

Normally, the investigation of a complaint of discrimination by the principal or assistant principal will include separate private interviews with the complainant, each person accused of discrimination and each of the witnesses, if any. Parties may have an advocate of their choice present during their own private interview. The interview will ordinarily be documented by the administrator conducting the investigation, but those interviewed may also be asked to provide a written statement. All students and employees are expected to cooperate fully with any investigation of discrimination.

Information provided during an investigation of discrimination will be treated as confidential. This means that such information will be shared with others on a need-to-know basis only. The parent or guardian of a student complainant and those accused may be notified. In appropriate circumstances as determined by the school, the accused may be informed of the identity of the complainant or witnesses, but, in those circumstances, the accused will be cautioned against reprisal or recriminations or any attempted intimidation or coercion of the complainant or witnesses.

At the conclusion of the investigation, the administrator will prepare a report, and recommend an appropriate course of action. The report and recommendation will be shared with both the complainant and the person or persons accused of discrimination. The recommended action will be implemented immediately, unless the recommendation, in the event of a student, is for suspension or expulsion. In the event of a recommendation for suspension or expulsion, the student shall have the right to appeal to the Superintendent. The student, teacher, administrator or employee shall notify the Superintendent in writing of a request for an appeal no later than five calendar days following the recommendation for suspension or expulsion. The Superintendent shall hold a hearing with the student and the student's parent or guardian, within three calendar days of the request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his/her behalf and shall have the right to counsel. The Superintendent shall render a decision on the appeal within five calendar days of the hearing, and may sustain, alter, or revoke the recommended disciplinary action. Such a decision shall be the final decision of the town with regard to the suspension or expulsion.

In cases involving employees, all collective bargaining protocols and district protocols will be followed through the procedures of the complaint, investigation, and appeals process.

Physical Restraint and Time Out Procedure

File: JKAA

PHYSICAL RESTRAINT OF STUDENTS

The Fairhaven Public Schools complies with the Department of Elementary and Secondary Education (hereinafter "DESE") regulations governing the use of physical restraint, which can be found at 603 CMR 46.00 et seq. (hereinafter "Regulations"). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. Additional information, including a copy of the regulations can be obtained from the Director of Student Services' Office or obtained at

<https://www.doe.mass.edu/lawsregs/603cmr46.html?section=all>.

Only lawful physical restraint will be used in the Fairhaven Public Schools. 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.

* Nothing in this policy shall preclude a teacher, employee, or agent of the Fairhaven Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. Nothing in this Policy or the Regulations prohibits law enforcement or school security personnel from exercising their responsibilities, including physical detainment of an individual alleged to have committed a crime or posing a security risk.

DEFINITIONS (603 CMR 46.02):

Mechanical Restraint: the use of any physical device or equipment to restrict a student's freedom of movement. Mechanical restraint 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: the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical Escort: 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: direct physical contact that prevents or significantly restricts a student's freedom of movement. The following are not physical restraints:

- Brief physical contact to promote student safety;
- Providing physical guidance or prompting when teaching a skill;
- Redirecting attention or providing comfort by touch (such as to a shoulder, face or torso);
- Physical escort (as defined above)

Prone Restraint: 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.

Seclusion: involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave.

The following are not seclusion:

- A classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom;
- Placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction;
- Time-out (as defined below)

Time-Out: a behavioral support strategy 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 in an unlocked setting from which the student is permitted to leave. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed.

REQUIREMENTS FOR THE USE OF PHYSICAL RESTRAINT:

Physical restraint is an emergency procedure of last resort. It may be used only when the student's behavior poses a threat of assault or imminent, serious, physical harm to self and/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.

Physical restraint 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. The staff member 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.

PROHIBITIONS:

Mechanical restraint, medication restraint, prone restraint (unless permitted under 603 CMR 46.03(b)), seclusion (unless permitted under the conditions described below) and the use of physical restraint in a manner inconsistent with 603 CMR 46.00 are strictly prohibited in the Fairhaven Public Schools.

Physical restraint, of any kind, shall not be used:

- As a means of discipline or punishment;
- 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;
- As a response to property destruction, disruption of school order, a student's refusal to comply with a policy or directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
- 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.

Seclusion is prohibited, except on an individual basis and when all of the following conditions, which require specific, advance documentation, are met:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. The student is not responsive to directives or other less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances;

3. Other forms of intervention have failed to ensure the safety of the student and/or others;
4. There are no medical contraindications, as documented by a licensed physician;
5. There is psychological or behavioral justification for the use of seclusion and no psychological or behavioral contraindications, as documented by a licensed mental health professional;
6. The program has obtained consent from the student's parent and, if appropriate, the student, to use seclusion in an emergency and the use has been approved in writing by the Principal;
7. Any individual using seclusion has received training about alternative behavior interventions and management techniques; and
8. The program has documented all of the above before using seclusion and maintains the documentation.
9. No written individual behavior plan or individualized education program (IEP) may include use of seclusion as a standard response to any behavior. At all times during the use of seclusion, a staff member will continuously monitor and observe the student, be immediately available to the student, and continue to use calming and deescalation strategies with the student, unless it is unsafe or counterproductive to do so. The emergency use of seclusion will cease as soon as the student's behavior no longer poses a threat of assault or imminent serious physical harm or if the student is observed to be in severe distress. The Principal's approval must be obtained if seclusion is used for a period longer than 30 minutes.
10. Any program of the Fairhaven Public Schools which uses emergency seclusion, consistent with the requirements above, must examine alternatives and strategies for reducing and eliminating its use no later than 3 years from the effective date of the Regulations.

PROPER ADMINISTRATION AND SAFETY REQUIREMENTS:

Only personnel who have received training pursuant to the Regulations 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. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

- 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, program staff 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.

STAFF TRAINING

All school staff will receive training with respect to the Fairhaven Public Schools restraint prevention and behavior support policy and requirements when restraint is used. Staff training will occur at the beginning of each school year, and, for new hires, within one month of being hired.

Training shall include:

- Information on the role of various individuals in preventing restraint;
- The Physical Restraint and Time-Out Policy and procedures;
- Interventions that may preclude the need for restraint, including de-escalation techniques;
- Types of permitted physical restraints and related safety considerations;
- 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
- Identification of program staff who have received in-depth training in the use of physical restraint, who may serve as school-wide resources to assist in ensuring proper administration of physical restraint.

