

**DUDLEY-CHARLTON REGIONAL  
SCHOOL DISTRICT**

**Laws & Regulations You  
Need to Know**

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**2021-2022**

# Important Information...

## Please read carefully

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- ❖ Before October 1, 2021 please read through this entire presentation.
- ❖ Viewing this presentation satisfies the district requirement for annual mandated training.
- ❖ All employees are required to participate.
- ❖ Before October 1, please electronically sign the affidavit at the end of this presentation to acknowledge your participation.
- ❖ Thank you, in advance for your compliance with these legal requirements.

***PART ONE:  
INTRODUCTION***

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# Why provide training?

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- ❖ Annual training is mandated by the Department of Elementary and Secondary Education (DESE).
- ❖ This training protects individuals and the district and ensures that all employees know their rights and responsibilities.
- ❖ If you have questions about any information contained herein, please contact your building principal.

# **MA DESE Regulations Active Efforts CMR 26.07 Purpose of Presentation**

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**All public schools shall strive to prevent harassment or discrimination and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.**

- The school community and the Superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment and the appropriate methods for responding to such discrimination in a school setting.**
- The Superintendent shall promote and direct effective procedures for the full implementation of 603 CMR 26.00.**

*PART TWO:  
FEDERAL & STATE  
LAWS & REGULATIONS  
Overview*

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# Educational Laws and Regulations: Overview



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## TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

- ❑ Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, or national origin in programs or activities receiving federal financial assistance

## TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

- ❑ Prohibits discrimination, exclusion from participation, and denial of benefits based on sex in educational programs and activities receiving federal financial assistance

# Laws and Regulations Overview



## SECTION 504 OF THE REHABILITATION ACT OF 1973

- ❑ Prohibits discrimination, exclusion from participation, and denial of benefits based on disability in programs of activities receiving federal financial assistance

## EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1974

- ❑ Prohibits the denial of equal educational opportunity in public schools on the basis of race, color, sex, or national origin



# Laws and Regulations Overview

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FERPA: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

- ❑ Protects the privacy of student education records and gives parents certain rights with respect to those records

AGE DISCRIMINATION ACT OF 1974

- ❑ Prohibits discrimination based on age in programs or activities that receive federal financial assistance

# Laws and Regulations Overview



## TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

- ❑ Prohibits discrimination, exclusion from participation and denial of benefits on the basis of disability in public entities

## NCLB: THE NO CHILD LEFT BEHIND ACT OF 2001

- ❑ Governs elementary and secondary education

## TITLE X, PART C

- ❑ The McKinney-Vento Homeless Education Assistance Improvement Act of 2001

## IDEA: INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 2004

- ❑ Governs special education

# Laws and Regulations Overview



## CONFIDENTIALITY OF STUDENT RECORDS (603 CMR 23.00)

- ❑ **603CMR 23.00 is promulgated to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records and to assist local school systems in adhering to the law**

## MANDATED REPORTING (MGL CHAPTER 110, SECTION 51A)

- ❑ **Requires educators and others who are paid to care for or work with children to make a report immediately to the Department of Children and Families or to the person in charge of the school or institution, if there is reasonable cause to believe that a child under 18 is suffering physical or emotional injury as a result of abuse, including sexual abuse or neglect**



# Laws and Regulations Overview

## Mandated Reporting of School Fires (MGL c. 71 §37L)

- ❑ Principals are mandated to report the unauthorized ignition of any fire within the school building or on school grounds to the local fire department within 24 hours

## Chapter 199 of the Acts of 2011

- ❑ Made changes to many of the Massachusetts General Laws related to discrimination, including a number of education statutes, by prohibiting discrimination on the basis of gender identity law

## MGL Chapter 69, Section 8A

- ❑ Requires that each school have a written medical emergency response plan and requires that certain elements be included as part of the plan

*PART THREE:  
FEDERAL & STATE  
LAWS &  
REGULATIONS  
DETAILS*

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## **...of the Civil Rights Act of 1964...**

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- Prohibits discrimination of adults and students based on race, color, sex, religion, age, national origin, sexual orientation, disability marital status, or veteran status to access programs and services that receive federal funds.
- Services include but are not limited to: Education, public schools, public accommodations, transportation, state and local government services, housing employment, and telecommunications.



# What is non-discrimination?

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- ❑ The Dudley-Charlton Regional School District is committed to ensuring that all programs and facilities are accessible to all.
- ❑ We actively seek to prevent discrimination or harassment on the basis of age, color, homelessness, disability, national origin, religion, race, sexual orientation, or gender identity.
- ❑ Go to the district website for more detailed information on the DCRSD Policies regarding non-discrimination.

# Federal Law: Title VI Race & National Origin Discrimination

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- Protects against discrimination based on race, color, and national origin.
- Applies to students, parents, and employees.
- Prohibits discrimination in student class assignments, ability tracking, or any other school segregation, and protects English Language Learner (ELL) students.





# Federal Law: Title IX

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- Prohibits discrimination or harassment related to gender, including sexual harassment.
- Refer all Title IX issues to your building Principal or the Superintendent. (Refer to the district website for specifics regarding the DCRSD Harassment policy).
- The Dudley-Charlton Regional School District will respond promptly to all complaints.

