



## Code of Conduct

Updated March 2023

“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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## Overview of Conservatory Lab Charter School

Conservatory Lab Charter School (CLCS) 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.

CLCS uses the best practices of EL Education (formerly 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. CLCS 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.

## Right to an Equal Education

All students at CLCS regardless of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law will be given equal access to educational services, admissions to courses, access to course content, access to guidance services, and participation in extracurricular and athletic activities.

### Non-Discrimination Policy Summary, Including Harassment and Retaliation

The CLCS Board of Trustees and the Conservatory Lab Charter School are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Board Trustees, employees, administration, faculty, staff, students, families, volunteers in the schools, and parties contracted to perform work for CLCS.

CLCS does not exclude from participation, deny the benefits or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, primary language, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities, and provides equal access to all designated youth groups. CLCS requires all members of the school community to conduct themselves in accordance with this policy.

Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Suite 900, Boston, MA 02109; (617) 289-0111; E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov); website: [www.ed.gov/ocr](http://www.ed.gov/ocr).

### Procedure for Filing Complaints Related to Discrimination or Harassment

Any member of the school community who believes s(he)/they or another school community member has been the victim of any form of discrimination, including harassment and retaliation, should report the conduct or file a complaint. Students may make a report or complaint to any school faculty, staff, or administrator. Reports or complaints by any other member of the school community should be to the Chief Operating Officer (COO). The COO will promptly respond to and investigate all reports or complaints, formal or informal, written, oral, or otherwise given notice, of any discrimination, including harassment and retaliation, or other violation of civil rights pursuant to our Non-Discrimination policy and protocol and will provide a response within fifteen (15) business days. The school may impose disciplinary action for incidents of discrimination or harassment.

The Chief Operating Officer, can be reached at:

John Chistolini  
Conservatory Lab Charter School Upper School  
395 Columbia Road,  
Dorchester MA 02125  
617 254 8904.

New Title IX regulations issued by the Secretary of Education took effect on August 14, 2020, amending the regulations that implement Title IX of the Education Amendments of 1972. Accordingly, CLCS has updated its protocols for reporting and investigating Title IX sexual harassment.

The Assistant Principal designated as the Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Board, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for CLCS, and can be reached at:

Alvin Cooper, Assistant Principal  
Conservatory Lab Charter School Upper School  
395 Columbia Road  
Dorchester Ma 02125  
617 254 8904

The Director of Student Services is designated as the District ADA, for students in CLCS. In addition, the Director of Student Services is the district 504 Coordinator, and can be reached at:

Kristine Bonsack, Director of Student Services  
Conservatory Lab Charter School Upper School  
395 Columbia Road  
Dorchester Ma 02125  
617 254 8904

## Student Rights

Students at CLCS are afforded the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with these rights, there are also responsibilities that must be assumed by students.

### Civil Rights

All students possess the right to an equal educational opportunity and freedom from discrimination, harassment and retaliation, as well as have the responsibility not to discriminate, harass or retaliate against others.

### School Attendance

All students have the right to attend free public schools; and the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.

### Due Process

All students have the right to due process of law with respect to suspension and expulsion from school.

### Freedom of Expression

All students have the right to free inquiry and expression and the responsibility to observe reasonable time, place and manner limitations regarding these rights. This right includes the right to express their views in student publications provided such expression does not cause or threaten to cause, by reasonable forecast by school officials, any disruption or disorder in the school.

Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or which can reasonably be forecast to cause substantial disruption or material interference with school activities.

### Privacy

All students have the right to privacy, subject to permissible searches of students, lockers, and CLCS technology and online resources by CLCS. This right includes privacy with respect to the student's school records.

### Freedom of Religion

All students have the right to freedom of religion without interference or infringement from the School Board of Trustees.

## Rights of Students with Disabilities

Unless under G.L. c. 71B and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. §1400 et seq. (IDEA), every student must be given a free and appropriate public education in the least restrictive environment. A student is entitled to these services if the student meets all three of the following requirements:

1. The student is between the ages of 3 and 22.
2. The student has not obtained a high school diploma or its equivalent.
3. The student has an education disability which keeps the student from making effective progress.

### Section 504 Accommodation Plan

Section 504 Accommodation Plans are developed and implemented to protect students with disabilities by eliminating barriers and allowing full participation in education. A Section 504 Accommodation Plan is designed to articulate and implement a program of instructional services, including general classroom modifications, to assist students with impairments who are educated in the general education setting.

In order to be eligible for a 504 Accommodation Plan, the student must be identified as disabled. To qualify as disabled, the student must have a physical or mental impairment, which substantially limits one or more major life activities; or must have a record of such impairment; or must be regarded as having such impairment. Major life activities include, but are not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.



## Student Responsibilities

As mentioned above, students, as well as all members of CLCS community, are expected to assume certain responsibilities in addition to the rights afforded them.

### Responsible, Positive and Safe Behavior

All members of the school community, including all school personnel, have the responsibility to demonstrate respect for other individuals and their property. This expectation applies to peers as well as to all school personnel while in school or on school property and during all school-sponsored activities, both on and off campus, including those times when they are riding school sponsored buses or other school-provided vehicles.

Students are responsible for behaving in accordance with these rules and regulations and to remove themselves from situations, which involve illegal activity, the possession or use of illicit drugs, alcohol, or weapons, or the violation of the discipline codes. Students who do not remove themselves from such situations may be subject to discipline.