In addition, the Principal will identify program staff who will participate in additional, in-depth training on the use of physical restraint, consistent with the requirements of 603 CMR 46.04(3),(4). In-depth training shall be consistent with DESE recommendations and at least sixteen (16) hours in length. In-depth training will include:

- Appropriate procedures for preventing the need for physical restraint, including relationship building, the de-escalation of problematic behavior, and the use of alternatives to physical restraint;
- A description and identification of dangerous behaviors on the part of a student that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint is warranted;

- 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;
- Instruction regarding district documentation ('Physical Intervention Incident Report') and mandated state reporting requirements and investigation of injuries and complaints ('Physical Restraint Report'); and
- Demonstration by participants of proficiency in administering physical restraint.
- Staff who have received in-depth training may use the following methods of physical restraint in the Fairhaven Public Schools, as an emergency procedure of last resort to protect and student an/or community member from assault or imminent, serious, physical harm: Children's Control Position (CPI); Team Control Position (CPI); Transport Position (CPI); Interim Control Position (CPI)

REPORTING

Any and all physical restraints (including emergency seclusion, if used), regardless of duration, will be reported to the Principal, the Parents, and the Department of Elementary and Secondary Education (DESE) as indicated below.

Reporting to Principal: The staff member who administered the restraint/seclusion shall notify the Principal or designee verbally as soon as possible and in writing no later than the next school working day. If the Principal administered the restraint, the Principal shall prepare the report and submit it to the Superintendent.

- The Principal or designee shall maintain an on-going record of all reported instances of physical restraint and emergency seclusion, if any (the "Physical Restraint Log" and "Seclusion Log").
- The Principal shall conduct **a weekly review** of the Physical Restraint Log and Seclusion Log to identify student(s) who have been restrained/secluded multiple times during the week and convene teams to review the student's needs, as appropriate. The review team will review the written physical restraint reports; analyze the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved; consider factors that may have contributed to escalation of behaviors and alternatives to restraint, with the goal of reducing or eliminating the use of restraint in the future; and create a written plan of action, if appropriate. The Principal shall ensure that a record of any such individual student review team is maintained and made available to DESE or the Parents upon request.
- The Principal shall also conduct **a monthly review** of the Physical Restraint Log and Seclusion Log in order to consider patterns in the time of day, day of week, or individuals involved; the number and duration of restraints/seclusions school-wide and for individual students; the number and type of injuries, if any, resulting from use of restraint; and the need for additional staff training, policy modifications, or other action to reduce or eliminate restraints.
- The Physical Restraint Log and Seclusion Log, if any, shall be made available for review by a parent (in accordance with student records regulations) or the DESE upon request.

Reporting to Parents: The Principal or designee shall make reasonable efforts to inform the student's Family(ies) of the restraint within 24 hours of the event and shall notify the student's Family(ies) by written report within three school working days of the restraint. The information in the report shall comply with 603 CMR 46.06(4). The written restraint report must be provided to the student's family(ies) in the language in which report cards and other necessary school-related information are customarily provided. The Principal shall provide the student and the parent(s) an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

Reporting to DESE: If a physical restraint or emergency seclusion results in injury to either a student or a staff member, the Fairhaven Public Schools will send a copy of the written report of that restraint to the DESE within three (3) school working days, along with a copy of Physical Restraint Log and Seclusion Log, if any, for the 30-day period prior to that restraint. Additionally, the Fairhaven Public Schools will annually report physical restraint data to DESE in a manner and form directed by DESE.

SUGGESTIONS FOR WRITTEN PROCEDURES:

PREVENTING STUDENT VIOLENCE AND SELF-INJURIOUS BEHAVIOR

As set forth in the Regulations, the Fairhaven Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

PARENT ENGAGEMENT

In accordance with the Regulations, the Fairhaven Public Schools shall engage parent(s)/guardian(s) in discussions about restraint prevention and the use of restraint solely in an emergency situation of last resort. This Physical Restraint Policy, JKAA, will be posted on the Fairhaven Public Schools' website and in school handbooks. Parents are also welcome to request a meeting with the Principal or Team Chair to discuss any individual restraint or to discuss restraint and time-out procedures in general use.

GREIVANCE PROCEDURE

The Fairhaven Public Schools will consider and investigate any complaints that it receives regarding the use of physical restraint or time-out in school. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may submit a written complaint to the Principal. The written complaint should include the time, date, and location of the incident; the names of all students and staff involved; and references to which aspects of this policy or the Regulations that the complainant believes have not been followed. The Principal or designee will conduct a thorough investigation which may include interviewing the complainant, witnesses, staff, and/or the student; reviewing all written documentation leading up to and pertaining to the incident; and reviewing available data on physical restraint and/or time-outs within the building. The Principal or designee will provide a written response to the complainant summarizing the investigation, conclusions, and corrective action, if any.

Fairhaven Public Schools
District School Curriculum Accommodation Plan (DCAP)
Elizabeth Hastings Middle School: 6-8

MISSION

The Fairhaven Public School District, in partnership with families and the community, promote integrity, ambition, and perseverance to ensure high-level learning for all children in a safe and supportive environment, focused on the growth of each individual that is respectful of each other's differences, to ensure that each student becomes an independent, productive, and successful citizen. We ascribe to the belief of All Kids, All the Time! We are dedicated to meeting the needs of all our students.

PURPOSE

The **District Curriculum Accommodation Plan (DCAP)** purpose is to identify strategies and/or programs within the general education system in each school that will provide for the diverse needs of students who are not identified as receiving specialized services. Per Massachusetts General Law (MGL Ch. 71 Section 38 Q ½), a school district shall adopt and implement a Curriculum Accommodation Plan to assist principals in ensuring that all efforts have been made to meet students' needs in general education. The plan shall be designed to assist the general classroom teacher in analyzing and accommodating the diverse learning style of all children in the general classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under MGL Ch. 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring, collaboration, and parent/guardian involvement.

The FPS DCAP divides accommodations into four categories: presentation, setting, timing, and response. The FPS DCAP is intended to serve as a resource for teachers who are seeking to best educate the variety of learners who make up our classrooms. In the following pages, educators, parents, and students should find practical applications for supporting diverse learners.

