General Training for Bedford Public School District Employees

Mandated Policies & Procedures

2016-2017

Overview of Mandatory Policies/Procedures

1. Nondiscrimination/Equal Access
2. Family and Student Rights: PPRA, FERPA, Visitor Policy
3. Special Education:
4. Section 504 Law
5. Restraint & Seclusion Regulations: 603 CMR 46.00
6. Mandated Reporting: Section 51A
7. Health and Wellness Policy: Suicide Prevention Program
8. Bullying Policy
9. Harassment Policy
10. Faculty Member Political Involvement Guidelines
11. Faculty Tutoring
12. DCAP and Targeted Instruction

Nondiscrimination Policy

No person shall be discriminated against in obtaining the advantages, privileges or access to the courses of study offered by the BPS on the basis of race, sex, color, religion, national origin, sexual orientation, or gender identity.

The Bedford Public Schools does not discriminate in admission to, access to, treatment in, or employment in its services, programs and activities, on the basis of race, color or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination in Employment Act of 1974 (ADEA).

Transgender Rights

- Transgender students have the right to use the bathroom or locker room that aligns with their gender identity.
- In the event a transgender student prefers them, gender-neutral facilities are available to them in each building.
- The building principal will announce the locations of these facilities.

Denial of Equal Access Prohibited

Restriction of limited open forum on basis of religious, political, philosophical, or other speech content is prohibited.

> It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

Protection of Pupil Rights Amendment

The Federal Law (PPRA) that affords parents and students that are 18 years of age rights regarding the:

- conduct of surveys
- collection and use of information for marketing purposes
- certain physical exams

Family Educational Rights and Privacy Act

- Right to consent to disclosures
  of personally identifiable information contained in the student's education records.

- Authorize disclosure without consent
  - Disclosure to school officials with legitimate educational interests

  - Disclosure of student records without parent/eligible student consent to officials of other elementary or secondary schools in which a student enrolls, or seeks, intends, or is instructed to enroll upon receipt of a request from such school officials.

- Right to file a complaint
  concerning alleged failures by the District to comply with the regulations and laws governing student records

Family Educational Rights and Privacy Act

- Right to Access Educational Records
  - Submit Request to Principal
  - Generally 10 Days

- Right to Request Amendment
  - Request to Principal
  - Identify Amendment and Why

Visitor Policy

- Section 3 of chapter 71B of the General Laws: "upon request by a parent, provide timely access to parents and parent-designated independent evaluators and educational consultants for observations of a child's current program and of any program proposed for the child, including both academic and non-academic components of any such program."

- Goal: Minimize disruption to students.
- Where possible, requests made 48 hours in advance for approval by principal.
- Complete Release of Information and Confidentiality Agreement forms
- Visitors must report to office to sign in/out
- Visits discouraged the first & last three weeks of school

Six Principles of Special Education

1. Parent and Student Participation
2. Appropriate Evaluation
3. Individualized Education Program
4. Free and Appropriate Public Education
5. Least Restrictive Environment
6. Procedural Safeguards

Evaluation

- Assessment Completed - 30 School Days
- Team Meeting - 45 Days
- Conducted by a Credentialed Specialists
- Assessments
  - ✓ *Specialized*
  - ✓ *Educational*
  - ✓ *Additional Assessments (health / psych / home)*

Evaluation

- Reevaluation
  - ✓ Every 3 years
  - ✓ Whenever the Team believes the child is no longer eligible
- Independent Educational Evaluation (IEE)
  - ✓ Parent disagrees with Team evaluation
  - ✓ Initiate hearing with BSEA if District does not support request
- Emergency Evaluations
  - ✓ Cases of repeated dangerous behavior /assault
  - ✓ Initiated by Sped Director

Eligibility Questions

Does the student have one or more of the various types of disabilities? ***YES***

Is the child making effective progress in the classroom? ***NO***

Is the lack of progress a result of the child's disability? ***YES***

Does the child require specially designed instruction in order to make effective progress ? ***YES***

