



# Crosby Educational Academy

Student / Parent Handbook

2021 - 2022 School Year

### ***Message from the Director:***

Welcome to the Crosby Educational Academy! The Crosby Educational Academy Parent/Student Handbook is designed to supplement the Pittsfield Public Schools District Handbook. This handbook is designed to provide a summary of the most important procedures and policies as they relate to Crosby Academy students and families. This information will help you to understand your rights and opportunities as well as your responsibilities and obligations in order to have a safe and successful elementary school experience. It is important that you and your families review these policies and procedures to ensure a successful and positive experience at the Crosby Academy.

The staff of Crosby Academy looks forward to serving you.

***Nicola McMahon***

Program Director

Crosby Educational Academy

## **School Department Organization**

### **School Committee**

The Honorable Linda Tyer, *Mayor of Pittsfield*

Mrs. Katherine Yon, *Chairman*

Mr. Daniel C. Elias, *Co- Chair*

Dr. William Cameron, *Secretary*

Mr. Dennis Powell

Allison McGee

Mark Brazeau

### **Administration**

Mr. Joseph Curtis, *Interim Superintendent*

Mr. Henry Duval, *Interim Deputy Superintendent*

Mrs. Kristen Benhke, *Assistant Superintendent of Business and Finance*

Mrs. Tammy Gage, *Assistant Superintendent for College and Career Readiness*

### **Crosby Educational Academy**

Mrs. Nicola McMahon, *Director, 413-447-8994*

### **Support Staff**

Ms. Jaime Cassavant, *School Adjustment Counselor, 413-447-8994*

Ms. Tracy Kelleher, *Teacher of Deportment, 413-447-8994*

## **Statement of Nondiscrimination**

The Pittsfield Public Schools, in accordance with its non-discrimination and zero tolerance policy, does not discriminate in its programs, activities, facilities, employment, or educational opportunities on the basis of race, color, age, disability, sex, religion, national origin, sexual orientation, or gender identity and does not tolerate any form of discrimination, intimidation, threat, coercion and/or harassment that insults the dignity of others by interfering with their freedom to learn and work. [M.G.L. c.76, s5]

# **Welcome to Crosby Educational Academy Day Program**

## **Program Description**

The Crosby Educational Academy provides special education services to children Kindergarten through grade 5. We are located at Crosby Elementary School, 517 West St., Pittsfield, MA 01201.

Our program is designed to provide a small, safe and supportive environment for students who have significant behavioral and/or social emotional needs and who have had difficulty accessing the general education curriculum in a traditional elementary school setting.

Crosby Academy provides individualized and small group instruction for academics delivered by licensed teachers. In addition, the program offers social skills instruction, and related services (OT, PT, Speech), when applicable. With high staff to student ratios (1:4), we are able to address needs on an individual and personalized basis.

Students referred to Crosby Academy have significant social/emotional needs and exhibit challenging, often unskillful behaviors in a typical school setting. All students have identified disabilities and receive special education services through an IEP. Students come to us with a history of chronic behavior problems which have resulted in disciplinary action, often including multiple suspensions.

## **Our Mission**

In order to foster academic excellence, and inspire students to set and achieve personal goals at the highest level, Crosby Educational Academy, focuses on instilling knowledge, confidence, and personal goal setting, while providing a safe, respectful and engaging environment in which all students can learn and grow. Together, with families, teachers, administrators, our mission is to offer a comprehensive alternative education program that will encourage and empower students to maximize his or her potential for success. Students will acquire the 21st century skills necessary to become productive students, responsible citizens and active lifelong learners.

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# GENERAL INFORMATION

Educational questions and concerns should be addressed or discussed with Nicola McMahon, Crosby Educational Academy Program Director. You may request a meeting or appointment by calling 413- 447-8994.

You are expected to follow through in all areas of your educational process as these school years prepare you for your future. Your dedication and cooperation will benefit you. Behavior and attitude in school is expected to be positive and appropriate at all times (see District Code of Conduct, Character, and Support, as well as the Level and Point system.). You are expected to respect others’ rights to learn.

Students begin their instructional school day at 8:45 am and are dismissed at 3:10 pm. The morning announcement begins at 8:55 am. Anyone arriving at school after 8:45 am is considered tardy.

## Hours of Operation

School Office hours	8:00 am – 3:30 pm
Start of the instructional day (remote)	8:15 am
Half day dismissal bell	11:35 am
Full day dismissal bell (remote)	2:45 pm

☰ 21-22 CEA Entry, Exit, Transition, Bathroom, Breakfast, Lunch Plan

## Schoolwide Expectations

In conjunction with the Positive Behavioral Supports initiative, students are expected to apply the Crosby Educational Academy principles when considering their conduct and behavior as a member of the Crosby Educational Academy community.

### At Crosby Academy, we are:

- S: Safe**
- O: On Task**
- A: Accountable**
- R: Respectful**

The Crosby Academy staff will review and implement programs to teach these expectations with all students throughout the year. We utilize a daily point system designed to monitor progress and motivate students. Points are used as part of the level system where students can earn incentives and privileges.

### In the Classroom

You are expected to observe classroom expectations established by the teacher to maintain a positive, orderly learning environment and protect the rights of all students to ensure an equal opportunity to participate. The expectations are largely modeled and developed with the intent of supporting The Code of Conduct, Character and Support.

### Off-Campus School Activities

Students are expected to show the same consideration for the rights of others in off-campus school activities as during the regular school day. For example, good behavior is expected on field trips, at school musicals and drama presentations, and while being a spectator at a school game. In addition, for interscholastic athletics, the rules of the Massachusetts Interscholastic Athletic Association (MIAA) must be followed.



## Extra-Curricular Activities

Students are expected to conduct themselves in an orderly manner while participating in school sponsored clubs, sports, dances and other school activities and to be mindful of the rights of others to participate and enjoy the activities. All students at Crosby Educational Academy have the right to access Extra Curricular Activities, Clubs, and Intramural Sports and Athletics following the same requirements and guidelines as all the students in PPS.

**Administration reserves the right to prohibit students who are not meeting the school wide expectations for academic performance and/or behavior from participating in these events. This decision can be appealed to the building principal/director.**

## Parent Consent and Notification

Matters requiring parental consent include, but are not limited to, the following:

Individual Education Plan related matters

Emergency medical care

Medication(s)

Publicity, research, evaluation, and field trips

Consents are obtained at the time of admission and at the beginning of each year thereafter.

Crosby Educational Academy notifies the LEA (programmatic, when applicable), or District Administration, when multiple efforts have been made, yet have failed, to involve the parent and obtain necessary parental consent. Documentation is also maintained in the student file.

## Confidentiality and Student Records

Confidential student records (cumulative records) are maintained by Crosby Elementary Academy, and all main special education records are maintained by the District Special Education office, located at the Mercer Administration building for all students. Oversight of the student records will be the responsibility of the Administration and adhere to Massachusetts Student Records Regulations, 603 CMR 23.00 and c.71, s34H of Massachusetts General Law.

- Student records are secured against loss, defacement, tampering or unauthorized access or use. Active records are secured each evening in a locked office.
- A Log of Access will be maintained with each record for authorized persons who are accessing the material to sign.
- Parents/Guardians and students will have the same rights regarding access to, amendment of, and dissemination to third parties of student records maintained by Crosby Academy as provided with regard to public school student records by Massachusetts Student Records Regulations (603 CMR 23.01).
- Authorized personnel from the responsible LEA, Department of Education, and representatives of state licensing agencies will have the right of access to those records as is provided by the regulations with regard to public school records.
- Records of a student will not be released to third parties without written consent of the student if eighteen (18) years or over, and/or the Parents or Guardians.
- The Crosby Educational Academy administrators will notify the Parents/Guardians if a child's records are subpoenaed.
- Records will be maintained by the school for a minimum of seven years. Student permanent records are maintained by their home districts.

## Procedure Concerning Requests of Parents or Eligible Students to Review Records

- Requests to review records are to be made to the Principal and/or his/her designee.
- Access to records will be provided as soon as practical, but within ten (10) days of the initial request.
- Records will be made available only by specific appointment.

- Records are to be reviewed only in an area of the school, specified by the Principal and/or his/ her designee.
- Upon request, copies of information in the records may be given to the Parent(s) / Guardians(s) or eligible student.
- A non-custodial Parent is eligible, upon written request, to obtain access to the student's record unless legal rights, as a Parent to the child, have been terminated by a court or if they are restricted by a protective order from obtaining the child's records.
- The Parent of eligible students will have the right to add or request deletion of material in the student records.
- Original records are not be otherwise copied or otherwise distributed other than as dually authorized by the Program Director and/or his/her designee.
- The records file will be personally checked by the Program and/or his/her designee before any appointment inspection and at the end of the appointment, before the records are returned for filing and before the Parent / Guardian or student leaves the office.
- Parents, LEA's, and other referring agencies will be provided with one copy of all evaluations or reports that may comprise the student's educational record. Additional copies must be at the Parent's / LEA's written request.

