

Civil Rights and Equal Educational Opportunity

An Overview for HWRSD Educators



Abbreviated References to the Laws and Regulations

Title VI of the Civil Rights Act of 1964

Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color or national origin in programs or activities receiving federal financial assistance.

Equal Educational Opportunities Act of 1974

Prohibits the denial of equal educational opportunity in public schools on account of race, color, sex, or national origin.

Title IX of the Education Amendments of 1972

Prohibits discrimination, exclusion from participation, and denial of benefits based on sex in educational programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination, exclusion from participation, and denial of benefits based on disability in programs or activities receiving federal financial assistance.

Abbreviated References to the Laws and Regulations

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 public entities.

IDEA 2004: The Individuals with Disabilities Education Act of 2004

Governs special education.

NCLB: The No Child Left Behind Act of 2001

Governs elementary and secondary education.

Title X, Part C: The McKinney-Vento Homeless Education Assistance Improvements Act of 2001.

FERPA: The Family Educational Rights and Privacy Act of 1974

Protects the privacy of student education records and gives parents certain rights with respect to those records.



Purpose

- ❑ Annual training is required and compliance is monitored by the Program Quality Assurance department of the MA Department of Education. <http://www.doe.mass.edu/pqa/>
- ❑ All employees are required to participate.
- ❑ This training is intended to protect individual rights and ensure that all employees know their rights and responsibilities.

HWRSD Non-Discrimination Policy

The Hampden-Wilbraham Regional School District, pursuant to Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, M.G.L. c. 76, sect. 5, M.G.L. c. 151B, M.G.L. c. 151C, Title IX of the Civil Rights Act of 1972, and Titles VI and VII of the Civil Rights Act of 1964, does not discriminate against:

- ❑ any adult on the basis of race, color, sex, religion, age, national origin, sexual orientation, disability, marital status or veteran status in any employment decisions or access to programs available to such adults; and
- ❑ any student on the basis of race, color, sex, religion, national origin, sexual orientation, or disability, be denied equal access or admission to school programs, courses, and/or extra-curricular activities.

HWRSD Non-Discrimination Coordinator

Superintendent of Schools or Designee
621 Main Street, Wilbraham, MA 01095
Phone (413)596-3884
Fax (413)599-1328



Complaints

Any student, employee, parent, or guardian who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district program or activity on the basis of race, color, sex, religion, national origin, sexual orientation, or disability in violation of this policy may file a written grievance with the Superintendent of Schools or designee.

*Superintendent of Schools or Designee
621 Main Street, Wilbraham, MA 01095
Phone (413)596-3884
Fax (413)599-1328*



Americans with Disabilities Act (ADA)

Title II



Americans with Disabilities Act (ADA)

The Hampden-Wilbraham Regional School District does not discriminate on the basis of disability.

- ❑ Program applicants, participants, members of the general public, employees, job applicants, and others are entitled to participate in and benefit from all agency programs, activities, and services without regard to disability.
- ❑ Copies of this notice are available, upon request, in alternate print formats (*large print, audiotape, Braille, computer disk, etc.*).
- ❑ Our grievance procedure, self-evaluation, as well as ADA policies, practices and procedures are available upon request.

Disability Discrimination

Examples of the types of discrimination prohibited include:

- ❑ Access to educational programs and facilities.
- ❑ Denial of a free appropriate public education for elementary and secondary students.
- ❑ Academic adjustments in higher education.
- ❑ Section 504 and Title II also prohibit employment discrimination.

ADA Coordinator

The Hampden-Wilbraham Regional School District has designated the following person to coordinate its efforts to comply with the ADA. Inquiries, requests, and complaints should be directed to:

*Superintendent of Schools or
Designee, Assistant Superintendent for Business
Hampden-Wilbraham Regional School District
621 Main Street, Wilbraham, MA 01095
Phone (413)596-3884
Fax (413)599-1328*

Section 504

What is Section 504?

