

# Conservatory Lab Charter School

## Code of Conduct

“Part of our contract as a learning community is the expectation that children will act responsibly. We help them learn responsibility through daily practice of integrated tasks into the daily arrangements and design of our classrooms. We expect that children tell the truth, do their jobs as academics, take care of property, and treat each other with respect, fairness, and friendliness. A breach of this trust includes but is not limited to telling lies, acting or speaking in ways that show disregard for others’ personal rights or feelings, and acting in ways that show disregard for materials in the room.”

-from Ruth Sidney Charney’s Teaching Children to Care

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Conservatory Lab Charter School is a community of teachers and families who come together for one purpose: to provide the best possible education to our children. Using the phrase “our children” promotes the idea that we all take ownership in teaching not only academics, but citizenship, responsibility, respect, kindness, and friendliness. Positively embracing our children at both school and home, they will have the tools necessary to make positive and powerful decisions, which will affect the way they grow and give back to their communities throughout their lives.

Conservatory Lab uses the best practices of Expeditionary Learning, El Sistema, and other sound social-emotional learning techniques in the school to teach, model, and practice positive behavior and deep academic engagement. Our Guiding Principles at work in the classroom assert that:

- A strong social curriculum is as important as a strong academic curriculum
- How children learn is equally as important as what they learn
- Social interaction promotes the greatest cognitive growth
- Daily classroom practice of Cooperation, Responsibility, Perseverance, Reflection, and Empathy (our Crew Qualities) lead to deeper social and academic engagement
- Knowing our children is as important as knowing what we teach
- Knowing our children’s families is critical to knowing our children
- Adult cooperation in the school supports a healthy environment for all children and families

Classrooms, like businesses, hospitals, and playgrounds, depend on everyone working together in a positive and cooperative manner. To make the above Guiding Principles successful in our classrooms, staff provide constant opportunities for practice and reflection.

In the practice of any skill, mistakes will be made. Conservatory Lab strives to use the moments when a person makes a mistake as an opportunity to teach. We believe that teaching discipline- as leaders, scholars, and artists – is critical for continued success in life. Without discipline, students will not be able to engage fully in learning.

## **General Behavioral Expectations**

Students are expected to:

- adhere to the school schedule for arrival and dismissal,
- walk in hallways,
- remain silent in hallways,
- follow directions the first time and readily comply, if redirected,
- complete all homework assignments with integrity,
- care for their instruments and protect them from harm,
- care for their learning materials and protect them from harm,
- refrain from bullying and report bullying when witnessed,
- stay in assigned areas,
- communicate with staff and peers respectfully,
- contribute positively to the full academic, musical, social life of the school,
- to appropriately use chromebooks, the school internet, and
- comply with all school social media policies

Consistently not upholding these behavioral expectations will result in a referral to Student Services and further consequences.

To create an environment that allows all members to be successful, Conservatory Lab staff will employ:

- Take-a-break (includes buddy break)
- Logical consequences and reparations
- Loss of Privilege

Take-A- Break: is a non-punitive way for a child to break from the group or activity, in order to calm down, practice self- control, reflect on their behavior and rejoin the class when they are ready to begin learning again. Take-a-break typically does not require the student to leave the classroom, but it may mean that they take a “buddy break,” in a neighboring classroom where they can reflect until they are ready to rejoin.

Logical consequences: children must learn that their behaviors, actions, and words make an impact on the people and world around them. Logical consequences are relevant, connect to the behavior, are short term, respectful, and allow for opportunities to learn and re-engage with the community after a specific time of teaching and learning.

Reparations: If children spend work time talking, then they need to fix it by getting the work done during playtime. If a child knocks over a tower a classmate is building with blocks, then it needs to be fixed with an apology and a rebuilding of the project. Reparations are fair and connect directly to the incident. Conversations about the incident and get at the heart of why something happened and how to keep it from happening again.

Loss of Privilege: a privilege is a chance to learn what it takes to be a productive, kind, and full member of a community. A privilege can be a class job, the chance to take home a violin, or to sit where you like on the bus. When a child shows that they are not able to engage in a privilege correctly, then a loss of privilege is in order. Again, the loss of privilege is not meant to be punitive or degrading. Instead it is an opportunity for a child to work cooperatively with adults to learn what it takes to engage appropriately with a privilege, reflect on past behaviors, take a break from something they are struggling with and then try again.

Staff at Conservatory Lab commit to keeping the environment safe, clean, challenging and respectful. They provide daily opportunities to practice rigorous academics as well as socio-emotional growth. We believe that by setting high expectations and providing ample practice time that we are setting our children up for greatness. Families are a critical partner in this greatness and are welcome into the classrooms to join in the learning, meet with teachers and administrators, share joys and concerns, and learn how we teach what we know.

## **Logical Consequences**

All students are expected to follow the Conservatory Lab Charter School’s Code of Conduct, unless otherwise determined by the student’s Individualized Education Plan Team or 504 Team and written in the student’s IEP or 504 Plan. Federal and state laws provide certain procedural rights and protections relating to discipline of students who have been identified under such laws as having special needs based upon a disability. A copy of these rights may be obtained from the Principal or Director of Special Programs.

The policies herein and the considerations given to students and parents are respectful and at the same time demand that all students and parents pay equal respect to other school community members, including other students and parents, teachers, bus drivers and monitors, administrators and all other school staff. The Code of Conduct is to be read in conjunction with school district policies, specifically, the Anti-Discrimination policy, the Anti-Harassment policy, the Bullying Prevention and Intervention plan, and special education policies, laws and regulations.

Students are always expected to demonstrate acceptable behavior while in any school setting, including classrooms, stairwells, hallways, after school programs, school buses, and while on all fieldwork.

## **Loss of Privileges:**

### **Office Referral:**

Any student whose behavior disrupts the learning environment and jeopardizes another student's education will serve a detention, at the discretion of the teacher. This means that the student must report to the office of the Assistant Director of Student Support Services, immediately and remain in the office until it is clear that the disruptions will cease. Office referral will require a student to reflect upon and learn from his or her behavior as demonstrated through writing and perhaps through service towards the school community.

### **Detention:**

Any student who demonstrates continued egregious or unacceptable behavior, that is disrespectful in nature, or disruptive to the learning of others, will have to serve a detention. Middle school students may be assigned detention outside of the regular school hours. During detention students will complete incomplete work, reflect upon violations of the crew qualities and make a plan for success

### **Out of School Suspension:**

An out-of-school suspension will result in the immediate removal from school of the student in question. Unless otherwise stated, the determination of the length of any out-of-school suspension will rest with the Principal, Director of Student Support Services or their designee. The administration will arrange for a meeting with the student and his/her parent(s) to discuss the student's behavior and re-admission into the school community. This meeting will take place, as quickly as possible after the student's removal. In the case of more serious or repeated infractions, suspensions may last for a longer duration and may be accompanied by other sanctions. A student suspended from school will not be allowed on school grounds or at school-related functions during the suspension period without explicit permission from a school administrator.

### **Expulsion:**

Please see Expulsion Policy p.8

## **Minor and Major Disciplinary Infractions**

**Minor disciplinary infractions** to expected student behaviors or to any additional rules developed in the classroom are defined as those infractions that are addressed by the teacher or staff person responsible for the student when the infraction occurs. Examples of logical consequences for minor infractions are: opportunity for a

break in a buddy classroom, behavior reflection activities, loss of recess or other privileges, rebuilding a relationship, apologizing, and notification to a parent or guardian.

It would be impossible to compose a complete list of all such infractions, but some examples include:

- Teasing
- Not following the teacher's instructions
- Behavior that is disrespectful to others
- Littering
- Minor disruption of the learning environment
- Talking back to an adult
- Disrespecting school materials

**Major disciplinary infractions** are those problems that must be addressed by the administration. A major infraction might consist of several minor incidents or one serious incident of violent or illegal behavior (any unsafe, violent, or uncontrollable behavior, using any object as a weapon, fighting, stealing, possession of a weapon, harassment, or illegal substance, etc.).

