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CASE COLLABORATIVE  
STUDENT PARENT HANDBOOK  
2023 - 2024

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# Message from CASE Leadership

The CASE Student Parent Handbook provides our students and their families important information concerning specific rules, policies, and procedures about our programs. In order for us to create the best learning environment and learning opportunities for our students and for our programs to operate safely and efficiently, please take some time to familiarize yourself with and abide by the expectations, procedures, and rules outlined in this Handbook.

This Handbook's content may be changed from time to time throughout the school year. We will provide notice of changes to you through email. It is the responsibility of students and parents to review these changes and to remain apprised of the current version of the Handbook. If you have any questions regarding this handbook, please contact any of us.

Our dedicated staff challenges our students academically and provides guidance that leads to improved outcomes for students. Our goal is to maintain our tradition of excellence and ensure that CASE continues to be a place where students are able to learn and grow into responsible members of the community. The school learning community is strengthened by our partnerships. We look forward to working with each of you and to 2023-2024 being a great year.

Sincerely,

Sanchita Banerjee  
Executive Director

Melissa Devine  
Assistant Director

Carla Chioda  
Program Admin.

Amanda Martinage  
Principal

## Mission

At CASE Collaborative, our mission is to maximize the full potential of students with disabilities by promoting academically enriching and supportive environments within inclusive school communities.

CASE partners with families and districts in delivering high quality, customizable, efficient and cost-effective educational programs and services tailored to each student.

## Vision and Core Values

Our work at CASE is geared always towards our vision of "nurturing and inspiring every child to learn and grow." Our CASE wide vision is reflected by our three core values; Caring, Excellence, and Collaboration.

*CARING* - It starts the minute a student gets on the bus and it's the foundation of everything we do as a community. Caring means supporting, challenging and persevering. It means taking the time to identify and connect with each individual's unique qualities.

*EXCELLENCE* - We have high standards and set high expectations for our teachers and our students. There are always challenges. But we are resourceful and find new ways to support our student's growth.

*COLLABORATION* - Growth, learning and successful transitions flourish in a connected environment. Collaboration and communication are essential across our network: students and their families, drivers, teachers, therapists, administrators, host schools and the broader community.

Under the provisions of Chapter 40 Section 4E of the General Laws of Massachusetts, the school districts of Acton-Boxborough Regional, Bedford, Carlisle, Concord, Concord-Carlisle Regional, Harvard, Lincoln, Lincoln-Sudbury Regional, Littleton, Maynard and Sudbury voluntarily joined together to form the Concord Area Special Education (CASE) Collaborative. CASE was formed in 1974 to meet regional needs of member school districts.

CASE is a vehicle that allows school districts to plan, develop and implement programs for students with disabilities. It affords school districts the opportunity to augment, supplement and provide a continuum of special education programs through collaboration with other school districts. It provides a mechanism for people to share ideas and resources for the purposes of meeting a common need.

All personnel involved in developing CASE programs for students in CASE districts are part of the CASE community. This community is built upon the belief that collectively the participating school districts and community groups have a great deal of expertise that can and should be utilized to increase the educational opportunity for students. CASE Collaborative provides a means to identify this expertise and then to utilize it on a regional level.

## Equal Opportunity and Non-Discrimination

CASE Collaborative is committed to equal educational opportunity for all students. It is the goal of CASE to maintain a school environment free of harassment and/or discrimination based on race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity, veteran status, genetic information, homelessness or any other class protected by state or federal law. CASE will

not tolerate discrimination or harassment in any of its schools, including any school programs, services or activities. CASE is committed to equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities. CASE does not discriminate in admission to its schools, access or treatment in its services, programs and activities for any student.

To file a complaint alleging discrimination or harassment by the CASE Collaborative on the basis of any protected class, please contact:

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## BULLYING/HAZING/GRIEVANCE

### Bullying Prevention And Intervention Plan

#### Priority Statement

CASE Collaborative's Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying, and each program in the Collaborative is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. The following is a Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. Each Collaborative program is responsible for the implementation and oversight of the Plan.

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

#### Prohibition Against Bullying and Retaliation

The Collaborative will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in its school buildings, on school grounds, on school buses and at school bus stops or in school-related activities. The Collaborative 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. The Collaborative will support this commitment in all aspects of the school community, including curricula, instructional programs, staff development, extracurricular activities, and parent involvement. Acts of bullying, which include cyberbullying, are prohibited:

- 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 through the use of technology or an electronic device owned, leased, or used by a school district, and
- at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district, 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.
- Knowingly making false statements or knowingly submitting false information during a grievance process, including but not limited to harassment/bullying reports, may result in disciplinary action.

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

## Definitions

Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below.

A Perpetrator is defined as a student or member of a school staff including but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extra-curricular activity or paraprofessional who engages in bullying behavior.

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students, or by a member of school staff including, but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or teaching assistant of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- 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.

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.

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.

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

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

### Training and Professional Development

The Collaborative will provide ongoing professional development that will build the skills of all staff members to prevent, identify, and respond to bullying.

#### **Annual staff training on the Plan**

Annual training for all school staff on the Collaborative Bullying Prevention and Intervention Plan will include staff responsibilities under the Plan, an overview of the steps that the principal or his/her 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 building. Staff members hired after the start of the school year are required to participate in school based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

#### **Ongoing professional development**

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 370, the content of school-wide and professional development will be informed by research and will include information on:

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

All students attending the Collaborative have an IEP. Therefore, professional development will emphasize ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' IEP; this will include a particular focus on the needs of students with autism or students whose disability affects social skills development.



Additional areas identified by the programs for professional development includes:

- Promoting and modeling the use of respectful language;
- Fostering an understanding of and respect for diversity and difference;
- Building relationships and communicating with families;
- Constructively managing classroom behaviors;
- Using positive behavioral intervention strategies;
- Applying constructive disciplinary practices;
- Teaching students skills including positive communication, anger management, and empathy for others;
- Engaging students in school or classroom planning and decision-making;
- Maintaining a safe and caring classroom for all students.

#### Written Notice to staff

Each school will provide all staff with an annual written notice of the Collaborative Bullying Prevention and Intervention Plan by publishing information about it, including sections related to staff responsibilities in the Personnel Policy and Employee Handbook.

## Access to Resources and Services

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of all students are addressed. These students include targets, aggressors or bystanders of bullying or cyberbullying. Schools will also address the emotional needs of these students' families. The Collaborative Bullying Prevention and Intervention Plan includes strategies for providing support and services necessary to meet these needs. In order to enhance the Collaborative's capacity to prevent, intervene early, and respond effectively to bullying, available services reflect an understanding of the dynamics of bullying and provide approaches to address the needs of targets, aggressors and bystanders. The Collaborative's programs provide counseling or referral to appropriate services for students who are aggressors, targets, and family members of those students.

#### Identifying resources

Counselors, together with building administrators, will work to identify the school's capacity to provide counseling, case management and other services for these students (targets, aggressors, bystanders) and their families. Schools will conduct an annual review of staffing and programs that support the creation of positive school environments, focusing on early interventions and intensive services, and develop recommendations and action steps to fill resource and service gaps. The Collaborative works in collaboration with local and state agencies to adopt evidenced based curricula and to provide additional preventative services to students, parents, and faculty and staff.

#### Counseling and other services

Administrators, counselors, nurses, and special educators provide a variety of skill-based services to students within the educational setting that include on-going emotional support, risk assessment, crisis intervention, and help with community based counseling referrals when appropriate. The student's Team meets with parents and staff as needed to help address student's academic, emotional and behavioral concerns as collaboratively as possible. School counselors work with administrators to provide linguistically appropriate resources to identified families. School counselors maintain up-to-date information on community based mental health referrals as well as

Community Service Agencies (CSAs) within the local vicinity, providing services to Medicaid eligible students. School counselors, Board Certified Behavior Analysts (BCBA), and special needs educators work collaboratively to develop behavior plans and social thinking groups for students with social skill weaknesses. In addition, school counselors, school psychologists and special education professionals will work together to educate and support parents, conduct parent workshops and apprise parents of outside resources to enhance parenting skills and provide for the needs of children.

Below is a list highlighting activities offered at various programs:

- One-on-one and small group counseling
- Crisis intervention
- Facilitating classroom meetings to resolve problems
- School curriculum on issues of respect, sexual harassment and student success skills
- Peer Mediation
- Lunch/friendship groups
- Parent-teacher conferences
- Parent workshops
- Transition planning
- Parent guidance
- Behavior plan development
- Classroom observations
- Teacher consultation
- Promoting and modeling the use of respectful language
- Fostering an understanding of and respect for diversity and difference
- Building relationships and communicating with families
- Managing classroom behaviors constructively
- Using positive behavioral intervention strategies
- Applying constructive disciplinary practices
- Teaching students skills including positive communication, anger management, and empathy for others
- Engaging students in school or classroom planning and decision-making
- Maintaining a safe and caring classroom for all students

### **Students with disabilities**

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

Referral to outside services

The Collaborative will evaluate its current protocol for referring students and families to outside services to ensure relevance to the Collaborative Bullying Prevention and Intervention Plan, and revise as needed. School counselors and other specialists will use this protocol to help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies.

