

East Bridgewater Public Schools



Annual Training Manual

- Notice of Non-discrimination Policy
- District Contact Information
- Review of Instructional Materials
- Civil Rights
- Confidentiality
- Restraint Training & Procedures
- Bullying Policy

The East Bridgewater Public Schools are committed to ensuring that all of its programs and facilities are accessible to all members of the public. We do not discriminate on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity or homelessness. The contents of all East Bridgewater school publications are available on request in languages other than English.

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To: All Staff, Parents and General Public
From: Elizabeth L. Legault, Superintendent of Schools
Date: August 1, 2016
Subject: NOTICE OF NON-DISCRIMINATION POLICY

The East Bridgewater Public Schools reaffirms that it does not discriminate on the basis of gender identity, homelessness, race, color, religion, sex, national origin, age, disability or sexual orientation in admission to, access to, treatment in, or employment in its programs or activities. The East Bridgewater Public Schools also confirms its commitment to maintain a school and work environment free of harassment based on gender identity, homelessness, race, color, religion, sex, national origin, age, disability, or sexual orientation. Any harassment based on gender identity, homelessness, race, color, religion, sex, national origin, age, disability or sexual orientation will not be tolerated.

If you should have questions about this policy, please contact Gina Williams, Assistant Superintendent. She has been designated to respond to your inquiries and to be the school department's Title I, Title IX, and Harassment Officer. Mrs. Williams can be reached at 143 Plymouth Street, East Bridgewater, MA 02333 or by phone at (508) 378-8200.

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East Bridgewater Public Schools Contact Information

Elizabeth L. Legault
Superintendent of Schools
143 Plymouth Street
East Bridgewater, MA 02333

Gina Williams
Assistant Superintendent of Schools
Special Education Director
Title IX Coordinator
Harassment Officer
Homeless Coordinator
504 Coordinator
143 Plymouth Street
East Bridgewater, MA 02333

East Bridgewater Public Schools

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Civil Right Information Packet

The descriptions below and the information that follows have been formulated to assist you in your understanding and implementation of specific state and federal regulations that deal with discrimination, i.e. equity.

Title I : Title I of the Americans with Disabilities Act of 1990:

Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of employment.

Title II : Title II of the Americans with Disabilities Act of 1990:

Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of educational programming and activities.

Title VI: Title VI of the Civil Rights Act of 1964:

Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color and national origin.

Title IX: Title IX of the Education Amendments of 1972:

Prohibits discrimination, exclusion from participation, and denial of benefits based on sex.

Section 504: Section 504 of the Rehabilitation Act of 1973:

Prohibits discrimination, exclusion from participation, and denial of benefits based on disability.

MGL, Chapter 76, Section 5: Massachusetts General Laws, Chapter 76, Section 5:

Prohibits discrimination in all public schools on the basis of race, color, sex, national origin and religion.

Should you desire further explanation, assistance or have any questions regarding any aspect of your responsibility for implementation, please contact your supervisor.

EQUAL EMPLOYMENT OPPORTUNITY

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The East Bridgewater School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors. The Superintendent will ensure that any individual within the district who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their gender identity, homelessness, race, creed, color, age, sex, national origin, disability or sexual orientation. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

LEGAL REF: 603 CMR 26:08

EQUAL EDUCATIONAL OPPORTUNITIES

The East Bridgewater Public Schools are committed to ensuring that all of its programs and facilities are accessible to all members of the public. We do not discriminate on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity or homelessness. The contents of all East Bridgewater school publications are available on request in languages other than English.

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the school committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, creed, sex, sexual orientation, gender identity, homelessness, religion, nationality, and physical and intellectual differences.

To accomplish this, the committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal education opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs. The law reads as follows:

No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, gender identity, homelessness, religion, national origin or sexual orientation.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Education in compliance with this law will be followed.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Title IX, Education Amendments of 1972
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
Board of Education, Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, amended 10/24/78
Board of Education, Chapter 766 Regulations 10/74 – amended 3/28/78, 603
CMR 26:00

CROSS REF: AC, Nondiscrimination

The East Bridgewater Public Schools are committed to ensuring that all of its programs and facilities are accessible to all members of the public. We do not discriminate on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity or homelessness. The contents of all East Bridgewater school publications are available on request in languages other than English.

NONDISCRIMINATION POLICY

Public Schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed in the following statements of school committee intent to:

1. Promote the rights and responsibilities of all individuals as set forth in Local, State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, homelessness, religion, national origin, sexual orientation, and discrimination. If you have a complaint and feel you have been discriminated against because of your race, color, sex, gender identity, homelessness, religion, national origin, sexual orientation, and disability, register your complaint with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal
Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Equal Pay Act as amended by the Education Amendments of 1972
Title IX, Education Amendments of 1972

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Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 1993
M.G.L. 76:16 (Chapter 622 of the Acts of 1971)
Board of Education, Chapter 622 Regulations Pertaining to Access to Equal
Educational Opportunity, adopted 6/24/75, amended 10/24/78
Board of Education 603 CMR 2600
Board of Education Chapter 766 Regulations, adopted 10/74, as amended
through 3/28/78

CROSS REFS.: ACA-ACE Subcategories for Nondiscrimination
 FEGA, Contractor's Fair Employment
 GBA, Equal Opportunity Employment
 JB, Equal Educational Opportunities

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NONDISCRIMINATION ON THE BASIS OF SEX

The school committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The school committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, gender identity and sexual orientation, to all of its students and employees.

The committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

LEGAL REFS.: Title IX, of the Education Amendments of 1972
45 CFR, Part 86, (Federal Register, 6/4/75)
M.G.L. 76:16 (Chapter 622 of the Acts of 1971)
Board of Education, Chapter 622 Regulations Pertaining to Access to Equal
Educational Opportunity, adopted 6/24/75, amended 10/24/78
Board of Education 603 CMR 2600

CROSS REF.: AC NONDISCRIMINATION

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NONDISCRIMINATION ON THE BASIS OF HANDICAP

Title II of the Americans with Disabilities Act of 1992 requires that no qualified individual with a disability shall, because of the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

Reasonable Modification

The district shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability and equal opportunity to practice in, and enjoy benefits of, a service program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

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Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the school committee after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

Notice

The district shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the school committee and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the school committee is of the general view that:

1. Discrimination against a qualified handicapped person or solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in a school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this committee to ensure non-discrimination on the basis of handicap.

LEGAL REFS.: Rehabilitation Act of 1973, Section 504
 Education For All Handicapped Children Act of 1975
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 Title II, Americans with Disabilities Act of 1992
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended
 through 3/28/78

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CROSS REFS.: IGB, Special Instructional Programs and Accommodations
IGBA, Programs for Handicapped Students

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REVIEW OF INSTRUCTIONAL MATERIALS

All teachers are reminded that they should be reviewing and elevating ALL instructional materials including supplementary materials for simplistic and demeaning generalizations, and content lacking intellectual merit on the basis of disability, race, color, sex, religion, national origin, gender identity, homelessness and sexual orientation. In such cases where the decision is made to use educational materials that contain such content, teachers are required to allow ample class time for discussions of the issues identified.

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EAST BRIDGEWATER PUBLIC SCHOOLS HARASSMENT POLICY

The East Bridgewater Public Schools is committed to maintaining a work and educational environment free from all forms of harassing conduct. Harassment of others based on race, color, gender identity, homelessness, sex, religion, national origin, sexual orientation or disability will not be tolerated in the East Bridgewater Public Schools. We expect all employees, students, contracted vendors, and other members of the school community to conduct themselves in an appropriate manner with respect, dignity, courtesy, and fair treatment for all individuals. Persons who engage in harassment will be subject to discipline, including, but not limited to reprimand, detention, suspension, termination/expulsion or other sanctions as determined by the school administration. Each member of the school community has a responsibility to ensure that harassment does not occur. In addition, staff is reminded that any incident involving alleged or suspected sexual abuse of a student shall immediately be reported to an administrator or guidance counselor for referral to the appropriate state agencies.

- I. **DEFINITION:** Harassment is defined as conduct that is sufficiently severe or repetitive so as to:
- A. Unreasonably interfere with an individual's work or educational performance,
 - B. Create an intimidating, hostile, or offensive work or educational environment

Harassment on the basis of race, color, gender identity, homelessness, sex, religion, national origin, sexual orientation or disability includes verbal or physical conduct which may or does unreasonably offend, denigrate, or belittle any individual because of any characteristics described above. Such conduct includes but is not limited to unsolicited remarks, jokes, comments, innuendoes, gestures, or the display or circulation of written materials or pictures derogatory to either gender or to racial, ethnic, religious, sexual orientation or disabled individuals or groups.

In addition, sexual harassment is further defined as unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when:

Submission is made either explicitly or implicitly a term or condition of a student's participation in school programs or activities:

Submission to, or rejection of, such conduct by an individual is used as the basis for educational decisions affecting such individual;

Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working/educational environment.

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II. POLICY:

A. It is the policy of the East Bridgewater Public Schools to maintain learning and working environment that is free from harassment. No employee or student of the district should be subjected to harassment of any kind.

B. It shall be a violation of this policy for any member of the East Bridgewater school community, whether student or staff, to harass any other member of the school community through conduct or communications of a harassing nature as defined in Section I.

C. Each administrator shall be responsible within his or her school office, for promoting and understanding of and assuring compliance with state and federal laws and with school committee policy and procedures governing harassment.

D. Violations of this policy will be cause for disciplinary action up to and including termination or expulsion.

III. COMPLAINT PROCEDURES:

A. Anyone who feels he/she has been harassed as defined above should speak to or send a note to any school staff person he/she trusts (such as a teacher, nurse, counselor, or principal), or should tell his or her parents who then should notify school personnel. The school staff person who is notified will immediately report the complaint to their principal who will immediately notify the

The Harassment Officer will investigate all claims of harassment or, in cases which are appropriately handled informally, will assign the investigation to the principal and either the assistant principal or a guidance counselor. The confidentiality of all parties will be maintained as much as possible and to the extent consistent with the school's obligations under state and federal law. Complaints of harassment should be initiated as promptly as possible.