CLCS provides a proactive restorative approach, tiered supports and behavioral interventions to help students be positive members of the community. School officials will attempt to help students solve behavioral problems without interrupting the daily program of studies. However, certain types of behavior may require disciplinary action including suspension or expulsion.

In addition to this disciplinary action, violation of the Discipline Codes may result in police notification pursuant to state statute.

### Regular Attendance

Regular attendance in school is required by Massachusetts' law (G.L. c.76, §1) for all persons between the ages of 6 and 16. It is the shared responsibility of each student, his or her family, and the school to ensure that the student attends school each day that s/he/they is not sick. Failure to attend school, except under extraordinary circumstances, will require school personnel to seek help for the student and the student's family through court action and/or through the Massachusetts Department of Children and Families.

### Bullying Prevention and Intervention

CLCS recognizes that bullying, intimidation or retaliation on any basis, whether or not it is related to membership in a protected class, has a negative effect on school climate. Students who are intimidated and fearful cannot give their education the attention they need for success. Bullying, intimidation or retaliation for any reason are prohibited in Conservatory Lab Charter School. Their prevention begins with a strong educational program and the establishment of a positive, caring school environment. Creating a school culture free of harassment and bullying demands that all individuals recognize such behaviors and take action to stop them. Every student and staff member in Conservatory Lab Charter School has the potential and the

responsibility to have a positive effect on the school culture and should act in accordance with the following guidelines:

Every student in Conservatory Lab Charter School has the potential and the responsibility to: treat others with courtesy, consideration and respect; tell individuals behaving in a disrespectful manner towards you that you want them to stop; tell individuals behaving in a disrespectful manner towards someone else that you want them to stop; and it is essential to report behavior to a trusted adult.

Members of certain student groups, or students based on actual or perceived differentiating characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics, may be more vulnerable to becoming targets of bullying, or harassment. Conservatory Lab Charter School seeks 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 or harassment.

Conservatory Lab Charter School prohibits bullying (including cyberbullying), harassment and retaliation:

- at school and at all school facilities;
- at school-sponsored or school-related functions, whether on or off school grounds;
- using technology or an electronic device owned, licensed or used by a school; and
- at non-school-related locations and through non-school technology or electronic devices, if the bullying affects the school environment.

Bullying (including cyberbullying) is the repeated use by one or more students or staff member of a written, verbal, or electronic communication or expression, or a physical act or gesture or any combination thereof, directed at a target. Bullying results in the outcomes that:

- cause physical or emotional harm to the target or damage to his or her property;
- place the target in reasonable fear of harm to him or herself or of damage to his or her property;
- create a hostile environment at school for the target;
- infringe on the rights of the target at school; or
- materially and substantially disrupt the education process or the orderly operation of a school.

(Please see Appendix B for detailed Anti-Bullying Policy)

## Prevention of Hazing

No student, employee or school organization in the Conservatory Lab community shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Board shall engage in the activity of hazing any person while on school property.

“Hazing” is defined as “any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.” See G.L. c 269, §§17-19

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Head of School, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

### M.G.L., Chapter 269, Section 17 – Criminal Penalty

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

### M.G.L., Chapter 269, Section 18 – Duty to Report Hazing

Whoever knows that another person is a victim of hazing as defined in Section 17 and is at the scene of such crime, shall, to the extent that such person can do so without danger or peril to

himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

#### M.G.L., Chapter 269, Section 19 – Hazing Statutes to be Provided; Statement of Compliance and Discipline Policy Required

CLCS shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of sections 17, 18 and 19 of M.G.L. 269; however, compliance with this section's requirements to issue copies of sections 17, 18 and 19 of M.G.L. c. 269 to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams and organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Conservatory Lab shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of M.G.L.c. 269, Sections 17, 18 and 19.

#### Acceptable Use of Technology

Conservatory Lab has developed Student Technology and Online Acceptable Use Policies and Guidelines to ensure that students utilize access in a responsible and safe manner consistent with the educational purpose of providing these services. Students are expected to adhere to the following Guidelines and violations may result in disciplinary consequences.

Individual electronic equipment (iPhones, Android Phones, Smartphones, iPods, MP3 players, cell phones, cameras, etc.) may not be used in school buildings, with the exception of specific designated areas depending on individual school policy. Use of such equipment in designated areas on school property may not violate a student, faculty or staff member's privacy.

In classrooms, these devices must be concealed and turned off, unless used with specific teacher permission. Violators risk having the equipment confiscated and taken to a dean, principal or designee. Failure to turn over any electronic equipment to a faculty member or administrator, as requested, may result in disciplinary consequences. Confiscated equipment

will not be returned until after school and then only at the discretion of the dean, principal or designee.

Use of Conservatory Lab technology devices, including personal devices while using Conservatory Lab online resources, Internet, learning and data systems, and social media sites shall be utilized in a manner consistent with Conservatory Lab' educational mission, thereby demonstrating respect for the use of a shared resource, software and intellectual property rights, ownership of information and system security. Any use of Conservatory Lab' technology devices, including personal devices while using Conservatory Lab online resources, Internet, learning and data systems, and social media sites that is contrary to our Acceptable Use Policy or Guidelines is unacceptable and prohibited.

If a student uses any device on CLCS technology infrastructure in an inappropriate manner, strict restrictions will result that may include direct staff supervision at all times, and/or disciplinary consequences.