#### **Assessing needs and resources**

At least every four years beginning with the 2016-2017 school year, the Collaborative will administer a Department of Elementary and Secondary Education-developed survey to assess school climate and prevalence, nature, and severity of bullying in its programs. Additionally, the Collaborative will annually report bullying incident data to the Department.

### **Academic and Non-Academic Activities**

The Collaborative will provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the Collaborative programs' evidence-based curricula. Effective instruction includes classroom approaches, whole-program initiatives, and focused strategies for bullying prevention and social skills development.

#### **Specific bullying prevention approaches**

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

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students 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 cyber safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications;
- engaging students in a safe, supportive school environment that is respectful of diversity and difference; and
- providing parents with information regarding the school's bullying prevention curricula

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

The following approaches are integral to establishing a safe and supportive school environment, and they underscore the importance of the Collaborative's bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- communicating with parents regarding the schools' goals and expectations for students and students' safety

- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the Internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

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

To support efforts to respond promptly and effectively to bullying and retaliation, the Collaborative's programs have policies and procedures in place for receiving and responding to reports of bullying or retaliation. These policies and procedures ensure that members of the school community – students, parents, and staff – know what will happen when incidents of bullying occur.

In school systems, harassment may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staff member to student, student to staff member, or student to student.

### Reporting

Reports of bullying or retaliation may be made by staff, students, parents, or others, and may be oral or written. Oral reports made by or to a staff member must be recorded in writing. All employees are required to report immediately to the principal or his/her designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents, or other non-employees may be made anonymously, however, no disciplinary action can be taken against the perpetrator solely on the basis of an anonymous report. The schools will make reporting resources available to the school community including, but not limited to, the Collaborative's Bullying Prevention and Intervention Incident Reporting Form.

Use of the Collaborative's Bullying Prevention and Intervention Incident Reporting Form Report is not required as a condition of making a report. Programs will:

- Include a copy of the Bullying Report Form in the beginning of the year packets for students and parents (See Appendix B);
- Make it available in each Collaborative program's main office, the counseling office, and other locations determined by the principal or his/her designee;
- At the beginning of each school year, the Collaborative will provide the school community, including administrators, staff, students, and parents, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or his/her designee, will be incorporated in student and staff handbooks.

### Reporting by Staff

A staff member will report immediately to the principal or his/her designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or his/her designee does not limit the staff member to respond to behavioral or

disciplinary incidents consistent with each school's policies and procedures for behavior support and discipline.

### **Reporting by Students, Parents, and Others**

The school system expects students, parents, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or his/her 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. Students, parents, 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 his/her designee.

### **Responding**

Before fully investigating the allegations of bullying or retaliation, the principal or his/her 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. There may be circumstances in which the principal or his/her designee contacts parents prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00. Responses to promote safety may include, but not be limited to, creating a personal safety plan; predetermining 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 his/her designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or his/her designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The confidentiality of students and witnesses reporting alleged acts of bullying will be maintained to the extent possible given the school's obligation to investigate the matter.

### **Obligations to Notify Others**

Notice to parents or guardians: Upon determining that bullying or retaliation has occurred, the principal or his/her designee will promptly notify the parents of the target and the aggressor of this, and of the procedures for responding to it. Notice will be provided in the primary language of the homeland in compliance with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

The principal or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination. Any parent wishing to file a claim/concern or seeking assistance outside of the Collaborative may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700.

Notice to another school district: If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or Collaborative school, the principal or his/her designee first informed of the incident will promptly notify by telephone the principal or his/her 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.

Notice to law enforcement: At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or his/her designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal or his/her designee will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.06 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 his/her designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal will, consistent with the Plan and this policy, consult with local law enforcement and other individuals the principal or his/her designee deems appropriate.

### **Investigation**

The principal or his/her designee will investigate promptly (within 24 hours) 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 his/her designee will, among other things, interview students, staff, witnesses, parents, and others as necessary. The principal or his/her designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Interviews will be conducted by the principal or his/her designee, other staff members as determined by the principal or his/her designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or his/her designee will maintain confidentiality during the investigative process. The principal or his/her designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with Collaborative policies and procedures for investigations and for possible disciplinary action. If necessary, the principal or his/her designee will consult with the Executive Director regarding consultation with legal counsel pertaining to the investigation of the alleged report.

### **Determinations**

The principal or his/her designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal/Director or his/her 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 his/her designee will determine what remedial action is required, if any, and what responsive actions and/or disciplinary action is necessary.

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

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

### **Responses to Bullying**

The Collaborative has incorporated a range of individualized strategies and interventions that may be used in response to remediate a student's skills or to prevent further incidents of bullying and/or retaliation.

### **Teaching Appropriate Behavior through Skills-Building**

Upon the principal or his/her designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O (d) (v). Skill building approaches that the principal or his/her 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 school 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 to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills; and making a referral for evaluation.

### **Taking Disciplinary Action**

If the principal or his/her designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or his/her 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 this Collaborative Bullying Prevention and Intervention Plan.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline. If the principal or his/her designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action consistent with this Handbook.



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

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

### **Collaboration with Families**

The CASE Collaborative Bullying Prevention and Intervention Plan includes strategies to engage and collaborate with students' families in order to increase the capacity of each Collaborative program to prevent and respond to bullying. Resources for families and communication with them are essential aspects of effective collaboration. Provisions for informing parents about the bullying prevention and intervention curricula used by the schools include:

- How parents can reinforce the curricula at home and support the school or district plan;
- The dynamics of bullying, online safety and cyberbullying.
- Parents will also be notified in writing each year about the student-related sections of the Collaborative's Bullying Prevention and Intervention Plan.

Programs will collaborate with the PAC and/or parent volunteers to create parent resource and information networks. Programs will join with these parent groups to offer education programs for parents that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the program(s).

Programs will annually inform parents 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 schools will send parents written notice each year about the student-related sections of the Collaborative's Bullying Prevention and Intervention Plan and the Collaborative's Internet Acceptable Use Policy. All notices and information made available to parents will be in hard copy and/or electronic formats.

### **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, age, disability, gender, gender identity, religion, national origin, or sexual orientation. CASE Collaborative is committed to maintaining a work and learning environment free from discrimination on the basis of race, color, religion, national origin, pregnancy, sex, gender identity, sexual orientation, marital/civil union status, ancestry, place of birth, age, citizenship status, veteran status, political affiliation, genetic information, disability, limited English speaking ability, or homelessness, as defined by state and federal laws. Nothing in the Collaborative's Bullying Prevention and Intervention Plan prevents the Collaborative 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 Collaborative's Bullying Prevention and Intervention Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or



37H½, or 37H ¾ or other applicable laws, or local program or Collaborative policies in response to violent, harmful, or disruptive behavior, regardless of whether this Plan covers the behavior.

## Anti-Hazing Policy

The term “hazing” is defined as any conduct or method of initiation into any student organization, whether on public or private property, that willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions, consent shall not be available as a defense to any prosecution under this action.

Hazing is a serious offense in the state of Massachusetts and any student found to have been involved in an incident of hazing will be immediately suspended from the school and any school related groups or events. Their parent/guardian will be notified in writing and by phone of the infraction and administration at the student’s LEA will be notified as well. Furthermore, the student and the incident will be reported to the local police. Punishments for hazing in Massachusetts may include fine or imprisonment. Any CASE student involved in any form of hazing will be subject to administrative disciplinary action and possible police intervention.

### **Massachusetts Laws Regarding Hazing**

Massachusetts General Law, Chapter 269, Section 17.