INFORMAL PROCEDURES:

It is sometimes possible to investigate and resolve claims of harassment through an informal process. Examples of an informal process include:

- Bringing the two parties together and helping the complainant to voice his/her objections and securing assurances that the offensive behavior will stop

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- Helping the complainant write his/her objections in a letter to the perceived offender and requiring the behavior to stop
- Securing and apology from the perceived offender in either oral or written form
- Bringing resolution that is satisfactory to both parties through other informal means
- Taking disciplinary action

An informal procedure may be preferable in certain circumstances to a more extensive and involved investigation. However, any of the involved parties may request a more formal investigation at any time. Also, based on the seriousness of the charge, the PPS Director may decide that a formal investigation is most appropriate. The informal procedure will be completed within five school days. Within this time, the Principal or Harassment Officer (whoever is investigating the allegation) will notify all involved parties of the results of the informal process. Resolution of the situation may or may not occur as a result of the informal process. If all parties felt that a resolution has been achieved, this discussion will remain confidential and no further action will be taken unless there is a reoccurrence of the kind of conduct involved. If any of the parties feel that resolution has not been achieved, participants will engage in the formal procedure. Investigative deadlines may be extended under extenuating circumstances such as illness or an excessive number of individuals to interview.

FORMAL PROCEDURES:

A formal investigation is initiated when any one of the following three criteria are met:

1. Any of the parties involved requests the formal procedure
2. The Harassment Officer requests the formal procedure due to the seriousness of the allegations or to repeated behavior
3. Any one of the parties involved in the informal process feels that the informal procedure was either inadequate or unsuccessful.

The formal procedure will normally be completed within 15 school days. During this time the Harassment Officer will:

1. Document the allegations in written form with sufficient detail to conduct a formal investigation
2. Conduct an investigation of the complaint and prepare a written report including a summary of the investigation and of interviews with all individuals reasonably believed to have relevant information: the complainant, the respondent, his/her parents (if appropriate and the student is under age 18), witnesses, and anyone else who may have been victim of similar conduct; and a description of any recommendations proposed by the PPS Director as a result of the investigation
3. Provide copies of the written report to both the person who makes the complaint and the perceived offender.

All documentation of harassment grievances will be kept on file with the Harassment Officer, regardless of whether the investigation is handled through formal and informal procedures.

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IV. APPEALS:

IV. A party may appeal the Assistant Superintendent's decision in writing to the Superintendent within 10 school days of the receipt of the findings of the formal procedure. The Assistant Superintendent's decision will be reviewed to ensure adequacy of the investigations and conclusions. Parties will be given an opportunity to submit additional relevant information. The Superintendent will make a decision and provide it in writing to involved parties within 15 school days.

OTHER RESOURCES:

Individuals also have the right to seek a remedy from the following:

Equal Employment Opportunity Commission (for employee allegations)
One Congress Street
Boston, MA 02114 617-565-3200

Massachusetts Commission Against Discrimination
1 Ashburton Place
Room 601
Boston MA 02108 617-727-3990

Regional Office for Civil Rights
John W. McCormack Post Office and Courthouse, Room 222
Boston, MA 02109 617-223-9662

V. RETALIATION:

Retaliation in any form against any person who has filed a complaint of harassment or assisted in an investigation of such a complaint will not be tolerated. No individual is to be subjected to any form of coercion, intimidation, retaliation, or discrimination as a result of filing or cooperating with the investigation of a complaint of harassment. The consequences for retaliation will be the same as for harassment. On the other hand, blatantly false accusations of harassment will not be tolerated and could result in legal action against the complainant.

VI. NOTIFICATION:

Notice of this policy will be circulated to all schools and departments of the East Bridgewater Public Schools and included in staff and student handbooks. It will be posted in the central office and in the main offices of the Middle School and High school. Training sessions on this policy and on the prevention of harassment, including sexual harassment, shall be held for teachers, administrators and students in all schools.

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SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS (PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS)

The goals of this school system's special education program are to allow each child to grow and achieve at his own level, to gain independence and self-reliance, and to return to the mainstream of school society as soon as possible.

The requirements of Chapter 71B and the Massachusetts General Law (known as Chapter 766 of the Acts of 1972) and state regulations will be followed in the identification of children with special needs, in referrals for their evaluation, in prescribing for them suitable programs and in assessing their educational progress. In keeping with state requirements, all children with special needs between the ages of three through 21 who have not attained a high school diploma or its equivalent will be eligible for special needs.

The school committee believes that most children with special needs can be educated in the regular school program if they are given special instruction, accommodations and the support they need. These children should also be given the opportunity to participate in the school system's non-academic and extracurricular activities.

The committee recognizes that the needs of certain children are so great that special programs, special classes or special schools may be necessary. When appropriate programs, services, or facilities are not available within the public schools, the committee will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the committee that the schools work closely with parents in designing and providing programs and services to children with special needs. Parents will be informed, and conferred with, whenever a child is referred for evaluation. In event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents will be accorded the right of due process.

The committee will secure properly trained personnel to work with the children with special needs. Since the financial commitment necessary to meet the needs of all of these children is extensive, the committee will make every effort to obtain financial assistance from all sources.

LEGAL REFS.: The Individuals with Disabilities Ed. Act (PL 94-142 adopted
 1/1/91)
 Rehabilitation Act of 1973
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 Board of Education Chapter 766 Regulations, adopted 10/74, as
 amended through 7/1/81 also 603 CMR 28:00 inclusive

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PROGRAMS FOR STUDENTS WITH DISABILITIES

In keeping with the intention of the state of Massachusetts to offer educational opportunities to all students which will enable them to lead fulfilling and productive lives, the East Bridgewater Public Schools shall provide appropriate educational opportunities to all resident students in accordance with the requirements of state and federal statutes.