Appendix A—Acceptable Use Policy Sign off by Parent(s)/Guardian(s)

## Discipline of Students

It is the philosophy of CLCS 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. CLCS is committed to supporting students to develop healthy, prosocial behavior and strategies. This work includes addressing violations of discipline guidelines and codes through developmentally appropriate methods that help students to learn and grow from their mistakes. CLCS is invested in limiting the use of exclusionary and other punitive measures that remove students from instruction in favor of measures that are supportive, reparative, and designed to keep students in the classroom. The goal of our behavioral interventions is to provide responsive measures that help to maintain strong, safe, caring, and healthy communities.

### Student Discipline

The principal/designee has the authority to exercise discretion in deciding the consequences for a student who has violated disciplinary rules. The principal/designee shall first consider ways to re-engage the student in the learning process and shall not use suspension until other remedies and consequences have been employed. The principal/designee should consider the student's unique circumstances and employ restorative practices or capture learning opportunities to the greatest extent whenever possible.

Alternative remedies to suspension may include but not limited to:

- Mediation
- Conflict Resolution
- Restorative justices Practices
- Collaborative problem solving

The law incorporates two exceptions to the requirement that a student may not be suspended or expelled until alternative remedies have been employed and documented in writing.

1. Situations where there are specific reasons why alternative remedies are unsuitable or counterproductive
2. Situations where a student's continued presence in school would pose a specific concern about the infliction of serious bodily injury or other serious harm upon another person while in school

### Restorative Practices

Restorative practices are formal and informal processes on a continuum, from prevention to intervention, and from proactive to responsive action with the goal of building positive community and addressing harm constructively when it occurs. Restorative practices are

centered on the 5Rs (Relationship, Respect, Responsibility, Repair & Reintegration) and seek to create strong, caring and healthy communities within our schools. Specific restorative activities to repair harm might include restorative chats and conferences, circles with impacted community members, other forms of conflict resolution and mediation, and other positive and supportive interventions.

## Discipline Guidelines and Codes

### *Loss of School-Based Privileges*

School-based consequences may include the denial of participation in extracurricular activities, including field trips, after school activities, graduation exercises, other school-sponsored activities, and/or after-school detention. If a school-based activity will result in a graded assignment or is otherwise a classroom requirement, students may not be denied participation.

### *In-School Suspension*

At the discretion of the principal/designee, in-school suspension may also be imposed for violation of the student code of conduct. In-school suspension means the student is removed from regular classroom activities, but not from the school premises, for no more than 10 consecutive school days. In-school suspension for less than 10 days shall not be considered a short-term out-of-school suspension. An in-school suspension of more than 10 days shall be deemed a long-term out-of-school suspension, and the student will be provided with the due process provided in a long-term out-of-school suspension hearing.

For an in-school suspension, the principal/designee shall inform the student of the disciplinary offense charged and the basis for the charge. The principal/designee shall also provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal/designee determines that the student committed the disciplinary offense, the principal/designee shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year. If an in-school suspension does exceed 10 days, a long-term out-of-school suspension hearing must occur prior to the in-school suspension exceeding 10 days.

On the same day as the in-school suspension decision, the principal/designee shall make reasonable efforts to notify the parent verbally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal/designee shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of verbally informing the parent of the in-school suspension.

The principal/designee shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and invite the parent to a meeting with the principal, if such a meeting has not already occurred. The

principal/designee shall provide such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, or email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal/designee and the parent.

### *Out-of-School Suspension*

An out-of-school suspension is a short-term or long-term removal from the school premises and regular classroom activities. Short-term suspension is the removal of a student from the school premises and regular classroom activities for 10 consecutive school days or less.

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than 10 consecutive school days, or for more than 10 school days cumulatively for multiple disciplinary offenses in any school year.

A student who receives an out-of-school suspension (short- or long-term) is restricted from entering the school buildings or coming onto school grounds; and a suspended student may not participate in any school sponsored activities or functions during the suspension period. A suspended student is entitled to access to classwork, homework, and other educational materials including tests and quizzes, in order to make academic progress.

The principal/designee has the sole responsibility for determining who is suspended. The suspended student may not be permitted to return to school until a re-admittable conference has been held.

### **Opportunity for Academic Progress During Suspension/Expulsion**

Any student receiving an in-school suspension, short-term suspension, or long-term suspension shall have the opportunity to make up assignments, tests, papers, and other school work as needed to make academic progress during the period of removal from the classroom or school.

Any student who is expelled or suspended from school for more than 10 consecutive days shall have an opportunity to receive educational services that will enable the student to make academic progress toward meeting state and local requirements through the school-wide educational services plan.

### **Educational Services**

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

### **Due Process**

This applies to all short-term and long-term Out-of-School suspensions



The legal term “due process” comes from the Fifth and Fourteenth Amendments to the United States Constitution. The Fifth Amendment provides in part: "...nor shall any person be . . . deprived of life, liberty, or property without due process of law."

At CLCS, due process is assured in accordance with M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½ and §37H¾. In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

Due Process Rights for students charged with possession of a dangerous weapon, possession of a controlled substance, assault on school staff and/or students who have been charged with or convicted of a felony (M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½).

a. [M.G.L. c. 71, §37H](#)

State law permits principals to expel any student who, on school premises or at school-sponsored or school-related events, including athletic games:

1. is found in possession of a dangerous weapon, including, but not limited to, a gun or knife; or of a controlled substance as defined in G.L. c.94C; or, including, but not limited to, marijuana, cocaine or heroin; or
2. assaults a principal, assistant principal, teacher, teacher's aide or other educational staff.