Again, it would be impossible to describe every possible disciplinary infraction. There are, however, two general categories of major disciplinary infractions.

1. Violations of school rules or the law that are judged to be disruptive to the classroom learning and are dangerous and/or destructive. Examples of major disciplinary infractions include:
  - a. Acts or threats of serious physical violence against adults or students
  - b. Stealing
  - c. Destruction of school or other people's property
  - d. Obscene language
  - e. Fighting
  - f. Bullying and harassment (physical, verbal, sexual)
2. Multiple incidents of minor infractions, failure to complete a disciplinary assignment, or unresponsiveness to the usual forms of corrective action described in the previous section.

When minor or major discipline issues arise with your child, the Conservatory Lab teaching community feels very strongly that he or she must learn from the experience. In every instance, the student must make restitution for the infraction, in the same manner as described in the previous section. The appropriate Administrator will make every effort to communicate with families, and through this communication, integrate parents into the circle as well.

**If a request is made for a parent/guardian to pick a child up from school, in order to address any safety issues, the parent/guardian must comply immediately with the request. *If a parent/guardian does not comply, the Conservatory Lab may have no other alternative but to make necessary arrangements to have the child brought to the parent / guardian or other location depending on the safety concerns.***

## Transportation Related Behavioral Infractions

For the safety of all, proper conduct on school buses must be upheld. Students are under school care from the time they leave their homes in the morning until they return at day's end. Therefore, improper behavior on a BPS school bus will result in consequences imposed by the school. The following Bus Safety Rules must be adhered to by all, whenever on a school bus. The ability to ride a BPS sponsored school bus is considered a **privilege, not a right or necessity**.

Any bus driver may refer a student to the school for improper conduct on their bus. Examples of improper bus conduct include, but are not limited to:

- Bullying
- Failure to obey the instructions of the bus driver, teacher, or chaperone
- Not remaining seated
- Failure to keep hands and/or belongings inside the bus
- Loud arguing, provocative behavior, or fighting
- Using an unusually loud voice and /or disrespectful language
- Littering, defacing, stealing, or spitting
- Distracting the bus driver
- Lewd and/or sexual behavior

**Should a Bus Safety Rule be broken, the consequences are as follows:**

- First offense – A written or telephone warning to the home, and possible additional consequences, such as loss of recess, assigned bus seat, apology to the driver, etc., depending on the nature of the offense
- Second Offense – A phone call to parents/guardians informing them of the bus incident and the number of days of bus suspension.
- Third Offense – A conference with parents/guardians informing them of the bus incident and the number of days of bus suspension.
- Fourth Offense- Permanent removal from the bus.

Please note that in the event of a serious violation of the Bus Safety Rules, Conservatory Lab reserves the right to suspend from the bus for a first or second offense. **Children MUST attend school when suspended from the bus.** Any absences in the event of bus suspension is considered unexcused.

## Suspension and Expulsion Policy

It is the philosophy of Conservatory Lab that suspensions and / or expulsions should be a carefully considered option to address inappropriate student behavior. When behavioral issues arise that require suspension of a student, the school will provide the student with an opportunity to maintain academic progress during the suspension period. It is expected that students who are suspended for any length of time, will spend the time completing assignments and turn in all work upon re-entry.

## Suspension for Major Disciplinary Infractions

After speaking with the teacher and the student, the Administrator in charge will decide, at his/her discretion, in conjunction with the student's age, disability status, or other extenuating circumstances, whether suspension is logical/necessary. Suspension may be immediate (resulting in the student leaving for the rest of the day) and/or may occur in the days following the infraction.

There may be times, however, that the student will be suspended immediately for at least the rest of the school day. The Administrator will call the parent/guardian to arrange for immediate pick-up of the student. The student will complete his/her schoolwork in the office until picked up. Before leaving the school building, the parent/guardian and the student will meet with an Administrator to discuss the reason for the suspension. If circumstances dictate (i.e. the Administrator determines that it is in the best interests of the child to remain in school) the suspension may be an in-school suspension. **When and if a request is made for a parent to pick a child up from school, the parent must comply immediately with the request.**

If the Administrator, in consultation with the student's teacher, judges the infraction to warrant a suspension of longer than the rest of the day, the parent/guardian will be so informed, in writing and by phone. A decision to suspend a student for a longer period will be based on the totality of the circumstances, including the student's age and special needs, if any, the severity of the incident, and the student's past record. Suspension will not exceed 10 days.

## Notice of Suspension

### Notice of Suspension and Hearing under M.G.L. c. 71, § 37H¾

(1) Except as provided in 603 CMR 53.07 and 603 CMR 53.10, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

(2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

(a) the disciplinary offense;

(b) the basis for the charge;

(c) the potential consequences, including the potential length of the student's suspension;

(d) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;

(e) the date, time, and location of the hearing;

(f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;

(g) if the student may be placed on long-term suspension following the hearing with the principal:

1. the rights set forth in [603 CMR 53.08](#) (3)(b); and
2. the right to appeal the principal's decision to the superintendent.

(3) The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two attempts to contact the parent in the manner specified by the parent for emergency notification.

(4) Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

### **Principal's Hearing under M.G.L. c. 71, § 37H¾**

(1) The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth in 603 CMR 53.08(3) in addition to those rights afforded to students who may face a short-term suspension from school.

#### **(2) Principal Hearing - Short-term Suspension**

(a) The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in a preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

### (3) Principal Hearing - Long-term Suspension

(a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.

(b) At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
3. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and
4. the right to cross-examine witnesses presented by the school district; and
5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

(c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR 53.05, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the principal;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a);

5. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:
  1. the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five calendar days of the effective date of the long-term suspension; provided that within the five calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven additional calendar days; and that
  2. the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.
- 6.

(e) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

## **Expulsion Policy**

### **EXPULSION**

An expulsion will result in the permanent removal from school of the student in question, pending a full investigation of the offense. Any time a student is expelled from school, he or she will be allowed to make academic progress. The Principal will facilitate how the student's educational services will be made available with teachers and families. At the time the student is expelled, the Principal or Principal's designee will inform the student and parent in writing of this opportunity to receive education services.

### **EXPULSION OFFENSES**

The following is a list of offenses that may result in an expulsion. All students are held accountable for their own behavior in school and while commuting to and from school.

- Possession of a dangerous weapon (including, but not limited to a gun or a knife) or a controlled substance (including, but not limited to marijuana, cocaine, and heroin) on school premises or at school-sponsored or school-related events, including athletic games, pursuant to M.G.L. c.71 § 37H
- Assault on a Principal, Director, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, pursuant to M.G.L. c.71 § 37H
- Being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, pursuant to M.G.L. c.71§37H ½

This is not an all-inclusive list of offenses. The Principal or Principal's designee will determine if a given action by a student will result in detention, suspension or expulsion.

## **NOTICE AND RIGHT TO HEARING**

Before an expulsion takes effect, written notice will be provided to the student and parent or guardian of the charges and of the reasons and evidence for expulsion. The notice will include the student's right to a hearing with the Principal or designee before the expulsion takes effect, including date, time, and location. Student's parent or guardian will need to be present at the hearing. Additional written notification will be provided at the hearing informing the student, parent, or guardian of the right to appeal, and will outline the process for appealing the expulsion and of the opportunity to receive educational services. The student and parent have the right to: bring counsel (at the student's expense), present evidence (through the student's own testimony or witness and through written evidence) and cross-examine witnesses presented by the school.

## **APPEAL**

Any student who has been expelled shall have the right to appeal to the Chief Operating Officer.