SUPPORTS FOR OUR STUDENTS

PRE-K - 12

• Profile of Learner Traits and Assessments • Technology and Assistive Technology • Related Services Consultation/Student Support Team • Guidance and School Adjustment Counselors • Anti-Bullying Prevention and Intervention Plan • Small Group Targeted Support (WIN) • Open House/Student-Teacher Conferences • BCBA Consultation • Collaborative Problem-Solving • Teaching Assistant Support in Classes • Universal Design for Learning (UDL) Strategies	• School Psychologist • Student Support Team (SST) • MLL Instructional Supports • Universal Social/Emotional Learning Screener (DESSA) • Student Success Plans • Skillbuilding Small Groups • Restorative Justice Practices • Social Worker Consultations • After School Support • Peer Mentoring • Guidance Seminar • BRIDGE Classroom • School Resource Officer(s) • School Security • After School Programs (Enrichment) • FPS Family Center
--	--

SUPPORTS FOR OUR EDUCATORS

PRE-K - 12

• Profile of Learner Traits and Assessments • Targeted Professional Development • Teacher Mentoring Program • Universal Design for Learning Training • Professional Learning Communities • Curriculum Revision opportunities • FPS Family Center	• Contractual Reimbursement for Additional Coursework • Staff Handbook • Instructional and Assistive Technology • CPI Training • MCAS Alternative Assessment Training • Employee Assistance Program (EAP)
--	--

ENCOURAGEMENT OF PARENTAL/GUARDIAN INVOLVEMENT

PRE-K - 12

• Parent/Guardian-Teacher Organization • Parent/Guardian Teacher Conferences • Parent/Guardian Volunteer Opportunities • School Councils • Parent Portal in ASPEN X2 • Parent/Guardian Newsletters • District and School Survey	• Open House/Orientation • FPS Family Center • Special Education Parent Advisory Committee • College and Career Workshops • After-School Enrichment Programs • Social Media • FHS Alumni Association
---	--

ACCOMMODATIONS PRE-K - 12

Presentations: How does the teacher get information across? ○ Provide rubrics ○ Provide graphic organizers ○ Provide examples and exemplars ○ Provide audio supports ○ Provide visual supports ○ _____ ○ _____ ○ _____ ○ _____ ○ _____	Timing: What is the time of day, how much time is allotted, and what is the pace of the lessons? ○ Break up larger assignments ○ Recommend additional tutoring or lab work ○ Allow extended time for assessments when appropriate ○ Provide schedules that include movement and transition times ○ _____ ○ _____ ○ _____
Setting: What is the physical education setting? ○ Allow for preferential seating ○ Differentiated and flexible small groups ○ Opportunities for movement ○ Use of technology tools to adjust for noise level ○ _____ ○ _____ ○ _____ ○ _____ ○ _____	Responses: How do students communicate what they know to teachers? ○ Ensure access to appropriate task-related technologies ○ Schedule student discussion and verbalization time prior to written assignments ○ Offer varied manipulatives ○ Offer varied notation ○ Offer cueing tools to highlight key course concepts ○ _____ ○ _____ ○ _____

UNIVERSAL DESIGN FOR LEARNING

FPS uses strategies of Universal Design for Learning. Universal Design for Learning (UDL) is a framework to improve and optimize teaching and learning for all people based on scientific insights into how students learn. The UDL Guidelines are a tool used in the implementation of Universal Design for Learning. These guidelines offer a set of concrete suggestions that can be applied to any discipline or domain to ensure that all learners can access and participate in meaningful, challenging learning opportunities.

For accommodations for Perception, Language and Symbols, Comprehension, Physical Action, Expressive Skills and Fluency, Executive Functions, Recruiting Interest Sustaining Effort and Persistence, and Self-regulation please refer to the UDL interactive Learning - UDL Learning Wheel and the checklist below.

Options for Perception

- Use text equivalents in the form of captions or automated speech-to-text for spoken language
- Provide visual diagrams, charts, and notations of music or sound
- Provide written transcripts for videos or auditory clips
- Vary the display of information in a flexible format including the size of text, images, graphs, tables or other visual content
- Contrast between background and text or image
- Color used for information or emphasis
- Volume or rate of speech or sound
Speed or timing of video, animation, sound, simulations, etc.
- Font used for print materials
- -----
- -----
- -----
- -----
- -----
- -----

Options for Comprehension

- Activate prior knowledge (e.g. using visual imagery, concept anchoring, or concept mastery routines), using advanced organizers (e.g. KWL methods, concept maps), and pre-teaching critical prerequisite concepts through demonstration or models, concrete objects
- Bridge concepts with relevant analogies and metaphors
- Highlight patterns, critical features, big ideas, and relationships
- Emphasize key elements in text, graphics, diagrams, formulas
- Use cues and prompts to draw attention to critical features, explicit prompts for each step in a sequential process
- "Chunk" information into smaller elements
- Use checklists, organizers, sticky notes, electronic reminders, and mnemonic strategies
- Explicit opportunities for spaced review and practice
- -----

Options for Language and Symbols

- Pre-teach vocabulary and symbols in ways that promote connections to the learners' experience and prior knowledge
- Highlight how complex terms, expressions, or equations are recomposed of simpler words or symbols
- Clarify unfamiliar syntax (in language or in math formulas) or underlying structure (in diagrams, graphs, illustrations, extended expositions or narratives)
- Support decoding of texts, mathematical notations, and symbols
- Present key concepts in one form of symbolic representations (e.g. an expository text or a math equation) with an alternative form (e.g. an illustration, dance/movement, diagram, table, model, video, comic strip, storyboard, photograph, animation, physical or virtual manipulative)

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Options for Physical Action

- Provide alternatives in the requirements for rate, timing, amplitude, and range of motor action necessary to interact with instructional materials, physical manipulatives, and technologies
- Provide alternatives for physically responding or indication selections (e.g. to marking with pen and pencil, to mouse control)
- Provide alternatives for physically interacting with materials (e.g. by hand, voice, switch, joystick, keyboard, or adapted keyboard)
- Use keyboard commands for mouse action
- Consider switch options, alternative keyboards, and customized overlays for touch screens and keyboards

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Options for Expressive Skills and Fluency

- Compose in multiple media such as text, speech, drawing, illustration, comics, storyboards, design, film, music, visual arts, sculpture, or video
- Provide learners with spell checkers, grammar checkers, word prediction software, speech-to-text software, human dictation and recording
- Provide calculators, graphing calculators, geometric sketchpads, and pre-formatted graph paper
- Use sentence starters, sentence strips, story webs, outlining tools, concept mapping tools, Computer-Aided-Design (CAD), and music notation (writing) software
- Provide base-10 blocks, algebra blocks (either concrete or virtual)
- Use web applications (e.g. wikis, animation, presentation)
- Provide scaffolds that can be gradually released with increasing independence and skills

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Options for Recruiting Interest

- Provide learners with as much discretion and autonomy as possible by providing choices in the level of challenge, type of tools used, color, design, and layout of graphics, and sequence or timing of tasks
- Involve learners, where and whenever possible, in setting their own personal academic and behavioral goals
- Vary activities and sources of information so that they can be personalized and contextualized in learners' lives, culturally relevant and responsive, and appropriate for different racial, cultural, ethnic, and gender groups
- Design activities so that outcomes are authentic, communicate to real audiences and are purposeful
- Provide tasks that allow for active participation, exploration, and experimentation
- Invite personal response, evaluation, and self-reflection to content and activities

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Options for Executives Functions