Any student who is charged with a violation of the above shall be notified by telephone and in writing of an opportunity for a hearing, at which the student and his/her parent(s)/guardian(s) may have legal representation at their own expense, and the opportunity to present evidence and witnesses at said hearing before the principal/designee. After said hearing, a principal/designee may, at his/her discretion, decide to suspend rather than expel a student who has been determined by the principal/designee to have violated the above.

Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the Head of School. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Head of School of his/her appeal. The student shall have the right to counsel, at his or her own expense, at a hearing before the Head of School/designee. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this Code of Conduct. Pending the outcome of any appeal, the disciplinary sanction imposed shall remain in effect.

b. [M.G.L. c. 71, §37H ½](#)

State law permits principal's/designee to suspend students charged with a felony or a felony delinquency, or to expel students convicted of or admitting guilt to a felony or a felony

delinquency if the principal/designee determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school (§37H1/2). A student subject to suspension under this provision of the General Laws shall receive written notification of the charges and the reasons for such suspension or expulsion prior to the suspension or expulsion taking effect. Unless the proposed suspension is for 10 days or less, the student shall be afforded the procedural rights set out for suspensions greater than 10 days or for expulsions, whichever is applicable, as such rights are described in this handbook. The student shall also receive written notification of his/her right to appeal the suspension or expulsion to the Head of School provided, however, that such suspension or expulsion shall remain in effect prior to any appeal hearing conducted by the Head of School. A student may appeal the suspension or expulsion by giving a written notice requesting an appeal to the Head of School no later than five (5) calendar days following the effective date of the suspension or expulsion. The Head of School shall hold a hearing with the student and the student's parent(s) or guardian(s) within three (3) calendar days of the student's request for an appeal. The student may be represented and may present verbal and written testimony at the appeal hearing before the Head of School. The Head of School may overturn or alter the decision of the principal/designee and may recommend an alternate educational program for the student. The Head of School shall issue a decision on the appeal within five (5) calendar days of the hearing, which decision shall be the final decision of the school district with regard to the student's suspension or expulsion. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect.

Due Process Rights for students charged with other violations [M.G.L. c. 71, §37H ¾](#)

#### Notice and Principal's Hearing

For any suspension listed under this section, the principal/designee shall provide notice of the charges and the reason for the suspension or expulsion to the parent(s)/guardian(s) in English and the primary language spoken in the student's home. The student shall receive written notice of the charges and the opportunity to participate in a hearing with the principal or designee to discuss charges and reasons for the suspension and/or exclusion prior to suspension/exclusion taking effect.

The principal or designee shall make reasonable efforts to notify the parent verbally of the opportunity to attend the hearing. The hearing may take place without the student's parent(s)/guardian(s) so long as the principal/designee has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

The purpose of the principal/designee's hearing 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.

The principal/designee 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.

#### Short-term Out-of-School Suspension

The principal/designee 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, which the principal/designee should consider in determining whether other remedies and consequences may be appropriate. The principal/designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal/designee should consider in determining consequences for the student. Based on the available information, including mitigating circumstances, the principal/designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The principal/designee 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 schoolwork as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice.

If the student is in a public preschool program or in grades K through 3, the principal/designee shall send a copy of the written determination to the Head of Schooland explaining the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

#### Long-term Out-of-School Suspension

In addition to the rights afforded a student in a short-term suspension hearing, the student shall also have the opportunity to review the student's record and the documents upon which the principal/designee may rely in making a determination to suspend the student or not; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; 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; the right to cross-examine witnesses presented by the school district; the right to request that the hearing be recorded by the principal/designee, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal/designee 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.

If present, the parent shall have an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, which the principal/designee should consider in determining consequences for the student.

Based on the evidence, the principal/designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term- term suspension. The principal/designee 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 any other method of delivery agreed to by the principal/designee and the parent. All letters are also copied to the Head of School.

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

If the student is suspended for more than ten (10) days for a single infraction or for more than ten (10) days cumulatively for multiple infractions in any school year, the notice will include written notification of the right to appeal to the Head of School and the process for appealing in English and the primary language spoken in the student's home. No student will be suspended for greater than 90 days; beginning on the first day the student is removed from the building.

#### Appeals of Short-term Out-of-School Suspensions

For K-8 school students, an appeal is filed with the Head of Schools or their designee. An appeal must be in writing and must be filed by the student's parent/guardian within five (5) days of the student having served the suspension. The principal's decision on the above appeal will be made expeditiously and will be in writing. Pending the outcome of any such appeal, the disciplinary sanction imposed shall be completed and remain in effect.

#### Appeals of Long-term Out-of-School Suspensions—Head of School Hearing

The parent(s)/guardian(s) shall have five (5) calendar days following the effective date of the suspension or expulsion to submit a written request for an appeal to the Head of School but may be granted an extension of time of up to seven (7) additional calendar days. If the appeal is not timely filed, the Head of School or his/her/their designee may deny the appeal or may allow the appeal in his or her discretion, for good cause.