For a 37H charge (see Expulsion Offenses above), the student, or the student's parent or guardian, shall have ten days from the date of the expulsion to notify the principal of his or her appeal. The notice must be in writing. The student has a right to be represented by an attorney at the hearing. The expulsion will remain in effect prior to any appeal hearing. At the hearing, the student will have the right to present oral and written testimony, the right to counsel and the right to confront and cross-examine witnesses presented by the school. The Chief Operating Officer shall have the authority to overturn or alter the decision of the Principal, including recommending an alternate educational program for the student. The Executive Director shall render a decision on the appeal within five calendar days of the hearing. That decision shall be the final decision of the school district with regard to the expulsion.

For a 37H1/2 offense (see Expulsion Offenses above), the Principal may remove the student for a period of time up to expulsion if the Principal determines the student's continued presence would have a substantial detriment on the general welfare of the school. The student will receive written notice of the charges and the reasons for the expulsion before the expulsion takes effect. The student, the student's parent or guardian must make a request for appeal in writing no later than 5 calendar days following the effective date of the expulsion.

According to Chapter 71, section 37H1/2, The Chief Operating Officer will hold a hearing with the student and the student's parent or guardian within 3 calendar days of the request for appeal. At the hearing, the student will have the right to present oral and written testimony, the right to counsel and the right to confront and cross-examine witnesses presented by the school. The Chief Operating Officer shall have the authority to overturn or alter the decision of the Principal and Principal, including recommending an alternate educational program for the student. The Chief Operating Officer shall render a decision on the appeal within five calendar days of the hearing. That decision shall be the final decision of the school district with regard to the expulsion.

## **EDUCATIONAL SERVICES**

All students will be allowed to make academic progress in the event of expulsion. We will afford students with academic support via take home assignments, in-district tutoring, or distance learning. A description of the educational services that will be made available for a student to make academic progress during the period of expulsion once it is imposed. This information will be provided in writing by the Principal.

## **The Use of Restraint on a Child**

The Massachusetts Department of Elementary and Secondary Education has established regulations governing the use of physical restraints on students. Conservatory Lab is required to follow the provisions of 603 CMR 46.00. A number of Conservatory Lab's staff has been certified through the Crisis Prevention Institute (CPI)

Physical restraint is to be used only in emergency situations after other less intensive alternatives have failed or have been deemed inappropriate or inadequate. Physical restraint should be administered only when needed to protect a student, other students, staff etc. from imminent, serious physical harm. Physical restraint should be administered in the least intrusive manner possible, and should be used to prevent or minimize physical harm to the student. Any restraint lasting more than 20 minutes or causing injury must be reported to the Department of Elementary and Secondary Education.

The Principal may designate additional staff to be trained in the proper physical restraint. During the first week of school each year, all staff will be required to undergo training with regard to the restraint policy. Proper restraint training and other appropriate de-escalation methods will result in effective crisis intervention and prevention here at Conservatory Lab Charter School.

Only staff that has received proper training in physical restraint procedures shall administer it to students. To the greatest degree possible, another adult who does not participate in the restraint should witness administration of a restraint. However, nothing in 603 CMR 46.00 or this policy shall preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious physical harm. During August of each school year, all staff will receive training with regard to the restraint policy.

All staff are required to undergo annual training in physical restraint. Parents and staff should refer to the full text of the regulations [www.doe.mass.edu/lawsregs/603CMR46.html](http://www.doe.mass.edu/lawsregs/603CMR46.html). For a more robust explanation and requirements you may refer to Appendix A: Use of Physical Restraint Policy from the School directly to reference.

## **Discipline of Students with Special Needs**

Federal and state laws provide certain procedural rights and protections relating to discipline of students who have been identified as having special needs based upon a disability. Such students will be subject to the

provisions of Conservatory Lab's Code of Conduct and will be treated in a manner that closely resembles the treatment of their peers in regular education while at the same time considers their unique needs.

The disciplining of students with special needs is governed by federal and state special education laws and regulations promulgated thereunder. These laws include the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 91400, et seq; 34C.F.R. §300.519-529 et seq., and Massachusetts General Laws c. 71

Protections in the IDEA apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e., students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation). 34 CFR § 300.354

Beginning on the 11<sup>th</sup> school day of a student's disciplinary removal during the school year, and if removal is a change in placement, the student must be provided free appropriate public education (FAPE) services during the period of removal to allow him/her to continue to participate in the general education curriculum and progress towards IEP goals, even if in a different setting. 34 CFR § 300.530(b) & (d).

If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. 34 CFR § 300.530(g). The IEP Team must determine the IAES.

Although the school must take all necessary steps when disciplining a student with a disability, at any point, the parent and school can agree to change a student's placement for disciplinary reasons. Agreements shall be in writing, and signed by the school personnel and the parent.

A student for whom the school is deemed to have knowledge of a disability – A child who has not yet been determined to be eligible for special education and related services may assert the disciplinary protections under IDEA if the school had a basis of knowledge that the child is a child with a disability before the behavior that precipitated the disciplinary action occurred.

**The school is deemed to have knowledge if:**

- (1) the child's parent expressed concern in writing to administrative or supervisory personnel of the school that the child is in need of special education and related services;
- (2) the parent of the child had requested a special education evaluation; or
- (3) the child's teacher or other school personnel expressed specific concerns to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the child.

**The school is not deemed to have knowledge of a disability if:**

- (1) the parent has not allowed an evaluation or has refused special education and related services, or
- (2) the child has been evaluated and determined not to be a child with a disability. 34 CFR § 300.534.

Change of placement – A change of placement because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because:

- (1) the removals total more than 10 school days in a school year;
- (2) the child's behavior is substantially similar to previous incidents that resulted in the series of removals; and
- (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern. 34 CFR § 300.536.

Current placement – The placement from which the student was removed for disciplinary reasons.

Interim alternative educational setting (IAES) – An IAES is a disciplinary placement that is not the same as the child's current placement as defined in his/her IEP.

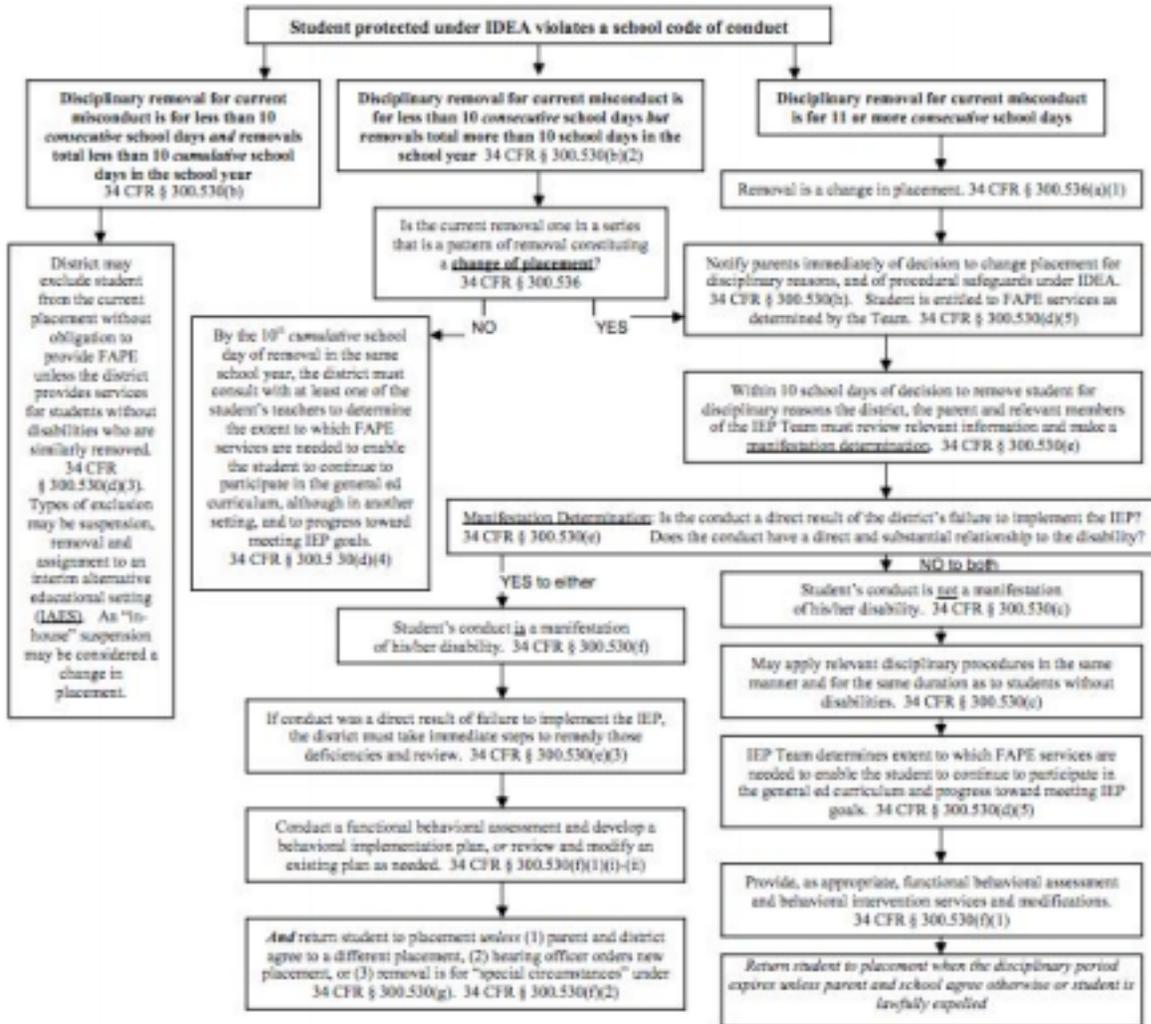
Manifestation determination – The determination made by the school and relevant members of the student's Team, after review of all relevant information in the student's file including the IEP, teacher observations, and relevant information provided by the parents, whether

