

PHYSICAL RESTRAINT OF STUDENTS

Physical restraint is an emergency measure of last resort. It may be administered only when necessary to protect a student and or school community member from assault or imminent, serious physical harm and only when less intrusive behavior interventions have been unsuccessful or deemed inappropriate. When, based on this standard, physical restraint is necessary, staff will strive to prevent or minimize any harm to the student as a result of the use of physical restraint.

Methods to prevent student violence, self-injurious behavior, and suicide: The district will provide a continuum of services that targets a student's social emotional development.

Methods to engage parents in discussions about restraint prevention and the use of restraint solely as an emergency measure: All parents will receive the student handbook which will reference the policy. Copies of the District' s physical restraint prevention policy and procedures will also be available in the main office of each school building. Parents may also utilize the grievance procedure described in Section F if they have any concerns about the use of restraint in Medfield Public Schools.

Alternatives to Physical Restraint: de-escalation techniques that include functional communication, redirection and waiting. Time out may be another alternative. When a behavior support plan is in place staff will defer to specific interventions outlined in the individualized behavior plan.

Methods of physical restraint in emergency situations: Staff will utilize physical restraint holds that are in accordance with the Safety-Care training protocol.

A. Prohibition Statement:

- a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in the Medfield Public Schools.
- b) 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 the student in the face-down position. Prone restraint shall be prohibited in the Medfield Public Schools except on an individual student basis, and only under the following circumstances:
 1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
 2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
 3. There are no medical contraindications as documented by a licensed physician;
 4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
 5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
 6. The program has documented the above elements 1-5 in advance of the use of prone restraint and maintains the documentation.
- c) Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs

except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

- d) Physical restraint shall not be used when the student cannot safely be restrained for medically contraindicated reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting, nor shall such restraint be used as a standard response for any individual student. For example, no written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior.
- e) All physical restraints, including prone restraint where permitted, shall be administered in compliance with the regulations at 603 CMR 46.00.

B. Limitations on use of restraint: Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

C. Proper use of physical restraint:

- a) Use of restraint. Only trained personnel may administer physical restraint. If physical restraint is administered, it should be administered with the safest use of force.
- b) 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
- c) 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.
- d) Safety requirements. 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. Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student. If the restraint should last longer than 20 minutes, the staff member using or intending to use such restraint must obtain permission from the Building Principal to use extended restraint. The Building Principal's approval shall be based on the student's continued agitation during the restraint to justify the need for extended restraint.

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

- a) The role of the student, family, and staff in preventing restraint;
- b) The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;

- d) When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- e) Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
- f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

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

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

- a) Appropriate procedures for preventing the use of physical restraint, including the ~~deescalation~~de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- b) A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- e) Demonstration by participants of proficiency in administering physical restraint; and,
- f) Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.;
- g) 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.

E. Grievance Procedure for complaints regarding restraint:

- a) This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:
- b) The complaint must be submitted in writing or on audiotape to the Director of Student Services.

- c) The Director of Student Services, or his/her designee, will contact the complainant within ten (10) school days of receipt of the complaint.
- d) A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the school and/or the Department of Elementary and Secondary Education.
- e) A written summary of the investigation and findings will be developed by the Director of Student Services and provided to the complainant.

F. Procedure for implementing periodic review of data and documentation

Individual student review: The principal, or his/her designee, shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal or designee shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The review team's assessment shall include at least the following:

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

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

Administrative review: The principal or his/her designee shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal, in consultation with the Director of Student Services and the Superintendent, 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.

G. Procedure for implementing ~~r~~Reporting requirements:

Medfield Public Schools staff shall report the use of any physical restraint, as required by the regulations at 603 CMR 46.00.