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

### **Massachusetts General Law, Chapter 269, Section 18.**

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of postsecondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

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

Each institution of secondary education and each public or private institution of postsecondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of postsecondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student Handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## Discrimination/Harassment Complaint Procedures

### Where To File A Complaint

Any CASE Collaborative student, employee, or third party who believes that a CASE Collaborative student, employee, or third party has discriminated against or harassed them because of their race, color, national origin, sex, disability, or age in admission to, access to, treatment in, or employment in its services, programs, or activities may file a complaint with:

Sanchita Banerjee  
Executive Director  
CASE Collaborative  
120 Meriam Road  
Concord, MA 01742

Melissa Devine  
Assistant Director  
CASE Collaborative  
8 Post Office Sq.  
Acton MA 01720

[sbanerjee@casecollaborative.org](mailto:sbanerjee@casecollaborative.org)  
978-318-1534

[mdevine@casecollaborative.org](mailto:mdevine@casecollaborative.org)  
978-881-4146

### **Contents Of Complaints And Timelines For Filing**

Complaints may be submitted orally or in writing. The complainant may select another person to help with the filing of the complaint. Any responsible employee who receives an oral complaint will memorialize the allegations in writing and forward the written allegations to the Office of the Superintendent or the Superintendent's designee by the following school day. The written complaint should include the following information:

- The name and grade level (or address and telephone number if not a student or employee) of the complainant;
- The name (and address and telephone number if not a student or employee) of the complainant's representative, if any;
- The name(s) of the person(s) alleged to have committed or caused the discriminatory or harassing action, or event (respondent);
- A description, in as much detail as possible, of the alleged discrimination or harassment;
- The date(s), time(s), and location(s) of the alleged discrimination or harassment;
- The names of all persons who have knowledge about the alleged discrimination or harassment (witnesses) as can be reasonably determined; and
- A description, in as much detail as possible, of how the complainant wishes to see the matter resolved.

### **Investigations And Resolution Of The Complaint**

Complaints will be investigated promptly and resolved as quickly as possible.

Due process procedures apply to issues of identification, evaluation, and placement under Section 504. Any person who alleges discrimination on the basis of a disability relative to the identification, evaluation, or educational placement of a person, who because of a disability is believed to need regular or special instruction and related aids or services, pursuant to Section 504 of the Rehabilitation Act of 1973, Massachusetts General Law chapter 71B, and/or the Individuals with Disabilities Education Act, may use the procedure outlined in the Massachusetts Department of Elementary and Secondary Education's Parents' Rights Brochure, rather than this procedure. Information on this alternative process may be obtained from the Executive Director of CASE.

The Discrimination/Harassment Complaint Procedure applies to issues of disability discrimination and harassment. Respondents will be informed of the charges as soon as the grievance officer deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated, and in no case later than fifteen (15) school days following receipt of the complaint. The grievance officer will interview witnesses who are deemed to be necessary and appropriate to determine the facts relevant to the complaint, and will gather other pertinent information. Interviews of students will be conducted in such a way as to reflect the age and emotional condition of the student. The complainant(s) and respondent(s) shall have an equal opportunity to present witnesses and other evidence. Such interviews and gathering of information will be completed within fifteen (15) school days of the receipt of the complaint.

Within twenty (20) school days of receiving the complaint, the grievance officer will meet with the complainant and/or his/her representative and the respondent and/or his/her representative to review

information gathered and, if appropriate, to propose a resolution designed to stop the discrimination or harassment, prevent its recurrence and to correct its effect.

Within ten (10) school days of meeting with the complainant and/or his/her representative and the respondent and/or his/her representative, the grievance officer will provide written disposition of the complaint to the complainant and/or his/her representative and to the respondent(s) and/or his/her representative, including a statement regarding whether the complaint was found to be credible and whether discrimination was found to have occurred. Where the grievance officer finds that discrimination has occurred, CASE Collaborative will take steps that are reasonably calculated to end discrimination that has been found; prevent recurrence of any discrimination, and correct its discriminatory effects on the complainant and others, if appropriate. The grievance officer will contact the complainant within 10 school days following conclusion of the investigation to assess whether there has been on-going discrimination or retaliation, and to determine whether additional supportive measures are needed. If the grievance officer determines that additional supportive measures are needed, he or she shall offer such measures to the complainant within fifteen school days following conclusion of the investigation.

Notwithstanding the above, it is understood that in the event a resolution contemplated by the grievance officer involves disciplinary action against an individual, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (e.g., a directive to “stay away” from the complainant, as might occur as a result of a complaint of harassment). Any disciplinary action imposed upon an individual will be subject to applicable procedural requirements. All the timelines indicated above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation in which case the matter will be completed as quickly as practicable. If the timelines specified above are not met, the reason(s) for not meeting them must be clearly documented.

Confidentiality of complainants/respondents and witnesses will be maintained, to the extent consistent with the obligations of the CASE Collaborative relating to the investigation of complaints and the due process rights of individuals affected.

#### **Retaliation Prohibited**

Retaliation against someone because he/she has filed a complaint under this procedure is strictly forbidden. Retaliation against someone who has participated in an investigation is strictly prohibited. CASE Collaborative will take appropriate steps as necessary to prevent retaliation. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

Upon request, the grievance officer will provide the complainant with the names and addresses of those state and federal agencies which handle discrimination and harassment matters.

#### **Non-Discrimination on the Basis of Sex (Title IX)**

The CASE Collaborative, in accordance with Title IX of the Education Amendments of 1972, does not discriminate on the basis of sex in the educational programs and activities in its schools. This policy extends not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

CASE will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

CASE designates an individual to act as the school district's Title IX compliance officer. Accordingly, any inquiries and/or complaints regarding compliance with Title IX may be directed to:

Melissa Devine, Assistant Director  
CASE Collaborative  
8 Post Office Sq. Acton MA 01720  
[mdevine@casecollaborative.org](mailto:mdevine@casecollaborative.org)  
978-318-1534

## Title IX Notice And Procedures

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. 20 USC §1681.

Sexual harassment, including sexual violence, is unlawful sex discrimination. As required by Title IX and in compliance with Title IX, the CASE Collaborative does not discriminate on the basis of sex in its education programs or activities including in its admission or employment practices. Inquiries regarding the application of Title IX to the CASE Collaborative education program and activities are directed to the Title IX Coordinator.

### **The following conduct constitutes sexual harassment:**

- A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

### **How to Report Sex Discrimination, including Sexual Harassment**

Any person may report sex discrimination, including sexual harassment in person, by mail, by telephone, or by electronic mail, to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reports may be made at any time by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinators.

Melissa Devine, Assistant Director  
CASE Collaborative  
8 Post Office Sq. Acton MA 01720  
[mdevine@casecollaborative.org](mailto:mdevine@casecollaborative.org)  
978-318-1534

### **How to File a Formal Complaint of Sexual Harassment**

A complainant may file a formal complaint with the Title IX Coordinator by mail, email, telephone or in person. The Title IX Coordinator may also initiate a formal complaint.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that CASE Collaborative investigate the allegation.

### **How CASE will respond:**

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Supportive measures are offered whether or not the complainant files a formal complaint and are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must treat complainants and respondents equitably and offer supportive measures to the complainant and respondent.

The CASE Collaborative may remove a respondent from school or an activity on an emergency basis, provided that the an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any student or other individual. Respondents removed on an emergency basis will receive notice and an opportunity to challenge the decision immediately following the removal. This provision may not modify any rights for students with disabilities.

### **Grievance Process**

In response to a formal complaint, CASE Collaborative will adhere to the following grievance process.

#### **Written Notice:**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties who are known. The written notice shall include:

- Notice of the grievance process, including notice of informal resolution process;
- Notice of the allegations that includes sufficient details known at the time and with sufficient time to prepare a response before any initial interview;

- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice and may inspect and review evidence; and
- Notice that the CASE Collaborative code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If any new allegations arise during the grievance process, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

**Investigation:**

The CASE Collaborative will investigate the allegations in the formal complaint. CASE will use trained personnel to objectively evaluate all relevant evidence without prejudice of the facts at issue and free from conflicts of interest or bias for or against either party.

CASE may dismiss the formal complaint if:

- The conduct alleged would not constitute sexual harassment even if proved, did not occur in a CASE Collaborative' education program or activity, or did not occur in the United States.
- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint of any of the allegations in the formal complaint, or if the respondent is no longer enrolled or employed by CASE; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint.

Upon a dismissal, the Title IX Coordinator will promptly send written notice for the dismissal and reason(s) therefore simultaneously to the parties.

When investigating a formal complaint and throughout the grievance process, CASE will:

- Apply a presumption of innocence, and ensure that the burden of proof and the burden of gathering evidence rests on CASE and not on the parties;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological or similar treatment records during the grievance process;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- Prior to the completion of an investigative report, send to each party and the party's advisor, the evidence subject to inspection and review and provide the parties at least 10 days to submit



a written response, which the investigator will consider prior to completion of the investigative report.

- Create an investigative report that fairly summarizes relevant evidence for their review and written response.

The investigator shall strive to complete investigations within thirty (30) school days of the filing of the formal complaint. Although the District's goal is to complete investigations generally within thirty (30) school days, the time may be extended for good cause upon written notice to the complainant and respondent. Additionally, the timeline for investigation may be suspended during any informal resolution procedure or meeting.