- (1) the conduct in question was caused by or had a direct and substantial relationship to the child's disability; or
- (2) the conduct in question was the direct result of the district's failure to implement the student's IEP. 34 CFR § 300.530(e).

Special circumstances – Where the disciplinary conduct is a "special circumstance," school 10 personnel may remove a student to an IAES for not more than 45 school days, regardless of the results of the manifestation determination. Special circumstances exist if the student:

- carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function);  
or
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function ; or
- inflicts serious bodily injury upon another person while at school, on school premises, or at a school function. 34 CFR § 300.530(g).

Serious bodily injury – As defined in 18 U.S.C. § 930, a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 34 CFR § 300.530(i)(3).

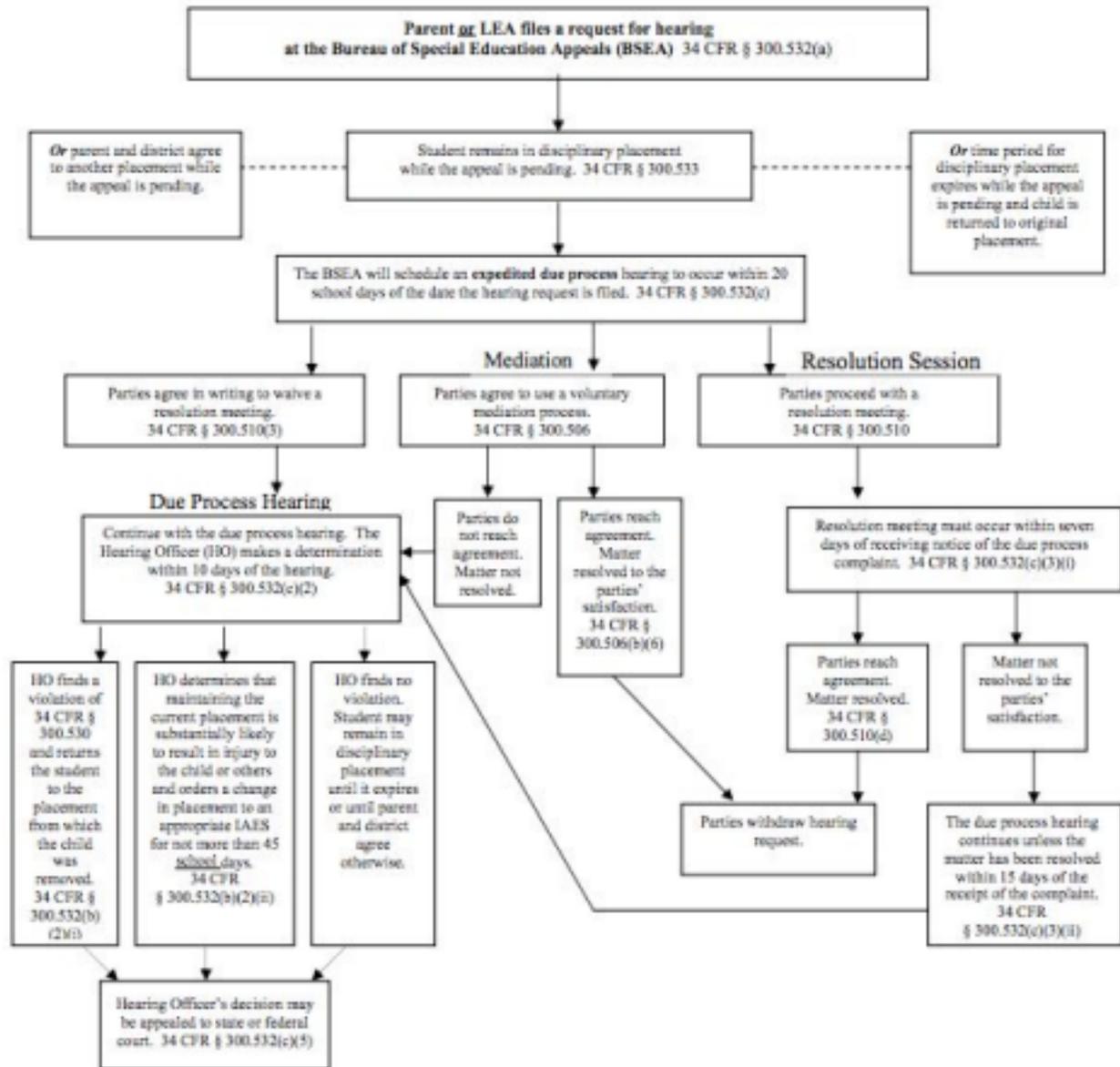


Massachusetts Department of Education: *December, 2007*

### Appeals Process for Disciplinary Placement Decisions for Students with Disabilities Under IDEA 2004: 20 U.S.C. § 1415(k) and 34 CFR §§ 300.532-300.533

Who may file an appeal of a disciplinary decision?

- A parent of a child with a disability who disagrees with any decision regarding the child's disciplinary placement, or the manifestation determination, may appeal the decision by requesting a hearing at the Bureau of Special Education Appeals (BSEA). Reasons for appeal may include, but are not limited to, disagreement with the student's removal to an interim alternative educational setting (IAES), disagreement regarding the manifestation determination, disagreement regarding the determination of whether the removal is a change of placement, disagreement regarding the educational services the student receives during the period of removal, and disagreement regarding the functional behavioral assessment and/or implementation of a behavioral intervention plan. 34 CFR §§ 300.530-300.531.
- An LEA that believes that maintaining the student's current placement is substantially likely to result in injury to the child or others may file a request for hearing at the BSEA.



Massachusetts Department of Education: *December, 2007*

## DEFINITIONS:

A student for whom the school is deemed to have knowledge of a disability – A child who has not yet 13 been determined to be eligible for special education and related services may assert the disciplinary protections under IDEA if the school had a basis of knowledge that the child is a child with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge if: (1) the child's parent expressed concern in writing to administrative or supervisory personnel of the school that the child is in need of special education and related services; (2) the parent of the child had requested a special education evaluation; or (3) the child's teacher or other school personnel expressed specific concerns to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the child. The school is not deemed to have knowledge of a disability if (1) the parent has not allowed an evaluation or has refused special education and related services, or (2) the child has been evaluated and determined not to be a child with a disability. 34 CFR § 300.534.