For full text of the Student Records Regulations, refer to 603 CMR 23 in the Resource and Reference Manual, located in the Administrative office.

## **Parental Involvement and Parent's Advisory Group**

Parents, guardians and caregivers of the children in the school are encouraged to become partners in matters that pertain to their students' education, health and safety. This is accomplished through a variety of methods. Crosby Educational Academy has a School Council that meets monthly to discuss and make decisions related to the education, health and safety of the students in the school. There are parents, educators and administrative representatives on this team.

Staff members at Crosby Academy are engaged in a systems approach to problem solving for students utilizing a response to intervention approach to situations where students are not responding to universal expectations and instruction. As such, Building Assistance Teams comprised of a representative group of service providers meet weekly to review and problem solve around specific student centered issues related to education, behavior, health and safety of the individual students whose issues are brought to the Team. Parents are invited to engage in these problem-solving meetings when students have not responded to initial interventions.

Parents may request Building Assistance meetings when they feel as though their child is not being successful in school. Parents and school personnel may also initiate the IEP Team process in order to review a student's lack of progress and to problem-solve interventions, and make changes to the IEP that will support the student. There will be parent training on select topics that will be offered throughout the year. Efforts will be made to survey parents on topics that will be helpful in working with their child/adolescent.

Parent Advisory Group: Efforts are made each year to recruit parents/guardians in order to develop a Parent Advisory Group.

The Parent Advisory Group will meet the 2nd Wednesday of each month.

## **School Year**

Crosby Educational Academy will operate on a 180 day schedule. Extended school year services are available, and determined through the TEAM process, for each student. Summer programming runs during the months of July and August. Further information may be obtained from the Program Director.

**Student Attendance**

(See Pittsfield Public Schools Policy STU-6 and your student’s school handbook.)

Regular school attendance is essential to the total education of the student. It is the belief of the Pittsfield Public Schools (PPS) system that one of the most significant factors affecting school success is regular attendance. Time in class is essential to the growth and development of each student and time lost will limit the opportunity for uniform instructional interaction and support. Parents are ultimately responsible to ensure that their children attend school on a regular basis.

By improving attendance and encouraging punctuality, Pittsfield Public Schools hopes to achieve the following:

- Improve scholastic performance by staying current with academic assignments.
- Create and maintain a positive school culture.
- Place responsibility for attendance and punctuality on the students and their parents.
- Develop habits in students that are beneficial skills for both post-secondary educational experiences and future employment.

Teachers are expected to cooperate with and assist students who miss class work, quizzes, or examinations due to absences. While the fact that an unexcused absence is not in itself justification for automatic grade reduction, it is to be expected that such absences will adversely affect student performance due to missed quizzes, examinations, assignments, and participation in class activities. It is therefore appropriate for teachers to establish marking procedures which will include grades for daily activities, which, when not made up, will be reflected in the teacher’s grade book.

At the elementary and middle school levels, excessive unexcused absences will result in truancy interventions described under regulations. These include, but are not limited to, parent conferences, referral to the truancy/attendance officers, and referral to the courts. At the high school level, truancy interventions will be executed in the case of excessive unexcused absences.

All regulations can be found in PPS Policy STU-6 and in each school handbook.

**Emergency Cancellation or Delayed Opening of School Due to Snow or Other Reason**

Extreme weather conditions such as heavy snow, ice, or flooding may result in the cancellation of classes at all schools. A localized emergency such as the loss of heat or a water main break may result in the cancellation of classes at a single school. In either situation, an automated phone and email notification system will be activated to provide families with timely notice. In addition, the superintendent or designee will notify local radio and television stations and post a notice on the education cable access channel by 6:00 a.m. The following stations will be contacted:

WBRK 101.7 FM/1340 AM	Channel 6	Capital News 9
WBEC 105.5 FM/1420 AM	Channel 10	PCTV Channel 17
WUPE/WMNB 100.1 FM/1110 AM	Channel 13	Channel 14 (Springfield 22)

School closings will also be posted on the Pittsfield Public Schools (PPS) website, [www.pittsfield.net](http://www.pittsfield.net), the Pittsfield Public School App for Android, and iPhones, and the District Instagram account. It is crucial that parents/guardians keep the schools informed of current family contact information. Notify your child’s school of changes of address, phone numbers, email addresses, and emergency contact information as they occur.

In circumstances where the emergency situation may improve, there may be a one- or two-hour delay to the starting time set for each level. In the event that an emergency develops during the day while schools are in session, plans will be communicated using the same stations and be supplemented with family or emergency contact phone calls. When necessary, students may remain in school until arrangements for a safe dismissal are arranged.

## **Marking System**

Report cards are issued approximately every ten weeks. A report card grade reflects elements of class participation, interest, industry, completion of assignments, test scores, and attendance. Informal progress reports are issued approximately halfway through each marking period.

Crosby Academy encourages all families to utilize their Powerschool accounts to monitor their student's grades. If you do not have a Powerschool account, forgot your password, or need assistance logging on, please see the detailed instructions on our school and/or district website or email Karen Shields in our technology department at [kshields@pittsfield.net](mailto:kshields@pittsfield.net). The PowerSchool parent portal is an important tool to help families monitor student academic progress, and we strongly encourage all families to frequently log in to check student grades. If you already have access, but need assistance navigating the website or smartphone app, please do not hesitate to call the program at 447-8994 and someone will assist you.

## **DISTRIBUTION OF REPORT CARDS**

- Report cards are distributed the week after marks close
- Report cards are issued three times a year (12/3/21, 3/11/22, 6/16/22).
- Grades are issued based on trimesters
- Progress reports are issued 3 times a year, and at the end of extended year programming (when applicable ) (10/15/21, 1/21/22, 4/29/22)

## **Assessments**

Educational or psychological assessments of students will be conducted as needed to plan a program for the student's needs. These assessments will be completed by trained professionals from Pittsfield Public Schools, or the sending district (LEA).

## **MCAS Requirement**

Students grades 3 - 5 participate in MCAS testing. Each grade participates in Reading, Written Language, and Math testing. Grade 5 is also administered the Science Technology & Engineering assessment. Accommodations are provided based on information contained within student IEPs and 504 Plans.

The information below is in reference to High School MCAS requirements.

- As well as meeting all local graduation requirements, the Commonwealth of Massachusetts requires all students to pass the English Language Arts, Mathematics and Science & Technology MCAS exams in order to receive a high school diploma. Students take these exams for the first time at the end of the sophomore year. Students will have at least five opportunities during their high school years to pass the MCAS. To assist students in preparing for these exams, may offer MCAS preparation programs including MCAS remediation during the school day.
- The Department of Education has established an MCAS Performance Appeals Process for those students who have not passed the MCAS but have demonstrated in school that they possess the skills and knowledge measured on the MCAS. The state has established the following criteria for a student to be eligible for the appeals process. The student must:
  - Have taken the MCAS in the subject area of the appeal at least three times;
  - Meet state identified minimum passing score
  - Maintained at least 95% attendance during the year before and the year of the appeal; and

- Satisfactorily participated in tutoring and/or other academic support services.

The school can submit an application for appeal which must include the grades of the appellant student in the subject area of the appeal, a letter from a teacher attesting to the fact that the student appears to possess the required skills and knowledge, and the grades of other students who have taken the same sequence of courses if those criteria are met. Then a state-wide Performance Appeals Board reviews the application and makes a decision about granting the waiver.

## **Promotion and Graduation Policies**

### **ELEMENTARY**

Where movement to the next grade is concerned, the following shall apply:

Retention at a grade level will be an acceptable course of action when it has been determined by the principal that passing to the next grade level would be detrimental to the educational progress of a student. In such cases, an educational plan will be developed for the student by the principal in collaboration with the teachers who will be delivering the instructional program in the next year. The educational plan cannot be a simple repetition of the entire grade but will address the specific needs of the retained student. Students moving to the next grade level who have demonstrated academic deficiencies will be scheduled appropriately to address their development needs.