Parent Rights

- Participate in the team process
- Observe their child's school program
- Receive notice of referral & team meetings
- Consent prior to evaluation
- Communication provided in primary language
- Receive reports 2 days before meeting
- View Student Records:

  Within 2 days

  Inspect file before IEP Meeting

  Obtain a copy (within 10 days)

  Request a change

Accommodations vs. Modifications

- Changes in course/test
  - ✓ presentation
  - ✓ location
  - ✓ timing
  - ✓ student response or other attributes

- Necessary to provide access for a student to participate

Accommodations vs. Modifications

Accommodations

- ✓ Available to any student (to allow the student to complete the same work as others)
- ✓ May be curricular, environmental, or testing adaptation
- ✓ Does not fundamentally alter the general curriculum

Modifications

- ✓ A Special Education mechanism: written into the IEP
- ✓ Represent changes to content, methodology or performance
- ✓ Adaptations that result in a fundamental alteration of the standard

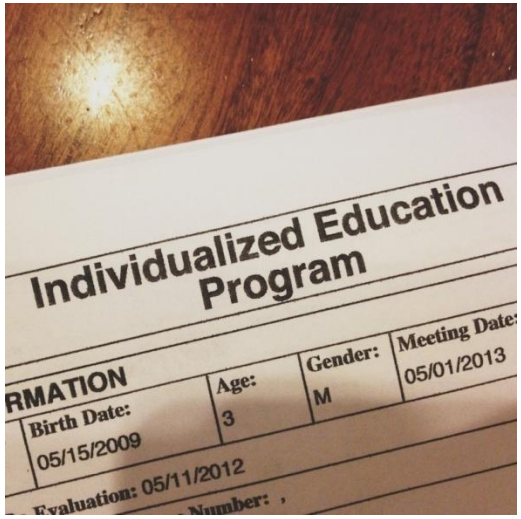
IEP

- States how a child's disability affects ability to progress in the general curriculum
- Identifies specially designed instruction necessary to facilitate access to the general curriculum
- Includes measurable annual goals and reports progress on these goals at the same frequency as non-disabled peers
- Reasonably calculates measurable educational benefit

Implementation of IEP

School immediately implements an accepted IEP

- Parents have 30 days to sign the proposed IEP
- 5 days to attempt to resolve disputes



Free & Appropriate Public Education

- Not best education, but rather: “appropriate education”

- All programs and services, including extra-curricular activities that are available to non-disabled students are also made available

Least Restrictive Environment

- Every effort is made to provide specially designed instruction in the general Ed classroom

- Maximize integration, minimize separation

  - Special classes/separate schooling occurs only when the nature or severity of the disability is such that education in general education with the use of supplementary aids and services can not be achieved satisfactorily

Section 504

- Provide students with disabilities with…

  * Equal access to educational programs, services etc.
  * Same opportunities as their non-disabled peers (FAPE)
  * Equal opportunity, equal access, average standard
  * Allow student to function on level with his/her peers
  * Does not require specialized instruction

Section 504

- Teacher Responsibilities
  - ✓ Serve on Team
  - ✓ Implement Accommodations

Remember that failure to implement a 504 is a "personal liability" issue.

603 CMR 46.00
Regulations Overview

Seclusion & Restraint Regulations and Procedures

What is 603 CMR 46.00?

These state regulations govern the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and the school day of approved special education schools.

The purpose is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint that is ***inconsistent*** *with these regulations, and that physical restraint shall be used only in* ***emergency*** *situations as a* ***last resort.***

The Regulations Ensure That:

Physical restraint is an emergency procedure of last resort and is prohibited except when:

1) A student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and
2) The student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or
3) Such interventions are deemed to be inappropriate under the circumstances

REVISED Regulations, effective January 1, 2016

Several changes have been made to the regulations that will go into effect as of January 1, 2016. These include:

- Revised definitions of restraint
- Addition of the definition of “time out”
- New prohibitions on the use of prone restraint
- Revised/additional reporting requirements after restraint has been used

Restraint Defined

The regulations define **physical restraint** as:

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

Physical Escort Defined

The definition of physical restraint is also made distinct from a **physical escort** which is defined as:

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

What is Permitted Under the New Regulations?