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PARENT/STUDENT RIGHTS AND IDENTIFICATION,
EVALUATION AND PLACEMENT

Please Keep This Explanation For Future Reference
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping conditions;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, and placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-handicapped students;
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL101-476) or Section 504 of the Rehabilitation Act;
7. Have evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;

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9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to Kathryn R. Levine.
15. Ask for payment of reasonable attorney fees if you are successful on your claim
16. File a local grievance.

**The person in this district who is responsible for assuring that the district complies with Section 504 is Gina Williams, 508-378-5956.

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**EAST BRIDGEWATER PUBLIC SCHOOLS
STUDENT ACCOMODATION PLAN**

Name:	DOB:	Grade:
School:		

Nature of the concern:

Basis for determination of handicap (if any):

Describe how the handicap affects a major life activity:

Describe the reasonable accommodations that are necessary:

Describe any necessary MCAS accommodations:

Review Assessment Date:
(must be completed)

Participants:

Name:	Role:
-------	-------

Was 504 Rights Sheet given to Parent/Guardian? YES NO
(circle response and initial)

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East Bridgewater Public Schools
Physical Restraint and Behavior Support Policy

This policy complies with the revised physical restraint regulations at 603 CMR 46.01 et seq., effective on January 1, 2016

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. 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. Physical restraint shall only be used when needed to protect a student and/or a member of the East Bridgewater school community from assault or imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize any harm to the student.

This policy shall be reviewed annually and provided to East Bridgewater Public Schools staff and made available to the Parents of enrolled students. Nothing in this policy precludes any teacher, employee, or agent of the East Bridgewater Public Schools from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

1. Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide

- a. Student behavior and emotional needs are addressed in a pro-active manner through Functional Behavioral Assessments, Behavior Intervention Plans, or Individual Education Plans. These tools are used in an effort to change behavior prior to it becoming unmanageable in the school environment. School psychologists and counselors are on staff in each building in the district and provide counseling to students as indicated in IEP's. Psychologists, or other support staff such as counselors, social workers, etc., will also see any student on an as-needed basis when problems or crisis arise.
- b. De-escalation techniques specific to the student may be incorporated in the student's Behavior Intervention Plan or Individual Education Plan and utilized by staff. More general de-escalation techniques are taught as part of full restraint training outlined in detail in section 3B below.

2. Methods for Engaging Parents and/or Guardians

- a. Any parent and/or guardian with concerns about the use of physical restraint at any school within the East Bridgewater Public Schools may request a meeting with the building Principal or the Director of Specialized Services to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described in Section 10, below.

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3. **Alternatives to Physical Restraint and Methods of Physical Restraint**

a. Alternatives

Physical restraint shall not be used unless the following, less intrusive behavior interventions and supports have been unsuccessful or deemed inappropriate by school staff:

- Positive behavioral interventions
- Verbal redirection
- Verbal directive to cease behavior
- Opportunity for a break
- De-escalation techniques
- Loss of earned tokens/rewards/privileges
- Opportunity for time-out
- Physical escort to a separate space for time-out

b. Methods of Physical Restraint:

Physical restraint shall not be used as a means of discipline or punishment; if the student cannot be safely restrained due to medical contraindications which have been documented by a licensed physician and provided to the District; as a response to property destruction, disruption, refusal to comply with rules or staff directives, or verbal threats when those actions do not constitute a threat of assault or imminent, serious, physical harm. Physical restraint shall not be used as a standard response for any individual student. Physical restraint is an emergency procedure of last resort.

The following forms of physical restraint shall only be administered by trained personnel, using only the amount of force necessary to protect the student or other member(s) of the school community from assault or imminent, serious, physical harm. The staff member(s) administering physical restraint shall use the safest method available and appropriate to the situation. Staff shall continuously monitor the physical status of the student during restraint, and the student shall be immediately released from the physical restraint if the student expresses or demonstrates significant physical distress.

All physical restraints must terminate as soon as the student is no longer an immediate danger, or if the student indicates that he/she cannot breathe, or if the student is observed to be in severe distress. If any physical restraint approaches twenty (20) minutes, staff will obtain the approval of the building Principal to continue the restraint based upon the student's continued agitation. All physical restraints shall be administered in compliance with 603 CMR 46.00.

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- i. East Bridgewater agrees to contract with the vendor whose training and services best meet the needs of students and staff in:
 - a. Enhancing staff skill in the use of non-violent de-escalation techniques and strategies;
 - b. Reducing the likelihood of injury to any member of the school community, including students;
 - c. Increasing staff self-confidence in their ability to appropriately face potentially violent or dangerous situations with the safety of all as a top concern;
 - d. Increasing community confidence in EBPS staff's ability to manage crisis situations; and
 - e. Enhancing staff skill in the use of non-violent de-escalation techniques and strategies.
- ii. Objectives of the program EBPS chooses will likely include:
 - a. To identify behaviors that could lead to a crisis.
 - b. To effectively respond to each behavior with a focus on de-escalation.
 - c. To use verbal and nonverbal techniques to defuse hostile and/or dangerous behavior and resolve a crisis before it can become violent.
 - d. To use disengagement skills to avoid injury if behavior becomes physical.
 - e. To understand that restraint is to be used as a last resort only and then the least invasive restraint possible should be used to defuse the situation and provide for the safety of students and staff.
- iii. Specific holds include the following:
 - a. Passive Protective Holds
 - i. Transports: Transports are used to move an upset individual from one area to another area. This is used when the individual is not cooperating and may be aggressive/assaultive. Individual must have their feet on the floor. Purpose of a transport is to move the individual from danger to safety.
 - ii. Immobilization Holds: Immobilization holds prevent the individual from moving freely and involve immobilizing head, arms, and legs.