### REGULATIONS

The following regulations shall apply to situations wherein students at the elementary and middle school levels are performing significantly below their chronological peers and normal expectations for their grade:

1. Non-promotion is not a viable option in the following situations:
  - **At the kindergarten level**  
It is not reasonable to require a student to repeat this grade since kindergarten attendance is not required.
  - **In any situation where the student had been previously retained**  
It is unreasonable to impose non-promotion a second time if it was ineffective the first time. Doing so would make the child two years older than his or her classmates.
2. The best protection against the disadvantages of non-promotion is early intervention. As soon during the school year as it becomes apparent that a student is having significant difficulty the teacher is to initiate with the principal a conference of building-level resources and the student's parent to develop a remediation plan for implementation during the remainder of that school year.
3. In recognition of the fact that retention is usually ineffective and often detrimental, when the school year is drawing to a close and a student is still performing significantly below grade expectations, the initial consideration should be what will be necessary in order for this child to be successful at the next grade level rather than whether the student should be non-promoted.
4. There are other means of providing additional time for the underperforming child to catch up than non-promotion. Summer school, learning academies, and extended day programs are options. In some cases, participation in summer programs is required to advance to the next grade level.
5. No student is to be retained in the absence of a specific individualized learning plan for the following year that is designed to enable the child to catch up. In other words, separation from one's chronological peers is expected to be a temporary situation.
6. When a student advances from one level to the next without having met all of the academic standards normally expected at the previous level, documentation of his/her performance level is to be specified to the receiving school.
7. Student achievement data including local and state-wide assessments may be used in order to determine appropriate placement in academic courses.

## **Policies and Procedures**

### **Mandated Reporting**

Employees of Crosby Educational Academy are mandated reporters and must immediately report any suspicion/knowledge of abuse or neglect to the Program Director, and/or the School Adjustment Counselor, and/or the Department of Children and Families. Under the Massachusetts Law, the Duty to Warn statute directs that employees have a duty to even disclose a client's confidential information when "there is an explicit threat to kill or inflict serious bodily injury upon a reasonably identified victim or victims and the client has the apparent intent and ability to carry out the threat." The Children's Study Home encourages all clients, families, or involved others to immediately report to any staff member when they believe abuse or neglect to have taken place. Questions about the Duty to Warn should be immediately discussed with the Program Director, and/or the School Adjustment Counselor.

### **Volunteers & Visitors**

While Crosby Academy extends a warm welcome to parents and others who visit our program, at the same time, we must assure that our students and staff are safe and learning is not disrupted. Schools must be aware of who is in the building and why they are there. All entrances to the Crosby Academy are locked. All visitors must report to the Program Main Office with a valid ID (preferably a driver's license), sign in, and receive a visitor's pass/identification for use while in the program. Visitors will be escorted to their destination by Crosby Academy staff. Anyone who wishes to volunteer time to work with our students and is likely to have access to students which, at times, may be unsupervised while on school premises or while participating or assisting in school-sponsored programs or activities must register with the district for a Criminal Offender Records Information (CORI) check before engaging in volunteer activities. The opportunity to volunteer may be denied if the check reports evidence of criminal conduct deemed by the superintendent or designee to create a credible risk to students, staff, or the public.

### **Fire Drills**

Periodic fire drills will be conducted at Crosby Educational Academy. The evacuation route is posted in each classroom and all additional areas of the building such as the cafeteria, and offices. When a fire alarm goes off staff must take their student roster and the green and red cards assigned to each room. The students should exit in a quiet and orderly manner and gather along the side of the back parking lot. Each teacher will account for their students, if all are present hold up the green card, if any students are missing, hold up a red card. Support staff will approach to find out who is missing. No staff or student may reenter the building until the Program or his/her designee directs them to do so. The Program Director and/or his/ her designee will accompany the fireman through the building. When indicated, the students and staff should quietly return to their classrooms.

### **Behavior Management**

The goal of the behavior program is to assist students in making appropriate behavioral choices. It is our intention to help students acquire proactive skills, in order to successfully transition back to their home schools, where appropriate.

Rules pertaining to Safe and Accountable Behaviors:

- I stay safe and respect others' personal space.

- I arrive on time, stay in class, and have a pass/permission to travel in public spaces.

Expectations for Safe and Accountable Behaviors:

- Have a safe, calm body

- Seek help from an adult if there is a problem

- Request permission from an adult to leave a classroom

- Remain in designated area (desk, table at lunch, etc.)

- Maintain personal space

- Use materials safely and carefully
- Walk safely and quietly
- Stay in line
- Focus on self

Rules for On Task and Respectful Behaviors:

- I listen, acknowledge, and respond to directives and requests.
- I respect and value everyone's individual and group identity.

Expectations for On Task and Respectful Behaviors:

- Follow directions
- Complete and hand in assigned school work
- Raise hand to speak
- Clean work space
- Remain quiet when work is completed
- Return classroom supplies
- Speak kindly to peers and staff
- Use appropriate language and volume
- Focus on eating during breakfast and lunch
- Clean up space after breakfast and lunch
- Bring home and returned required paperwork

White level privileges

- Staff choice activities during break time
- Community jobs within the classroom
- Recess outdoors

Green level privileges, in addition to white level privileges

- Student may request 2 choices for activities during break time
- Eligible for Community Service outside of the classroom (breakfast/lunch counts/delivery, office errands, etc.)

Gold level privileges, in addition to white and green level privileges

- Eligible for inclusion in general education classrooms after review meeting with parents and educators
- Student directed choice activity during break time
- Eligible for Community Service within other classrooms (breakfast buddies, classroom helper, etc.)
- Access to the Gold Room

Level changes occur when the following criteria is met:

- All students start on White.

- To move from White to Green: Students must attain 45 points or more for 5 non consecutive days (75% of total points)

- To move from Green to Gold: Students must attain 48 points or more for 12 non consecutive days (80% of total points)

- To remain on Gold: Students must attain 51 points or more (85% of total points).

- If a student on Gold demonstrates 2 or more safety incidents in a day, they will return to Green level day 1. They must meet the criteria to move up again.

On Green, if a student has 2 consecutive days of missing daily point goal they return to Green level day 1.  
If a student on Green Day 1 has 2 consecutive days of missing daily point goal they return to White level day 1.  
On Gold, if a student has 2 consecutive days of missing daily point goal they return to Green level day 6.

#### Safety Incident:

AWOL from classroom or building (leaving without permission)

Physical Aggression towards self or others (physical altercation, hitting, shoving, biting, spitting on, or physically intimidating another person, destruction of property, throwing objects with the intent to harm or destroy property)

Verbal Aggression (threats, aggressive speech, hostile refusal/tone, making fun of someone maliciously, bullying, explicit acts of bias including hate speech)

Sexualized language, gestures and/or behaviors (disrobing)

Students who have a Safety Incident are able to earn some points during a block based on the expectations they met before and/or after the incident.

Restorative Interventions will take place between the student and the staff and/or student who was impacted by the safety incident in a timely manner when all parties are ready.

(Restorative Interventions are intended to support you to do the right thing; they are the actions you will need to take to repair the harm, correct your behavior, restore your good standing, and make things right.)

**For Dress Code, Smoking Policy, Alcohol/Drug/Weapon/Violence Policy, and Rules Regarding Violence please see the The Code of Conduct, Character, and Support at [www.pittsfield.net](http://www.pittsfield.net)**

#### **Electronic Devices/Use**

Students are not allowed to access electronic devices (cell phones, personal listening devices, speakers, etc) during class time. Upon entering the program, all students will be required to secure their phones for the day. Students may use a Yondr case or have their phone locked in the office area until dismissal time. Students who do not adhere to this policy will be subject to school discipline, including having the device(s) confiscated by the administration. Continued non-compliance with this policy may result in the device being held until a parent/guardian comes to retrieve it.

**Electronic devices lost or stolen while at school are not the responsibility of the Pittsfield Public Schools.**

#### **Anti hazing and Bullying**

##### **An Act Prohibiting the Practice of Hazing M.G.L. c. 269 Section 17-19**

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers



the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

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

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

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

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

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

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

## **Bullying**

The Pittsfield Public Schools developed and adopted an Anti-Bullying policy (STU-80 R-4/13/16) that is embedded in district-wide approaches to promoting a positive, pro-social culture for all students and staff, such as-the district's School-wide Positive Behavior Support initiative, the Olweus Anti-Bullying Program, and the implementation of school violence prevention curricula, Second Step and Steps to Respect.

### **Principal Guidelines Anti-Bullying Information to be Included in both Employee and School Handbooks**

The following information must be included in your Employee and School Handbooks:

- The name and contact information for the principal and administrative designee tasked with conducting bullying prevention investigations
- Include all the following italicized content in the Anti-Bullying section of these documents.