The Head of School or his/her designee will hold a hearing with the student and the parent(s)/guardian(s) within three (3) school days of the student's request for an appeal. The time may be extended up to seven (7) additional calendar days if requested by the parent(s)/guardian(s). The Head of School's hearing may proceed without the parent(s)/guardian(s) if a good faith effort was made to include parent(s)/guardian(s). The Head of School or his/her designee shall be presumed to have made a good faith effort if s/he/they has made efforts to find a day and time for the hearing that would allow the parent and Head of School to participate. The Head of School or his/her designee shall send written notice to the parent of the date, time, and location of the hearing. Arrangements will be made to record the

hearing. A copy of the audio recording will be provided to the student and parent upon request. It is the Head of School's responsibility to inform all parties before the hearing that an audio recording will be made.

At the hearing, the Head of School or his/her designee shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the principal/designee's hearing for long-term suspensions. The Head of School or his/her designee will issue a written decision within five (5) calendar days of the hearing. If the Head of School /designee determines that the student committed the disciplinary offense, the Head of School /designee may impose the same or a lesser consequence than the principal/designee, but shall not impose a suspension greater than that imposed by the principal/designee decision. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. Head of School 's decision is the final decision of the district.

#### Emergency Removal pursuant to M.G.L. c. 71, § 37H¾

The principal/designee may remove a student from school temporarily on an emergency basis when all of the following criteria are met:

- 1) a student is charged with a disciplinary offense; and
- 2) the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school; and
- 3) In the principal/designee's judgment, there is no alternative available to alleviate the danger or disruption.

In the event of an emergency removal, the principal/designee shall make immediate and reasonable efforts to verbally notify the student and the student's parent(s)/guardian(s) of the emergency removal and the reason for the need for emergency removal. The principal/designee shall provide written notice to the student and parent(s)/guardian(s) as provided above, and provide the student an opportunity for a hearing with the principal/designee as provided above, and the parent(s)/guardian(s) an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal/designee, student, and parent(s)/guardian(s).

The principal/designee shall render a decision verbally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements as described above.

In the event of an emergency removal from school, the principal/designee will not release the student until adequate provisions have been made for the student's safety and transportation.

### Discipline of Students with Disabilities [Includes students currently on 504 Accommodation Plans or Individual Educational Programs]

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short-term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

- I. Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or ten (10) cumulative school days in a given school year, building administrators, the parents/guardians and relevant members of the student's IEP or Section 504 Team will meet to determine the relationship between the student's disability and behavior (manifestation determination). During disciplinary exclusions exceeding ten (10) school days in a single school year, the student shall have the right to receive services identified as necessary to provide him/her with a free appropriate public education during the period of exclusion.
- II. If building administrators, the parents/guardians and relevant members of the student's IEP or Section 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP Team or Section 504 Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or where appropriate, conduct a functional behavioral assessment.
- III. If building administrators, the parents/guardians, and relevant members of the student's IEP or Section 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs or resulting in serious bodily injury to others) until the IEP or Section 504 Team develops, and the parent/guardians consent to, a new placement, or unless the

District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The Student's Team shall also review the student's IEP, and modify as appropriate, any existing behavioral intervention plan or arrange for a functional behavioral assessment.

- IV. If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational placement (IAES) for up to forty-five (45) school days. A court or BSEA hearing officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

Procedural requirements applied to students not yet determined to be eligible for special education.

- I. If prior to the disciplinary action, a district had knowledge that the student may be a student with disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior if
  - a. The parent/guardian had expressed concern in writing; or
  - b. The parent/guardian had requested an evaluation; or
  - c. School district staff had expressed concern that the student had a disability.
- II. If the district had no reason to consider the student disabled, and the parent/guardian requests an evaluation subsequent to the disciplinary action, the district must have procedures to conduct an evaluation to determine eligibility. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.
  - a. The school district has developed procedures consistent with the federal requirements to expedite evaluations.

## 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.



## Appendix

## Appendix A:

### **Student Chromebook and Technology Use and Expectations Agreement**

We encourage families to stress the importance of internet safety anytime a student is using the internet. Please review the following expectations for student Chromebook and technology use with your student(s). This section has two (2) parts. The first deals with the physical Chromebook; the second deals with how we expect students to use the internet and social media. Please discuss all sections with your student and sign in the sections below.

#### Section 1: Physical Chromebook Expectations

1. Students may only use their school email on school devices.
2. Students must lower the Chromebook lid when the teacher is talking.
3. Students should only use a Chromebook/technology on a solid, flat surface.
4. Chromebooks/technology are not allowed in the bathroom and should not be used when the student is eating or drinking.
5. Students are not to visit pages or documents that are not directly related to the assignment or class they are expected to be working on.
6. Web browsing is for educational/school use only and only when the teacher directs students to do so.
7. School-approved games are allowed when teachers have given permission to play.
8. Whenever the Chromebook/technology is being moved within a space it must be done with the lid closed using two hands.
9. Do not place Chromebook/technology in your backpack.
10. Never throw, slide, drop or press hard on your Chromebook.
11. No food or drinks are allowed near the Chromebook/technology.
12. Sign out of your Chromebook/technology and shut it down at the end of each day.

#### Section: 2 Internet & Social Media Policy

1. Be aware that what you post online on both websites and social media is public. What you contribute leaves a digital footprint for all to see. Do not post anything you wouldn't want friends, peers, parents, teachers, future colleges, or employers to see. Remember to use the THINK methodology -- Is it True, Helpful, Inspiring, Necessary, Kind?
2. Follow the school's code of conduct when writing online. It is acceptable to disagree with other's opinions; however, do it in a respectful way. Make sure that criticism is constructive and not hurtful. What is inappropriate in the classroom is inappropriate online.
3. Be safe online. Never give out personal information, including, but not limited to: last names, phone numbers, addresses, exact birth dates, and pictures. Do not share your password with anyone besides your teachers and parents.
4. Linking to other websites to support your thoughts and ideas is recommended. However, be sure to read and review the entire website prior to linking to ensure that all information is appropriate for a school setting.
5. Do your own work! Do not use other people's intellectual property without their permission. Be aware that it is a violation of copyright law to copy and paste other's thoughts (plagiarism). Hyperlinking your sources is good practice.