# Federal Law: Title IX

## Understanding Sexual Harassment

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- ❑ Sexual harassment creates a hostile environment due to inappropriate speech, materials, or actions.
- ❑ Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, or other conduct, physical or verbal, of a sexual nature.
- ❑ Sexual harassment interferes with school or work performance and creates an intimidating or offensive environment.

# Federal Law: Title IX

## Examples of Sexual Harassment

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Examples of prohibited activities that might create a hostile work/learning environment might include:

- Vulgar or explicit sexually epithets, abusive language
- Sexually explicit behavior or indecent exposure by students or employees
- Graffiti, posters, or calendars

# Federal Law: Title IX Discrimination

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Examples of the types of discrimination that are covered under Title IX include:

- Sexual harassment
- Failure to provide equal opportunity in athletics
- Discrimination based on pregnancy

The Title IX regulation is enforced by Office for Civil Rights (OCR) and is in the code of federal regulations at 34 CFR Part 106

# Chapter 199 of the Acts of 2011

## Gender Identity Anti-Discrimination Statute

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- ❑ Massachusetts General Laws relating to discrimination prohibit discrimination on the basis of gender identity.
  
- ❑ The law defines gender identity as:

“a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person’s core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.”

# How to Address Harassment & Discrimination

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- Enlist parents, students, and community groups in the effort
- Monitor the school climate
- Foster respect and appreciation for diversity
- Be sensitive to religious holidays
- Implement measures to address harassment immediately and effectively
- Collaborate with law enforcement
- Review crisis intervention plans
- Document and report all harassment incidents

# Reporting incidences of harassment or discrimination...

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- Any employee or student who believes he/she has been the victim of harassment or discrimination should report it to a building administrator, counselor, or a teacher.
- Active investigations will result from the report, as applicable, and may result in sanctions up to termination or expulsion.
- If the conduct violates the law, the appropriate authorities will be notified.

# Federal Law: Section 504 of the Rehabilitation Act of 1973

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- ❑ Section 504 of the Rehabilitation Act of 1973 is a federal civil rights statute that extends protections to individuals with disabilities in most aspects of their lives. It addresses the many disabilities not covered under IDEA (Individuals with Disabilities Education Act), which governs “Special Education” as schools know it today. IDEA, while quite comprehensive, only provides protection for children with one of thirteen disabilities.
- ❑ If a student has a mental or physical impairment, which substantially limits any major life activity, a plan is developed and reviewed annually by a Section 504 team. This plan must include reasonable accommodations/modifications, which enable students with disabilities to have equitable access to programs and/or facilities.
- ❑ Section 504 requires full implementation.





# Federal Law: Section 504

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- ❑ No discrimination against a person with a disability will be permitted in any of the programs of the Dudley-Charlton Regional School District.
- ❑ §504 is a civil rights statute and *not a special education statute*. Therefore, it is the responsibility of regular education staff and administration to implement those practices and procedures necessary for a school to fulfill this law's requirements. It is also important to understand that Dudley-Charlton Regional School District receives no additional funding to implement §504 accommodations. The responsibility for insuring §504 compliance rests with the District's §504 Coordinator. Please note that when working with disabled students, §504 serves the same purpose as ADA (Americans with Disabilities Act).
- ❑ Questions about eligibility and enforcement should be directed to the 504 Coordinator in your building.



# Federal Law: Section 504

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- ❑ The 504 Coordinator disseminates 504 plans to the student's instructional team and/or other staff who must provide accommodations.
- ❑ Staff must provide accommodations as specified. Failure to comply could result in court action.
- ❑ A 504 Team meeting must be held to make any changes to an existing 504 plan.
- ❑ ADA Amendment Act of 2008 (ADAAA)  
On September 25, 2008, the President signed the *Americans with Disabilities Act Amendments Act of 2008 (ADAAA)* . This Act, effective January 1, 2009, emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA.
- ❑ The Office of Civil Rights (OCR), a component of the U.S. Department of Education, enforces §504 of the Rehabilitation Act of 1973, as amended.

# Federal Law: Title II

## Americans with Disability Act (ADA)

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- ❑ Prohibits discrimination against:
  - ❑ Access to programs and facilities
  - ❑ Free appropriate public education for elementary and secondary students (FERPA)
  - ❑ Employment
  
- ❑ We actively seek to prevent discrimination or harassment on the basis of age, color, disability, national origin, religion, race, sexual orientation, or gender identity.

# Federal Law: Title II

## Disability Discrimination

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- Examples of the types of discrimination:**
  - Access to educational programs**
  - Denial of the free appropriate public education for elementary and secondary students**
  - Section 504 and Title II also prohibit employment discrimination**

# IDEA: the Individuals with Disabilities Act

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- ❑ In Massachusetts, the special education system is based on federal special education law and the Individuals with Disabilities Education Improvement Act (IDEA, 2004 CFR 300) in concert with the state special education law (MGL c. 71B 603 CMR 28.00).
- ❑ These laws protect students with disabilities who are eligible for special education and guarantees them an Individual Education Program (IEP) to meet their unique needs.
- ❑ Students must be provided a Free and Appropriate Education (FAPE) that prepares them for further education, employment and independent living.
- ❑ The Dudley-Charlton Regional School District provides a full continuum of special education services for students with disabilities ages 3-22 who have been found eligible for special education.