#### **Determination regarding responsibility:**

- The decision-maker, who shall not be the investigator or the Title IX Coordinator, will provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Complainants may not be asked inappropriate questions about prior sexual history. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.
- The decision-maker must issue a written determination regarding responsibility. To reach this determination, the decision maker shall apply a preponderance of the evidence standard. Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred.
- The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances.
- The Title IX Coordinator is responsible for effective implementation of any remedies.

#### **Appeals**

Either party may appeal the determination regarding responsibility (or from a dismissal) on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the complainant or respondents generally or the individually that affected the outcome of the matter.

Appeals must be submitted to the Title IX Coordinator within five (5) school days of receipt of the written determination and contain a written statement in support or challenge of the outcome. In the event of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

#### **Informal resolution**

An informal resolution process is available when a formal complaint is filed. Informal resolution process is available without a full investigation and nothing in the informal process shall preclude the parties from resuming a formal complaint process. Participation is voluntary and written consent is required. An



informal resolution process is not permitted to resolve allegations that an employee sexually harassed a student.

**Record Keeping**

The CASE Collaborative will maintain records regarding sexual harassment reports and complaints for a period of seven years.

**Retaliation Prohibited**

Retaliation is prohibited against any individual, including complainants, respondents, and witnesses for reporting sexual harassment, participating (or refusing to participate) in any investigation/grievance process. Individuals may report retaliation to the Title IX Coordinator who will investigate and take measures to protect individuals from retaliation.

Knowingly making false statements or knowingly submitting false information during a grievance process, including but not limited to harassment/bullying reports, may result in disciplinary action.

Complaints of Discrimination and/or Harassment on the basis of sex may also be reported to:

The Office for Civil Rights, US Department of Education  
5 Post Office Square, 8<sup>th</sup> Floor, Boston MA 02109-3921  
617-289-0111, FAX: 617-289-0150  
[OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

# STUDENT INFORMATION

## Dress Code

Community standards for health, safety, and appropriateness will be enforced. Inappropriate dress will include but is not limited to clothing with offensive language or graphics (i.e. violent, sexual, prejudicial, and/or drug/alcohol messages), and bare feet. Students inappropriately dressed will be referred to an administrator for further action. Wallet chains or other items, which could reasonably be considered a potential threat to student health or safety, are not allowed in school. Student dress which negatively disrupts the education process will not be allowed.

The responsibility for student dress and attire rests with both the student and the parent/guardian. We are confident that good judgment on the part of students and parents will result in the wearing of clothing that contributes to a respectful academic environment and educational atmosphere. Student attire should reflect these values, and refrain from inappropriate content and styles.

Violations to the Dress Code may result in the student being removed to a space away from other students until one of the following occurs: the student is asked to change and complies, or other action deemed necessary. Parents/guardians will be notified of violations. Students who have frequent dress code infractions may be subject to disciplinary action.

## Personal Electronic Devices

When students arrive in the morning, devices and electronics with Wi-Fi capability, camera access, or data access will be turned off and turned over to CASE staff. This includes but is not limited to: cell phones, ipads, ipods, tablets, computers, chromebooks, cameras, etc. These will be stored in a locked box in a designated location, they will not be charged during storage. In case of emergency evacuation, office staff will bring the locked box(es) to the designated areas. Individual programs may outline phone access on an individual basis.

Students leaving campus: If students leave campus for reasons such as classes at Acton-Boxborough, job sites, etc, CASE Staff will provide students with their cell phones. Upon return to school, students will turn in their devices which will be locked up.

At the end of the day, when a student's van is called, CASE staff will turn the cell phone or other device back over to the student before loading on the van.

If the student does not turn over the device, parents will be called to the school, a meeting will occur with the program administrator and student. Collaborative problem solving will occur to identify possible solutions and skills that may be lagging related to the handing over of the device. The program administrator will assess the level of disruption. Failure to hand over the device may result in disciplinary action, up to and including suspension.

## Tobacco Use

Smoking is not allowed by any CASE Program or CASE sponsored activity (consistent with [Massachusetts law](#) for all schools in the Commonwealth). This policy also applies to the possession/use of e-cigarettes, vaporizers, etc., and associated paraphernalia, including but not limited to all substances used for vaporization whether or not they contain nicotine. Violations of the smoking/tobacco use policy include:

- Possession, distribution or use of any tobacco product, matches, and/or lighters in school buildings, outside of school buildings, on school grounds, on school buses or other vehicles, or at any school sponsored or related event regardless of location at any time.
- Holding a tobacco product lit or unlit.
- Having the smell of fresh tobacco on one's breath.
- Smoking or utilizing any tobacco product within a "line of sight" of the school grounds
- Being in the presence of cigarette smoke regardless of whether a student is engaging in smoking

For all offenses, all tobacco products, lighters and/or matches, and advertising products will be confiscated. Any student who violates the above prohibitions may be subject to discipline.

## Alcohol and Drug Infractions

The possession and/or use of drugs or alcohol in school, on the school bus or at any school sponsored event are strictly forbidden. Selling and/or distribution, including sharing of any drug or alcohol in school, on the school van or at any school sponsored event or activity, are strictly forbidden. If a staff member suspects that a student is under the influence or in possession of drugs, alcohol, or drug paraphernalia they are required to report their suspicions to the Program Administrator as soon as possible without making the student aware of the suspicion. Students suspected of being under the influence of alcohol and/or drugs will be evaluated by the nurse to determine if immediate medical attention is warranted. If such attention is indicated emergency services will be called to transport the student and the parent will be notified immediately. Additionally, once information has been reported to the Assistant Director the following may occur:

- The student may be interviewed by the Assistant Director and/or his/her designee during which time the student may respond to the suspicions in question.
- The student may be moved to a classroom or other area away from their classmates and supervised by staff until further investigation can be conducted by staff.
- A search of the student's person, personal belongings, assigned spaces within the school (e.g., locker), and/or work space may occur.
- The student's parent or guardian may be contacted for information or asked to come to the school as soon as possible to help further the school's investigation.

Any student who distributes or possesses, with intent to distribute, any controlled substance as defined in MGL c. 94C, including, but not limited to, marijuana, cocaine, or heroin, on school premises or at a school sponsored activity, may be expelled or have a long-term suspension. This applies to drug paraphernalia such as scales, grinders, pipes, electronic smoking devices and any and all instruments used for drug products. Any student who uses or possesses any controlled substance as defined in MGL c. 94C, including, but not limited to, marijuana, cocaine or heroin, or is under the influence of such a substance on school premises or at a school sponsored activity may be subject to expulsion or a long-term suspension. The parent or guardian may be asked to come to the school to facilitate a medical

and/or drug screening for their child. The local police department may be contacted to provide assistance with further investigation.

If police are contacted, the student's parent/guardian will be asked to come to the school to be present for the police investigation. If a parent/guardian is unable or unwilling to come to the school, the investigation will continue in their absence. The police can be expected to use any and all procedures available to them including but not limited to interviews, searches, use of additional personnel, or the use of trained canine units.

If the school's investigation confirms the use of drugs or alcohol or possession of either the following may occur:

- Police will be contacted and the situation will be directly reported to them.
- A Team meeting may be called to review the student's Individual Education Program if applicable.
- Emergency placement termination may occur
- The student may be referred for an out of school assessment and subsequent treatment.
- The police may arrest the student, take him/her into custody, and file any appropriate charges with the local court.
- A suspension may be implemented.

## Valuables

Students are strongly discouraged from bringing valuable items to school. CASE does not assume responsibility for the loss or damage of items brought to school. Students should also not bring items to school to gift, sell, trade, or buy.

## Internet Use Policy

Students should read this policy and complete the Student Internet Use Agreement and Parental Permission Form. The permission form is required for internet use. CASE Collaborative aims to provide students with accessible, up-to-date and reliable information to support them in their studies and educational experience. This goal requires the Collaborative to provide access to the vast information resources on the Internet to help students in their studies and to be well informed. The Internet is an educational tool for the Collaborative. Users must understand that this access is for educational purposes and not for non- educational activities. Students will be utilizing the Internet, but WILL NOT have access to email or instant messaging.

### Internet Use

The Collaborative provides students with Internet access in most classrooms and some locations have computer labs. All students may have access to the Internet. Students who wish this access must read and sign the "Student Internet/Email Usage Policy" form.

### Authorized Use

The Collaborative's Internet connection is intended primarily for educational use. That means we expect students to use Internet access primarily for education-related purposes, i.e. to research relevant topics and to obtain useful information. The following are specific provisions regarding authorized use of the Collaborative's Internet connection:

- Users may use the Collaborative's Internet services for personal improvement provided that such use is consistent with staff and educational conduct.
- Internet use should be restricted to sites and materials such as news or information that might be considered reasonable if read as a text publication in a classroom or library environment.