- a) **Informing the principal:** The program staff member who administered the restraint shall verbally inform the principal or his/her designee of the restraint as soon as possible, and

by written report no later than the next school working day. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent for review. The principal or director or his/her designee shall maintain an on- going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

- b) **Informing parents:** The principal or 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 within three school working days. If the school or program customarily provides a parent of a student with report cards and other necessary school related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

- c) **Contents of the written report: All incidents of use of physical restraint must be reported in writing. The contents of the written report include:**
- 1. Name of the student;**
 - 2. Names and job titles of the staff who administered the restraint, and observers, if any**
 - 3. The date of the restraint;**
 - 4. The time the restraint began and ended;**
 - 5. The name of the principal or designee who was verbally informed following the restraint, and as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes;**
 - 6. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint;**
 - 7. The behavior that prompted the restraint;**
 - 8. The efforts made to prevent escalation of behavior, including the specific de-escalation strategies used;**
 - 9. Alternatives to restraint that were attempted;**
 - 10. The justification for initiating physical restraint;**
 - 11. A description of the administration of the restraint including the holds used and reasons such holds were necessary;**
 - 12. The student's behavior and reactions during the restraint;**
 - 13. How the restraint ended;**
 - 14. Documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;**
 - 15. Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student; and**
 - 16. Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.**

- d) **If the restraint resulted in an injury, the Building Principal/Designee must report the incident to the Massachusetts Department of Elementary and Secondary Education within three working days, by providing a copy of the report as well as a copy of the log of the physical restraints that took place in the last thirty days.**

H. Time Out:

Time-out shall mean 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, as determined by staff in consultation with the student. The Superintendent, in consultation with the Director of Student Services and the building Principals, shall ensure procedures are developed for the use of time-out, including a process for obtaining approval for a time-out to exceed 30 minutes.

Approved by School Committee on December 15, 2015

BULLYING, RETALIATION, AND HARRASSMENT

I. Definitions – Bullying, Retaliation, and Harassment

Bullying and harassment may take a variety of forms. Generally, bullying is defined as acts repeated over a period of time that are intended to intimidate, threaten or harass another individual. This behavior is unacceptable in a school or work environment. As a result no student or employee shall be subjected to harassment, intimidation, retaliation, bullying, or cyberbullying in the public schools.

“Aggressor” and “Perpetrator” are used interchangeably and mean the perpetrator of bullying or retaliation as defined in G.L. c. 71, § 37O.

“Bullying”, pursuant to G.L. c. 71, § 370, means the repeated use by one or more students or by a 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 extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

1. causes physical or emotional harm to the target or damage to the target’s property;
2. places the target in reasonable fear of harm to himself or herself or damage to the target’s property;
3. creates a hostile environment at school for the target;
4. infringes on the rights of the target at school; or
5. materially and substantially disrupts the education process or the orderly operation of a school

For the purposes of this section, bullying shall include cyber-bullying.

“Cyber-bullying” is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to: any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include:

1. the creation of a web page or blog in which the creator assumes the identity of another person or
2. the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying.

“Hostile environment” means 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 the student’s education.

“Target” means a student victim of bullying or retaliation as defined in G.L. c. 71, § 37O. Certain students may be more vulnerable to being subjected to bullying based on actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, sex, socioeconomic

status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical developmental or sensory disability or by association with a person or has or is perceived to have at least one of these characteristics.

Prohibition of Bullying

Bullying is prohibited: on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying 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. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

(Chapter 92 of the Acts of 2010, Section 5, Section 37O (b)).

II. Policy

- A. It is the policy of the Medfield Public Schools to provide a learning and working atmosphere for students, employees, and visitors free from bullying, cyber bullying, harassment, retaliation, and intimidation. These terms are collectively referenced herein as "bullying".
- B. It is a violation of this policy for any administrator, teacher or other employee, student or volunteer to engage in or condone bullying in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of bullying. However, no target of bullying will be held responsible for failing to report bullying that s/he has experienced.
- C. This policy does not limit the school's authority to take disciplinary action or take remedial action when bullying occurs out of school but has a nexus to school, or is disruptive to an employee's or student's work or participation in school related activities.
- D. Reports of cyberbullying by electronic communication or other means, occurring in or out of school, will be reviewed and, when a nexus to work or school exists, may result in disciplinary action. Parents of students alleged to have engaged in cyberbullying may be required to attend a meeting at which the activity, words, or images giving rise to the complaint will be reviewed.
- E. It is the responsibility of every employee, student, and parent to recognize bullying and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented, provided that targets of bullying will not be held responsible for failure to report.
- F. Any employee or student who believes that he or she has been subjected to bullying has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of