Change of placement – A change of placement because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) the child’s behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern. 34 CFR § 300.536.

Current placement – The placement from which the student was removed for disciplinary reasons.

Interim alternative educational setting (IAES) – An IAES is a disciplinary placement that is not the same as the child’s current placement as defined in his/her IEP.

Manifestation determination – The determination made by the school, the parent, and relevant members of the student’s Team, after review of all relevant information in the student’s file including the IEP, teacher observations, and relevant information provided by the parents, whether (1) the conduct in question was caused by or had a direct and substantial relationship to the child’s disability; or (2) the conduct in question was the direct result of the district’s failure to implement the student’s IEP. 34 CFR § 300.530(e).

Special circumstances – Where the disciplinary conduct is a “special circumstance,” school personnel may remove a student to an IAES for not more than 45 school days, regardless of the results of the manifestation determination. Special circumstances exist if the student:

- carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function); or
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function ; or
- inflicts serious bodily injury upon another person while at school, on school premises, or at a school function. 34 CFR § 300.530(g).

Serious bodily injury – As defined in 18 U.S.C. § 930, a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 34 CFR § 300.530(i)(3).

For more details on these procedures, please contact Alvin Cooper, Assistant Principal.

**Promoting Safety for the Victim/Target and Others:**

The Principal and COO or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the Principal and COO or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Principal and COO or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Principal and COO or designee will work with appropriate school staff to implement them immediately.

**Responding to a Report of Bullying by School Staff:**

The school will respond to and resolve a report of bullying of a student by school staff. We address safety planning, notification to parent or guardian, investigation, and response – areas that are addressed when a student is alleged to have bullied another student. We will emphasize the importance of the investigation, the need for the aggressor, target, and witnesses to be truthful, and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in immediate disciplinary action.

**Collaboration with Families:**

The school will engage and collaborate with students’ families in order to increase the capacity of the school or district to prevent and respond to bullying, and communication with them are essential aspects of effective collaboration. The law requires the school Bullying Prevention and Intervention Plan to include provisions for informing parents or guardians about bullying prevention and intervention curricula used by the school district or school including: (i) how parents and guardians can reinforce the curriculum at home and support the school or district plan; (ii) the dynamics of bullying; and (iii) online safety and cyberbullying. Parents and guardians must also be notified in writing each year about the student-related sections of the Plan, in the language(s) most prevalent among the parents or guardians. School- or district-specific approaches to collaboration should take into account age, climate, socio-economic factors, linguistic, and cultural makeup of students and parents.

A. Parent education and resources. We will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the Parent Advisory Council, Special Education Parent Advisory Council, and similar organizations.

B. Notification requirements. Each year the school will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The school will post the Plan and related information on its website.

**Prohibition against Bullying and Retaliation:**

As stipulated by M.G.L.C. 71, §370(b), we are including a statement that describes the law’s requirements for the prohibition of bullying. Acts of bullying, which include cyberbullying, are prohibited:

- I. on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school; or through the use of technology or an electronic device owned, leased, or used by a school, and
- II. at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school. Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information

about bullying is also prohibited. As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the school to staff any non-school related activities, functions, or programs.

**Problem Resolution System:** Chapter 86 of the Acts of 2014 amended Section 37O of chapter 71 of the General Laws to include the following statement: Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781- 338-3700. Hard copies of this information are also available at the Superintendent’s office. Any member of Conservatory Lab faculty who witnesses or otherwise becomes aware of bullying of any kind or becomes aware of retaliation against the student who reported information on bullying is expected to report concerns immediately to the school administration.

## Civil Rights and Non-Discrimination Policy

All parents and students are encouraged to report any and all civil rights violations to the Civil Rights Coordinator, John Chistolini, Conservatory Lab (395 Columbia Road, Dorchester, MA 02125), 617-254-8904. School staff are required to report any violations of a student’s civil rights to the Civil Rights Coordinator. The Civil Rights Coordinator shall investigate all reported allegations. The Civil Rights Coordinator will conduct an investigation into the allegation and provide to the Executive Director written findings of the investigation with a copy to the reporting party within 15 school working days. The Civil Rights Coordinator’s findings shall include:

- Recommendations for corrective action where applicable
- The reporting party shall also be informed by the Civil Rights Coordinator that the following agencies may provide additional support or actions concerning any alleged civil rights violations:

Massachusetts Office of the Attorney General

- Civil Rights Division [www.mass.gov/ago](http://www.mass.gov/ago)
- (617) 727-2200

Massachusetts Commission Against Discrimination (MCAD)

- [www.mass.gov/mcad](http://www.mass.gov/mcad)
- (617) 994-6000

US Department of Education Office for Civil Rights

- [www.ed.gov/ocr](http://www.ed.gov/ocr)
- (617) 289-0111

US Department of Justice Community Relations Service

- [www.usdoj.gov/crs](http://www.usdoj.gov/crs)
- (617) 424-5715

### Statement on Non-discrimination and School Safety

In order to build an increasing awareness and understanding in all of us of the civil rights afforded all citizens by law, and the responsibilities that accompany them, Conservatory Lab Charter School has developed the

document “Civil Rights and Safety Information for School Personnel, Parents and Students” which is available upon request, but summarized here:

- Title I 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 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.
- Title IX of the Education Amendments of 1972: prohibits discrimination, exclusion from participation, and denial of benefits in educational programs on the basis of sex.
- Title VI of the Civil Rights Act of 1964: prohibits discrimination, exclusion from participation and denial of benefits based on disability.
- Section 504 of the Rehabilitation Act of 1973: prohibits discrimination, exclusion from participation, and denial of benefits based on disabilities.
- MGL, Ch. 76, Section 5 of the Massachusetts General Laws, Chapter 76, Section 5: prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion and sexual orientation.

Additionally, per civil rights afforded to all individuals, students who are pregnant at Conservatory Lab Charter Public School are permitted to remain in regular education classes and participate in extracurricular activities with non- pregnant students throughout their pregnancy. After giving birth, they are permitted to return to the same academic and extracurricular program as they participated in before they left.

The following individuals have been designated to serve as appointed coordinators:

**Assistant Principal, Alvin Cooper**

- Conservatory Lab Charter School 395 Columbia Road Dorchester, MA 02125
- 617-254-8904

**Homeless Liaison, Nefta Ramsey**

- Conservatory Lab Charter School 395 Columbia Road Dorchester, MA 02125
- 617-254-8904

**Title VI and Title IX Coordinator, Alvin Cooper**

- Conservatory Lab Charter School, 395 Columbia Road Dorchester, MA 02125
- 617-254-8904

**Civil Rights Coordinator, John Chistolini**

- Conservatory Lab Charter School 395 Columbia Road Dorchester, MA 02125
- 617-254-8904

As an educational institution, Conservatory Lab is committed to creating and maintaining a school environment that prevents discrimination of all types, while at the same time ensuring the health and safety of all that learn at Conservatory Lab Charter School. The policies we have implemented as a school to ensure that students attend an environment that is safe and free of discrimination are available online or by requesting the document, “Civil Rights and Safety Information for School Personnel, Parents and Students.”

It is the role of Conservatory Lab Charter School to provide a safe and secure learning environment for all its students without distinction based on race, religion, ethnicity, disability, gender or sexual orientation. The Conservatory Lab Charter School’s policies reflect a growing need for schools to make explicit the ways in which our policies adhere to state and federal laws concerning non-discrimination and civil rights. Discrimination, sexual

and bias-motivated harassment, and violations of civil rights disrupt the educational process and will not be tolerated.