*Included are selected portions from the 2020-21 Bullying Prevention and Intervention Plan. Please refer to the complete document posted on the website at [www.pittsfield.net](http://www.pittsfield.net) for further information.*

### **PITTSFIELD PUBLIC SCHOOLS PROHIBITION OF BULLYING, CYBER-BULLYING AND RETALIATION:**

*Bullying, including cyber-bullying, and retaliation as defined in this Bullying Prevention and Intervention Plan (BPIP), is not acceptable conduct and is prohibited within the Pittsfield Public Schools. Bullying of any type has no place in a school setting. The Pittsfield Public Schools leadership and staff will strive to maintain learning and working environments that support positive personal relationships between students and between students and staff and are free of bullying. Any student who engages in conduct that constitutes bullying shall be subject to disciplinary consequences up to and including suspension or expulsion in accordance with state law, district policy and student handbooks. In addition to disciplinary consequences, a student engaging in bullying behavior will also receive other interventions intended to build increased competence in relationship-building and other necessary social emotional learning skills.*

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

*Any form of bullying is prohibited:*

- *in any school building and on all school grounds*
- *in district provided virtual learning environments and learning management systems*
- *on property immediately adjacent to school grounds*
- *at a bus stop or on a school bus or any other school sanctioned transportation, such as another vehicle whether owned, leased, or used by the school district*
- *at a school-sponsored or school related activity, function or program whether it takes place on or off school grounds*
- *through the use of technology or an electronic device that is owned, leased or used by the school district or school*
- *at any program or location that is not school-related, or through the use of personal technology or electronic device that is not owned, leased or used by the school district, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school*

*As the District's Anti-Bullying Policy (STU-80) states, it is not the District's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the District does not condone and will take both disciplinary and remedial action in response to conduct that creates a hostile environment and interferes with students' opportunity to learn.*

### III. DEFINITIONS OF KEY TERMS:

The following language and definitions are applied throughout this BPIP and are to be used consistently within the Pittsfield Public Schools in relation to incidents of bullying/cyber-bullying:

**A. Bullying:** The repeated use by one or more students or a member of a school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that causes physical or emotional harm to the target or damage to the target's property; places the target in reasonable fear of harm to himself/herself or of damage to his/her property; creates a hostile environment at school for the target, infringes on the rights of the target at school; or materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber-bullying. (Reference M.G.L. c.71, s. 370)

**B. Cyber-bullying:** Cyber-bullying is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers and the Internet. It includes, but is not limited to, email, instant messages, text messages and Internet postings, including, but not limited to blogs, websites, and social networking. (Reference M.G.L. c.71, s. 370)

**C. Retaliation:** Any form of intimidation, reprisal or harassment directed against a student or staff member who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about bullying.

**D. Aggressor:** A student or staff member who engages in bullying, cyber-bullying or retaliatory behavior. (The use of the term aggressor varies from the term "bully" in the Act to Prevent Bullying, yet is being used in the plan under the guidance of the MA Department of Elementary and Secondary Education.)

**E. Target:** A student against whom bullying, cyber-bullying or retaliation is directed.

**F. Hostile Environment:** A situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education. (Reference M.G.L. c.71, 370)

**G. Staff:** School staff is defined as including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.

**Students with Possible Increased Vulnerability:** The plan recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics.

### REPORTING AND RESPONDING TO BULLYING AND RETALIATION

#### A. Reporting Bullying or Retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others and may be in oral or written form. Reports made by a staff member must be submitted in writing by the person making the report. Reports made by students, parents or guardians, or other individuals who are not school or district staff members can be written on the same reporting form or may be made anonymously. Oral or anonymous reports made by a parent and/or student shall be scribed by a staff member in circumstances where a written report was not submitted. Also, a web based system will allow users to file anonymous reports electronically. Click here for a copy of the [Suspected Bullying Reporting and Determination Form-2](#)

Use of a "Suspected Bullying Reporting and Determination Form" (see Appendix B) is required as a condition of making a report. The school or district will:

- Annually provide information on how to access the [Suspected Bullying Reporting and Determination Form](#) posted on the

website or from their child's school building.

- The Suspected Bullying Reporting and Determination Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.
- Annually, the school or district will provide the school community, including administrators, educators and other staff, students and parents or guardians with written notice of its policies for reporting acts of bullying and retaliation as parts of district and school handbooks. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be included in these handbooks, on the school and district website, and in information made available to parents or guardians.

## **B. Reporting by Staff**

Every school or district staff member, including but not limited to, central office administrators, building principals and administrators, school adjustment counselors and school psychologists, teachers and related service providers, paraprofessional staff, school nurses, cafeteria workers, custodial staff, bus drivers, athletic coaches and extracurricular advisors is required to monitor and address student behavior and to intervene when unkind behavior occurs. This includes immediately ensuring that any need for student safety in the present moment is restored. Concern about any bullying or retaliatory conduct must also be reported as soon as possible to the principal or the administrator designated to investigate suspected bullying behavior.

In addition, if any adult suspects that a student is being targeted and bullied, they are required to fill out the district suspected bullying determination form and submit it to the building administrator. As the person who has witnessed the behavior it is most effective if that staff member makes contact with the family of the target and the aggressor to give the clearest description of the bullying behavior and the steps planned to take to promote respectful behavior in your classroom.

The requirement to report to the principal or designee does not limit the authority and the responsibility of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

## **C. Reporting by Students, Parents or Guardians and Others**

The school or district asks students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or administrative designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Anonymous reports can be made from a link on the district website. [Suspected Bullying Reporting and Determination Form-2](#). Students, parents or guardians, and others may request assistance from a staff member to complete a written report or may report orally. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member or with the principal or designee. A student who knowingly makes a false allegation of bullying or retaliation shall also be subject to disciplinary action.

## **D. Responding to a Report of Bullying or Retaliation**

### **Safety First**

Before fully investigating allegations of bullying or retaliation, the staff member, principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but are not limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The staff member, principal or designee will implement appropriate strategies for protecting the following persons from bullying or retaliation: a student/staff member who has reported bullying or retaliation, a student/staff member who has witnessed

bullying or retaliation, a student/staff member who provides information during an investigation, or a student/staff member who has reliable information about a reported act of bullying or retaliation.

## **Notification Requirements**

Notice to Parents or Guardians: Upon investigation and determination that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor and will review response protocols. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

Notice to Another School or District: If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

Notice to Law Enforcement: At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Bullying Prevention and Intervention Plan and in compliance with school or district policies and procedures, consult with the school resource officer or another member of the Pittsfield Police Department in the absence of a school resource officer and/or other individuals the principal or designee deems appropriate.

## **Investigation**

The following provides general guidelines for responding to a report of bullying or retaliation. Note that the guidelines should be modified as necessary to respond appropriately to the individual complaint.

Pre-Investigation: Before fully investigating allegations of bullying or retaliation, school personnel will assess the level of need and take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. If the initial report is to or by a staff member, the staff member will complete an initial review of the situation and intervene as necessary. The staff member will make a referral to the principal or administrative designee if further administrative investigation is needed.

Investigation: The investigator will seek to determine the basis of the complaint, gather information from the complainant, including such matters as what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred and where the events occurred.

The principal or designee will promptly investigate all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and could result in disciplinary and restorative actions in alignment with the Student Code of Conduct, Character, and Support.

The principal or administrative designee and other staff members, as determined by the principal or administrative designee, may conduct interviews. To the extent practical, given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal, designee and any other interviewers will

maintain a written record of the investigation. Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for other investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

**Determinations:** The principal or designee will make a determination based upon the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps to prevent recurrence and to ensure that the target is not restricted from participating in school or from school activities. The principal or designee will, one, determine what remedial action is required, if any, and, two, determine what response and/or disciplinary or restorative actions are necessary as guided by the Student Code of Conduct, Character, and Support.

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

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

## **Responses to Bullying**

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

Upon determining that bullying or retaliation has occurred, the school principal or designee will decide upon a range of responses that balance the need for accountability with the need to teach appropriate behavior and restore/repair relationships. M.G.L. c. 71, § 37O(d)(v). Some skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building or restorative sessions;
- Providing relevant educational activities for individual students or groups of students in consultation with guidance and/or school adjustment counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral interventions and supports to help students understand prosocial ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Developing individual behavior plans to include a focus on specific social skill development; and
- Making a referral for counseling or other mental health services for targets, aggressors and family members.

### **Taking Disciplinary Action**

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of information gathered through investigation by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the BPIP and with the district and school's Code of Conduct, Character and Support. Discipline up to and including suspension and expulsion may be applied by the school principal. All suspensions or expulsions are subject to review by the Superintendent and his/her designee with the student and parents afforded full due process rights.

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

*Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA) and state laws regarding student discipline. A manifest determination will be completed to determine the connection between a student's bullying behavior and his/her disability. As necessary, a special education team will be reconvened to review the student's IEP.*

*Students with disabilities are known to be considered to be a vulnerable population for both being bullied and, in some disability categories, for engaging in bullying behavior. The risk for this will be reviewed at all IEP initial, reevaluation and annual meetings as part of the IEP process to determine appropriate interventions, both universal for all students and individualized.*

### Promoting Safety for the Target and Others

*The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well.*

*Supportive services will be assessed and offered to the target. These services may include safety planning, school adjustment counselor services and mental health referral, as well as, increased use of Tier 1 classroom strategies that promote safe and supportive learning environments.*

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

## **Runaway Policy and Procedures**

All staff receive training pertaining to the student Runaway Procedures and protocol. Each incident involving a runaway may be unique. Therefore, common sense may be a large factor in determining the most immediate and effective steps to take in each individual circumstance.