### **Unauthorized Use**

Users shall not use the Collaborative's Internet services to view, download, save, receive, or send material related to the following:

- Offensive content of any kind, including pornographic material.
- Propagating a virus, worm, Trojan horse, or trap-door program code.
- Disabling or overloading any computer system or network.
- Circumventing any system intended to protect the privacy or security of another user.
- Promoting discrimination on the basis of race, religion, ethnicity, disability, gender, sexual orientation race, age, or marital status.
- Visiting websites that promote threatening or violent behavior.
- Using the Internet for illegal activities including the illegal downloading of music, movies, or other copyrighted materials.
- Distributing commercial messages.
- Gambling websites.
- Hosting of 'game servers' for online or network gaming.

The above list of prohibited actions is by way of an example only and is not intended to be exhaustive.

### **Privacy and Monitoring**

The Collaborative has software and systems in place to monitor and record all Internet usage. The Collaborative's security systems are capable of recording each Web site, email, and instant message into and out of its internal networks. The Collaborative reserves the right to do so at any time. No student should have any expectation of privacy as to his or her Internet usage. The Collaborative's technicians will periodically review Internet activity and contact staff of improper use to ensure that the Collaborative Internet resources are devoted to maintaining the highest levels of access and integrity. The Collaborative reserve the right to inspect any and all files stored in private areas of its network in order to assure compliance with this policy.

### **Accidental/Unintended Violations**

The Collaborative does utilize software designed to identify inappropriate or sexually explicit Internet sites. The Collaborative blocks access from within its networks to all such sites. If a student accidentally connects to a site that contains sexually explicit or offensive material, they must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. A user who accidentally accesses a prohibited site is encouraged to report the incident to staff without the threat of consequences.

### **Consequences**

Students who are not responsible and who do not follow the Collaborative's policies on the use of the Internet and email may face one or all of the following penalties. Remember, the use of the Internet and various technologies offered by the Collaborative is a privilege, not a right.

Students grades K-5

- Parent Notification
- District Notification
- Possible Parent Conference or Team Meeting
- Loss of Internet access

Students grades 6-12+

- Parent Notification
- District Notification
- Possible Parent Conference or Team Meeting
- Loss of Internet access
- Possible Suspension from school
- Civil and Criminal Penalties when appropriate

# PARENT INFORMATION

## Attendance

CASE takes attendance very seriously. Students must be present in order to benefit from academic instruction, clinical support, and other instruction provided throughout the school days.

If a student is to miss school for any reason, parents/guardians are expected to notify their **child's teacher via email or phone and email the absence line** prior to the start of the school day. On an ongoing basis, LEAs are notified of student attendance. CASE will defer to individual districts to address any concerns regarding truancy or other attendance matters.

**CASE Programs:** [caseabsence@casecollabortive.org](mailto:caseabsence@casecollabortive.org)

## Dismissal

If for any reason a student needs to be dismissed from school, all arrangements should be made prior to the dismissal. Students who leave the building without permission are subject to disciplinary action. Notes from home specifying the date, time and reason for the dismissal, should be brought to the classroom teacher upon arrival at school. No child will be dismissed without a confirmed note or phone call from the parent(s)/guardian(s). A student may only be dismissed to one of his/her listed emergency contacts or authorized care providers unless the parent(s)/guardian(s) expressly states a deviation from this in writing to the classroom teacher. Identification is required if the student is being picked up by somebody other than a parent/guardian.

## School Cancellation

If the district hosting the program in which your student resides announces a school closing, delay, or early dismissal your child will follow that district's schedule. If a child's home district cancels school, his/her transportation will also be canceled. If a child's CASE program is in session on a day the home district is not, parents may choose to transport their child to and from the CASE program or allow their child to stay home. Such an occasion constitutes an excused absence. Finally, CASE reserves the right to initiate school closing, delay, or early dismissal regardless of the decision made by other districts.

On the rare occasion, school may be unexpectedly released early due to inclement weather and increasingly dangerous driving conditions. If this should happen, CASE staff will call parents/guardians (and emergency contacts if necessary) to alert them of the release. Staff will ask that parents/guardians please arrange to be home or have another adult at home to receive their child. Parents are asked to be aware that traffic, weather, or other factors may greatly impact the schedule and duration of the ride to and from school during inclement weather as drivers do all that they can to ensure a safe trip for all passengers. Parents/guardians have the ultimate decision making authority whether or not their child should attend school during periods of actual or predicted inclement weather.

## Free or Reduced Lunch

Children need healthy meals to learn. All students are eligible to receive one breakfast and one lunch daily at no cost. If the student is eligible for the free and reduced price school meals program there are additional benefits.

If students are placed in Acton at the Colebrook Building you can apply and get more information at: <https://www.abschools.org/cms/one.aspx?portalId=216111&pageId=520951>

Students in the member district schools will apply through their assigned school. More information will be provided at the beginning of each school year.

## Community Trips

Community trips are recognized as a meaningful extension of classroom learning and are offered both as enrichment and as part of the curriculum. Students must have parental permission to go on a community trip. All school rules of conduct apply during any community trip.

## Medication

If a child requires medication (over-the-counter or prescription) during the school day, parents are required to contact CASE's nurse leader to make the necessary arrangements to administer the medication. In order to administer prescription medication, including homeopathic remedies, a completed *Physician's Medication Authorization and Administration Plan*, listing each prescription medication being administered at school, must be provided. The form is provided with the annual health forms or can be obtained from the nurse leader.

The administration of medications to children at school is managed by a school nurse with provisions for self-administration of selected medications, as determined by the school nurse. CASE does not permit students to carry any medications, including homeopathic remedies, on their person at any time.

For non-prescription medications such as acetaminophen, ibuprofen, and other over the counter drugs, a completed *Parent/Guardian Authorization for Dispensing Non-Prescription Medication* form must be submitted to the nurse leader. Students who have not returned this form signed by a parent/guardian are not able to receive non-prescription medications at school. The form is provided with the annual health forms or can be obtained from the nurse leader.

All medications must be brought to the school by a parent/guardian, or designated adult. Medications cannot be transported to or from school by the student or a transportation driver. A parent/guardian or his/her designee must deliver medication to and from school to be handed directly to the school nurse. Other CASE staff may not accept medications at any time. All medications must be provided in their original container with a prescription label in the case of prescription medication. No more than a 30 day supply will be kept at school.

Parents should notify the school if their child's medications have changed (dose increase or decrease) or



have been discontinued, or in the event that their child has been prescribed any new medications, including short-term medications. A change in dosage or medication requires an updated *Physician's Medication Authorization and Administration Plan*. The nurse leader should be made aware of any medications being taken outside of school.

Parents/guardians will be notified of all unused, discontinued, or outdated medications and must retrieve them from the program. If a student leaves the program, parents/guardians should retrieve the medication from school. If they do not do so within 30 days of notice, medications will be responsibly disposed of by the school nurse.

## Parent/Guardian Visitation Guidelines

Parent(s)/guardian(s) have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services. Parent(s)/guardian(s) may request a classroom observation or have outside personnel observe their child in school. In order to request an observation, please write a letter to the Program Administrator. .

CASE staff will accompany parent(s)/guardian(s) or their designee during the scheduled observation period. CASE will try to accommodate all observation requests. However, in fairness to the students, observation times exceeding one hour may be held over several days or broken down into shorter chunks of time so as not to disrupt the learning process.

CASE procedures for all observations are outlined as follows:

- All requests for classroom observations must be received by the Program Administrator at least 72 hours prior to the date of the proposed visit.
- Any observer who is not a legal parent(s)/guardian(s) must have written permission from the parent or legal guardian to observe their child.
- Observers will be given a start time and an end time that must be followed. At the discretion of the Assistant Director a pre-scheduled observation may be rescheduled if the participant is late for their observation period.
- The length of the observation period will be determined by the Assistant Director and his/her designee. The administrator has complete authority to decrease or lengthen this period.
- Observers may not use any electronic devices such as videos, audio recorders, or cell phones during the observation or in the school building.
- In the event that personally identifiable or confidential information about other children/students is obtained during the course of the observation, such information may not be disclosed by the observer. The LEA may have additional procedures for observation; CASE will abide by them with prior notice to the parents and/or designees.

## Visitors

To ensure the safety of all persons in Collaborative programs and its host buildings and to maintain proper order, all visitors must first report to the administrative office upon arrival. There, they will be asked to sign in and will receive a visitor's pass. Upon their departure, they should also sign out. Visitors without scheduled appointments may not be admitted to Collaborative programs. Permission to bring a guest must be obtained from the administration and classroom teachers prior to the day of the visit.

Visitation guidelines are subject to change, including the suspension of visits or other limitations, in the face of a public health emergency or other unusual circumstances.