A student, parent, teacher, administrator, or other staff member believes that s/he has been the victim of or has witnessed another person being treated differently or being subjected to harassing conduct on the basis of race, religion, national origin, disability, pregnancy, size, gender, or sexual orientation and/or gender identification (including, but not limited to Transgendered).

To begin, community members witnessing abuses of individual civil rights are expected to take immediate action to interrupt the behavior. Then complaint of possible civil rights violations should be directed to the appropriate Conservatory Lab School Director, in his or her capacity as Civil Rights Coordinator. Families or students, who, for any reason, do not feel comfortable approaching the appropriate Director with such a complaint, should speak to the Principal and/or COO about their concern. This person should, in turn, report the situation to the Civil Rights Coordinator for investigation.

*For more information, please see Conservatory Lab Civil Rights Complaint Policy and Procedure, available upon request from the school office.*

### **Suspected Student Abuse/Neglect**

Teachers and School Administrators are mandated reporters of suspected student abuse, including sexual abuse, physical abuse, or neglect. A reportable condition occurs when a teacher sees marks or signs on a student (i.e. bruises, burn marks, broken bones), or the student discloses abuse or neglect. The teacher, in consultation with the Principal, and a health official, if appropriate, will make a decision as to whether a 51A report should be filed with the Department of Children and Families (DCF). Parents will be informed when the school files a 51A.

### **Disciplinary or Psychiatric Emergency**

Rarely, a child may have a disciplinary or psychiatric emergency. Please be assured that Conservatory Lab during moments of crisis takes the well-being of all children seriously and works towards a safe resolution for all children and adults in the community.

The Administrator will review the incident with the teacher and assess safety risk. If the student is determined to be a risk to the safety of himself/herself or others, arrangements will be made for immediate pick up of the student by parent/guardian. Conservatory Lab Administration will work closely with the families, making supportive recommendations for next steps.

For more information on **Mass. General Laws Chapter 71, Section 37H, 57H1/2 37H3/4 Discipline of Students with Disabilities and 504 Accommodations, and The Use of Restraint on Children** please reference the following website:  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H>

# Bullying and Intimidation Policy

**Conservatory Lab is committed to maintaining an environment free of bullying and intimidation.**

## Introduction

Bullying is prohibited at Conservatory Lab. It will not be tolerated during the School day or during any school-sponsored activities on or off the School grounds. Bullying and intimidation violate Massachusetts' laws and school policy and must be reported. Such behaviors ignore the dignity of the student, undermine the purpose of our core values, and deprive the student of a safe and caring learning environment.

## Scope of Policy

This bullying policy applies to Conservatory Lab, including students, teachers, administrators, staff, counselors, volunteers, and consultants. It addresses bullying and retaliation and does not replace any policies that deal with individual student misconduct or behavior. Student behavior is already addressed in the "Expectations of the Student" section of our Parent/Student Handbook.

## Definitions

Bullying, pursuant to G.L. c. 71, § 370, means 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 target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself or herself or damage to his or her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying shall include cyberbullying.

Cyberbullying, pursuant to G.L. c. 71, § 370, means bullying through the use of technology or any electronic communication, which shall include, but 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. Cyberbullying shall also include: (i) the creation of a web page or blog in which the creator assumes the identity of another person, or (ii) 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. Cyberbullying 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 enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying at a location,

activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, shall be prohibited if the bullying: (a) creates a hostile environment at school for the target; (b) infringes on the rights of the target at school; or (c) materially and substantially disrupts the education process or the orderly operation of a school.

Bullying occurs when a student is subjected to repeated unwelcome behavior, often as a result of an imbalance of power. A student is subjected to bullying when he/she is repeatedly the target of negative verbal or physical actions by one or more students. Bullying also includes “cyberbullying,” which is the sending or posting of harmful and/or cruel text or images via the Internet, cell phones, chat rooms, email, instant messaging, or any other digital communication devices. An employee who learns or suspects that a student is being bullied should take appropriate steps to intervene, to the extent that he or she can do so without danger or peril to himself/herself or others, and report such information to the Principal, Director of School Culture, or the School Counselor as soon as possible.

## **Responding to a Report of Bullying or Retaliation – Allegations of Bullying by a Student:**

### **Safety**

Before fully investigating the allegations of bullying or retaliation, the Principal and/or COO or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target to go to, and altering the aggressor’s schedule and access to the target. The Executive Director or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Director of School Culture or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

### **Anonymity**

Conservatory Lab faculty **cannot** anonymously report incidents of bullying or retaliation. Conservatory Lab families and students **can** anonymously report incidents of bullying or retaliation. The school, however, urges all faculty, families, and students not to make reports anonymously as they are hard to substantiate, but an anonymous report is better than none at all. Conservatory Lab administration makes every effort to protect the identity of anyone reporting incidents of bullying. We cannot promise strict confidentiality as effective investigations depend on specific information gathered from specific people.

To submit an anonymous report of bullying or retaliation, please download the Behavior Incident Report (available electronically), fill it out, and leave it in the Director of School Culture’s mailbox or the Chief Operating Officer COO. Children are urged to leave anonymous letters either on a teacher’s desk, in the director’s mailbox, or to report incidents to family members so that they may fill out the Behavior Incident Report for them.

## Process

Anyone who believes he/she has been bullied should implement the following procedures:

1. **Students**-Let the offending person or persons know that you want the behavior to stop. Say "no" firmly, looking directly at them to give a clear message about how you feel. If you are unable to confront the person(s) alone, take a friend along or write a letter. You may want the assistance of an adult (e.g. guidance counselor, administrator, and teacher) in preparing the letter as well as in presenting it.

**Faculty**-Let the offending person or persons know that the behavior is to stop. Then report the incident to your supervisor.

**Families**-Let the offending person or persons know that you want the behavior to stop. Say "no" firmly, looking directly and unapologetically at them to give a clear message about the conduct.

Then report the incident to a classroom teacher or school administrator.

2. If your objection does not cause the behavior to stop, keep a record of when, where, and how the bullying has occurred. Include witnesses, direct quotes, actions, evidence, and any written communication.
3. Promptly contact someone at the school about the situation —teacher, faculty member, social worker, or administrator.

A response from Conservatory Lab will be made in consultation with the person making the complaint. It will be made discreetly to protect the confidentiality of the information and the reputations of those involved.

Retaliation in any form against any person who has filed a complaint relating to harassment is forbidden. If retaliation occurs, it could be cause for dismissal of staff, personnel, or students.

## Reporting

To report an incident of bullying or retaliation the reporter must fill out a Behavior Incident Report that can be emailed or given to the reporter upon request. The student incident form should be given to the Assistant Director of Student Services or designee. The incident form regarding a staff incident should be given to the Chief Operating Officer (C)) or designee. The reporter's name must be on the form but the reporter will remain anonymous during the investigation to the greatest degree possible to allow for "anonymous" reporting.

## Procedures for Responding to and Investigating Bullying

Following receipt of a Behavior Incident Report, the Director of School Culture or designee will promptly conduct an investigation and complete a Bullying Investigation and Determination Form.

"Home Base": This is a location in the school selected by student and school staff where the student 22 can go when not feeling safe. ("Safe" and "unsafe" feelings would need to be defined and taught). This location should be a place where the student can be supervised and monitored by school staff. Some examples could include the School Counselor's office, the main office, or the resource room.

"Safe Person": This is a designated person in the school who the student can talk to and process social situations that are troubling, confusing, or agitating (including bullying) that may not be readily understood by the student. This person should be familiar to the student and have a trusting relationship already established. This needs to be a person chosen with the student and parents who understands the student and can help him or her de-escalate a situation or calm down and resume the normal school day routine. This does not need to be a specialist or a teacher but can be a staff member who knows and understands this student and can help him or her interpret confusing situations. The Safe Person must be familiar with practices known to be helpful when working with students with disabilities that affect communication and social awareness.