- Section 504 of the Rehabilitation Act of 1973 is a federal civil rights statute that extends protections to individuals with disabilities in most aspects of their lives. It addresses the many disabilities not covered under IDEA (Individuals with Disabilities Education Act), which governs "Special Education" as schools know it today. IDEA, while quite comprehensive, only provides protection for children with one of thirteen disabilities.
- If a student has a mental or physical impairment which substantially limits a major life activity, a plan is developed and reviewed annually by a 504 Team, so that reasonable accommodations are provided. Section 504 requires full implementation.

Responsibilities

- ❑ Administrator disseminates 504 plans to instructional team of student and/or other staff who must provide accommodations.
- ❑ Staff provides accommodations as specified.



Section 504 Coordinator

- ❑ The Principal/Designee is the building level Section 504 coordinator.
- ❑ The Assistant Superintendent is the District 504 coordinator.

*Assistant Superintendent for Curriculum & Instruction
621 Main Street, Wilbraham, MA 01095
Phone (413)596-3884
Fax (413)599-1328*



Title IX

Sex Discrimination



Sex Discrimination: Overview of Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.

<http://www.ed.gov/policy/rights/guid/ocr/sex.html>

Sex Discrimination: Overview of Title IX

Examples of the types of discrimination that are covered under Title IX include:

- ❑ Sexual harassment.
- ❑ The failure to provide equal opportunity in athletics.
- ❑ Discrimination based on pregnancy.

The Title IX regulation is enforced by OCR and is in the code of federal regulations at [34 CFR Part 106](#).

Title VI

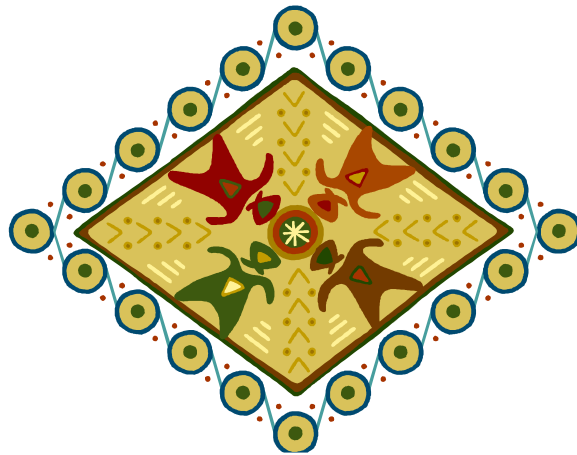
Race and National Origin Discrimination



Race and National Origin Discrimination: Overview of Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. All federal agencies that provide grants of assistance are required to enforce the Title VI regulation.

<http://www.ed.gov/policy/rights/guid/ocr/racenational.html>



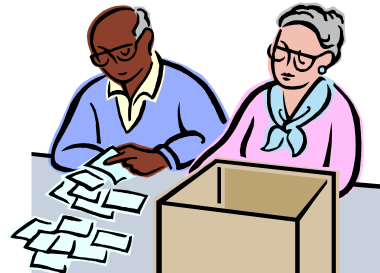


Race and National Origin Discrimination: Overview of Title VI

Examples of discrimination covered by Title VI include racial harassment, school segregation, and denial of language services to national-origin-minority students who are limited in their English.

Age Discrimination

Overview



Age Discrimination: Overview of the Law

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance.

<http://www.ed.gov/policy/rights/guid/ocr/ageoverview.html>

Boy Scouts of America

Equal Access Act



Boy Scouts of America Equal Access Act

Under the Boy Scouts Act, which became effective on January 8, 2002, no public school that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours shall deny equal access or a fair opportunity to meet, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in [Title 36](#) of the United States Code as a patriotic society.

Education of Homeless Children



**McKinney-Vento Homeless
Education Assistance Act**

Definition of Homeless

The federal government's legal definition of homelessness based on the McKinney-Vento Homeless Education Assistance Act is anyone who:

- ❑ lacks a regular, fixed, and adequate nighttime residence (*sub standard housing*).
- ❑ is sharing housing due to economic struggles (*double-up*).
- ❑ is living in a shelter, hotel or motel.
- ❑ is living in a public place not designed for sleeping (*cars, parks*).
- ❑ is an unaccompanied youth.
- ❑ is a child or youth awaiting foster care placement.
- ❑ is a child or youth abandoned in a hospital.
- ❑ is a migrant child who qualifies under any of the above.