6. Be aware that pictures may also be protected under copyright laws. Verify that you have permission to use the image or confirm that it is under Creative Commons attribution.
7. How you represent yourself online is an extension of yourself. Do not misrepresent yourself by using someone else's identity.
8. Online work should be well written. Follow writing conventions including proper grammar, capitalization, and punctuation. If you edit someone else's work, be sure it is in the spirit of improving the writing.
9. If you run across inappropriate material that makes you feel uncomfortable or is not respectful, tell your teacher right away.
10. Students are not allowed to change any Chrome settings without teacher permission. Only tool/apps setting changes are allowed.
11. Students will have access to YouTube. They are expected to use it for school-provided/school-related links only.

**NOTE: In the event a student violates this policy and/or the Chromebook is lost, the student may incur consequences as designated in the Code of Conduct. If the Chromebook is lost or damaged due to the student's negligence the student will be held responsible for the cost of replacing the device.**

## Appendix B:



# Bullying Prevention and Intervention Plan

Updated February 2023

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## School Policy

The Conservatory Lab Charter School (CLCS) will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will promptly investigate all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The below Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyberbullying, and the school or district is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The Head of School is responsible for the implementation and oversight of the Plan except when a reported bullying incident involves the Head of School or the Chief Operating Officer as the alleged aggressor.

## Training And Professional Development

### Annual staff training on the Plan

Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the Head of School or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

### Ongoing professional development

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of schoolwide and district wide professional development will be informed by research and will include information on:

- Developmentally (or age-) appropriate strategies to prevent bullying;
- Developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- Information on the incidence and nature of cyberbullying; and
- Internet safety issues as they relate to cyberbullying.



Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by the school for professional development include:

- Promoting and modeling the use of respectful language;
- Fostering an understanding of and respect for diversity and difference;
- Building relationships and communicating with families;
- Constructively managing classroom behaviors;
- Using positive behavioral intervention strategies;
- Applying constructive disciplinary practices;
- Teaching students skills including positive communication, anger management, and empathy for others;
- Engaging students in school or classroom planning and decision-making;
- Maintaining a safe and caring classroom for all students; and
- Engaging staff and those responsible for the implementation and oversight of the plan to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, etc and bullying behaviors

#### Written notice to staff

The school or district will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties and bullying of students by school staff, in the school or district employee handbook and the code of conduct.

## Access To Resources and Services

**Counseling and other services.** The Conservatory lab will make available on-site counseling services for any student who is a target. The Coordinator of Mental Health will be the primary contact for families to access counseling services. The coordinator can be reached at 617-254-8904

**Students with disabilities.** As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

**Referral to outside services.** Schools and districts will work with families to refer students and families to outside services as needed. The Coordinator of Mental Health will be the primary contact for families to access counseling services both within and without the school. The coordinator can be reached at 617-254-8904.

## Academic And Non-Academic Activities

### Specific bullying prevention approaches

Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness other students or school staff engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- Emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications; and
- Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan should include specific information about how and when the school or district will review the Plan with students.

### General teaching approaches that support bullying prevention efforts.

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

## Policies And Procedures for Reporting and Responding to Bullying and Retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the Head of School or designee or to the superintendent or designee when the Head of School or designee is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,<sup>[5]</sup> a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is **not** required as a condition of making a report. The school or district will:

- 1) Include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians;
- 2) Make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the Head of School or designee; and
- 3) Post it on the school's website.
- 4) The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the Head of School or designee, and the superintendent or designee when the Head of School or designee is the alleged aggressor, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

### Reporting by Staff

A staff member will report immediately to the Head of School or designee, or to the Head of School or designee when the Head of School or designee is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

### Reporting by Students, Parents or Guardians, and Others

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Head of School or designee, or Head of school or designee when the Head of School or designee is the alleged aggressor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely

based on an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the Head of School or designee, or superintendent or designee when the Head of School or designee is the alleged aggressor.

## Responding to a report of bullying or retaliation – Allegations of Bullying by a Student.

### 1. Safety

Before fully investigating the allegations of bullying or retaliation, the Head of School 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; and altering the aggressor’s schedule and access to the target. The Head of School or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Head of School 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. (Include locally established student safety planning policies and procedures here.)

### 2. Obligations to Notify Others

a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the Head of School or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Head of School or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Head of School or designee first informed of the incident will promptly notify by telephone the Head of School or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Head of School or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Head of School or designee will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the Head of School or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

In making this determination, the Head of School or designee will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the Head of School or designee deems appropriate.

### Investigation.

The Head of School or designee will promptly investigate all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the Head of School or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Head of School or designee (or whoever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation 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 disciplinary action.

Interviews may be conducted by the Head of School or designee, other staff members as determined by the Head of School or designee, and in consultation with the school counselor, as appropriate. To the extent practicable and given his/her obligation to investigate and address the matter, the Head of School or designee will maintain confidentiality during the investigative process. The Head of School or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the Head of School or designee will consult with legal counsel about the investigation. (Align this with school or district procedures.)