4. Prohibited Forms of Restraint

- a. Medication restraint, mechanical restraint, and seclusion restraint, as defined in 603 CMR 46.02, are prohibited in the East Bridgewater Public Schools.
- b. Any form of physical restraint used in a manner inconsistent with 603 CMR 46.00 is prohibited in the East Bridgewater Public Schools.
- c. Prone restraint, as defined in 603 CMR 46.02, shall only be permitted under the following, limited circumstances:
 - i. The student has a documented history of serious self-injury and/or injuries to other students or staff;

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- ii. All other forms of physical restraint have failed to ensure the safety of the student and/or the safety of others.
- iii. There are no medical contraindications documented by a licensed physician;
- iv. There are no psychological or behavioral contraindications documented by a licensed mental health professional;
- v. The student's Parent has provided voluntary, informed, written consent to the use of prone restraint; and
- vi. The building Principal, or designee, has provided written approval.

East Bridgewater Public Schools will not use prone restraint unless the above circumstances have been documented in advance.

5. Staff Training, Physical Restraint Reporting, and Follow-Up Process

a. Staff Training:

- i. All staff/faculty will receive training regarding the District's physical restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.
- ii. Required training for all staff will include review of the following:
 - 1) East Bridgewater Public Schools Physical Restraint and Behavior Support Policy
 - 2) School building-level physical restraint procedures, including the use of time-out as a behavior support strategy (which needs to be documented by the principal or designee);
 - 3) The role of the student, family, and staff in preventing physical restraint;
 - 4) Interventions which may preclude the need for restraint, including de-escalation of problematic behaviors and alternatives to restraint;
 - 5) When in an emergency, the types of permitted physical restraints and related safety consideration, including information regarding the increased risk of injury to a student when any restraint is used;
 - 6) Identification of East Bridgewater Public Schools staff who have received in-depth training (as set forth below in section (a)(iii)) in the use of physical restraint.
- iii. In-Depth Training
 - 1) At the beginning of the school year, the building Principal will identify those designated staff who will participate in in-depth training and who will then be authorized to serve school-wide resources to assist in ensuring proper administration of physical restraint.
 - 2) Designated staff members shall participate in at least sixteen (16) hours of in-depth training in the use of physical restraint, with at least one refresher training annually.
 - 3) In-depth training will include:

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

b. Physical Restraint Reporting

i. Report to building Principal:

- 1) Staff shall verbally inform the Principal of any physical restraint as soon as possible, and by written report within one (1) school day.
- 2) The Principal or designee shall maintain an ongoing record of all reported instances of physical restraint.

ii. Report to Parent(s) of Physically Restrained Student:

- 1) The Principal or designee shall make reasonable efforts to verbally inform the student's Parent and/or Guardian of the physical restraint within twenty-four (24) hours.
- 2) The Principal or designee shall provide the Parent and/or Guardian a written report of the physical restraint within three (3) school days. This written report may be provided via email, if the Parent and/or Guardian has provided the District with an email address.
- 3) The Parent/Guardian and/or student may respond to the Principal or designee to comment on the use of the physical restraint and the information in the written report. The Parent/Guardian and/or student may also pursue the Grievance Procedure described in Section 10, below.

iii. Report to Department of Elementary and Secondary Education (DESE):

- 1) Whenever a physical restraint results in injury to the student or any school community member, the District shall send a copy of the written report to DESE within three (3) school days. A copy of the ongoing physical restraint log from the past thirty (30) days will also be provided

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- to DESE.
- 2) East Bridgewater Public Schools shall also report physical restraint data annually to DESE, as directed by DESE.
- iv. Report to Law Enforcement and Other State Agencies:
 - 1) Nothing in this policy prevents any individual from reporting a crime to the appropriate authorities;
 - 2) Nothing in this policy prevents any individual from exercising their responsibilities as a mandated reporter under M.G.L, c. 119, §51A.
 - v. Contents of Written Report
 - 1) The written report of any physical restraint shall include:
 - A. Name of the student; name(s) and job title(s) of staff who administered the physical restraint, and observers, if any; the date, time restraint began, and the time that restraint ended; the name of the Principal or designee who was verbally informed following the restraint, and who approved continuation of the restraint beyond twenty (20) minutes, if applicable.
 - B. A description of the activity in which the restrained student and other students and staff in the vicinity were engaged immediately preceding the use of the physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
 - C. A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, and any medical care provided.
 - D. Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
 - E. Information regarding opportunities for the student's Parent(s)/Guardian(s) to discuss the administration of the restraint and any consequences with school officials.

c. Follow-Up Procedures

- i. After a student is released from a physical restraint, staff shall implement follow-up procedures, including:
 - 1) Reviewing the incident with the student to address the behavior that precipitated the physical restraint;
 - 2) Reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and
 - 3) Consideration of whether any follow-up is appropriate for students who

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witnessed the physical restraint, if any.

- 6. Building Principals Shall Develop and Implement Procedures for Periodic Review of Physical Restraint Data.**
 - a. These procedures shall include weekly review of physical restraint data to identify individual students who have been restrained multiple times during the week, and if any such student(s) is identified, to convene a review team to assess the student's needs.
 - b. These procedures shall include monthly, administrative review of school-wide physical restraint data.
 - c. Data will be submitted to the state annually in the method developed by DESE.

