBV, although other liquid disinfectant solutions can also be effective.





What to Use

- The use of liquid chemicals is the most common means of disinfection. The appropriate liquid disinfectant should be chosen only after carefully assessing the compatibility between the biohazardous agent and the type of material to be disinfected. Consider the following variables when selecting liquid disinfectants.
  - Surface type, porous or rough surfaces require longer contact time
  - Higher concentration of microorganisms
     longer contact/higher concentration of disinfectant
  - Resistance of microorganism to disinfectant and heat
  - Duration of exposure and temperature (low temp may slow down activity requiring more exposure time)



#### What to Wear

- All use of disinfectants should be conducted wearing gloves and safety glasses in well-ventilated areas.
- Face shields may also be used to provide additional face protection.
- Disinfectants are especially hazardous when dispersed from aerosol cans because the disinfectant can be easily inhaled.
- Refer to the material safety data sheet (MSDS) for specific health hazards.
- Remember, all chemical disinfectants are considered pesticides. Skin contact and vapors can be irritating and corrosive to the respiratory system and skin.

# Contaminated Laundry

- All laundry which becomes contaminated with biohazardous materials should be handled and stored for transport as outlined here:
  - Contaminated laundry should be handled as little as possible with a minimum of agitation.
  - · Use proper PPE.
  - Contaminated laundry should be bagged or containerized at the location where it was used and not sorted or rinsed.
  - Whenever contaminated laundry is wet and presents a reasonable likelihood of soaking through or of leakage from the bag or container, it should be placed and transported in bags or containers that prevent soakthrough. These bags or containers must be clearly labeled as biohazardous.





#### HB 1312

- IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of any curriculum course material used for instruction or program of human sexuality, [94] human sexual education, sexual orientation, gender, gender identity, or gender *expression*. The policy shall address the method of delivering notification to a parent or legal guardian. The policy shall also acknowledge that no notice is required if a school employee is responding to a question from a student during class. [To the extent practicable,] A school district shall make curriculum course materials available to parents or legal guardians for review upon request. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.
- 2 New Paragraph; Parental Notification of Changes in Student Mental Well-Being. Amend RSA 186:11 by inserting after paragraph IX-d the following new paragraph:
- IX-e. Require School Districts to Adopt a Policy on Parental Notification of Changes in Student's Mental and Emotional Well-Being, or Related Services. A school district may not adopt policies, procedures or student support forms that prohibit school district personnel from answering questions from a parent about his or her student's mental, emotional, or physical health or well-being, sexuality, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This paragraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect pursuant to RSA 169-C:3.
- 3 Effective Date. This act shall take effect 60 days after its passage.

#### Key points of 1312

• The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of *any* curriculum course material used for instruction or program of human sexuality, [or] human sexual education, sexual orientation, gender, gender identity, or gender expression. The policy shall address the method of delivering notification to a parent or legal guardian. The policy shall also acknowledge that no notice is required if a school employee is responding to a question from a student during class.

#### **Key Points**

• A school district may not adopt policies, procedures or student support forms that prohibit school district personnel from answering questions from a parent about his or her student's mental, emotional, or physical health or well-being, sexuality, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information

#### Next steps



Working with NHSBA, legal and the board to determine what our policy will look like...



Legislation goes into effect on 9/17/2024



Also tracking HB 1205...currently being litigated and out of compliance with Title IX 2024.

requires that schools separate all sports teams from grades 5 to 12 into "males, men, or boys," "females, women, or girls" and "coed or mixed" and bars any student from participating on a girls' team unless they were born biologically female. The law requires that "female" athletes — and only "female" athletes — produce birth certificates proving their gender at birth, and opens up school districts to private lawsuits if they do not comply.



### Next steps...

• Certificate, slides and copies of policies will be sent via email at the end of this week!