## Photography

Photographs may be taken occasionally during the school year in Collaborative classrooms. The Collaborative may, at times, publish/broadcast the resulting images on its website or in brochures, newsletters, newspapers, and other public news formats for the general purpose of student recognition and promotion of the Collaborative. Parents will be asked to sign a photo release at the start of each academic year, or at the time of enrollment. At that time, parents/guardians will have the opportunity to opt their child out of any photos that might be taken.

# LEGAL/REGULATORY

## State and District-Wide Assessments

Both state and federal law require the full participation of students with disabilities in state and district wide testing programs. In Massachusetts, *all* students in publicly supported programs (including students enrolled in collaborative programs) participate in MCAS per their grade of enrollment. All CASE students will participate in the MCAS in the manner prescribed by their most current IEP and in accordance with student participation requirements as set forth by MCAS publications. Each student's IEP Team is responsible for determining how the student will participate in MCAS, what accommodations, if any, will be necessary. If the student cannot participate in the standard MCAS test, the IEP Team will determine the evidence to be included in the Alternate Assessment portfolio.

For more information about MCAS please see: <https://www.doe.mass.edu/mcas/>

## Student Records

General Provisions: The student record contains all information concerning a student that is kept by the school district and which personally identifies the student; it consists of the temporary record and the transcript. CASE maintains temporary student records for the purpose of fulfilling educational service contracts with the sending school district. Any parent action or request relative to any items in this section should be addressed with the sending district, not the Collaborative.

For purposes of this Handbook custodial parent refers to a divorced or separated parent who has physical custody of the child, and the non-custodial parent is the parent who does not have physical custody of the child. Non-custodial parents may not be eligible to access their child's student record, or may have to follow certain procedures in order to access the student record. Each eligible student and custodial parent/guardian has the right to see the student record for that student within ten (10) days of submitting a written request to see the records. All requests for records will be referred to the sending district.

The student's record is available to authorized school personnel who work directly with the student, or administrative/clerical personnel who need to have access to records in order to carry out their responsibilities. The term "authorized school personnel" includes, but is not limited to, administrators, teachers, counselors, therapists, paraprofessionals, administrative office staff, and clerical personnel. Authorized school personnel include those employed by CASE or under contract with CASE as an independent contractor. Authorized school personnel do not need permission to see student records. No information in the student's record is available to anyone outside the school system without written permission from the eligible student and/or parent and/or guardian, unless the requesting party is listed as an exception as provided by the applicable Student Records regulations.

Exceptions to the requirement of written permission include, but are not limited to, a probation officer, court order, subpoena, where health or safety requires the disclosure of student information/records or upon transfer to another school district. However, eligible students and/or their parents/guardians will generally be notified before these records are released. A written release must be signed to have any part of the school record sent outside the school. This includes, but is not limited to prospective

employers, other schools, and colleges. An eligible student and parent/guardian have the right to request to add relevant information to the student's record as well as the right to request removal of information believed to be untrue or incorrect.

**Amending Your Child's Record** - please contact district liaison:

- A parent has the right to add information, comments, data, or any other relevant written material to the student's record. The parent should submit the additional information in writing, requesting the information be added to the student record.
- A parent has the right to request in writing deletion or correction of any information contained in the student's record, except for information which was inserted into that record by the Team. Such information inserted by the Team shall not be subject to such a request until after the acceptance of the Individual Educational Program (IEP), or, if the IEP is rejected, after the completion of the special education appeal process.

**Notice On Transfer To Other Schools:** Pursuant to 603 CMR 23.07(g), notice is hereby given to parents and eligible students that the Collaborative forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. Such transfer of records takes place without consent of the parent or eligible student.

**Display/Publication of Student Work:** Notice is hereby given that there will be occasions when student work is seen and is on display within the school; for example, at open houses, exhibits, fairs, on bulletin boards, etc. Unless a parent/guardian informs the Collaborative in writing no later than September 16 of each school year, the Collaborative will assume that this publication/display of the student work is acceptable to the parent/guardian.

## Runaway Students

A "runaway student" shall be defined as: the student has left the classroom, assigned areas with staff, or school environment without permission and is exhibiting unsafe and/or noncompliant behavior. A student that has left his or her designated space, but is within the immediate area and within the staff's visual field is not a runaway student.

If a student runs off school grounds the following procedure will be implemented:

- Immediately call the local police department.
- Notify building administrator & CASE Program Administrator
- Complete an Incident Report form as soon as possible.
- The CASE Assistant Director will notify the parent and LEA.
- The CASE Assistant Director will notify the Department of Education.
- The CASE Assistant Director will file all notifications and Incident Reports in Student Record.

## Emergency Termination

In circumstances where the student presents a clear and present threat to the health and safety of himself/herself or others, CASE follows the procedures required under 603 CMR 28.09(12)(b) and will immediately notify the LEA and Department of Elementary and Secondary Education. An emergency situation relative to consideration of emergency termination is defined as: a student presents a clear and present threat to the health and safety of him/herself or others.

Consideration of termination of enrollment is part of the Team process in determining appropriate placement for a student. Every effort is made to continue enrollment for students who may be in crisis. However, if a student presents with increasingly severe behavioral incidents requiring more support and intervention than is routinely part of CASE procedures or the behavior is not a manifestation of the student's disability, the following processes occur:

- An emergency Team Meeting will be convened to discuss alternative strategies to address the student's presenting issues. CASE will invite the parents and LEA representative.
- The Team develops an interim action plan which can include, but not exclusive to:
  - 1:1 staff supervision and support
  - Change in length of school day
  - Change in daily academic and behavioral expectations
  - Change in environment within the school program
  - Other option as determined by the Team
  - Or placement in an interim alternative education setting to address the problem behaviors
- A follow-up Team meeting is scheduled to assess the student's status

In the event of an emergency situation, if it is the conclusion of the Team that the enrollment of a student should be terminated, the following assurances are given:

- The LEA shall receive immediate notification.
- In accordance with 603 CMR 28.09(12), at the request of the LEA, the student's termination can be delayed for two calendar weeks to allow the LEA to convene an emergency Team meeting or to conduct other appropriate planning discussions.
- By mutual agreement, the student's termination can be delayed for longer than two weeks.
- Staff will be available at the request of the LEA to attend the emergency Team meeting with the parents, the public school representatives, and any other agencies responsible to the student.

CASE will not terminate the enrollment of any student, even in emergency circumstances, until the enrolling LEA is informed and assumes responsibility for the student. If a student has been hospitalized due to an emergency situation, a re-entry meeting after the hospitalization will be scheduled. The Team may determine an emergency termination is required.

## Planned Termination

In circumstances where a student's needs can no longer be met in a CASE program, the Collaborative will notify the LEA of the need for IEP and Placement meetings and will provide notice of this meeting to all appropriate parties at least ten (10) days in advance of the intended date of the meeting. The purpose of the meeting is to share information and data with the goal of developing a clear and specific termination plan so that the student can transition from a CASE program in a planned and organized manner.

In instances where the termination is initiated by the parents or the LEA, the LEA must give CASE a minimum of 30 days notice of the student's termination. The district will be billed for a minimum of 30 days from the date of termination notice.

CASE programs ensure flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a neighborhood public school or other community program or a period of transition from one program option to a less restrictive program option. As a component of the intake/placement process, the sending district will identify student performance expectations for the re-entry to a public school setting.

At each student's annual Team meeting, the Team, through the Vision Statement process, will identify if the student will be likely to transition back to the public school setting within that academic year. If it is determined that the student has reached the goals as outlined in the Student Transition Plan by the sending district at intake, the Team will then develop and proceed with the Student Transition Implementation Plan addressing the following areas:

- Background information – statement of the student's academic/behavioral/social-emotional needs and progress with specifics regarding what has been crucial to the student's success
- School history – recommendation for school placement
- Current educational needs – academic levels, accommodations, and materials needed in all subject areas
- Access to regular education classes
- Technology needs
- Behavioral needs recommendations – plan, preferred activities, motivators, frequency
- Additional therapies – short statement of current functioning, accommodations, specific materials, service delivery
- Therapeutic needs – individual/group therapy, daily/weekly check-ins/progress Reports, outside therapist/community agency/physician(s) name and telephone numbers
- Goals – transition into school

## Physical Restraint

### Physical Restraint Prevention And Behavior Support Procedures

CASE Collaborative seeks to promote a safe and productive educational environment and workplace for its students and employees. In accordance with the policy of the school committee, Massachusetts Code of Regulations (603 CMR 46.00), the law governing the use of physical restraint on students in public schools, CASE Collaborative seeks to ensure that every student is free from the use of restraint in a manner that is not consistent with these state regulations. It is the policy of CASE Collaborative that 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.