The Crosby Academy generally defines a runaway student as one who leaves the building or grounds without permission and is unable to be located. If a student leaves the building without authorization but his/her whereabouts are known, a staff member will maintain "visual contact" and encourage the student to return to the school. If a student leaves the school building without permission and cannot be located or if the student refuses to return to the school, the following steps will be taken, as applicable:

- A school administrator will be immediately notified of the student's absence;
- If the student's location is unknown, a school administrator will assign staff to conduct a search of the buildings, and grounds
- Staff conducting the search will bring school Walkie Talkie's and/or a cell phone with them to maintain contact with the school office;
- The Police will be notified of the runaway student once the student has left the school property. The police will be given a complete description of the student, including clothing and any other information pertinent to the search;
- Immediately following the notification to the police, the student's Parents/ Guardian and the district administration will be contacted
- The Department of Elementary and Secondary Education (DESE) and the school district will be notified using the designated Form 2: Public and Private Day or Residential School Program Incident Report within five (5) days;
- Immediately upon return of the student to the school, the Parents/Guardian, police and school district will be notified.
- Crosby Educational Academy may, depending on the severity of the circumstances, request an emergency Team meeting to determine if the Individual Education Program (IEP) is appropriate or may require updating to ensure the student's safety.

As in all cases, every reasonable attempt must be made to prevent students from running from the school and grounds. Due to the age variance of our students, differences in policies may occur.

- If latency age students are attempting to run or if they actually run, staff will use limited restraints to prevent students from leaving the grounds to gain access into the neighboring streets.
- In all cases, whenever a student leaves the Crosby Academy unauthorized, staff members should follow them off of the property. During that period staff members will endeavor to get the students to change their minds and return to school.

## Notification Procedures

Crosby Educational Academy: If a student leaves school grounds during the school day the following people must be notified:

The Parent / Guardian  
Local Police  
LEA/Sending District  
District Administration

## Physical Restraints: Practice and Procedures STU-46A 3/13/02 R-4/13/16 R-6/12/19

### PHYSICAL RESTRAINT OF STUDENTS/TIME OUT PROCEDURES

#### Definitions

As used herein the underlined terms shall have the following meanings:

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

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

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

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

E. Parent shall mean a student's father, mother, or legal 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 legal guardian.

F. Extended restraint: A physical restraint the duration of which is longer than twenty (20) minutes.

G. Mechanical Restraint: The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.



H. Seclusion: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. The key elements of this definition are two factors considered together, (1) the student is alone with no staff present or immediately available; and (2) the student is prevented from leaving the area. The use of seclusion is prohibited in Massachusetts.

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

J. Inclusionary Time-out: Occurs when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

K. Exclusionary Time-out: Refers to the separation of students from the rest of the class either through complete visual separation or from actual physical separation.

### **Statement of Purpose**

The Pittsfield School Committee recognizes that maintenance of a safe, orderly environment for students that also is conducive to student learning is a primary expectation for all Pittsfield Public Schools instructional and support staff. The Committee further recognizes that students in the Pittsfield Public Schools are protected by law from unreasonable use of physical restraints.

The Committee therefore establishes that students shall be physically restrained only in emergency situations of last resort after other, lawful and less intrusive alternatives have failed or been deemed inappropriate, and only with extreme caution. The Committee further establishes that Pittsfield Public Schools personnel shall use physical restraint with a student with two goals in mind:

A. Physical restraint shall be administered only when needed to protect a student or students, or a member or members of the school community, or both, from assault or imminent, serious physical harm; and

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

The sections of this policy that follow are intended to implement these goals effectively and in accordance with applicable law and regulations.

### **Prevention of Violent, Self-Injurious Behavior and Suicide**

Pittsfield Public Schools is guided by the principle that the use of restraint can be prevented most effectively by implementing proactive procedures that prevent serious challenging and unsafe behaviors from occurring. The frequency and intensity of a child's challenging behaviors may be easier to address if the foundational procedures of universal and secondary prevention are implemented early and with integrity. Building positive relationships, providing high-quality learning environments, and assuring a child's physiological and social-emotional well-being can serve to prevent or mitigate the majority of challenging behaviors.

Systematic and individualized student interventions have been put into place within the Pittsfield Public Schools to prevent violent externalizing behavior and serious internalizing behavior such as, self-injurious behavior and suicidal intent and actions. The Pittsfield Public Schools uses Multi-Tiered Systems of Support or a three-tiered intervention model that focuses on Universal (Tier 1), Systematic Tier II and individualized interventions (Tier III) for students requiring assistance. Many of these social emotional learning strategies apply at multiple tiers of intervention in differing ways.

#### A. Tier I (Universal Interventions):

1. Positive Behavioral Interventions and Supports (PBIS) programming is implemented at all Pittsfield Public School Buildings K-12. The primary goal of PBIS programs is to create a safe, predictable and supportive learning environment by teaching students to behave in socially competent ways. Behavior is addressed in a balanced way to both reinforce positive, safe behavior and to respond effectively to problematic, unsafe behavior. Each school has clearly identified 3-5 behavioral expectations that focus on broad themes of safety, respect and personal responsibility using specific language developed by the school. These behavioral expectations are taught in both non-classroom and classroom settings. Students are then acknowledged for following behavioral expectations. Further, office discipline and other data is regularly reviewed for patterns to inform improvements to PBIS programming and appropriate interventions and services for students.
2. The Lifelines Suicide Prevention Curriculum is used to teach high school staff, students and family members about the signs and symptoms of depression and suicidal behavior. This includes appropriate responses to get help from school-based mental health staff, as well as, community providers.
3. The Second Step Social Emotional Learning Curriculum is used universally Pre-K through grade 5 to explicitly teach students necessary social emotional and communication skills that serve to prevent aggressive behavior towards self or others. These skills include: empathy, problem-solving, emotional regulation, conflict resolution, etc.
4. Anti-Bullying Programming including the Second Step Bullying Prevention Unit (elementary) and Olweus Anti-Bullying Program (secondary) are used to explicitly teach students how to recognize and respond to bullying behavior, including cyber bullying, and how to get adult assistance when needed.

#### B. Tier II (Interventions for Groups of At-Risk Students):

1. Restorative justice practices are utilized to create a culture of both restorative and accountable actions for students displaying challenging or at risk behavior. A focus in restorative approaches, to assist students demonstrating additional need for support, is to build and/or repair relationships with peers and school personnel. Students and staff participate in restorative conversations and conferencing to address the need for restitution through words and actions.
2. Check-In or Check Out (CICO) Programs exist across the elementary and middle schools in the district. Students who need additional supports are placed on systematic behavioral intervention plans and are provided daily increased adult attention to support their needs and to assist them to stay on track. School Adjustment Counselors and Registered Behavior Technicians (in schools that have this position) collaborate to meet the needs of these students.
3. Skill development groups are taught to groups of at-risk students, both identified special needs students and regular education students, Pre-K through Grade 12 by the district's school adjustment counselors. These groups vary based on the needs of the student population, but are focused on developing skills in emotional regulation, managing anger and anxiety, mindfulness and stress reduction. Students who develop the strategies used to manage in these areas are more likely to apply them in preventing behavior to escalate to an unsafe level. Further, students involved in group intervention develop support systems with peers struggling with similar issues and form therapeutic relationships with the staff facilitating the groups.

#### C. Tier III (Individualized Interventions):

Tier III strategies are part of a continuum--these strategies must link to the Tier I and Tier II interventions.

1. The recommended PBIS Tier III approach begins with a functional assessment of the student's behavior. This assessment process yields information related to the function and maintaining consequences of the behavior, along with a detailed description of the antecedent and contextual events associated with occurrences and non-occurrences of the behavior. The functional assessment of the behavior can lead directly to a behavior support/intervention plan. The support plan should include strategies for:
  - a. teaching replacement behaviors that can serve as alternatives to the targeted challenging behaviors
  - b. changing the consequences for challenging behaviors so that undesirable behaviors are

no longer rewarded and so that, instead, prosocial behaviors are strengthened c. modifying the antecedent and contextual events so that “triggers” for challenging behaviors are eliminated or ameliorated, and stimuli associated with desirable behavior are added and enhanced

2. Individual assessment of students exhibiting concern by school-based mental health staff and subsequent referral to community mental health services and providers, both crisis intervention and ongoing services, as needed to address concerns about aggressive, self-injurious and or suicidal behavior. In addition, when indicated, school personnel will create a written safety plan for the student within the school day.

Note: For students identified as eligible for special education services, additional supports may be provided through their Individualized Education Program (IEP) and such students retain all rights afforded to them under state and federal special education laws at all times. Students on IEPs, or their Team members, may request a Team meeting at any time, request a Functional Behavioral Assessment, request review of a Behavior Intervention Plan (BIP) or request any other assessments or data relevant to the student’s needs either arising out of increased behavioral needs, or a restraint that occurred. Additionally, for students with cognitive or developmental disabilities (e.g., Autism) who exhibit challenging behaviors, the principles of Applied Behavior Analysis (ABA) can be utilized as the fundamental approach to addressing and preventing these problem behaviors. This instructional approach emphasizes the importance of looking at the antecedents, behaviors, and consequences of challenging behaviors, teaching alternative or replacement skills, and developing instructional plans using task analysis.