- Use prompts and scaffolds to estimate effort, resources, and difficulty, and models or examples of the process and product of goal-setting
- Provide learners with guides and checklists for scaffolding goal-setting
- Use prompts that embed “stop and think” before acting, coaches or mentors that model think-alouds of the process, and prompts for categorizing and systematizing
- Use checklists and project planning templates for setting up prioritization, sequences, and schedules of steps
- Break long-term goals into reachable short-term objectives
- Use checklists and guides for note-taking, and guided questions for self-monitoring
- _____
- _____
- _____

Options for Sustaining Efforts and Persistence

- Use prompts or requirements to explicitly formulate or restate goals
- Use hand-held or computer-based scheduling tools with reminders
- Provide opportunities for collaboration, peer tutoring, and support
- Vary the degree of freedom for acceptable performance
- Emphasize process, effort, improvement in meeting standards as alternatives to external evaluation, performance goals, competition
- Use cooperative learning groups with scaffolded roles and responsibilities
- Provide learners on when and how to ask peers and/or teachers for help
- Construct virtual communities of learners engaged in common interests or activities
- Differentiate the degree of difficulty or complexity within which core activities can be completed
- _____

Options for Self-Regulation

- Use prompts, reminders, guides and rubrics and checklists that focus on self-regulatory goals
- Use differentiated models, scaffolds and feedback for managing frustration, seeking external emotional support, and developing internal controls and coping skills
- Provide recording devices, aids, or charts to assist individuals in learning to collect, chart and display data from their own behavior (including emotional responses, effect, etc.) to monitor changes in those behaviors
- Design activities that in which learners get feedback and have access to alternatives scaffolds (charts, templates, feedback displays) that support them in understanding their progress in an understandable and timely manner
- _____
- _____

SYNOPSIS OF FEDERAL CIVIL RIGHTS LAWS AND DISTRICT COORDINATOR INFORMATION

Title VI of the Civil Rights Act of 1964.

COORDINATOR: Mark Balestracci

128 Washington St. Fairhaven 508-979-4000

This statute prohibits discrimination on the grounds of race, color or national origin by recipients of federal financial assistance. This statute ensures that individuals are not excluded from participation in programs or activities receiving federal funds (or the benefits of) on account of their membership in one of these protected categories (42 DSC SZOOOd). This statute has been interpreted to prohibit the denial of equal access to education because of a language minority student's limited proficiency in English.

Title IX of the Education Amendments of 1972

COORDINATOR: Tanya Dawson

128 Washington St. Fairhaven 508-979-4000

Title IX of the Education Amendments of 1972 provides that no individual may be discriminated against on the basis of sex in any education program or activity receiving federal financial assistance. Title IX requires that schools adopt and publish a policy against sex discrimination and have grievance procedures through which students can complain of alleged sex discrimination, including sexual harassment. State Law requires Massachusetts' employers to have a policy against sexual harassment (M.G.L., Ch. 151B, S3A)

Section 504 of the Rehabilitation Act of 1973.

COORDINATOR: Mark Balestracci

128 Washington St. Fairhaven 508-979-4000

Section 504 provides that no otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The regulations implementing Section 504 require that public schools provide a free appropriate education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap. (34 CFR 104.33)

Americans with Disabilities Act of 1990

COORDINATOR: Tanya Dawson

128 Washington St Fairhaven 508-979-4000

The regulations implementing the ADA provide that, "A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity must make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph." (34CFR 35.107)

Equal Educational Opportunities Act of 1974

COORDINATOR: Tanya Dawson

128 Washington St. Fairhaven 508-979-4000

This federal statute prohibits states from denying equal educational opportunities to an individual based on certain protected classifications including national origin. It specifically prohibits denying equal educational opportunities by failing to take appropriate action to overcome language barriers that impede participation by its students in its instructional programs. (20 USC S1203 (f))

Massachusetts General Laws Chapter 76, 85 (also known as Chapter 622)

COORDINATOR: Tanya Dawson

128 Washington St. Fairhaven 508-979-4000

This state law provides that "no person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation."

Title I of the Elementary and Secondary Education Act of 1965

COORDINATOR: Nicole Potter

128 Washington St. Fairhaven 508-979-4000

Title I is designed to help disadvantaged children meet challenging content and student performance standards.

Homeless Educational Liaison

COORDINATOR: Morgan Matthews Byron

128 Washington St. Fairhaven 508-979-4000

Students without a permanent place to live have the right to: go to school, including public preschool; obtain free lunch (and breakfast if offered); receive transportation; participate in school activities; receive the same support and services provided to all other students as needed.

Chapter 688

COORDINATOR: Tanya Dawson

128 Washington St. Fairhaven 508-979-4000

School districts file a Chapter 688 referral for students with severe disabilities who will need continued services and supports after their eligibility for special education ceases. School districts must make Chapter 688 referrals at least 2 years before the student is expected to graduate from school or turn 22 years of age. This allows time to determine the student's eligibility for adult services and for agencies to include the anticipated cost of services for the student in its budget request that it submits to the state legislature each year.

APPENDIX A

Fairhaven Public Schools Bullying Prevention and Intervention Plan

Fairhaven Public Schools
128 Washington Street
Fairhaven, MA 02719
Telephone: 508-979-4000

Fairhaven Public Schools Bullying Prevention and Intervention Plan



TABLE OF CONTENTS

I. LEADERSHIP.....	3 - 5
II. PROHIBITION AGAINST BULLYING AND RETALIATION	6
III. DEFINITIONS.....	6-7
IV. RELATIONSHIP TO OTHER LAWS.....	7
V. TRAINING AND PROFESSIONAL DEVELOPMENT.....	8 - 9
VI. ACCESS TO RESOURCES AND SERVICES.....	9-10
VII. ACADEMIC AND NON-ACADEMIC ACTIVITIES.....	10-11
VIII. POLICIES & PROCEDURES FOR REPORTING & RESPONDING TO BULLYING & RETALIATION	11 - 17
IX. PROBLEM RESOLUTION SYSTEM.....	17
X. COLLABORATION WITH FAMILIES.....	18

APPENDIX A

Incident Reporting Form.....	19
-------------------------------------	-----------

I. LEADERSHIP

Statement of Purpose/Priority Statement

The Fairhaven Public Schools expects that all members of the school community treat each other in a civil manner and with respect, regardless of differences.

The Fairhaven School Committee believes that preventing bullying, cyberbullying, harassment, and/or retaliation is critical for creating and maintaining a safe, secure, and positive school climate and culture, which in turn supports high-level learning, increases school engagement, respects the rights of all individuals and groups, and purposefully builds community.

The Fairhaven Public Schools recognizes that certain students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, 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. The Fairhaven Public Schools will take specific steps 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, cyberbullying, harassment, or teasing.