- Brief physical contact to promote student safety (such as guiding a student or re-directing a student)
- Providing physical guidance or prompting when teaching a skill
- Redirecting attention (such as to a shoulder, face or torso)
- Providing comfort
- Physical escort that does not involve force

“Time-Out” vs. Seclusion

Seclusion means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include time-out as defined in 603 CMR 46.02. Seclusion is prohibited under 603 CMR 46.03.

Time-out means the temporary separation from learning or the classroom, but does not necessarily mean going to a special “time-out room”; it could mean moving to a desk outside of the classroom or to the guidance office to calm down.

Time-Out

Time-out is a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student:

- ***temporarily*** separates from the learning activity or the classroom, either by choice or by direction from staff, ***for the purpose of calming***.
- During time-out, a student must be ***continuously observed*** by a staff member.
- ***Staff shall be with the student or immediately available*** to the student at all times.
- The space for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

Inclusionary vs. Exclusionary Time-Out

The state has further defined “time-out” procedures to assist Districts in understanding how to use time-out using the least restrictive methods:

- **Inclusionary Time-Out:** a behavior support strategy that allows the student to remain fully aware of the learning activities of the classroom. This can include: "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom)

Inclusionary vs. Exclusionary Time-Out

- **Exclusionary Time-Out**: a behavior support strategy that includes the removal of a student from the learning environment. This should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
- Exclusionary time-out **cannot** include the use of a **locked** door! Closed doors are permitted as long as staff are able to continuously monitor the student at all times.

Further Restrictions on Time-Out

- If an exclusionary time-out period lasts 30 minutes, the Principal must approve the continuation of time-out based on the student's continuing agitation
- The time-out procedure should include seeking Principal's approval prior to the 30 minute timeframe in order to proceed with the time-out

A Few Words About Time-Out

- A student may choose time-out or a staff member may direct a student to the time-out area, for the purpose of calming
- Any student removal from the instructional area due to escalated behaviors is considered to be a “time-out” (e.g. guidance office, learning center room). It is not limited only to spaces labeled as a “time out” area.
- Any student in a time-out space must be continuously observed by a staff member
- Staff shall be with the student or immediately available at all times
- The space must be clean and safe

Considerations to Administering Physical Restraints

Types of Restraints Permitted

- Only physical restraints, consistent with 603 CMR 46.00 are permitted to be used in schools.
- Mechanical restraints, medication restraints, and seclusion are **prohibited** in public education programs!
- Additionally, prone restraints (where student is placed laying face-down on the floor) are also **prohibited**, (except in rare circumstances where there is explicit written consent to do so).

Risks of Restraint

- All restraints pose a significant amount of **risk** for both the student and staff members implementing the restraint.
- Risks to the student may include: cuts/scrapes, bruises, broken bones, hyperthermia (overheating), psychological trauma, breathing problems/asphyxia, and death
- Restraints should always be conducted in a team approach! This will ensure that the restraint is being implemented properly and safely and avoid the potential for future litigation.

What Types of Restraint Are Allowed in an Emergency?

- Only use the amount of force necessary to protect the student or others from physical injury or harm
- Use the safest method available and appropriate to the situation
- Prone restraints are prohibited unless an in-depth trained staff member judges that such a method is required to provide safety for the student or others present AND prior consent is obtained for the prone restraint

What Should You Do If Faced with an Emergency?

1. Use only the amount of force necessary to move or contain the student and prevent injury or harm to the student or others
2. Move the student to a close-by safe, protected area. This area should be free of breakable materials or materials that could be thrown
3. Have someone call for the Restraint Team
4. If possible, have a partner help you escort the student and then remain with you and the student until the Restraint Team member(s) arrive

Who May Do Physical Restraints?