### Determinations

The Head of School or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Head of School or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Head of School or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Head of School or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or student aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The Head of School or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Head of School or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The Head of School or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

## Responses to Bullying

### *Teaching Appropriate Behavior Through Skills-building*

Upon the Head of School or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O (d) (v). Skill-building approaches that the Head of School or designee may consider include:

- Offering individualized skill-building sessions based on the school's/district's anti-bullying curriculum;
- Providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand prosocial ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills; and
- Making a referral for evaluation.

### *Taking Disciplinary Action*

If the Head of School or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Head of School or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the Head of School or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

### *Promoting Safety for the Target and Others*

The Dean 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.

The Head of School 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 Head of School 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 Head of School 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 Head of School or designee will work with appropriate school staff to implement them immediately.

### Responding to a Report of Bullying by School Staff

In consultation with the school's legal counsel, the Head of School or designee will promptly investigate all reports of bullying or retaliation by any CLCS staff member.

During the investigation the Head of School or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Head of School or designee (or whoever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation 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 disciplinary action.

## Collaboration With Families

### Parent education and resources

The school or district 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 FAN (Family Action Network, School Leadership Council, Special Education Parent Advisory Council, or similar organizations).

### Notification requirements

Each year the school or district 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 or district 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 or district will post the Plan and related information on its website.

## Prohibition Against Bullying and Retaliation

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 district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or 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 a school district or 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, § 370, nothing in this plan requires the district or school to staff any non-school related activities, functions, or programs.

### Problem Resolution System:

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/prs>, 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.

### Definitions

Aggressor is a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying, as defined in M.G.L. c. 71, § 370, is the repeated use by one or more students or a member of a school staff 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 of 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.

Cyberbullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 370 for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable



information about bullying.

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

### Relationship To Other Laws

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H1/2, M.G.L. c. 71, §§41 and 42, M.G.L c 76 § 5, or other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

## Appendix C:



# Use of Restraints

Updated February 2023

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## The Use of Restraint on a Child

### Physical Restraint of Students and Risk Assessment

There may be instances when students may behave in ways that pose a threat to their own safety and to other members of Conservatory Lab Charter School community. In any unsafe situation, Conservatory Lab Charter School staff will conduct a careful assessment of the risks and benefits of any intervention. In most cases, unsafe situations can be de-escalated by verbal intervention and the use of positive behavior support strategies. Conservatory Lab Charter School is committed to the prevention of physical restraint whenever possible and is used only as a last resort.

If physical restraint is necessary, the safe administration of physical restraint is of the utmost importance and will be done in accordance with the regulations for the prevention and safe use of physical restraint (603 CMR 46.00) which were established by the Department of Elementary and Secondary Education (DESE) and effective on January 1, 2016 and Conservatory Lab Charter School Physical Restraint of Students Policy (below):

*Physical restraint shall only be implemented to protect a student or other members of Conservatory Lab Charter School from assault or imminent, serious, physical harm. Conservatory Lab Charter School, in accordance with these regulations, will use physical restraint only in emergency situations of last resort, and only after other less intrusive alternatives have been tried and been unsuccessful. Only school personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint to students.*

Please see the full policy and protocol on our online policy manual, including information about restrictions, exclusionary timeouts and the timely notification of and documentation of any restraint or exclusionary timeout.

Further, in cases where a student threatens the safety to self or others, the school may require a risk assessment by a qualified professional before allowing the student to continue in school.

### Physical Restraint Prevention and Behavior Support Policy and Procedures

#### GENERAL INFORMATION (46.01)

Conservatory Lab Charter School shall abide by the provisions of 603 CMR [46.00](#), which regulates the use of physical restraint on students in publicly funded elementary and secondary education programs. The Conservatory Lab Charter School has developed restraint prevention and behavior support procedures, in compliance with 603 CMR 46.04, which shall be annually reviewed, provided to school staff, and made available to parents.

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.

(c) 603 C.M.R. [46.01](#)(3)(a) & (b).

Further nothing in 603 C.M.R. [46.00](#), the Conservatory Lab Charter School Physical Restraint Policy and/or Administrative Procedures and Guidelines shall be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, nothing in 603 C.M.R. [46.00](#), \_The Conservatory Lab Charter School Policy and/or Administrative Procedures and Guidelines 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. 603C.M.R. [46.01](#)(4).

In addition, each staff member will be trained annually regarding the school's physical restraint policy and accompanying procedures. The Principal or designee will arrange training to occur each school year, or for staff hired after the beginning of the school year, within a month of their employment.

#### Definitions (46.02)

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 in 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.

**Head of School** 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 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.

## Use Of Restraint (46.03)

### *Prohibition.*

Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

- (a) The student has a documented history of repeatedly causing serious self-injuries and/or injuries

- to other students or staff;
- (b) All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
- (c) There are no medical contraindications as documented by a licensed physician;
- (d) 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;
- (e) 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,
- (f) The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.

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.

All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

*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.

*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.

*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.



## Use Of Restraint (46.04)

*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.*

### **School-Level Supports**

The school will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. In addition, the school-level crisis team will participate in professional development focused on preventative measures to prevent student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team along with teachers and other school personnel will identify students who are potentially at-risk and review student social, emotional and behavior progress monthly at the Student Support Team Meeting (SST) and/or leadership team meeting to plan interventions and supports for students. The monthly meetings will include school counselors, school nurse, administration and if necessary, the school psychologist as a resource to plan appropriate interventions and supports for the students.