The Fairhaven Public Schools 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 Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyberbullying, and the 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 Principals are responsible for the implementation and oversight of the Plan at their respective buildings, except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target. Designees can include but are not limited to the Assistant Superintendent, the Director of Student Services, etc. If the Superintendent is the alleged aggressor, the School Committee or its designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target.

A. Public Involvement in Developing the Plan. As required by M.G.L. c. 71, § 37O, the Plan will be developed with various constituencies. This involvement will include Fairhaven Public Schools administrators, faculty, and staff; school volunteers; interested community representatives, students, parents, and guardians; and the Fairhaven School Committee. A community forum on the development of the original Plan was held in the fall of 2010.

A consultation will include, at a minimum, notice and a public comment period before the Fairhaven School Committee adopts the Plan.

B. Assessing Needs and Resources

This plan is the Fairhaven Public Schools' blueprint for enhancing our capacity to prevent and respond to issues of bullying within the context of other healthy school climate initiatives. As part of the planning process, the Superintendent, along with the Superintendent's designees, the Civil Rights Task Force, with input from administrators, faculty, and families, will:

- Assess the adequacy of current programs
- Review current policies and procedures;
- Review available data on the prevalence and characteristics of bullying and behavioral incidents;
- Assess available resources including curricula, training programs, and behavioral health services for designing ongoing professional development;
- Review current and relevant articles and research on the best methodology to prevent, intervene and address bullying and cyber-bullying;
- Research and review results-based anti-bullying curricula and instructional guides;
- Assessments of initial and periodic needs, by surveying students, faculty, staff, parents, and guardians on school climate and school safety needs.

C. Planning and Supervision.

The building Principals or designee will be responsible for the following tasks under the Plan:

- Receiving reports on bullying;
- Collecting and analyzing school-wide data on bullying to assess the present level of need and to measure improved outcomes;
- Reviewing and monitoring the process for recording and tracking incident reports, and for accessing information related to targets and aggressors;
- Planning for the ongoing professional development that is required by the law;
- Planning supports that respond to the needs of targets and aggressors;
- Choosing and implementing the curricula that the school or district will use;
- Updating and revising policies and protocols under the Plan, including an Internet Safety Policy, and designating key staff to be responsible for the implementation of such policies/protocols;
- Amending student and staff handbooks and codes of conduct;
- Leading the parent/guardian or family engagement efforts and drafting parent/guardian information materials;
- Reviewing and updating the Plan as needed every 2 years.

The Director of Technology will be responsible for updating the Acceptable Use Policy. The Assistant Superintendent will be responsible for reviewing and updating biannually, or more frequently if needed.

II. 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 including 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 or harassment provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited. As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

III. DEFINITIONS

In our effort to prevent and intervene in all acts of bullying, it is essential for administrators, faculty, staff, students, parents, guardians, law enforcement agencies, and other interested parties to use common language. The following definitions are provided to facilitate this goal.

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

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or by a member of the school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, support staff, or paraprofessional 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, § 37O for the legal definition of cyberbullying.

Harassment, includes, but is not limited to, conduct when related to a person's sex (gender), race, color, national origin, religion, age, handicap, and/or disability, and sexual orientation and when such conduct is unwelcome by the recipient. In order to give rise to a complaint, harassment must be sufficiently severe, persistent, or pervasive that it adversely affects a student's education by creating an intimidating, hostile, or humiliating environment. For a one-time incident to rise to the level of harassment, it must be severe. See FPS Policy 4157 for more information,

Hostile environment, as defined in M.G.L. c. 71, § 37O, 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.

Hot Spot is any location in or around school grounds that tends to be a common area where bullying/harassment will commonly occur.

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 or staff member against whom bullying, cyberbullying, or retaliation has been perpetrated.

IV. 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, sex, religion, national origin, or sexual orientation. 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, 37H½, or 37H ¾ other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

V. TRAINING AND PROFESSIONAL DEVELOPMENT

The Fairhaven Public Schools is committed to providing ongoing professional development for all staff. This plan reflects the requirements under M.G.L. c. 71, § 37O, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, and paraprofessionals.

A. Annual staff training on the Plan.

Annual training for all Fairhaven Public Schools faculty and staff will occur in September of each school year. The training will include staff responsibilities under the Plan, an overview of the steps that the Principal 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. Staff members hired after the start of the school year are required to participate in school-based training within (30) days of hire. New staff will review and sign off on participating in the training. Additional areas of training will be provided based on needs and concerns identified by school or district staff. While bus drivers are trained through their employers, the Fairhaven Public Schools encourages all bus drivers to attend the district training.

B. 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 school-wide and district-wide professional development will be informed by research and will include:

- Developmentally appropriate strategies to prevent bullying;
- Developmentally 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;
- 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.

- 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; and
- Maintaining a safe and caring classroom for all students.

C. Written notice to staff.

The Fairhaven Public Schools will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook or by separate publication.

VI.ACCESS TO RESOURCES AND SERVICES

A key aspect of promoting a positive school climate is ensuring that the underlying social and emotional needs of targets, aggressors, families, and others are addressed.

A. Identifying resources

Resources for targets, aggressors, and their families may include but are not limited to adopting new curricula, establishing safety planning teams, and identifying other agencies that can provide services. The Fairhaven Public Schools currently provides the following resources for in-school counseling and other services for targets, aggressors, and their families:

- 1 Assistant Superintendent
- 1 Director of Student Services
- 1 Assistant Director of Student Services
- 2 High School Assistant Principals
- 1 Middle School Assistant Principal
- 2 Elementary School Assistant Principals
- 2 Middle School Guidance Counselors
- 1.5 Middle School Adjustment Counselors
- 2 High School Guidance Counselors
- 2 Health Teachers (one at the MS and one at the HS)
- 2.5 High School Social Workers
- 2 Elementary School Adjustment Counselors
- 3 School Psychologists
- 2 School Resource Officers
- 1 Family Engagement Coordinator
- Referrals to Child and Family Services
- Referrals to New Bedford Youth Court
- Referrals to New Bedford Women's Centers, Local Clinicians, and other outside agencies
- CARING Network (elementary only)

B. Counseling and other services

The Fairhaven Public Schools has a variety of appropriate resources within the district. The Fairhaven Public Schools utilizes adjustment counselors, guidance counselors, and school psychologists who assist in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors. The Fairhaven Public Schools utilizes various tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula. Translators are provided as are translations of materials for Fairhaven families as needed.

C. 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 the student is vulnerable to bullying, harassment, or teasing because of his/her/their 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. It will be the responsibility of the chairperson of each Special Education Team to ensure the Team addresses this topic. All special education Administrators and faculty members receive training on this requirement.