Responsibilities

If you suspect that a student is homeless, notify the principal, counselor, or school nurse so that an appropriate referral can be initiated.



Homeless Liaison

The district has designated one person to serve as liaison for homeless students, carrying out the duties described in NCLB Title X, Part C, Sec. 722(g)(6).

Risk Prevention Services Coordinator
85 Wilbraham Road, Hampden, MA 01036
Phone (413)566-5060 x12
Fax (413) 566-2163



English Learner Education



Sheltered English Immersion

English Learner Education

The Hampden-Wilbraham Regional School District:

- ❑ identifies limited-English-proficient students.
- ❑ provides program modifications and support services for limited-English-proficient students.
- ❑ provides translation or interpretation services to families when students have parents or guardians with limited English language skills.

State Laws and Regulations

603 CMR 26.00



Access To Equal Educational Opportunity

- **603 CMR 26.00:**
<http://www.doe.mass.edu/lawsregs/603cmr26.html?section=all>
- [26.01](#): Purpose and Construction of 603 CMR 26.00
- [26.02](#): School Admissions
- [26.03](#): Admission to Courses of Study
- [26.04](#): Career and Educational Guidance
- [26.05](#): Curricula
- [26.06](#): Extra-Curricular Activities
- [26.07](#): Active Efforts
- [26.08](#): Notification and Complaint Procedure
- [26.09](#): Private Right of Action



Purpose and Construction of 603 CMR 26.00

603 CMR 26.00 is promulgated to insure that the public schools of the Commonwealth do not discriminate against students on the basis of race, color, sex, religion, national origin or sexual orientation and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools. 603 CMR 26.00 shall be liberally construed for these purposes.

26.03: Admission to Courses of Study

All courses of study offered by a public school shall be open and available to students regardless of race, color, sex, religion, national origin or sexual orientation.



26.04: Career and Educational Guidance

- ❑ Guidance counselors and other personnel shall represent to students a broad spectrum of education and career opportunities. School personnel shall not present race, color, sex, religion, national origin or sexual orientation as limiting factors in career determination.
- ❑ No materials, tests or procedures shall be employed for guidance purposes that discriminate and/or limit choices on the basis of race, color, sex, religion, national origin or sexual orientation.



26.05: Curricula

- All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, religion, national origin or sexual orientation.
- Teachers shall review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials shall be used to provide balance and context for any such stereotypes depicted in such materials.

26.05: Curricula

Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.



26.06: Extra-Curricular Activities

Advantages and privileges of public schools include all extra-curricular activities made available, sponsored or supervised by any public school.



Care and Protection of Children Under 18

(General Laws Chapter 119, § 51A)

Child Abuse and Neglect

- ❑ If school staff suspect that a student is being abused or neglected, they are required by law (M.G.L. Chapter 119, Section 51A) and HWRSD policy to report it to the Mass. Department of Social Services (DSS). All reports are strictly confidential.
- ❑ DSS maintains a 24-hour hotline: 1-800-792-5200.
- ❑ Please consult with school principals for assistance and for procedures that should be followed if abuse or neglect is suspected.

Legal Reference – Mandated Reporting

MA General Laws Chapter 119, § 51A, <http://www.doe.mass.edu/educators/51A.html>, requires educators and others who are paid to care for or work with children to make a report immediately to the Department of Social Services or to the person in charge of the school or institution if there is reasonable cause to believe a child under 18 is suffering physical or emotional injury as a result of abuse, including sexual abuse, or neglect. I understand my obligations under § 51A and the penalties for failure to comply.

Affirmation

Thank you for considering this important information. Please sign the designated sheet at the school office to acknowledge viewing this presentation.

Quote of the day:

Educating the whole child is... "ensuring each child is healthy, safe, engaged in learning, supported by caring adults, and academically challenged." ASCD