### **Limitations on The Use of Physical Restraint:**

Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm. Physical restraint is an emergency procedure of last resort.

### **Prohibitions:**

A. Mechanical restraint, medication restraint, and seclusion, as defined in 603 CMR 46.02, shall be prohibited in the Pittsfield Public Schools.

B. The use of seclusion of any student in a district program is prohibited, but the use of “time out” procedures, during which a staff member remains accessible to the student, shall not be considered seclusion. Refer to the Pittsfield Public School Time-Out Policy (STU- 46A) for further guidelines on the use of time-out.

C. Prone restraint shall be prohibited in the Pittsfield Public Schools except on an individual student basis, and only under the following, limited circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal;

6. The building principal, or designee, has provided written approval; and

7. The program has documented 603 CMR 46.03(1)(b) the circumstances in number 1 - 6 in advance of the use of prone restraint and maintains the documentation.

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

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

### **Physical Restraint Cannot Be Used:**

1. As a means of discipline or punishment
2. When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting documented by a licensed physician;
3. As a response to property destruction, disruption of school order, a student's refusal to comply with a Pittsfield Public School program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
4. As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior.

### **Nothing in The Regulations Prohibits:**

1. Referral to law enforcement or other state agencies;
2. The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
3. Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
4. The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

### **Administration of Physical Restraint and Training of School-Wide Resource Staff Members and Other School Personnel**

A. Safety of the student and staff is of primary concern. Those administering physical restraint must be aware of the following:

- Know students' medical and psychological limitations, including known or suspected trauma history.
- Make sure the student is able to breathe and speak. If the student indicates that s/he cannot breathe the restraint must be stopped.
- Monitor the physical well-being, respiration, skin temperature and color of the student.
- If the student experiences physical distress, staff should release the restraint and seek medical assistance immediately.

B. Each Pittsfield Public Schools building principal shall identify a team of staff consisting of no less than three staff members that are assigned to the building on a daily basis to serve as a school-wide resource in the use of physical restraint of students. Larger buildings or buildings with therapeutic programs will require a larger number of staff to be certified in physical restraint. The role of such staff members will be to assist building personnel in

ensuring proper administration of physical restraint and restoring care, welfare, safety and security for students and staff.

C. The Pittsfield Public Schools utilizes the Crisis Prevention Institute Nonviolent Crisis Intervention Program as its training method. Any person identified to be certified in an in- depth program of training in the use of physical restraint shall receive a required initial training of two full-days in person or its equivalent in a hybrid online and in person session, with an annual one day refresher thereafter. In-depth training shall include the following:

- Prevention techniques.
- Identifying specific dangerous behaviors.
- Experience in restraining and being restrained.
- Demonstration of learned skills.
- Instruction on the impact that physical restraint has on the student and family.

D. Except as set forth at § VI, below, only school personnel who have received training pursuant to 603 C.M.R. 46.00 shall administer physical restraint on students.

E. A person administering physical restraint shall use only the amount of force that is necessary to protect the student or others from physical harm. A person administering physical restraint shall discontinue such restraint as soon as possible and immediately if the student indicates that he/she cannot breathe. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, then it shall be considered an “extended restraint”. If the physical restraint is longer than 20 minutes, the principal or designee must approve the continuation of the restraint. The principal or designee granting this approval must be documented.

F. Whenever, or as immediately as possible the administration of physical restraint shall take place in the presence of at least one adult serving in the role of observer who does not participate in the physical restraint.

G. All Pittsfield Public Schools personnel shall receive appropriate training regarding this policy in accordance with the requirements of 603 CMR 46.01. The principal of each school and the Deputy Superintendent shall arrange that training take place in the first month of each school year. For a staff member hired after the beginning of the school year this training shall take place within one month of her/his employment. Annual training shall include the following:

- School restraint policy.
- The school’s prevention and behavior support policy and procedures, including individual crisis planning.
- Methods of prevention of need for physical restraint and alternatives to restraint.
- Types of restraint and related safety considerations.
- Administering restraint in accordance with student’s needs/limitations, including known or suspected trauma history.
- Required reporting and documentation.
- Identification of selected staff to serve as information resource to the school.

### **Reasonable Use of Force Not Prohibited**

Notwithstanding the requirements of § IV.C, above, the training requirements for the use of physical restraint shall not be understood to preclude a teacher, other employee, or agent of the Pittsfield Public Schools from using reasonable force to protect students, other persons, or themselves from assault or from imminent, serious, physical harm.

### **Recording, Reporting, Reviewing and Notification of Extended Physical Restraints**

A. Recording: Any use of physical restraint of any duration will be documented on the district restraint

documentation form and reported to the principal or his/her designee. A log of physical restraint will be kept by each school building under the supervision of the principal or designee.

B. Pittsfield Public Schools personnel who physically restrain any student shall report the use of physical restraint in the manner specified in this section.

**The staff member making the report of physical restraint shall make:**

1. A verbal report of having done so as soon as possible to the building principal or designee no later than the end of the school day in which the restraint occurred; and
2. A written report, in a format that may be prescribed by the Superintendent of schools or her/his designee and that is consistent with the requirements of 603 C.M.R. 46.06(4), no later than 24 hours after the restraint occurred. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to the Deputy Superintendent for review.

The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department of Elementary and Secondary Education upon request.

The principal shall conduct a weekly review of individual student physical restraints and a monthly review of school-wide restraint data.

Weekly Review: The principal will conduct a weekly review of individual student restraints. The Principal will identify individual students restrained multiple times within the previous week and convene a review team to consider the following:

- Reports about the use of restraint, and comments provided by parents and the student.
- Analyze circumstances and factors leading up to the perception of need for the use of restraint.
- Consider strategies to reduce or eliminate the use of restraint for this student in the future.
- Review team agreement on a written plan of action.

Monthly Review: The principal will conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints including commonalities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

C. The parent or guardian of any student who is physically restrained in the manner described in § VII.A, above, shall be:

1. Verbally informed of this fact by the building principal or designee as soon as possible, but within 24 hours; and
2. Send written notification to the parent within three school working days following the use of restraint to an email address provided by the parent for the purpose of communicating about the student, or by regular mail to the parent postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language.
3. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the

use of the restraint and on information in the written report. Contact information for this purpose will be included in the report.

### **Report to Department OF Elementary and Secondary Education (DESE):**

A. All restraints, regardless of length, are to be collected and annually reported to the Department of Elementary and Secondary Education.

B. When a restraint has resulted in any injury to a student or Pittsfield Public Schools staff member or the Superintendent of Schools or her/his designee shall provide a copy of the required written report to the Massachusetts Department of Education within three (3) working days of the administration of the restraint. PPS shall also send the Department a copy of the record of physical restraints for all students within the building maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint.

### **Grievance Procedure:**

Informal Complaints: Parents will notify the principal or designee orally or in writing of any concerns regarding restraint practices and procedure. If a designee receives a complaint or a concern, that designee shall notify the principal within the same school day. The principal shall attempt, within his/her authority, to work with the parent/guardian to resolve the complaint fairly and expeditiously. If the parent/guardian is not satisfied with the resolution, or does not choose informal resolution, then the parent/guardian may proceed with the formal complaint process. At any point in the informal complaint procedure, the parent/guardian may also consult with the Director of Social Emotional Learning and Student Support for consultation and assistance. The Director of SEL and Student Support can be reached at 413-499-9515 or at the Administration Center, 269 First Street; Pittsfield, MA.

Formal Complaints: A complaint may be submitted in writing to the Superintendent and or his/her designee, the Deputy Superintendent, regarding any concern regarding restraint practices and procedures within 15 school days after receiving the written report describing the restraint and surrounding circumstances. The Superintendent can be reached at 413- 499-9512 and the Deputy Superintendent can be reached at 413-499-9510 or at the Administration Center, 269 First Street; Pittsfield, MA.

### **Requirement of Written Administrative Procedures**

The Superintendent of Schools shall cause to be developed and implemented written procedures explaining and describing the following:

- A. Appropriate responses to undesirable student behavior that may require immediate intervention;
- B. Methods of preventing student violence, self-injurious behavior, and suicide;
- C. The Pittsfield Public Schools' method of physical restraint;
- D. The Pittsfield Public Schools' training and reporting requirements for district personnel; and
- E. The manner in which complaints regarding the use of physical restraint are to be received and investigated.