D. Referral to outside services

The Fairhaven Public Schools has a referral protocol for referring students and families to access appropriate services. Referrals comply with relevant laws and policies. Current local referral protocols are annually evaluated to assess their relevance to the Plan and revised as needed.

VII. ACADEMIC AND NON-ACADEMIC ACTIVITIES

A. Specific bullying prevention approaches.

The Fairhaven Civil Rights Task Force will oversee the selection of specific bullying prevention approaches. Bullying curricula will be based on 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 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.
- Providing parents and guardians with information regarding the schools' bullying prevention curricula.

The Fairhaven Civil Rights Task Force believes that these initiatives will also teach students about the student-related sections of the Fairhaven Public Schools Bullying Prevention and Intervention Plan through the student handbook, school assemblies, and/or small group meetings.

B. General teaching approaches that support bullying prevention efforts

The Fairhaven Civil Rights Task Force believes that the following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of the Fairhaven Public Schools 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 based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender-identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics;
- 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;
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength; and
- Communicating with parents/guardians regarding the schools' goals and expectations for students and students safety

VIII. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

A. Reporting potential bullying or retaliation

Reports of potential 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 documented in an age-appropriate manner by the Principal or designee. A school or district staff member is required to report promptly to the Principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses.

The Fairhaven Public School District has developed an Incident Reporting Form¹ which is accessible at each school, through the Fairhaven Police Department, and on the district and school website. Oral or email reports by a parent/guardian are also accepted. Reports should be addressed to the principal or assistant principal of the school. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. Though no disciplinary action will be taken based solely on anonymous reports, all reports will be investigated.

The use of an Incident Reporting Form is not required as a condition of making a report. The Fairhaven Public Schools will:

- 1) include a copy of the Incident Reporting Form in the Parent/Students Handbooks
 - 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee
 - 3) post it on the district and school's website
 - 4) make it available at the Fairhaven Police Department
- Every effort will be made to provide the Incident Reporting Form in the most prevalent language(s) of the parent/guardian.

At the beginning of each school year, or upon hire, each school employee will be provided with written notice of the district's policies for reporting acts of bullying, harassment, and retaliation. Substitutes, upon hire, will be given a copy of the Bullying Plan and sign stating they have received it. A description of the reporting procedure and resources, including the name and contact information of the principal or designee, will be incorporated in the student/parent handbooks, of the school and district website, and in information about the Plan that is made available to parents or guardians. The school 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 outfits policies for reporting acts of bullying and retaliation.

1. Reporting by Faculty and Staff

A Faculty or Staff member will provide a written report immediately to the Principal or designee when he/she/they witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the Principal or designee 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.

2. Reporting by Students, Parents or Guardians, and Others

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

¹ See Appendix A for the Fairhaven Public Schools Incident Reporting Form

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 Principal or designee. The Principal or designee will document all reported incidents.

B. 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 Principal 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 Principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary for all parties involved.

The Principal 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.

2. Obligations to Notify Others

a. Notice to parents/guardians. Upon determining that bullying or retaliation has occurred, the Principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Principal or designee contacts parents/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 Principal or designee first informed of the incident will promptly notify by telephone the Principal 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.

Additionally, when a student transfers from one school to another within the district, copies of all Tracking Forms involving the transferring students will be given to the receiving schools. When students transfer from the Elizabeth Hastings Middle School to Fairhaven High School, copies of all Incident Reporting Forms will be given. When students transfer to the Hastings Middle School, or within elementary schools, all Incident Reporting Forms for the last 2 years will be forwarded. All forms at all levels will be given in a face-to-face meeting between the principals or their designees.

c. Notice to law enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Principal 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 Principal or designee shall contact the local law enforcement agency if he/she/they has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

In making this determination, the Principal 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 principal or designee deems appropriate.

C. Investigation

The Principal 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 Principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. Parental permission will not be required for interviews to take place. The Principal or designee (or whoever is conducting the investigation) will inform 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 will be conducted by the principal or designee (ordinarily the Designated Official for that school), the District Equity Coordinator, or other staff members as determined by the principal or designee, and in consultation with the school counselor as appropriate. To the extent practicable, and give his/her/their obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation, including the preservation of all email and text communications.

Procedures for investigating reports of bullying and retaliation will be consistent with Fairhaven Public Schools policies and procedures for investigations and for possible disciplinary action. If necessary, the Principal or designee will, with the consent of the Superintendent, consult with legal counsel about the investigation.

D. Determinations

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

Depending upon the circumstances, the Principal or designee may choose to consult with the student's teacher(s) and/or counselors, and the target's or aggressor's parents/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 or counseling services.

The Principal or designee will promptly notify the parents/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 notices to parents/guardians must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements

regarding the confidentiality of student records, the Principal or designee cannot report specific information to the target's parents/guardians about the disciplinary action taken unless it involves a "stay away" order or other directives that the target must be aware of in order to report violations.

The Principal or designee shall inform the parent/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.

E. Responses to bullying

1. Teaching appropriate behavior through skills-building

Upon the Principal 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). Some skill-building approaches that the Principal 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/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.

2. Taking disciplinary action

If the Principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Principal 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 as outlined in the student handbook and applicable state and federal law.

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

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

3. Promoting safety for the target and others

The Principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the Principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Principal or designee will follow up with the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Principal or designee will work with appropriate school staff to implement them immediately.

F. Responding to Allegations of Bullying by School Staff

Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the Superintendent/designee shall be responsible for such actions. In the event the Superintendent is the alleged aggressor, the School Committee/designee shall be responsible for such actions.

Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the Superintendent/designee shall be responsible for such actions. In the event the Superintendent is the alleged aggressor, the School Committee/designee shall be responsible for such actions.

A staff member who is the subject of a complaint of a serious nature will be informed promptly and will be afforded the opportunity to present the facts as he/she sees them, in accordance with district policies and procedures, including any applicable collective bargaining agreements.

Procedures for investigating reports of bullying and retaliation by staff are consistent with district policies and procedures for investigations of other alleged misconduct by staff. If necessary, the designated school official will consult with legal counsel about such procedures. Investigations may include interviews of staff, students, and others as deemed appropriate. School officials will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable, given their obligation to investigate and address the allegations at issue, the school officials will maintain confidentiality during the investigative process.

In the event a designated school official determines that the staff member has engaged in bullying of, or retaliation against a student, the student's parent/guardian will be notified of what action is being taken to prevent further such acts and to restore the student's sense of safety. All notices to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of personnel records, the school official will not report specific information to the target's parent/guardian about any disciplinary action taken unless it involves a "stay away" order or other directives that the target must be aware of in order to report violations.