- Only staff members who have received in-depth training (CPI) are authorized to serve as a school-wide resource to assist in proper administration of physical restraint
- **However, this does not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious physical harm.**

Behavior Plans and Restraints

- Behavior plans and Individualized Education Plans can **NEVER** include restraints
- Behavior plans **ALWAYS** start from least to most restrictive
  - Plans must start at classroom or school expectations, move to PBIS models per school, multiple proactive interventions for individuals exhibiting maladaptive behaviors, and lastly, consider individualized behavioral plans/contingencies with a focus of reinforcement
  - Class/School-wide plans **MUST** consider new definition of time-outs, though disciplinary measures may still apply
  - If above criteria has been met…disciplinary procedures may continue as approved per school/district as long as proactive strategies have been documented, and all other least restrictive measures have been followed (student was disrupting class, leaving class repeatedly, etc).
- Primary focus should always be on the positive, proactive management of behaviors **BEFORE** they occur
- Secondary focus should be on the de-escalation process and include least to most restrictive measures at all times
- Restraints can **ONLY** be utilized in cases of **IMMEDIATE AND SERIOUS THREAT OF HARM OR INJURY TO STUDENT OR OTHERS**

603 CMR 46.00 Summary

1. Regulations regarding physical restraint have changed in MA, and provide more explicit directives for staff in order to prevent unnecessary restraints of students
2. Prevention of escalation of behavior should always be a staff person's first intervention
3. Restraint may only be used in emergency situations to protect a student or staff member from assault, or imminent, serious, physical harm
4. Time-out, for the purpose of calming, may be used, as long as a staff person is continuously observing the student and is immediately available to the student. Time-out should cease as soon as the student has calmed.

603 CMR 46.00 Summary Continued

5. Seclusion, (when a student is involuntarily confined and is physically prevented from leaving), is prohibited.
6. There is a team of staff in your school who have received in-depth training. Know how to contact that team if necessary.
7. There is a team of staff in your school who have received in-depth training. Know how to contact that team if necessary
8. Nothing in the Regulations precludes any teacher, employee or agent of your school or district from using reasonable force to protect students, other persons or themselves from

Child Abuse & Neglect: Mandated Reporter
MGL Ch. 119, Section 51A

- The Following are Mandated Reporters:
  - * Psychologists
  - * Public or Private School Teachers
  - * Educational Administrators
  - * Guidance or Family Counselors
  - * School Attendance Officers

- Responsibilities
  - * Notify the building Principal
  - * File a written report 48 Hours
  - * File an Oral Report if you have reasonable cause of:
    - - Abuse or Neglect
      - - Physical or Emotional Injury
      - - Indication of neglect, including malnutrition
      - - Physically dependency upon an addictive drug at birth

Mandated Reporter

- Should the person in charge/designee advise against filing the staff member retains the right to contact Department of Children and Families (DCF)

- Any mandated reporter who fails to make required oral and written reports can be punished by a fine of up to $1,000

BPS Health and Wellness Policy

- Provide children with access to adequate, healthy food at school
- Promote healthy eating patterns through classroom nutrition education
- Provide children with access to appropriate nutrition services
- Establish this school-wide policy, involving input from the community
- Provide students with opportunities to learn & practice physical activities
- Encourage the pursuit of physical activities for enjoyment and life-long wellness

Suicide Prevention Protocols

Suicide Risk Factors

- Students indicate through actions, speech, writing or artwork they may be at risk to harming themselves; this includes reports made from peers

- Key Symptoms:
  - Anhedonia, impulsivity, hopelessness, anxiety/panic, insomnia, command hallucinations

Suicidal Attempt/Ideation and Protocol

- Immediate threat
  - If the student has the means or has made a serious attempt
    - Call 911 and School Nurse
    - Adult w/ student at all times
    - Contact Admin, Counselor, and/or Dir. Of Guidance

- Suicidal Ideation
- If indicates through actions, speech, writing or artwork that they might be at risk; this includes reports from peers
  - Inform Admin, Counselor and/or Dir. of Guidance

Response by Guidance

- Risk Assessment by Guidance counselor, Adjustment Counselor or School Psychologist
- Consultation or second assessment when needed
- Contact with family
- Referral to outside support services
- Follow Up
- Referral to Student Support Team

Administering Medications

- See School Handbooks
- Administered by School Nurse
- Yearly Epi-pens training for all faculty

Bullying

Bullying is defined as "*the repeated use of a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, by one or more students or by a member of the school staff directed at another student*".