**REFERENCES M.G.L. c. 71 § 37G 603 C.M.R. 46.00 Policy PER-10, "Staff Conduct" Policy PER-17 "Staff-Student Relations" Policy STU-46, "Corporal Punishment" Policy STU-83, "Time-Out Policy"**

### **Restitution Policy/Damage to School Property**

Students and their parents are held responsible for loss of or damage to textbooks, equipment, and materials that have been assigned to them, and for loss, damage, or destruction of school property for which the student has been judged responsible by the principal.

The director of the program has authority and responsibility to administer restitution procedures for lost, damaged, or destroyed school property. The director shall establish the repair or replacement cost of the property in question, under regulations issued by the Superintendent of Schools. When damage or destruction to a school building is concerned, the Assistant Superintendent for Business and Finance shall consult the Director of Building Maintenance

to ascertain the repair or replacement cost.

The student or parent shall make restitution payable to the school department, or when a school building is concerned, to the City of Pittsfield. The principal shall transmit the sum to the Office of the Superintendent.

If the principal is unable to obtain restitution from the student or parents, the principal shall refer the case to the City Solicitor for possible legal action.

## **Gender Identification**

The Pittsfield Public Schools, in accordance with its non-discrimination and zero tolerance policy, does not discriminate in its programs, activities, facilities, employment, or educational opportunities on the basis of race, color, age, disability, sex, religion, national origin, sexual orientation, or gender identity and does not tolerate any form of discrimination, intimidation, threat, coercion and/or harassment that insults the dignity of others by interfering with their freedom to learn and work. [M.G.L. c.76, s5]

## **Student Discipline and Due Process Rights**

Discipline, the need to identify constructive limits and controls in order to develop positive behaviors in all students, is an essential ingredient in every student's learning experience. The goal of discipline is to help students develop wise decision-making skills so that they may learn to make responsible choices in their interactions with others. To deal with student discipline issues, certain progressive discipline strategies are used by the teachers and administrators of the Pittsfield Public Schools and may include:

- Counseling that starts at the classroom level between teacher and student and, if not productive, proceeds to the principal, vice principal or dean of students
- Written assignments that are meaningful and of reasonable length and are not merely exercises in penmanship
- Detention after school, to be preceded by parental notification
- In-school suspension where the student is removed from the regular program to complete work assignments under a specialist's direction - if available - at the school
- Suspension from school that may be imposed by the principal after a hearing for ten (10) days or less, if the suspension does not cumulatively over the course of the school year exceed ten (10) days. For suspensions of more than ten (10) days, or if the proposed suspension cumulatively in the school year exceeds ten (10) school days, a suspension may be imposed by the Superintendent after a hearing by the Principal and Superintendent
- Expulsion from school that may be imposed by the principal or by the School Committee.

## **Notice of Proposed Suspension**

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at a hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

- a. the disciplinary offense;
- b. the basis for the charge;
- c. the potential consequences, including the potential length of the student's suspension;
- d. the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent/guardian to attend the hearing;
- e. the date, time, and location of the hearing;
- f. the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice



and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

### **SHORT-TERM SUSPENSIONS:**

#### **HEARING AND PRINCIPAL DETERMINATION**

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) days of suspension shall be conducted in accordance with this section.

#### **Principal Hearing**

The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of his/her determination in the form of an update to the student and parent/guardian, and provide reasons for the determination. If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal.

If the student is in grades pre-k through 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

### **LONG-TERM SUSPENSIONS:**

#### **HEARING AND PRINCIPAL DETERMINATION**

A long-term suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate.

Additionally, the student shall have the following additional rights:

i. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;

- ii. the right to be represented by counsel or a lay person of the student's choice, at the student's and or parent's/guardian's expense;
- iii. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and
- iv. the right to cross-examine witnesses presented by the school district;
- v. the right to request that the hearing be recorded by the principal. All participants shall be informed that the hearing is being recorded by audio. A copy of the audio recording will be provided to the student or parent/guardian upon request.

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

- I. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
- li. Set out key facts and conclusions reached by the principal;
- lii. Identify the length and effective date of the suspension, as well as a date of return to school;
- lv. Include notice of the student's opportunity to receive a specific list of education services to make academic progress during removal, and the contact information of a school member who can provide more detailed information.
- v. Inform the student of the right to appeal the principal's decision to the superintendent or his/her designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

The long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

If the student is in grades pre-k through grade 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

## **APPEAL OF LONG-TERM SUSPENSION**

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant.

The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Within five (5) calendar days of the hearing the superintendent shall issue his/her written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

## **EMERGENCY REMOVAL**

A student may be temporarily removed prior to notice and hearing when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal.

During the emergency, removal the principal shall make immediate and reasonable efforts to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension or short-term suspension, as applicable.

## **IN-SCHOOL SUSPENSION UNDER 603 CMR 53:02(6) & 603 CMR 53.10**

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year.

A Principal may impose an in-school suspension as defined above according to the following procedures:

The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

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

The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such a meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

## **SUSPENSION OR EXPULSION FOR DISCIPLINARY OFFENSES UNDER M.G.L. 71 §§37H and 37H½**

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

Possession of a dangerous weapon, possession of a controlled substance, or assault of staff

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff, and the principal determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

### **Felony complaint or issuance of felony delinquency complaint**

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

### **Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency**

The Principal may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The student shall receive written notification of the charges and reasons for the proposed expulsion. The student shall also receive written notification of his right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Subject to funding, the middle schools and high schools will utilize the Student Resource Center program site as an alternative to out of school suspensions lasting three or more days for students 14 years of age or older. The program offered at the Student Resource Center is seen as an educationally sound atmosphere to the three out of school suspension situations outlined below.

## DISCIPLINE OF SPECIAL NEEDS STUDENTS ( Special Needs Includes both Special Education and Section 504 Students)

All students are expected to meet the requirements for behavior as set forth in this handbook.

Procedure: Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP—"a manifestation determination."
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
  - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
  - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
  - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
  - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.
  - c. Characteristics In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.
5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

State Requirements Federal Requirements 34 CFR 300.530-537

For a discipline flow chart, see [http://www.doe.mass.edu/sped/IDEA2004/spr\\_meetings/disc\\_chart.doc](http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc).

## STUDENT GRIEVANCE PROCEDURE

Students are encouraged to bring their concerns about school issues or incidents to the attention of the professional staff. Students can contact a teacher, the Peer Resource Advisor, the School Adjustment Counselor, a member of the Guidance Department, or the Principal.

### PROCEDURES FOR STUDENT GRIEVANCES OF DISCRIMINATION

This policy addresses how to file complaints regarding alleged discrimination based on race, color, national origin, sex, religion, age, sexual orientation and disability.

The Pittsfield Public Schools has adopted procedures to assist any person who believes that she/he has been discriminated against for a prohibited reason, and to rectify any instances of such discrimination. Any student, or any parent or guardian, who believes that she/he has been discriminated against for any reason stated above should make her/his complaint, either formally or informally, to the school building principal or to the district's designated coordinator for compliance with the requirements of Title VI, Title VII, Title IX, Section 504, ADA, IDEA, and M.G.L. 151B. Any person who believes that she/he has been discriminated against for any reason stated above in a matter of hiring or employment, or in having access to school facilities or activities, should make her/his complaint, either formally or informally, to the district's designated coordinator for compliance with the requirements of Title VI, Title VII, Title IX, Section 504, ADA, and IDEA.

The Pittsfield Public Schools' designated coordinators for all such matters are:

	<b>Problem Area</b>	<b>Position</b>	<b>Phone</b>
Title VI	Discrimination by race, color, national origin	Deputy Superintendent	499-9510
Title VII	Discrimination by employers on the basis of race, color, religion, sex or national origin	Human Resources Director	499-9505
Title IX	Discrimination in educational programs or athletics, on the basis of gender	Title IX Coordinator	499-9515
Section 504	Discrimination against individuals with disabilities	504 Coordinator	499-9515
ADA	Americans with Disabilities Act guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.	Special Education Director	499-9515
IDEA	Individuals with Disabilities Education Act guarantees early intervention, special education, and related services to children with disabilities from birth to the age of 21.	Special Education Director	499-9515
Ch. 151 B	Discrimination by MA employers on the basis of race, color, national origin	Human Resources Director	499-9505

### Registering Complaints

Crosby Academy students and parents who have complaints about the student's education and care are encouraged to address these to the School Adjustment Counselor. If the student or parent is not satisfied with the resolution, they may then address their complaint to the Program Director. If they are still not satisfied with the resolution, they

may address complaint to the Director of Alternative Education, or the Director of Special Education. If they are still not satisfied with the resolution, they may address their complaint to the Deputy Superintendent, or to the Superintendent. These complaints may be addressed in person (scheduled appointment), by telephone, or in writing.

Whenever there is a complaint or a dispute about compliance with a law or regulation, a student or parent/guardian may contact the Massachusetts Department of Education Problem Resolution System by telephone at (781) 338-3700 or by mail at 350 Main Street, Malden, MA 02148.