In the event disciplinary action against an employee is under consideration, appropriate due process will be provided. Any disciplinary action imposed will be based upon facts found by the designated school official and appropriate standards and expectations in light of the employee's role and responsibilities. School officials will develop a method to record confirmed acts of bullying by staff.

IX. PROBLEM RESOLUTION SYSTEM:

Any parent/guardian wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>. Emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information are also available at the Administration Center office.

X. COLLABORATION WITH FAMILIES

A. Parent/Guardian education and resources

The Fairhaven Public Schools, in collaboration with School Councils and parent organizations such as PTOs and SEPAC, will provide resources, information, and education programs to parents/guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school, along with online safety and cyberbullying.

B. Notification requirements

Each year the Fairhaven Public Schools will inform parents/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/guardians 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/guardians will be in hard copy and electronic formats and will be available in the language(s) most prevalent among parents/guardians. The district will post the Plan and related information on its website.

APPENDIX A

Incident Reporting Form

FAIRHAVEN PUBLIC SCHOOLS
SAFE SCHOOLS INITIATIVE
INCIDENT REPORTING/COMPLAINT FORM

I. Report of the Incident (*reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report*).

1. Information about the Incident

Check:

Please identify the alleged aggressor: _____

Student ☐ Staff ☐ Other ☐

Grade: _____

Please identify the person(s) targeted by the aggressor: _____

Student ☐ Staff ☐ Other ☐

Grade: _____

Date(s) of the incident: _____

Time when incident(s) occurred: _____

Incident Location (be as specific as possible): _____

2. Witnesses: (List people who saw the incident or have relevant information about the incident):

Name: _____ Student ☐ Staff ☐ Other ☐

Name: _____ Student ☐ Staff ☐ Other ☐

3. Describe the incident in detail including the name of person involved, what was said and done, specific words used. Use additional paper if necessary.

4. Person Completing Form: _____ Student ☐ Staff ☐ Other ☐

School: ☐ East Fairhaven School ☐ Elizabeth Hasting Middle School ☐ Fairhaven High School ☐ Wood School

Signature: _____ Date: _____

5. Form given to: _____ **Position:** _____ **Date:** _____

FOR ADMINISTRATIVE USE ONLY

II. Investigation

1. Investigator: _____

Date Received _____

Position: _____

2. Interviews:

Interviewed Aggressor Name: _____ Date: _____

Interviewed Target Name: _____ Date: _____

Interviewed Witnesses Name: _____ Date: _____

Name: _____ Date: _____

3. Any prior documented incident by the aggressor YES | NO

If yes, has incidents involved target or target group previously? ☐ YES ☐ NO

Any previous incidents with findings of BULLYING, HARASSMENT or RETALIATION YES | NO

4. Summary of Investigation: _____

(Please use additional paper and attach to this document as needed)

III. Conclusions from the Investigation:

1. Finding ☐ Yes | ☐ NO

☐ Bullying (please complete tracking form) Incident documented _____

☐ Harassment (please complete tracking form) Discipline referral _____

☐ Retaliation (please complete tracking form)

2. Contacts:

Contacted target's parent/guardian Date: _____

Contacted aggressor's parent/guardian Date: _____

☐ District Equity Coordinator (DEC) ☐ Police ☐ Principal/Superintendent

3. Action Taken:

☐ Loss of privileges	☐ Detention	☐ STEP Referral	☐ Suspension
☐ Community Service	☐ Education	☐ New Bedford Youth Court	
☐ Other _____			

5. Describe Safety Planning: _____

Follow-up with Target: Scheduled for: _____ Initial and date when completed _____

Follow-up with Aggressor: Scheduled for: _____ Initial and date when completed _____

Signature: _____ **Date:** _____

Thank You

Fairhaven Public Schools' Policy on Physical Restraint and Time-Out

(CR 17A Use of physical restraint on any student enrolled in a publicly-funded education program)

The Fairhaven Public Schools complies with the Department of Elementary and Secondary Education (hereinafter "DESE") regulations governing the use of physical restraint, which can be found at 603 CMR 46.00 et seq. (hereinafter "Regulations"). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. Additional information, including a copy of the regulations can be obtained from the Director of Student Support Services Office or obtained at <https://www.doe.mass.edu/lawsregs/603cmr46.html?section=all>.

Only lawful physical restraint will be used in the Fairhaven Public Schools. 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.

* Nothing in this policy shall preclude a teacher, employee, or agent of the Fairhaven Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. Nothing in this Policy or the Regulations prohibits law enforcement or school security personnel from exercising their responsibilities, including physical detainment of an individual alleged to have committed a crime or posing a security risk.

DEFINITIONS (603 CMR 46.02):

Mechanical Restraint: the use of any physical device or equipment to restrict a student's freedom of movement.

- Mechanical restraint 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: the administration of medication for the purpose of temporarily controlling behavior.

- ➔ Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical Escort: 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: direct physical contact that prevents or significantly restricts a student's freedom of movement.

The following are not physical restraints:

- ➔ Brief physical contact to promote student safety (such as guiding a student or re-directing a student);
- ➔ Providing physical guidance or prompting when teaching a skill;
- ➔ Redirecting attention or providing comfort by touch (such as to a shoulder, face or torso);
- ➔ Physical escort (as defined above)

Prone Restraint: 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.

Seclusion: involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave.

The following are not seclusion:

- ➔ A classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom;
- ➔ Placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction;
- ➔ Time-out (as defined below)

Time-Out: a behavioral support strategy 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 in an unlocked setting from which the student is permitted to leave. Staff shall be

with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed.

REQUIREMENTS FOR THE USE OF PHYSICAL RESTRAINT (603 CMR 46.03):

Physical restraint is an emergency procedure of last resort. It may be used only when the student's behavior poses a threat of assault or imminent, serious, physical harm to self and/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.

Physical restraint 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. The staff member 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.

PROHIBITIONS

Mechanical restraint, medication restraint, prone restraint (unless permitted under the conditions described below), seclusion (unless permitted under the conditions described below) and the use of physical restraint in a manner inconsistent with 603 CMR 46.00 are strictly prohibited in the Fairhaven Public Schools.

Physical restraint, of any kind, 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 policy or 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.

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific, advance documentation, are met:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraint have failed to ensure the safety of the student and/or others;
3. There are no medical contraindications, as documented by a licensed physician;

4. There is psychological or behavioral justification for the use of prone restraint and no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The program has obtained consent to use prone restraint in an emergency and the use of prone restraint is approved in writing by the Principal; and
6. The program has documented all of the above before using prone restraint and maintains the documentation.

The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with the regulations at 603 C.M.R. 46.00.