### **False Accusations**

Students making false claims of harassment, intimidation, or bullying will be sent for a conference with the school administration and will result in a phone call to parents. Repeat offenders will face suspension or possible expulsion at the discretion of the COO or designee.

### **Reporting to proper authorities (police)**

Conservatory Lab will contact law enforcement in cases where criminal charges may be pursued against an aggressor and file a police report. In some cases, Conservatory Lab will file a 51A with the Department of Children and Families.

### Identifying Target's Needs:

Conservatory Lab understands that victims of bullying have a very specific set of needs. We also hold as a hallmark of our community the home-school connection. If a student is indeed identified as the target of bullying, Conservatory Lab will contact the target child's family immediately to:

- discuss the incident, outline specific and immediate actions to prevent further incidents, and move to establish a safe return to the classroom;
- additionally, the school and family will collaboratively create a unique school safety and prevention program for that individual student, including, but not limited to, a lunch and recess safety plan, a transportation safety plan, a seating plan change, and change of schedule for the bully.

Bullying not only impacts physical safety, but impacts one's psychological safety, as well. Conservatory Lab will:

- offer school counseling to support the victim and appropriate family members; if need be, the school will help to facilitate therapy outside of school. The child's safety team will consist of their family, teachers, Pyramid Builders Counseling Services, and will be facilitated by a school administrator.

### School Re-Entry Plan for Offender:

If a student has received a consequence for bullying another student or students, that student will 23 be re-entered into the community slowly to ensure the physical and emotional safety of others.\*

### Re-Entry Plan (Day 1):

The-entering student will meet with an administrator to purposefully reflect on the incident and make a plan for practicing new, positive behaviors.

1. School administrator will facilitate an Apology of Action between the re-entering student and the offended child.

**Re-Entry Plan (Day 2):**

1. The re-entering student will review the plan with administration.
2. Administrator will contact the family of the re-entering child with an update on re-entry into the community.

**Re-entry Plan (Day 3) - if necessary:**

1. Continued monitored transitions and bathroom breaks.
2. Monitored lunch with teachers and peers.
3. Launch of a social skills group with the school social worker.
4. Closely monitored recess.
5. Administrator will contact the family of the re-entering child with an update on re-entry into the community.

**Bystander Bullying and Passive Bystanders:**

Bullying situations usually involve more than the bully and the victim. They also involve bystanders those who watch bullying happen or hear about it.

Conservatory Lab defines bystander bullying as instigating (prodding the bully to begin), encouraging (laughing, cheering, or making comments that further stimulate the bully), and joining in on the bullying once it has begun.

Most bystanders passively accept bullying by watching and doing nothing. Often without realizing it, these bystanders also contribute to the problem. Passive bystanders provide the audience a bully craves and the silent acceptance that allows bullies to continue their hurtful behavior.

**Restitution:**

If property is damaged, lost, or stolen, it is understood that the parents of the student responsible for the damage will make every effort to pay for or replace the broken item(s).

**Protection for All Students:**

**Victim / Target**

Victims of bullying include girls and boys of all ages, sizes, and backgrounds. Every child's individuality should be appreciated for the value it brings to the group, rather than suppressed to reduce the risk of victimization. Conservatory strives to protect all children from bullying and to create a learning environment in which bullying is unthinkable. Conservatory Lab commits its time and resources to provide physical, social, and emotional support for those targeted by bullies, including social work, consequences for bullies, parent support, and teacher education. If a child reports that he or she is being bullied, that child has a right to remain anonymous during the investigation process and beyond. Additionally, Conservatory Lab does not discriminate based on an individual's

race, gender, gender identification, sexual orientation, national origin, socioeconomic status, and/or religion. All staff understand these principles as a core cultural belief and fundamental human right upon hiring.

### **Reporters**

Conservatory strives to protect all children from bullying and to create a learning environment in which bullying is unthinkable. The staff and administration at Conservatory Lab makes every effort to protect anyone reporting bullying, providing information during an investigation of bullying, witnesses bullying, or has reliable information about an act of bullying. Anyone who reports bullying may remain anonymous: however, anonymous reports of bullying will not be investigated.

### **Special Education and 504 Plans**

We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school or district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

Students with special needs or accommodations are often the targets of bullying and the community must be vigilant to their protection. During every IEP and 504 meeting, the law now requires a question about involvement in bullying. IF there has been some provocation or victimization, parents, child, and teacher are requested to fill out related forms to document the incident. Follow-up on the incident is not required but may be requested. In addition, supports must be put in place for a victim with special needs, which may include counseling, speech or expressive language practice, social skill practice, or other support.

Students with special needs who were the perpetrators will go through a Manifestation Determination Meeting. This will determine if the student's disability has led them to behave in this socially inappropriate way. IF the Team determines it is not a direct result of the disability, then full disciplinary actions will go into effect. If the Team determines it has been the direct result of their disability, the student must participate in specially designed instruction to support appropriate means of social interaction, physical activity, sexual activity, repetitive actions, use of language or other necessary instruction. Disciplinary actions may still be valid as listed for regularly abled students, and will be determined by the Team.

In order to ensure that students have the skills and proficiencies to avoid or respond to bullying, harassment, and teasing, Conservatory Lab is committed to incorporate into each IEP the follow core categories identified by The Collaborative for Academic, Social, and Emotional Learning (CASEL):

- Self-Awareness: accurately assessing one's feelings, interests, values, and strengths/abilities, and maintaining a well-grounded sense of self-confidence.
- Self-Management: regulating one's emotions to handle stress, control impulses, and persevere in overcoming obstacles; setting personal and academic goals and then monitoring one's progress toward achieving them; and expressing emotions constructively.

- Social Awareness: taking the perspective of and empathizing with others; recognizing and appreciating the individual and group similarities and differences; identifying and following societal standards of conduct; and recognizing and using family, school, and community resources.
- Relationship Skills: establishing and maintaining healthy and rewarding relationships based on cooperation; resisting inappropriate social pressure; preventing, managing, and resolving interpersonal conflict; and seeking help when needed.
- Responsible Decision-making: making decisions based on consideration of ethical standards, safety concerns, appropriate standards of conduct, respect for others, and likely consequences of various actions; applying decision-making skills to academic and social situations; and contributing to the well-being of one's school and community.

IEP teams cannot prevent or respond to bullying alone. Its efforts to help individual students develop the skills and proficiencies to prevent or respond to bullying must also be supported and informed by the broader bullying prevention plan at the school.

The school's policies and procedures address the need for students with disabilities to experience the school as safe and supportive, have a clear understanding of what bullying is, know how to respond when incidents of bullying occur, and feel comfortable making reports of bullying. Adults check-in with students with disabilities to gather accurate information regarding safety issues. Adults are identified as a student's "safe person" and are responsible for communicating the student's needs to the IEP team and school staff. General education staff are responsible for collaborating with IEP Teams when a bullying incident occurs so that they understand any special considerations for the student(s) involved. The policy directs the Principal or designee to consult with the IEP team and/or "safe person" so that bullying investigations involving a student with disabilities consider specific supports that students may need to communicate effectively. School personnel must also consult with the IEP team to consider the role a student's disability may have played in the behavior before disciplining or reporting an incident to the police. Finally, there is a policy in place to consider with the IEP team any adjustments to the school environment that may be necessary (including increased adult supervision at transition times and in locations where bullying occurred) to enhance a student's sense of safety after being the target of a bullying incident

The IEP team also has additional considerations, such as:

- Provide direct instruction in all of the relevant policies and procedures contained in the school's bullying prevention and intervention plan
- Modify the form that is used to report bullying to address communication, cognitive, or other barriers resulting from the student's disability
- Identify a "safe person" (specific individual to whom the student knows she/he can immediately report incidents of bullying). Also, ensure that the student knows that every adult is an available reporter
- Identify a "home base" (a place in the school where the student feels safe) with the student's input
- Develop a "safety plan" that includes the following:
  - "Checking in" with the student on a regular basis to determine if the student is feeling safe from bullying, has witnessed any episodes of bullying that are troubling him/her, or has engaged in any behaviors that might be seen as bullying
  - Ensuring that necessary adjustments to the school environment, as determined by the IEP team, are made. Specific places, situations, and students identified by the student as potentially

high-risk or vulnerable will be shared as well. Increased supervision, accompanied by an aide or a fellow student, or other such plans will be considered

- Communicating with all staff who have contact with the student the specifics of the IEP as they relate to bullying prevention and intervention, including the skills the student is working on, the special considerations when a bullying incident occurs, and the specific scripts the student is to use when confronted by bullying incidents
- Identify issues to be considered in the event a student with a disability is involved in a bullying incident, including:
  - Concern about further exclusion from the social group
  - Changing the seat of the aggressor rather than the target
  - Concern about stigma, arising from unique needs related to their disability
  - Difficulty with self-advocacy
- Other issues reflecting the social, communication, and other needs.
- Identify any necessary modifications to the Code of Student Conduct that are appropriate based on the student's disabilities

## Appendix A: Physical Restraint Policy

The Massachusetts Department of Elementary and Secondary Education has established regulations governing the use of physical restraints on students. Conservatory Lab is required to follow the provisions of 603 CMR 46.00. A number of Conservatory Lab's staff has been certified through the Crisis Prevention Institute (CPI)

Physical restraint is to be used only in emergency situations after other less intensive alternatives have failed or have been deemed inappropriate or inadequate. Physical restraint should be administered only when needed to protect a student, other students, staff etc. from imminent, serious physical harm. Physical restraint should be administered in the least intrusive manner possible, and should be used to prevent or minimize physical harm to the student. Any restraint lasting more than 20 minutes or causing injury must be reported to the Department of Elementary and Secondary Education.

The Principal may designate additional staff to be trained in the proper physical restraint. During the first week of school each year, all staff will be required to undergo training with regard to the restraint policy. Proper restraint training and other appropriate de-escalation methods will result in effective crisis intervention and prevention here at Conservatory Lab Charter School.

Only staff that has received proper training in physical restraint procedures shall administer it to students. To the greatest degree possible, another adult who does not participate in the restraint should witness administration of a restraint. However, nothing in 603 CMR 46.00 or this policy shall preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious physical harm. During August of each school year, all staff will receive training with regard to the restraint policy.

### **Prevention of Physical Restraint and Requirements Section:**

46.01 Authority, Scope, Purpose and Construction

46.02 Definitions

46.03 Use of Restraint

46.04 Policy and Procedures; Training

46.05 Proper Administration of Physical Restraint

46.06 Reporting Requirements

46.07 Effective Date

#### **46.01: Authority, Scope, Purpose and Construction**

(1) Authority. 603 CMR 46.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 69, § 1B, and c. 71, § 37G.

(2) Scope. 603 CMR 46.00 governs the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09, as provided in 603 CMR 18.05(5)(h). Educational programs in facilities operated by the Department of Youth Services, the Department of Mental Health, the Department of Public Health, or County Houses of Correction shall be governed by the restraint, seclusion, and time-out requirements of such agencies.

(3) Purpose. The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint that is inconsistent with 603 CMR 46.00. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

(a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and

(b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

(4) Construction. Nothing in 603 CMR 46.00 shall be construed to limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Nothing in 603 CMR 46.00 precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

#### **46.02: Definitions**

As used in 603 CMR 46.00, the following terms shall have the following meanings: Commissioner shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c.15, §1F, or his or her designee. Consent shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Department shall mean the Department of Elementary and Secondary Education. Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm. Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint. Parent shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian. Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location. Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Principal shall mean the instructional leader or headmaster of a public education school program or his or her designee. The board of directors of a charter school or virtual school, or special education school or program

approved under 603 CMR 28.09, shall designate in the restraint prevention and behavior support policy who will serve as principal for purposes of 603 CMR 46.00. Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

Public education programs shall mean public schools, including charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09, as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs. The term "programs" may be used in 603 CMR 46.00 to refer to "public education programs." For purposes of 603 CMR 46.00, public education programs shall not include the educational services provided within the Department of Youth Services, Department of Mental Health, Department of Public Health, and County Houses of Correction operated or contracted facilities. School Working Day shall mean a day or partial day that students are in attendance at the public education program for instructional purposes. Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

#### **46.03: Use of Restraint**

##### **1. Prohibition.**

- a. Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.
- b. Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:
  - i. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
  - ii. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
  - iii. There are no medical contraindications as documented by a licensed physician;
  - iv. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
  - v. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
  - vi. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.
- c. Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

- d. All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.
- 2. Physical restraint shall not be used:
  - a. As a means of discipline or punishment;
  - b. When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
  - c. As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
  - d. As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- 3. Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- 4. Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:
  - a. The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
  - b. Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
  - c. The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

#### **46.04: Policy and Procedures; Training**

- 1. Procedures. Public education programs shall develop and implement written restraint prevention and behavior support policy and procedures consistent with 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. Such policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students. Such policy and procedures shall include, but not be limited to:
  - a. Methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
  - b. Methods for engaging parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure;
  - c. A description and explanation of the program's alternatives to physical restraint and method of physical restraint in emergency situations;
  - d. A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;
  - e. A description of the program's training requirements, reporting requirements, and follow-up procedures;
  - f. A procedure for receiving and investigating complaints regarding restraint practices;

- g. A procedure for conducting periodic review of data and documentation on the use of physical restraints as described in 603 CMR 46.06(5) and (6);
  - h. A procedure for implementing the reporting requirements as described in 603 CMR 46.06;
  - i. A procedure for making reasonable efforts to orally notify a parent of the use of restraint on a student within 24 hours of the restraint, and for sending written notification to the parent within three school working days following the use of restraint to an email address provided by the parent for the purpose of communicating about the student, or by regular mail to the parent postmarked within three school working days of the restraint; and,
  - j. If the program uses time-out as a behavioral support strategy, a procedure for the use of time-out that includes a process for obtaining principal approval of time-out for more than 30 minutes based on the individual student's continuing agitation.
2. Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:
- (a) The role of the student, family, and staff in preventing restraint;
  - (b) The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
  - (c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
  - (d) When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
  - (e) Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
  - (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.
3. In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal of each public education program or his or her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department recommends that such training be competency-based and be at least sixteen (16) hours in length with at least one refresher training occurring annually thereafter.
4. Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:
- a. Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
  - b. A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  - c. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

- d. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- e. Demonstration by participants of proficiency in administering physical restraint; and,
- f. Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

#### **46.05: Proper Administration of Physical Restraint**

1. **Trained personnel.** Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
2. **Use of force.** A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
3. **Safest method.** A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.043(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.
4. **Duration of restraint.** All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.
5. **Safety requirements.** Additional requirements for the use of physical restraint:
  - a. No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration.
  - b. Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
  - c. If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
  - d. Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
  - e. After the release of a student from the restraint, the public education program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were

followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

#### **46.06: Reporting Requirements**

1. Circumstances under which a physical restraint must be reported. Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).
2. Informing the principal. The program staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.
3. Informing parents. The principal or director of the program or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
4. Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:
  - a. The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).
  - b. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
  - c. A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
  - d. Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
  - e. Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.
5. Individual student review. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the

principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least the following:

- a. review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;
- b. analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
- c. consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
- d. agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

6. Administrative review. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.
7. Report all restraint-related injuries to the Department. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report required by 603 CMR 46.06(4) to the Department postmarked no later than three school working days of the administration of the restraint. The program shall also send the Department a copy of the record of physical restraints maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within 30 calendar days of receipt of the required written report(s).
8. Report all physical restraints to the Department. Every program shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.

#### **46.07 Effective Date**

The effective date of 603 CMR 46.00, as amended, is January 1, 2016.