If physical restraint is necessary, CASE Collaborative personnel shall use physical restraint with two goals in mind:

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

These Physical Restraint Prevention and Behavior Support Procedures do not preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

Methods For Preventing Student Violence, Self-injurious Behavior, And Suicide, Including Individual Crisis Planning And De-escalation Of Potentially Dangerous Behavior Occurring Among Groups Of Students Or With An Individual Student. CASE will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including behavioral crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. A school level crisis team along with teachers and other school personnel will identify students who are potentially at risk and review the student's behavioral, social, emotional progress at periodic intervals. For any student with a history of significant emotional/behavioral at-risk behavior, and/or any student who has required physical restraint, a school-based team should develop a safety or crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and review meetings for the purpose of assessing progress and making necessary adjustments.

Methods For Engaging Parents In Discussions About Restraint Prevention And The Use Of Restraint Solely As An Emergency Procedure. The Assistant Director should make information available to all families and students about behavioral supports and restraint prevention efforts that are utilized within the CASE Collaborative. School personnel should work to identify students who are at risk for restraint and work with the student and family to identify behavioral support to prevent restraint from occurring. If a restraint occurs, school personnel are expected to notify the student's parent/guardian in accordance with the reporting procedures of the CASE Collaborative. School personnel should follow up with the student and their family regarding behavioral support. Parents/guardians shall be provided with an opportunity to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

Alternatives to physical restraint and method of physical restraint in emergency situations. Alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods may include but are not limited to:

- Active listening
- Use of a low non-threatening voice
- Limiting the number of adults providing direction to the student
- Offering the student a choice
- Not blocking the student's access to an escape route
- Suggesting possible resolutions to the student
- Avoiding dramatic gestures (waving arms, pointing, blocking motions, etc.)
- Verbal prompts: a verbal prompt is communicating what is expected behavior by clearing stating instructions and expectations.
- Full or partial physical cue: A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects as student without force. These are used at increasing levels as needed to return a student safely back to task.

- Physical escort: A physical escort is a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder or back, for the purpose of inducing a student who is agitated to walk to a safe location.
- Physical redirection: A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student of the learning activity, classroom or safe location.
- Time-Out: A time-out is 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. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

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

- Remain calm: To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior, use of a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
- Obtain Assistance: Whenever possible, school personnel should immediately take steps to notify the school administrator, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
- One Person Speaks: In order to minimize the likelihood of confusion and /or the likelihood of a student experiencing distress from his/her escalating behavior, and have one person providing overall direction to the response and the follow up procedures. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
- Remove Student if Possible: Consider the feasibility of having a student experiencing distress leave an area where other students are present and move to another more private and safe area in order to de-escalate.
- Remove Other Students: If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

## Physical Restraint Procedures

### Definitions

Department shall mean the Department of Elementary and Secondary Education.

Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater



freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

School Working Day shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out. The use of seclusion restraint is expressly prohibited.

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

When Physical Restraint May be Used:

Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in the CASE Collaborative programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

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

**Prohibitions:**

- Physical restraint shall not be used as a means of discipline or punishment;
- Physical restraint shall not be used 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;
- Physical restraint shall not be used as a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
- Physical restraint shall not be used 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.
- Mechanical restraint, medication restraint, and seclusion shall be prohibited in the CASE Collaborative.
- Prone restraint shall be prohibited except on an individual student basis, and only under the following circumstances:
  - The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
  - All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
  - There are no medical contraindications as documented by a licensed physician;
  - There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
  - The school has obtained consent to use prone restraint in an emergency as set out in the physical restraint regulation, and such use has been approved in writing by the Assistant Director; and,
  - The school has documented 1 – 5 above in advance of the use of prone restraint and maintains the documentation.

**Proper Administration of Physical Restraint**

- Trained personnel. Only school personnel who have received training pursuant to the state physical restraint regulations 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. These training requirements shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

- Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

Safety requirements. Additional requirements for the use of physical restraint:

- 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.
- 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.
- If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the Program Administrator. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
- 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.

### **Training Requirements**

Program staff: The Assistant Director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- The role of the student, family, and staff in preventing restraint;
- The CASE Collaborative restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- 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.

In-depth staff training. At the beginning of each school year, the Assistant Director or his/her designee shall identify CASE Collaborative staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. Such training be competency-based and be at least-sixteen (16) hours in length with at least one refresher training occurring annually thereafter.

In-depth training in the proper administration of physical restraint shall include, but not be limited to:

- Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- 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 documentation and reporting requirements and investigation of injuries and complaints;
- Demonstration by participants of proficiency in administering physical restraint; and,
- Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

### **Follow-up Procedures And Reporting Requirements**

- Follow-up Procedures: At an appropriate time after a student has been released from a restraint, the school shall implement follow-up procedures. These procedures shall include:
  - a review of the incident with the student to address the behavior that precipitated the restraint;
  - a review of the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed
  - consideration of whether any follow-up is appropriate for students who witnessed the incident.
- Reporting Requirements:
  - School staff shall report the use of any physical restraint as specified herein.
  - Reporting to the Assistant Director. The school staff who administered the restraint shall verbally inform the Assistant Director of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the Assistant Director for review of the use of the restraint. If the Assistant Director has administered the restraint, the Assistant Director shall prepare the report and submit it to an individual or team designated by the superintendent. The Assistant Director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.
  - Reporting to parents. The Assistant Director or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The Assistant Director shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
    - Reporting to the Department.

- When a physical restraint has resulted in an injury to a student or school staff, the school shall send a copy of the written report required by this policy to the Department postmarked no later than three school working days of the administration of the restraint. The school shall also send the Department a copy of the record of physical restraints maintained by the Assistant Director pursuant to the Administrative Review section above for the 30-day period prior to the date of the reported restraint.
  - The CASE Collaborative shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.
- Individual student review. The Assistant Director shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the Assistant Director shall convene one or more review teams as the Assistant Director deems appropriate to assess each student’s progress and needs. The assessment shall include at least the following:
  - review and discussion of the written reports and any comments provided by the student and parent about such reports and the use of the restraints;
  - analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
  - consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
  - agreement on a written plan of action by the program.
- If the Assistant Director directly participated in the restraint, a duly qualified individual designated by the superintendent shall lead the review team’s discussion. The Assistant Director shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.
- The Assistant Director shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The Assistant Director shall determine whether it is necessary or appropriate to modify the school’s restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

### **Use Of Time Out As A Behavior Support Strategy.**

- Time out is 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. Time out may be inclusionary or exclusionary. Inclusionary time-out is when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom. Exclusionary time-out is when the student separates from the rest of the class either through complete visual separation or from actual physical separation.
  - During time-out, a student must be continuously observed by a staff member.
  - Staff shall be with the student or immediately available to the student at all times.
  - The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming.
  - Time-out shall cease as soon as the student has calmed.
- **The use of exclusionary time-out**
  - Exclusionary time-out as a staff- directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom.
  - Staff- directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
  - For any exclusionary time-out that may last longer than 30 minutes, school staff must seek approval from the Assistant Director / or designee for the continued use of time-out. The Assistant Director may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.
  - Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students must never be locked in a room. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student.
  - Exclusionary time-out must end when the student has calmed.

### **A Procedure For Receiving And Investigating Complaints Regarding Restraint Practices.**

Any student, parent, guardian, or other person who believes that a student has been subject to physical restraint in a manner that is inconsistent with Physical Restraint Prevention and Behavior Support Procedures of the CASE Collaborative may file a complaint, verbally or in writing, with a teacher, guidance counselor, mediator or Assistant Director. Any staff member who believes that a student has been subject to physical restraint in a manner that is inconsistent with the Physical Restraint Prevention and Behavior Support Procedures shall file a written complaint with the Assistant Director.

Upon receipt of such a report, the Assistant Director shall conduct an investigation of the incident. He/she shall promptly review the Physical Restraint Report Form and other pertinent documentation, and interview students, staff, witnesses, parent, guardians and anyone else who might have information about the incident. Once the investigation is completed, the Assistant Director shall determine whether the physical restraint was in compliance with policy and procedures of the CASE Collaborative. The Assistant Director shall notify the complainant of the outcome of the investigation in writing. If the Assistant Director determines that inappropriate conduct has occurred, he/she will act promptly to eliminate offending conduct. Based on the nature of the conduct and the results of the investigation, the Assistant Director will determine the appropriate level of response. Such response may, but shall not be limited to, determining whether it is necessary or appropriate to review and modify restraint prevention procedures of the CASE Collaborative, conduct additional staff training on restraint reduction/prevention strategies, or take other action as necessary or appropriate such as referring the matter for disciplinary action, to law enforcement or other state agencies. Students and employees will not be retaliated against for making a complaint or cooperating in the investigation of a complaint. Any retaliation by students or school staff will result in disciplinary measures.