Seclusion is prohibited, except on an individual basis and when all of the following conditions, which require specific, advance documentation, are met:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. The student is not responsive to directives or other less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances;
3. Other forms of intervention have failed to ensure the safety of the student and/or others;
4. There are no medical contraindications, as documented by a licensed physician;
5. There is psychological or behavioral justification for the use of seclusion and no psychological or behavioral contraindications, as documented by a licensed mental health professional;
6. The program has obtained consent from the student's parent and, if appropriate, the student, to use seclusion in an emergency and the use has been approved in writing by the Principal;
7. Any individual using seclusion has received training about alternative behavior interventions and management techniques; and
8. The program has documented all of the above before using seclusion and maintains the documentation.

No written individual behavior plan or individualized education program (IEP) may include use of seclusion as a standard response to any behavior. At all times during the use of seclusion, a staff member will continuously monitor and observe the student, be immediately available to the student, and continue to use calming and de-escalation strategies with the student, unless it is unsafe or counterproductive to do so. The emergency use of seclusion will cease as soon as the student's behavior no longer poses a threat of assault or imminent serious physical harm or if the student is observed to be in severe distress. The Principal's approval must be obtained if seclusion is used for a period longer than 30 minutes.

Any program of the Fairhaven Public Schools which uses seclusion, consistent with the requirements above, must examine alternatives and strategies for reducing and eliminating its use no later than 3 years from the effective date of the Regulations.

PROPER ADMINISTRATION AND SAFETY REQUIREMENTS (603 CMR 46.05)

Only personnel who have received training in *Crisis Prevention Institute* (CPI) pursuant to the Regulations 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. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

- 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, program staff 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.

STAFF TRAINING

All school staff will receive training with respect to the Fairhaven Public Schools restraint prevention and behavior support policy and requirements when restraint is used. Staff training will occur at the beginning of each school year, and, for new hires, within one month of being hired. Training shall include:

- Information on the role of various individuals in preventing restraint;
- The Physical Restraint and Time-Out Policy and procedures;
- Interventions that may preclude the need for restraint, including de-escalation techniques;
- Types of permitted physical restraints and related safety considerations;

- 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
- Identification of program staff who have received in-depth training in the use of physical restraint, who may serve as school-wide resources to assist in ensuring proper administration of physical restraint.

In addition, the Principal will identify program staff who will participate in additional, in-depth training on the use of physical restraint, consistent with the requirements of 603 CMR 46.04(3),(4).

REPORTING

Any and all physical restraints (including emergency seclusion, if used), regardless of duration, will be reported to the Principal, the Parents, and the Department of Elementary and Secondary Education (DESE) as indicated below.

Reporting to Principal: The staff member who administered the restraint/seclusion shall notify the Principal or designee verbally as soon as possible and in writing no later than the next school working day. If the Principal administered the restraint, the Principal shall prepare the report and submit it to the Superintendent.

- The Principal or designee shall maintain an on-going record of all reported instances of physical restraint and emergency seclusion, if any (the “Physical Restraint Log” and “Seclusion Log”).
- The Principal shall conduct **a weekly review** of the Physical Restraint Log and Seclusion Log to identify student(s) who have been restrained/secluded multiple times during the week and convene teams to review the student’s needs, as appropriate. The review team will review the written physical restraint reports; analyze the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved; consider factors that may have contributed to escalation of behaviors and alternatives to restraint, with the goal of reducing or eliminating the use of restraint in the future; and create a written plan of action, if appropriate. The Principal shall ensure that a record of any such individual student review team is maintained and made available to DESE or the Parents upon request.
- The Principal shall also conduct **a monthly review** of the Physical Restraint Log and Seclusion Log in order to consider patterns in the time of day, day of week, or individuals involved; the number and duration of restraints/seclusions school-wide and for individual students; the number and type of injuries, if any, resulting from use of restraint; and the need for additional staff training, policy modifications, or other action to reduce or eliminate restraints.
- The Physical Restraint Log and Seclusion Log, if any, shall be made available for review by a parent (in accordance with student records regulations) or the DESE upon request.

Reporting to Parents: The Principal or designee shall make reasonable efforts to inform the student's Parent(s) of the restraint within 24 hours of the event and shall notify the student's Parent(s) by written report within three school working days of the restraint. The information in the report shall comply with 603 CMR 46.06(4). The written restraint report must be provided to the student's parent(s) in the language in which report cards and other necessary school-related information are customarily provided. The Principal shall provide the student and the parent(s) an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

Reporting to DESE: If a physical restraint or emergency seclusion results in injury to either a student or a staff member, the Fairhaven Public Schools will send a copy of the written report of that restraint to the DESE within three (3) school working days, along with a copy of Physical Restraint Log and Seclusion Log, if any, for the 30-day period prior to that restraint. Additionally, the Fairhaven Public Schools will annually report physical restraint data to DESE in a manner and form directed by DESE..

SAFEGUARDS (603 CMR 46.07)

See also Policy SE 55 Special Education Facilities and Classrooms

Any room or area used for Time-Out will be clean, safe, and sanitary. It will be appropriate for the purpose of calming students, including being of appropriate size for the students served. It will be appropriately lighted, ventilated, and heated and cooled, consistent with the remainder of the building. The space will be free of objects or fixtures that are inherently dangerous and in compliance with local fire and building code requirements.

Any room used for seclusion, if permitted under the conditions enumerated in 603 CMR 46.07(2), will meet the same physical requirements as a Time-Out space, described above. Any room used for seclusion will be inspected by the program for compliance with such requirements at least weekly.

PREVENTING STUDENT VIOLENCE AND SELF-INJURIOUS BEHAVIOR

As set forth in the Regulations, the Fairhaven Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

PARENT ENGAGEMENT

In accordance with the Regulations, the Fairhaven Public Schools shall engage parent(s) in discussions about restraint prevention and the use of restraint solely in an emergency situation of last resort. This Physical Restraint and Time-Out Policy will be posted on the Fairhaven Public Schools' website and within school handbooks. Parents are also welcome to request a meeting with the Principal or Team Chair to discuss any individual restraint or to discuss restraint and time-out procedures in general use.

GREIVANCE PROCEDURE

The Fairhaven Public Schools will consider and investigate any complaints that it receives regarding the use of physical restraint or time-out in school. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may submit a written complaint to the Principal. The written complaint should include the time, date, and location of the incident; the names of all students and staff involved; and references to which aspects of this policy or the Regulations that the complainant believes have not been followed. The Principal or designee will conduct a thorough investigation which may include interviewing the complainant, witnesses, staff, and/or the student; reviewing all written documentation leading up to and pertaining to the incident; and reviewing available data on physical restraint and/or time-outs within the building. The Principal or designee will provide a written response to the complainant summarizing the investigation, conclusions, and corrective action, if any.