all parties, but proper enforcement of this policy may require disclosure of any or all information received.

- G. The Building Principal/Designee and/ or District Civil Rights Coordinator shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying.
- H. The Building Principal shall be responsible developing a plan consistent with G.L. c. 71, §37O. The plan shall provide for annual training for staff and students regarding this policy and its implementation. The plan shall be included in the student handbook written in a common sense, age appropriate manner outlining the definitions, procedures and consequences of bullying. Relevant portions of the plan shall also be included in the appropriate staff manuals. The plan shall be posted on the school's website. The Building Principal will also insure that the plan details bullying prevention instruction programs to be conducted in the curriculum and annual professional development programming for staff.
- I. The Building Principal/Designee shall be responsible for maintaining accurate records of bullying incidents and determining whether reports of bullying may involve discrimination, such that the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed.
- J. In instances of sexual harassment, the Medfield Public Schools Sexual Harassment Policy (ACAB) should be referenced and the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed and supersede the guidelines provided below.
- K. In instances of bullying otherwise based on race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age, including domestic violence/ teen dating violence, the Medfield Public Schools Non-Discrimination Policy and Grievance Procedure (ACE) should be followed and supersede the guidelines provided below.
- L. In instances of hazing, the Medfield Public Schools Hazing Policy (JICFA-E) should be referenced.

III. Prevention and Intervention Plan

The Superintendent/ designee shall oversee the development of a bullying prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with this policy, state laws and federal laws. The bullying prevention and intervention plan shall be reviewed and updated accordingly at least every two years.

The Building Principal is responsible for the implementation and oversight of said bullying prevention and implementation plan within his or her school.

IV. Training and Assessment

Annual training shall be provided for school employees and volunteers having significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all students in grades Kindergarten to 12th.

Training must include developmentally appropriate strategies to prevent bullying incidents and for immediate, effective interventions to stop bullying incidents. Training must also include information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying, as well as 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. Training shall also incorporate information on the incidence and nature of cyber-bullying, and internet safety issues as they relate to cyber-bullying.

V. Reporting

Students who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that bullying is taking place, must report incidents to a member of the school staff. However, the target shall not be subject to discipline for failure to report.

Each school shall provide a way for students to report incidents of bullying anonymously. A student who reports anonymously shall not be subject to formal disciplinary action sole for said reporting.

A student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents/guardians or members of the community are encouraged to report an incident of bullying as soon as possible.

A member of the school staff shall immediately report to the Building Principal/Designee any instance of bullying that the staff member witnessed or become aware of.

VI. Guidelines for Investigating Bullying and Retaliation Claims

In school systems, bullying 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. Guidelines for dealing with any charge of bullying (not determined to involve discrimination) are as follows:

1. In all charges of bullying, the target should be encouraged to describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts, but written complaints are not required. Anonymous complaints will be investigated but no disciplinary action shall be taken solely on anonymous complaints unless verified by additional evidence. All complaints will be reviewed based on a preponderance of evidence standard.
2. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, bullying, retaliation, or intimidation shall immediately report it to the Building Principal/ Designee. In cases involving discrimination, the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed

3. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of G. L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of bullying or the district's subsequent actions or inaction in connection thereto.
4. If an instance of student to student bullying is reported to a staff member, the staff member must inform the Building Principal/ Designee.
5. If a situation involving a charge of staff member to student bullying is brought to the attention of any staff member, the staff member should notify the Building Principal immediately.
6. In a situation involving a charge of staff member to staff member or student to staff member bullying the staff member should notify the Building Principal.
7. Once a charge of bullying has been made, including charges of mental, emotional or physical bullying and/ or threats to a person's safety or position in the school or work environment, the following course of action should be taken:
 - The Building Principal/Designee should promptly investigate the charge 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 Building Principal/ Designee will, among other things, interview students, staff, witnesses, parents, and others as necessary. Interviews will be conducted by the Building Principal/ Designee, other staff members as determined appropriate by the Building Principal/ Designee in consultation with the school counselor.
 - The Building Principal/ Designee (or whoever is conducting the investigation) will remind the alleged perpetrator, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.
 - If both the alleged perpetrator and the alleged target are willing to discuss the matter and it is appropriate for them to do so, a resolution meeting will be held in the presence of the Principal/Designee. During this discussion, the offending behavior should be described by the alleged target and administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If circumstances do not permit a face to face meeting the administration will present the target's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline.
8. If, after a resolution meeting with the involved parties, the Building Principal/ Designee determines that further disciplinary action must be taken, the following may occur:
 - In instances involving student to student or student to staff member harassment, the student may be subject to discipline including but not limited to counseling, restorative justice, detention, suspension, and in appropriate cases expulsion. Disciplinary action will be taken in accordance with state and federal laws and regulations governing disciplinary proceedings for students with and without disabilities.

- In instances involving staff member to student and staff member to staff member harassment, findings will be reported to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, consistent with the applicable law and collective bargaining agreement. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file, probation, suspension without pay, demotion, removal from administrative duties within a department, and dismissal. Suspension or dismissal to be handled in accordance with G.L., c. 71, § 42. The Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.
 - In all cases a referral to law enforcement will be considered by the Building Principal based on the circumstances and may be legally required. School officials will coordinate with the Police Department to identify a police liaison for bullying cases.
9. Retaliation:
- Retaliation in any form against any person who has made or filed a complaint relating to bullying is forbidden. If it occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student. A referral to law enforcement may be made.
 - If the alleged ~~perpetrator~~ ~~perpetrator~~ would otherwise be responsible for conducting an investigation, the Superintendent or School Committee shall designate an alternative individual.
10. Confidentiality:
- Reports of bullying should be kept confidential to the extent practicable, consistent with necessary investigation procedures, with the goal of protecting the target and stopping the behavior, and in accordance with 603 CMR 49.00 et seq.

VIIV. Obligations to Notify Others

Notice to parents:

Upon determining that bullying or retaliation has occurred, the Building Principal/ Designee will promptly notify the parents of the target and the perpetrator of this, and of the procedures for responding to it. Notice will be provided in the primary language of the home 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.

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 Building Principal/ Designee first informed of the incident will promptly notify by telephone the Building Principal/ 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 23.00.

Notice to Law Enforcement:

At any point after receiving a report of bullying or retaliation, including after an investigation, if the Building Principal/ Designee has a reasonable basis to believe that criminal charges may be pursued against the perpetrator, the Building Principal/ 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 Building Principal/ 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 perpetrator. In making this determination, the Building Principal/ Designee will, consistent with the Plan and this policy, consult with local law enforcement and other individuals s/he deems appropriate.

REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act
3. G.L. c. 151C
4. G.L. c. 76, § 5
5. G.L. c. 269 §§ 17, 18, 19
6. G.L. c. 71, §§ 82, 84
7. Chapter 92 of the Acts of 2010
8. G.L. c. 71, § 37

CROSS REF.: AC, Non-Discrimination
ACA, Non-Discrimination on the Basis of Sex
ACAB, Sexual Harassment
ACE, Non-Discrimination Policy and Grievance Procedure
JICFA-E, Hazing

Approved by School Committee August 22, 2019