Whenever there is a dispute over the identification, evaluation, placement, proposed BIP, implementation of the IEP, a student or parent/guardian may request a mediation or due process hearing conducted the Massachusetts Department of Education Bureau of Special Education Appeals by telephone at (781) 338-6400 or by mail at 350 Main Street, Malden, MA 02148.

### **Rights of Students with Disabilities**

Federal law guarantees every student the right to a free and appropriate public education regardless of handicap or disability. State regulations (603 CMR 28.00) further guarantee the right to an education in the “least restrictive environment,” in typical settings with students without disabilities.

- Every Pittsfield public school offers academic support services. These programs provide specialized instruction for eligible students in the area of documented disability.
- The PPS also offer services in a substantially separate setting for students with developmental delays, intellectual impairments, autism, and behavioral disorders when documented within a student’s IEP or 504 Plan. These programs provide specialized instruction in a structured and predictable learning environment.

If you believe that your child is having difficulty making progress in a regular classroom due to a suspected disability, you have the right to seek through the school principal or the district’s Office of Special Education an evaluation of your child to determine if she or he does have a disability and is eligible for special education services. As a first step, contact the building principal to discuss convening a Building Assistance Meeting. For more information contact your child’s principal or the Office of Special Education at 499-9515.

### **Rights under Section 504**

A student with a disability recognized under the federal statute known as Section 504 (29 USC §794[a]) is entitled to accommodation of that disability. Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. Section 504 also prohibits discrimination against any student based on such a disability. A student whose disability is recognized under special education law, known as the Individuals with Disabilities Education Act (IDEA: see USC §1401[3]) is entitled to educational programs and assignments that are designed to develop her/his educational potential. [M.G.L. c. 71B §1] Section 504 accommodation plans and special education individualized education programs (IEPs) must be developed in accordance with procedures set out in federal and Massachusetts law and regulations. The 504 Coordinator is responsible for assuring compliance with Section 504. Contact the Superintendent’s Office for referral to the 504 Coordinator.)

For a copy of the Massachusetts Department of Education Special Education *Parents’ Rights Brochure* and the *Section 504 Handbook*, available in many languages, visit [www.doe.mass.edu/sped/parents](http://www.doe.mass.edu/sped/parents) on the Web.

# Crosby Educational Academy Wellness Policy

Federal Law (PL 108.265, Section 204) requires all schools participating in the Federal School Meal programs to develop a local wellness policy and establish a plan for measuring the implementation of the policy. The school will establish a wellness policy committee that consists of at least one parent, student, nurse, school food service representative, school committee member, school administrator, member of the public and other community members as appropriate.

SRV-47

PITTSFIELD PUBLIC SCHOOLS  
Pittsfield, Massachusetts

## FOOD SERVICES MANAGEMENT

### POLICY

Schools will provide a food services program within the appropriate regulations of the United States Department of Agriculture, Food and Nutrition Services and the Massachusetts Department of Education, or any other entity with proper jurisdiction over the program.

The food services shall be limited to school functions including students and/or staff, and community use of school facilities approved by the principal and the Superintendent.

The school cafeteria manager in each school where cafeteria facilities exist, shall provide nutritionally adequate and attractive lunches and breakfast programs where required on a non-profit basis for all pupils. Prices of the lunches shall be fixed in accordance with the provisions of the Federal School Lunch and Breakfast Programs.

Sanitary conditions in all phases of food preparation and serving shall be rigidly maintained at all times. The cafeteria supervisor shall be responsible for the training of all food handlers in personal hygiene and techniques of sanitation.

### REGULATIONS

1. The food service program shall be under the direction of the Director of Cafeterias.
2. The cafeteria supervisor will seek the most economical source of nutritious and well-balanced food including the use of commodities when available.
3. The installation and use of vending machines in the schools will be controlled so that they will not offer competition to the school lunch program or encourage students in poor eating habits. Vending machines for student use during the school day shall be under the direction of the Director of Cafeterias with all profits accruing to the food service program, therefore, meeting the regulations of the Massachusetts Department of Education.

Vending machines may be operated by the school in employee lounges for employee use only. The funds derived from such operation will accrue to the internal accounts fund for the individual school.

4. School food service reports will be prepared and maintained by the Director of Cafeterias on a monthly basis to be submitted for School Committee approval.

### REFERENCES

#### M.G.L. CH. 69, S. 1C, REQUIREMENTS FOR NUTRITIONAL STANDARDS AND FOOD SERVICES IN THE PUBLIC SCHOOLS

The board shall establish minimum nutritional standards for all school food services in all public early childhood, elementary, secondary, and vocational-technical schools. The board shall require all public schools to make lunches available to children...The board shall further require all public schools which draw their attendance from areas with a high number of need children, as defined by the board, to make school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs...



#### M.G.L. CH. 71, S. 72, SALE OF LUNCHES

The school committee may prepare and sell lunches at one or more school buildings for the pupils and teachers of the public schools at such prices as it deems reasonable.

- Breakfast and lunch will be available for all students free of charge under the nutritional guidelines established by the School Lunch Program and the Massachusetts Department of Education.
- The Lunch menu is posted outside the office monthly and is also available on the PPS website. Students are welcome to bring lunch from home if they choose to do so. Milk/water/juice will be provided.

## **Health and Safety of Students**

The school maintains a comprehensive Manual of Health Care Policies which is kept in the front office and is available to all Parents and personnel. Although the school employs a School Nurse, your child's physician is his/her primary health care provider and it is important that we have that physician's name, address and phone number in our files in case of emergency.

In addition, every child at Crosby Academy **must receive a comprehensive physical examination annually** and the school must receive a written report of such examination and any recommendations and/or directions for the modification of the student's program. As part of the admissions process, the school must receive appropriate immunization information from the Parents or sending school district. The appropriate forms for this information are sent to the child's Parent(s)/Guardian at the time of enrollment. Screening for vision and hearing is done annually at Crosby Academy and any problems noted are reported to the child's Parent(s)/Guardian. As per state regulations, growth screenings are completed on all 4th and 7th graders and postural screenings on all 5th and 8th graders.

All personnel are trained annually in the application of emergency first aid. In addition, the school maintains a complete first-aid kit consisting of those items necessary to deal with most minor medical problems. The telephone numbers of the fire department, police station, poison prevention center, hospital emergency room and ambulance service are clearly posted in the front office.

The phone number and an emergency number of each child's Parent(s)/Guardian are kept on file and used in case of a medical emergency. The student's Parent(s)/Guardian would be phoned and asked to provide transportation for the sick or injured child if that is possible. If not, an ambulance service would be used in the event a Parent cannot be reached.

## **Medication Administration**

Dispensing of medication during school hours is carefully regulated by the

Commonwealth of Massachusetts. The school uses the forms and guidelines of the Massachusetts Department of Public Health for the medication administration by non-medical personnel, as specified in 105 CMR 21.00. The nurse is responsible for overseeing the administration of all medication.

The Parent(s) / Guardian of any child who is to receive prescribed or over the counter medications during school hours will receive the appropriate paperwork and detailed instructions at the beginning of the school year or whenever a medication is ordered. Briefly, the school must have the written permission of the Parent(s) / Guardian as well as the prescribing physician. Information regarding dosage, method of administration, etc., is required and medication must be transported to the school by a Parent/Guardian or other designated adult. Medication is kept in a locked cabinet inaccessible to students and any unused portion is disposed of or returned to the Parent(s) / Guardian.

As a part of their annual training appropriate staff receive information on the effects of the medications commonly used by our students.

### **Counseling Services**

The Crosby Educational Academy program offers ongoing, daily counseling to all students. Services are provided individually and in small groups according to the needs of students and as outlined in student IEPs. In addition, outside referrals to mental health services may be recommended by the SAC at the program.

### **Health Services**

The Crosby Educational Academy program shares a full time nurse with Crosby Elementary School.

### **Accidents**

Accidents of any nature should be reported to a program administrator immediately.

### **Homeless Assistance**

*Consistent with the Federal McKinney-Vento Homeless Education Assistance Act, homeless students are defined as those who lack a regular, fixed nighttime residence including supervised temporary accommodations (see definition, Policy STU-14). Students have the right to stay in their school of origin for the entire time they are homeless, even if they move to a different school district. Students who move into permanent housing during the school year can still finish the year in the same school. They may also choose to enroll in a school within the new zone, town or city where they live temporarily. Transportation will be provided unless your new address is within the walking distance of your child's school. For help, call the Deputy Superintendent's office, which serves as the district's homeless liaison, at 499-9510.*

## RECEIPT OF HANDBOOK

I have received a copy of the “Crosby Educational Academy Student/ Parent Handbook”, which includes:

- The Behavior Support Program
- Anti-Hazing and Bullying Policies

I understand these policies and the potential disciplinary consequences.

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Student Signature

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Date

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Parent / Guardian Signature

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Date

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Administrator Signature

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Date