- 7. Building Principals Shall Develop And Implement Procedures To Ensure that the Reporting Requirements of this Policy and 603 CMR 46.06 Are Met.**
 - a. Each building in the East Bridgewater Public Schools will develop written procedures specific to the individual building which will detail the job roles responsible for meeting the reporting requirements of this policy.

- 8. Building Principals Shall Develop and Implement Procedures for Providing Timely, Oral and Written Notice to the Parents/Guardians of Any Student Who Undergoes Physical Restraint.**
 - a. Each building in the East Bridgewater Public Schools will develop written procedures specific to the individual building which will detail the process of parent/guardian notification of any student who undergoes physical restraint.
 - b. Within these written procedures will also be a current list of staff members in the building who have been provided in-depth training on physical restraint.

- 9. Building Principals Shall Develop and Implement a Procedure for the Use of Time-Out.**
 - a. Such procedure shall include the process by which staff will obtain the Principal's approval for any time-out lasting longer than thirty (30) minutes. Such approval shall be based on the student's continuing agitation.
 - b. Each school building will develop a site based plan and procedure for the use to time-out. Each plan will provide details as to which staff will monitor a student's status during time out, which staff will inform the Principal of time-outs lasting longer than thirty (30) minutes, etc.

- 10. Grievance Procedures.**

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:

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The complaint must be submitted in writing or on audiotape to the Director of Specialized Services for the district.

The Director of Specialized Services will meet with the complainant within ten (10) school days of receipt of the complaint.

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 Director of Specialized Services and the Massachusetts Department of Elementary and Secondary Education.

A written report will be developed by the Director of Specialized Services and provided to the complainant.

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East Bridgewater Public Schools
Report of Physical Restraint

Name/Gender of Student _____

IEP _____

Location/Date of the Restraint _____

The restraint was administered by:

Name/Title

1. _____

2. _____

3. _____

Observers (if any), Name/Title

1. _____

2. _____

3. _____

Time the restraint began _____

Time the restraint ended _____

Name of the administrator who was verbally informed following the restraint

_____ Date/Time informed _____

Parent notification _____ Date/Time informed _____

Description of the activity in which the restrained student and other students, staff or visitors in the same room or vicinity were engaged immediately preceding the use of the physical restraint

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Report of Physical Restraint

Behavior that prompted the restraint

Efforts to de-escalate the situation

Alternatives to restraint that were attempted

Justifications for the initiation of physical restraint

Description of the administration of the restraint holds used and reasons such holds were necessary

Student's behavior and reactions during the restraint

How the restraint ended

Documentation of injury to the student, if any, during the restraint and any medical care provided

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Education Laws and Regulations

603 CMR 23.00

Student Records

Section:

- [23.01: Application of Rights](#)
 - [23.02: Definition of Terms](#)
 - [23.03: Collection of Data: Limitations and Requirements](#)
 - [23.04: Personal Files of School Employees](#)
 - [23.05: Privacy and Security of Student Records](#)
 - [23.06: Destruction of Student Records](#)
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Most Recently Amended by the Board of Education: August 15, 2006

23.01: Application of Rights

603 CMR 23.00 is promulgated to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

(1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.

(2) If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.

(3) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school principal or superintendent of schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c. 71, section 34E, the parent of a student may inspect the student record regardless of the student's age.

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(4) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a school committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

23.02: Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access shall mean inspection or copying of a student record, in whole or in part.

Authorized school personnel shall consist of three groups:

(a) School administrators, teachers, counselors and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.

(b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

Eligible student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team shall mean the team which evaluates school-age children pursuant to M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non-custodial parent for purposes of M.G.L. c. 71, § 34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release shall mean the oral or written disclosure, in whole or in part, of information in a student record.

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School-age child with special needs shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

School committee shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c. 71B (Chapter 766) approved private school.

Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.

The student record shall consist of the transcript and the temporary record, including all information recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/ her birthdate; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed.

23.03: Collection of Data: Limitations and Requirements

All information and data contained in or added to the student record shall be limited to information relevant to the educational needs of the student. Information and data added to the temporary record shall include the name, signature, and position of the person who is the source of the information, and the date of entry into the record. Standardized group test

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results that are added to the temporary record need only include the name of the test and/or publisher, and date of testing.

23.04: Personal Files of School Employees

The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party. Such information may be shared with the student, parent or a temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.

23.05: Privacy and Security of Student Records

(1) The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.

(2) The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.

(3) The principal and superintendent of schools shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.

23.06: Destruction of Student Records

(1) The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

(2) During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student and his/her parent are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record.

(3) The temporary record of any student enrolled on or after the effective date of 603 CMR 23.00 shall be destroyed no later than seven years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and his/her parent of the approximate date of destruction of the record and their right to receive the

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information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. Such notice shall be in addition to the routine information letter required by 603 CMR 23.10.

(4) In accordance with M.G.L. c 71, section 87, the score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was so administered.

23.07: Access to Student Records

(1) **Log of Access.** A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

- (a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
- (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
- (c) school nurses who inspect the student health record.

(2) **Access of Eligible Students and Parents.** The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

- (a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.
- (b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
- (c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.
- (d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

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(3) Access of Authorized School Personnel. Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

(a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.

(d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

(e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.

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(f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

(g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

(b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

(c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

(d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).