# DISCIPLINE/STUDENT CONDUCT

## Student Conduct

Students are expected to conduct themselves in a manner consistent with school rules and regulations to the end that a positive learning atmosphere be established. Among other things, student conduct shall reflect care and respect for all other members of the CASE Collaborative school community.

Certain breaches of conduct are so serious that the Assistant Director may long term suspend or expel a student under the provisions of M.G.L. c. 71, §37H and 37H ½. These include:

- Possession of a dangerous weapon while on school grounds or at a school-sponsored event
- Possession of a controlled substance while on school grounds or at a school-sponsored event
- An assault on a School Administrator, teacher, teacher's aide, or other staff person.
- A felony charge or conviction

Violations of the code of conduct will subject a student to disciplinary action up to and including mediation, detention, suspension, or expulsion.

## Student Discipline

The Assistant Director or his/her designee has the authority to exercise discretion in deciding the consequences for a student who has violated disciplinary rules. The Assistant Director shall first consider ways to re-engage the student offender in the learning process, and shall avoid using expulsion until other remedies and consequences have been employed.

### **Mediation**

Mediation is an alternative to punitive discipline which allows students and staff to resolve disputes. It is a way of looking at a problem, identifying the issues, and thinking through the alternatives and consequences. Mediation is a voluntary activity, and is most successful when done before a situation escalates or a fight occurs, and may be an alternative to some disciplinary actions when approved by the Assistant Director(s).

### **Conflict Resolution**

Conflict resolution is an alternative remedy to punitive discipline which allows students and staff to resolve conflict in a peaceful way.

### **Collaborative Problem Solving**

Collaborative problem solving is an alternative remedy to punitive discipline. It is an approach to assist students in identifying alternative behavioral choices.

### **Detention**

Detentions may be imposed for infractions of program rules. Alternative consequences may be used, as appropriate, and include the use of evidence based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.



## **Suspension**

A suspension is a short term or long-term removal from regular classroom activities.

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

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

A suspended student is restricted from entering the school buildings, or coming onto school grounds; and a suspended student may not participate in any school sponsored activities or functions during the suspension period. It is also recommended that parents restrict the activities of a student during the suspension period to reinforce the importance of the disciplinary consequence and to demonstrate cooperation between the school and family.

The Assistant Director or his/her designee has the sole responsibility for determining who is suspended. The suspended student may not be permitted to return to school until a parental conference has been held.

### **In school suspension**

At the discretion of the Assistant Director or his/her designee, in-school suspension may also be imposed where a student is determined to have committed a suspendable offense. In-school suspension means the student is removed from regular classroom activities, but not from the school premises, for no more than 10 consecutive school days. Students will be subject to limitations on their movements and activities as determined by the Assistant Director or his/her designee. In-school suspension for less than 10 days shall not be considered a short-term suspension. An in-school suspension of more than 10 days shall be deemed a long-term suspension.

For an in-school suspension, the Assistant Director or his/her designee shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the Assistant Director or his/her designee determines that the student committed the disciplinary offense, the Assistant Director or his/her designee shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

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

The Assistant Director or his/her designee shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the

parent to a meeting with the Assistant Director, if such meeting has not already occurred. The Assistant Director or his/her designee shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the Assistant Director or his/her designee and the parent.

### **Removal from Extracurricular Activities and Attendance at school sponsored events**

The Assistant Director or his/her designee may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in M.G.L. c. 71, § 37H¾ or 603 CMR 53.00.

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

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

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

## **Student Due Process Rights**

In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

### **Due Process Rights For Students Charged With Possession Of A Dangerous Weapon, Possession Of A Controlled Substance, Assault On School Staff And/Or Students Who Have Been Charged With Or Convicted Of A Felony (M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½).**

**Short Term Disciplinary Sanctions:** Prior to the imposition of any disciplinary sanction that might result in a student's suspension from school for ten (10) consecutive school days or less, the student will be given oral notice of the offense with which he/she is charged and an opportunity to respond. In the event that the Assistant Director or designee determines that the student will be suspended from school, the student's parent(s)/guardian(s) will be notified by telephone and in writing.

**Long Term Disciplinary Sanctions:** Prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for more than ten (10) consecutive school days or expulsion, the parents/guardians will be given written notice of a hearing at which they may be represented by an attorney at their expense and may examine and present witnesses and documentary evidence. Following this hearing, a written decision will be issued. The parent(s)/guardian(s) will have the right to appeal any decision imposing a long-term suspension or expulsion from school to the Executive Director. Where the student is excluded in accordance with M.G.L. c. 71, §37H, the student shall have ten (10) days from the effective date of the exclusion to file a written appeal with the Executive Director. For exclusions imposed pursuant to M.G.L. c. 71, §37H ½, the student shall have five (5) days from the effective date of the exclusion to file a written appeal with the Executive Director. For exclusions imposed by the School Committee in accordance with M.G.L. c. 76, §17, the student shall have the right to file a written request for reconsideration by the committee within ten (10) days of the effective date of the exclusion. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. M.G.L. c. 76, §17, M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½.

Due Process Rights For Students Charged With Other Violations (M.G.L. c.71, §37H ¼ )

**Notice and Assistant Director's meeting:**

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

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

The purpose of the Assistant Director's hearing is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

The Assistant Director shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense.

a. Short-term Suspension

The Assistant Director or his/her designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the Assistant Director or his/her designee should consider in determining whether other remedies and consequences may be appropriate. The Assistant Director or his/her designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Assistant Director or his/her designee should consider in determining consequences for the student. Based on the available information, including mitigating circumstances, the Assistant Director or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, what alternative remedy or consequence will be imposed.

When deciding the consequences for the student, the principal, headmaster, superintendent or person acting as a decision-maker shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving.

The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

The Assistant Director or his/her designee shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice.

#### b, Long Term Suspension

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

The Parent shall have an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Assistant Director or his/her designee should consider in determining consequences for the student.

Based on the evidence, the Assistant Director or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what alternative remedy or consequence will be imposed, in place of or in addition to a long-term suspension.

When deciding the consequences for the student, the principal, headmaster, superintendent or person acting as a decision-maker shall consider ways to re-engage the student in the learning process; and shall

not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving.

The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

The Assistant Director or his/her designee shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Assistant Director or his/her designee and the parent.

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

#### **Emergency Removal:**

The Assistant Director or his/her designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Assistant Director or his/her designee's judgment, there is no alternative available to alleviate the danger or disruption. The Assistant Director or his/her designee shall immediately notify CASE's Director in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal.

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

The Assistant Director or his/her designee shall render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements as described above. In the event of an emergency removal from school, the Assistant Director or his/her designee will not release the student until adequate provisions have been made for the student's safety and transportation.

#### **Expulsion**

Any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a

specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

### **Executive Director's Hearing:**

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

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

At the hearing, the Executive Director shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the Assistant Director's hearing for long-term suspension. The Executive Director will issue a written decision within 5 calendar days of the hearing. If the Executive Director determines that the student committed the disciplinary offense, the Executive Director may impose the same or a lesser consequence than the Assistant Director, but shall not impose a suspension greater than that imposed by the Assistant Director's decision. The Executive Director's decision is the final decision of the district.

## **Discipline and Students with Disabilities**

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

- Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a

disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or ten (10) cumulative school days in a given school year, building administrators, the parents/guardians and relevant members of the student's IEP or 504 team will meet to determine the relationship between the student's disability and behavior (Manifestation Determination). During disciplinary exclusions exceeding ten (10) school days in a single school year, the student shall have the right to receive services identified as necessary to provide him/her with a free appropriate public education during the period of exclusion.

- If building administrators, the parents/guardians and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP team or 504 Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or where appropriate, conduct a functional behavioral assessment.
- If building administrators, the parents/guardians, and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent/guardians consent to, a new placement, or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The Student's Team shall also review the student's IEP, and modify as appropriate, any existing behavioral intervention plan or arrange for a functional behavioral assessment.
- If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational placement (IAES) for up to forty-five (45) school days. A court or BSEA hearing officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

## ANNUAL NOTICES - FEDERAL

Required notices are listed below. The text within the parentheses contains a link to the applicable notice.

- Family Educational Rights and Privacy Act ([FERPA](#))
- Protection of Pupil Rights Amendment ([PPRA](#))
- MMcKinney-Vento Act ([McKinney Vento](#))
- Every Student Succeeds Act/Foster Care ([ESSA Foster Care](#))
- Educational Opportunities for Children of Military Families
- Title IX ([Title IX](#))