The Intent of Bullying is to:

- Cause physical or emotional harm to the other student or damage his/her property;
- Place the other student in reasonable fear of harm to him or herself or to damage to his/her property; Create a hostile environment at school for the bullied student;
- Infringe on the rights of the other student at school; or
- Materially and substantially disrupt the education process or the orderly operation of a school

Harassment

- School Environment
  - Free of harassment based on gender
  - Sexual harassment is prohibited

- Sexual, racial or religious harassment occurs between students and adults whenever any hurtful verbal or physical communication occurs that the victim is powerless to stop
  - Unwanted racial, sexual, or religious comments
  - Spreading racial, sexual, or religious gossip
  - Unwanted physical contact of a racial, sexual, or religious nature

Sample Behavioral Guidelines

Green Light (Appropriate)	**Yellow Light** (May be Misconstrued)	**Red Light** (Stop)
Giving compliments that are not too personal	**Singling out students for favors**	**Touching students frequently**
Making sure door is open when you are alone with a student	**Giving overly personal cards, notes, email or yearbook inscriptions**	**Commenting on students' bodies in an overly sexual manner**
Talking to and treating all students in a consistent manner	**Teasing that references gender or contains sexual innuendo**	**Meeting students away from school grounds**
Spending a majority of time with all and just not one student.	**Making sexist comments**	**Lap sitting for students beyond second grade**

Harassment

If you have concerns of discrimination based upon disability:

- *Contact Director of Special Education*

If you have concerns of harassment regarding a staff member:

- *Contact the Principal*

If you have concerns of harassment regarding the principal:

- *Contact the Superintendent*

Political Involvement Guidelines for Public Employees

- MGL, Chapter 55, "The Campaign Finance Law", regulates political activity by public employees and the use of public buildings and resources in political campaigns.

- Section 13: **Public Employees may not**:
  - Sell tickets to a political fundraiser or otherwise solicit or collect political contributions in any manner included in person, by phone, by email or by conventional mail.
  - Sponsor or host a political fundraising event
  - Allow his or her name to be used in a fundraising letter, advertisement, phone call or email.
  - Serve as treasurer of a political committee.

Political Involvement Guidelines for Public Employees… Continued

- **Section 14: Government Buildings**: "*Soliciting or receiving campaign contributions in a government building is prohibited. Examples include city and town halls, public schools, libraries, police and fire stations*."

- **No one (not just public employees) may**:
  - Use a public building as the site of a fundraiser, the return address for contributions for the contact phone number for buying tickets to a fundraiser.
- Public resources (government vehicles, office equipment and supplies and the paid time of public employees) may not be used for political campaign purposes, such as the election of a candidate or the passage or defeat of a ballot questions.

Tutoring

"*Giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the School Committee*"

- Tutoring for private pay may not be done by a student's present teacher. Teachers may not use their positions to gain unwarranted privileges for themselves or to give to anyone else and may not use school resources, including school grounds, or school time to provide tutoring for private pay.

District Curriculum Accommodation Plan

- DCAP are valid for 5 years. Please note that the Bedford DCAP will be revised in the 2016-2017 school year.
- DCAP ensures that the general education environment is a rich and responsive educational environment that deliberately seeks to have teachers prepared for the diverse student learners that they are encountering on a day to day basis
- DCAP reflects ‘best practices’ for classroom instruction

DCAP Intervention Strategies

(Targeted Instruction)

- All efforts are made to meet student needs in the general education classroom

  - Curriculum modifications
  - Alternative teaching strategies
  - Additional materials
  - Building based teams
  - General education support services

- Document Intervention Strategies (Team Meetings)