(e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

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(f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

23.08: Amending the Student Record

(1) The eligible student or the parent shall have the right to add information, comments, data, or any other relevant written material to the student record.

(2) The eligible student or the parent shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by an Evaluation Team. Such information inserted by an Evaluation Team shall not be subject to such a request until after the acceptance of the Evaluation Team Educational Plan, or, if the Evaluation Team Educational Plan is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

(a) If such student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.

(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such student or parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the student or parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

23.09: Appeals

(1) In the event that any decision of a principal or his/her designee regarding any of the provisions contained in 603 CMR 23.00 is not satisfactory in whole or in part to the eligible student or parent, they shall have the right of appeal to the superintendent of schools. Request for such appeal shall be in writing to the superintendent of schools.

(2) The superintendent of schools or his/her designee shall within two weeks after being notified of such appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason or reasons for the decision. If the decision is in favor of the appellant, the superintendent of schools or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(3) In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the school committee. Request for such appeal shall be in writing to the chairperson of the school committee.

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(4) The school committee shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.

(a) School officials shall have the burden of proof on issues presented by the appellant.

(b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing.

(c) If the appeal concerns statements by an employee of the school committee, such person(s) shall have the right to be present and to have an advocate of his/her own choosing.

(5) Nothing in 603 CMR 23.00 shall abridge or limit any right of an eligible student or parent to seek enforcement of 603 CMR 23.00 or the statutes regarding student records, in any court or administrative agency of competent jurisdiction.

23.10: Notification

(1) At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

(a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.

(b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

(2) In those school systems required under M.G.L. c. 71A to conduct a bilingual program, all forms, regulations, or other documents regarding 603 CMR 23.00 that a parent receives or is required to receive shall be in the language spoken in the home of the student, provided that it is a language for which the school system is required to provide a bilingual program.

23.11: Monitoring

The Department of Elementary and Secondary Education may, pursuant to a request by an eligible student or parent or on its own initiative, conduct reviews to insure compliance with 603 CMR 23.00. The school committee and the specific school(s) involved shall cooperate to the fullest extent with such review.

23.12: Severance Clause

The provisions of 603 CMR 23.00 are severable and should any section be found upon judicial review to exceed the authority of the State Board of Education, the remaining sections shall not be affected.

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Regulatory Authority:
603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

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EAST BRIDGEWATER PUBLIC SCHOOLS POLICY PROHIBITING BULLYING

The East Bridgewater Public Schools is committed to maintaining a school environment where students are free from bullying and cyber-bullying and the effects thereof. Acts of bullying and cyber-bullying are prohibited:

- I. 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 the school district; or through the use of technology or an electronic device owned, leased, or used by the school district and
- II. 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 the school district, if the acts create 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.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying also is prohibited.

A. Definitions

Aggressor is a student who engages in bullying, cyber-bullying, or retaliation.

Bullying, as defined in M.G.L. c.71, s. 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- I. causes physical or emotional harm to the target or damage to the target's property;
- II. places the target in reasonable fear of harm to her/himself or of damage to his/her property;
- III. creates a hostile environment at school for the target;
- IV. infringes on the rights of the target at school or;
- V. materially and substantially disrupts the education process or the orderly operation of a school.

Bullying may include conduct such as physical intimidation or assault, including intimidating an individual into taking an action against his/her will; oral or written threats; teasing; putdowns;

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name-calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

Cyber-bullying, as defined in M.G.L. c.71, s. 37O is bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying also includes:

- I. the creation of a web page or blob in which the creator assumes the identity of another person;
- II. the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates and of the conditions enumerated above in clauses I to V, inclusive, of the definition of bullying; and
- III. 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 above in clauses I to V, inclusive, of the definition of bullying.

Cyber-bullying may include conduct such as sending derogatory, harassing or threatening email messages, instant messages, or text messages; creating websites that ridicule, humiliate, or intimidate others; and posting on websites or disseminating embarrassing or inappropriate pictures or images of others.

Hostile Environment, as defined in M.G.L., c.71, s. 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 person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

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

B. Bullying and Retaliation Are Prohibited and Will Lead to Discipline

The East Bridgewater Public Schools absolutely prohibits bullying, cyber-bullying and retaliation as defined above. Students who engage in bullying or retaliation will be subject to disciplinary action, however, disciplinary action taken must balance the need for accountability

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with the need to teach appropriate behavior. The range of disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short-term or long-term suspensions, or expulsions from school as determined by the school administration and/or school committee, subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration and/or school committee from taking disciplinary action against a student for conduct that does not meet the definition of bullying or cyber-bullying, as defined above, but nevertheless is inappropriate for the school environment.

C. Reporting Obligations

Reporting by Staff: 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 paraprofessional, shall immediately report any instance of bullying or retaliation s/he has witnessed or become aware of to the school principal or designee.

Reporting by Students, Parents/Guardians, and Others: The district expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the school principal or designee. An individual may make an anonymous report of bullying or retaliation, however, no disciplinary action may be taken against a student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

Reporting to Parents/Guardians: The principal or designee must promptly notify the parent/guardian of the alleged target and the alleged aggressor of a report of bullying or retaliation and of the school's procedures for investigating the report. If the alleged target and alleged aggressor attend different schools, the principal receiving the report shall inform the principal of the other student's school, who shall notify the student's parents of the report and procedures.