Each building has a crisis team which includes the administrative team, school counselor, and nurse. All members of the school's crisis team are trained in Crisis Prevention Intervention (CPI).

For any student with a history of significant emotional/ behavior including at risk behavior (harm to self-and/or others) and/or a student who required a physical restraint, the Team will develop a safety behavior intervention plan or crisis plan. The plan will include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings (at least 1x monthly), etc. for the purpose of assessing progress and making necessary adjustments. Teams can also request a functional behavioral assessment (FBA) or Safety Assessment as needed.

### **General De-Escalation Guidelines**

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. Remain calm -To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the situation.
4. Remove Student If Possible - The feasibility of having a student experiencing distress leave an

area with other students and move to another more private and safe area in order to de-escalate should be considered.

5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

*Methods for engaging parents/guardians and youth in discussions about restraint prevention and use of restraint solely as an emergency procedure.*

The Principal will provide all families and students with information about behavioral supports and restraint prevention efforts that are utilized within their school annually. Additionally, the Principal will follow administrative procedures with respect to identifying students who may be at risk of restraint and work with the student and their family along with the school counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, the principal will follow these administrative procedures with respect to engaging the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters. Additionally, the school counselor also should follow up with the student and their family regarding behavioral supports.

*Description And Explanation Of The Program's Alternatives To Physical Restraint And Method Of Restraint In Emergency Situations.*

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints only should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include but are not limited to, the following:

1. Active listening
2. Use of a low non-threatening voice
3. Limiting the number of adults providing direction to the student
4. Offering the student, a choice
5. Not blocking the student's access to an escape route
6. Suggesting possible resolutions to the student
7. Avoiding dramatic gestures (waiving arms, pointing, blocking motions, etc.)
8. Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
9. Full or partial physical cue - A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force.
  - a. These are used at increasing levels as needed to return a student safely back to task.  
See Physical Redirection and Physical Escort below.
10. Physical Escort - A physical escort is 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.
11. Physical Redirection -A physical redirection is done by temporarily placing one hand on each of

the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.

12. Time-Out - A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming.
  - a. During time-out a staff member must continuously observe a student. Staff shall be always with the student or immediately available to the student.
  - b. 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 is calmed.
  - c. See below for more details on Time-Outs

### *Time-outs*

#### **The use of inclusionary time-out as a behavioral support strategy:**

The definition of time-out includes the practice of inclusionary time-out, i.e., when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom, and exclusionary time-out (see #2 below), i.e., the separation of students from the rest of the class either through complete visual separation or from actual physical separation. The use of inclusionary time-out functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom. Inclusionary time-out includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom; use of those is considered to be an exclusionary time-out -see #2 below). These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

#### **The use of exclusionary time-out in educational settings:**

Exclusionary time-out as a staff-directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.

#### **During an exclusionary time-out:**

1. The student must be continuously observed by a staff member.
2. Staff must be with the student or immediately available to the student at all times.
3. The space used for exclusionary time-out must be clean, safe, sanitary, and appropriate for the purpose of calming.
4. Documentation shall be maintained for any student who is placed in an exclusionary time out setting.
5. The parents shall be contacted as soon as possible whenever a student is placed in an exclusionary setting.
6. Exclusionary time-out must cease as soon as the student has calmed.

When a student is separated from the learning environment in an exclusionary time-out, s/he/they must be in a safe and calming environment. For any exclusionary time-out that may last longer than 30 minutes, programs must seek approval from the principal for the continued use of time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30

minutes is justified. If it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.

Exclusionary time-out is an intervention that should be reserved for use only when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. In such circumstances, the student may either ask to leave the classroom, or the student may be directed to a separate setting for the purpose of helping the student to calm. Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students must never be locked in a room. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student. Exclusionary time-out must end when the student has calmed.

**Seclusion:**

603 CMR 46.02 defines seclusion as: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

The key elements of this definition are two factors considered together, (1) the student is alone with no staff present or immediately available; and (2) the student is prevented from leaving the area. The use of seclusion is prohibited in Massachusetts.

*Required training for all staff.*

*Required training is described in this section. For Reporting Requirements (46.06), see Follow-Up Procedures,*

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.

#### *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.

#### *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.

## Proper Administration of Physical Restraint

All physical restraints, including prone restraint, where permitted, shall be administered in compliance with 603 CMR 46.05.

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.

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.

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.

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.

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 a 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.

## Reporting Requirements

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).

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.

#### 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.

#### 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.

#### 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.

#### 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.

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).

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.

## Complaint Procedures

### Informal Resolution of Concern about Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below.

### Formal Resolution of Concern about Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a



written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above.

The written complaint shall include:

- (a) The name of the student;
- (b) The name of the school where the physical restraint allegedly occurred;
- (c) The name of the individuals involved in the alleged physical restraint;
- (d) The basis of the complaint or concern; and (e) the corrective action being sought.

The Head of School, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Head of School and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Head of School and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Head of School shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

#### [Other Complaint Processes also Available](#)

It should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the districts Anti-Harassment and Sexual Harassment Policies to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, gender, ancestry, national origin, ethnicity, religion, age, disability, marital status, sexual orientation, homelessness, gender identity or genetic information. It also should be noted that the provisions of this section do not preclude a student from using the complaint process set forth in the CLCS Student Handbooks to seek resolution of any complaints regarding a student's deprivation of rights set forth in the school handbook.