Reporting to Local Law Enforcement: At any point after receipt of a report of bullying or retaliation, or during or after an investigation, if the school principal or designee has a reasonable basis to believe that the incident may involve criminal conduct, the school principal or designee will notify the local law enforcement agency. In addition, if an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the Superintendent of the East Bridgewater Public Schools or designee will notify local law enforcement if s/he believes that criminal charges may be pursued.

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Reporting to Administrator of Another School District or School: If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school and the East Bridgewater Public Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the East Bridgewater Public Schools or designee must, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

D. Investigation

The school principal or designee shall investigate promptly a report of bullying or retaliation, giving consideration to all the circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

Pre-Investigation: Even before fully investigating allegations of bullying or retaliation, school personnel will consider whether there is a need to take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. In taking such action, however, the rights of both the alleged target and alleged aggressor must be considered.

Written statement of complaint: The investigator will seek to determine the basis of the complaint, gathering information from the complaint, including such matters as: what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the event occurred (date, time of day), and where the events occurred.

It is helpful to have these facts in writing. If age appropriate, the complainant may be asked to put the complaint in writing and to sign and date it. If the complainant cannot or chooses not to write a complaint, the investigator will record the allegations, read them to the complainant to confirm accuracy, and ask the complainant to sign the document. If the complainant cannot or chooses not to sign, the investigator may sign and date the document her/himself.

Interviews: Once the allegations of the complainant are established, the investigator will gather other evidence, which often involves interviews of the alleged aggressor and/or other witnesses. If appropriate, the investigator should remind the alleged aggressor and witnesses that retaliation against persons whom they believe might have reported the incidents or cooperated with the investigation is strictly prohibited and will result in disciplinary action.

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Confidentiality: The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school’s obligation to investigate and address the matter.

E. Determination

School personnel must weigh all of the evidence objectively to determine whether the alleged events occurred and, if they did, whether the events constitute bullying or retaliation. The determination must be based upon all of the facts and circumstances and the perspective of a reasonable person. When applied to children, the “reasonable person” standard is generally “that of a reasonable person of like age, intelligence, and experience under like circumstances.” See *Ellison v. Brady*, 924 F.2d 872 (9th Cir. 1991).

If bullying or retaliation is substantiated, the school will take steps reasonably calculated to prevent recurrence and ensure that the target is not restricted in participating in school or benefiting from school activities. As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken to prevent the recurrence of bullying or retaliation:

Holding parent conferences;

Transferring student’s classroom or school;

Limiting or denying student access to a part, or area, of a school;

Enhancing adult supervision on school premises;

Excluding from participation in school-sponsored or school-related functions, after-school programs, and/or extracurricular activities;

Providing relevant educational activities for individual students or groups of students. Guidance counselors and others in the school setting who have been trained in working with students on interpersonal issues may be helpful in providing such programs;

Establishing a Personalized Action Plan and directives for future conduct, including providing the target with a process for reporting any concerns about future conduct immediately. It is critical to involve the student in creating an action plan that involves a reporting process that works for that particular student;

Arranging for communication between the parties, if appropriate, to assist them in resolving issues which have arisen between them. (Such an approach will be used cautiously since

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communication can sometimes exacerbate, rather than alleviate, the target's concerns and since the conduct often involves an imbalance of power.);

Providing counseling (or other appropriate services) or referral to such services for the target and/or the aggressor and/or for appropriate family members of said students.

F. Closing the Complaint and Possible Follow-Up

School staff will promptly provide notice to the parent/guardian of a target and an aggressor about whether or not the complaint was substantiated and, if substantiated, what action is being taken to prevent any further acts of bullying or retaliation. Specific information about disciplinary action taken generally will not be released to the target's parents or guardians – unless it involves a “stay away” or other directive that the target must be aware of in order to report violations.

If appropriate, within a reasonable time period following closure of the complaint, the administrative staff or designee will contact the target to determine whether there has been any recurrence of the prohibited conduct.

The district will retain a report of the complaint, containing the name of the complainant, the date of the complaint, investigator, school, a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.

School Committee Approved: December 16, 2010

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**EAST BRIDGEWATER PUBLIC SCHOOLS
BULLYING/CYBERBULLYING REPORTING/COMPLAINT FORM**

General Information

Complainant: _____ School/Assignment: _____

Home Address: _____

Home Phone: _____

School/Work Phone: _____

Date/s of Alleged Incident/s:

INFORMATION ABOUT THE INCIDENT/S

Name of the person/s you believe harassed you or another person:

If the alleged harassment was directed toward another person, please identify that person:

Please describe the incident/s as clearly as possible, including such things as what force, if any, was used, any verbal statement (e.g., threats, requests, reprimands, etc.) and what, if any, physical contact was involved. Attach additional pages, as necessary.

When and where did the incident occur? _____

List any witnesses who were present: _____

Complainant Statement:

This complaint is based upon my honest belief that _____ has bullied/cyberbullied me or another person. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

(complainant signature)

(date)

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Please submit this completed form, along with any additional information, to:

Gina Williams
Assistant Superintendent
East Bridgewater Public Schools
143 Plymouth Street
East Bridgewater, MA 02333
508-378-5956
gwilliams@ebps.net

Name/s of Individual/s completing this form: _____

Date: _____

Designated School Official Responsible: _____

Date Complaint Rec'd: _____

Date of Parent Contact: _____ *Time:* _____ *Method:* _____

Signature of Designated Official: _____ *Date:* _____

Signature of Principal: _____ *Date:* _____

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