# **IDEA:** **the Individuals with Disabilities Act**

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The following are the types of disabilities that qualify a child for special education services:

- Autism
- Developmental Delay
- Physical
- Sensory Impairment (hearing, vision, deaf-blind)
- Neurological
- Emotional
- Communication
- Intellectual
- Specific Learning
- Health

# IDEA: the Individuals with Disabilities Act

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- ❑ “Child Find” is ongoing throughout the school year.
- ❑ Once a child is identified as possibly needing special education and related services, a referral is made to begin the special education evaluation process.
- ❑ Parental consent is required for all evaluations.
- ❑ The team, which consists of parents, special educators, regular educators, the Special Education Team Chair, related service providers, an individual who can interpret the instructional implications of the evaluation results, and the student (when appropriate), meets to decide eligibility, IEP services, and placement.
- ❑ For further information relative to special education procedures, contact Special Education Coordinator for your building.



# Evaluation Timelines

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Referral- Parent or professional identifies a child as possibly needing special education or related services

Consent-Within 5 school days of the receipt of a referral (verbal or written), the school district (through the Team chairperson) notifies the parent and requests written consent to evaluate

Evaluation-Within 30 school days of written parental consent, evaluations are completed

Eligibility Meeting-Within 45 school days of written parental consent, a Team meeting is held to determine eligibility and develop an IEP if the student is found eligible.





# Free and Appropriate Public Education

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Free = At no cost to parents.

Appropriate = Services sufficient to enable the student to appropriately progress in education and advance toward achieving the IEP goals.



Public = Provided by the public school district or under the direction of the public school district.

Education = Preschool, elementary and secondary education, including extra-curricular and non-academic school activities.

*The law ensures that students with disabilities have the right to go to school and to experience all of the benefits that school has to offer to students without disabilities. In other words, school is for every student. FAPE in special education ensures that when an eligible student receives special education, his/her special education program must be developed in such a way that it is reasonable to expect the student to receive measurable educational benefit. It would not be acceptable, for instance, for a school district to accept or propose a program for a student that results in little or no progress from year to year.*



## General Education Supports

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What is Early Intervening? It is NOT Special Education. It is pre-referral activities-Response to Intervention (RTI); now known as MTSS (multi-tiered systems of support)

The school district will make every effort to help a student before making a referral to special education.

If the student responds to the intervention and the area of difficulty is addressed then a referral to special education is NOT necessary

# Parent and Student Participation



- ~ Parent and student participation is the first of six principles. Parents have the right and are encouraged to be involved as full partners in multiple ways with the school in all planning and decision-making related to their child. Parental involvement continues in all aspects up to the time the student becomes an adult
- ~ Students are the focus of special education, and as they grow older, are expected to participate in planning for their own future as much as possible.
- ~ It is the obligation of the school district to make strong efforts, in multiple ways, to ensure parental and student participation.



**Participation** is not just attendance at a meeting. Schools must make and document multiple efforts to ensure that parental participation and input is sought and to ensure that the needs and interests of the student are central to the process of considering appropriate services. If necessary, to ensure parent participation, schools must provide information in the parent's native language. When a student is 14 years of age, or younger if appropriate, he/she must be invited to participate as an active member of the TEAM.

The opportunities provided for parent participation are intended to promote dialogue between parents and school personnel on behalf of their child and to ensure that the parent has full knowledge of the information used to plan or propose services. Parent's rights do not stop with participation, they start there. Parents have ultimate decision-making authority of most aspects of their child's school program.

# Federal Law: Title X Part C

## McKinney-Vento Homeless Education Program

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### Definition of Homeless

The federal government's legal definition of homelessness based on the McKinney-Vento Homeless Education Assistance Act is anyone who...

- Lacks a regular, fixed, and adequate nighttime residence (sub-standard housing)
- Is sharing housing due to economic struggles (doubled-up)
- Is living in a shelter, hotel or motel
- Is living in a public place not designed for sleeping (cars, parks)
- Is an unaccompanied youth
- Is a child or youth awaiting foster care placement
- Is a child or youth abandoned in a hospital
- Is a migrant child who qualified under any of the above

# Federal Law: Title X Part C

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- If you suspect that a student is homeless, notify the principal and district McKinney-Vento liason (Director of Pupil Personnel Services) so that an appropriate referral can be initiated.
- Please refer to the district website for further information on supports for homeless students and families.

# Confidentiality of Student Records

## MGL 603 CMR 23.00

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FERPA Family Education Rights and Privacy Act of 1974

Parents have the right:

- To inspect and review their child's file
- To inspect and review their child's file prior to any meeting regarding an IEP
- A reasonable fee may be charged for copies of records
- To request that the information in their child's file be changed if they believe it to be inaccurate or if it violates the student's rights

# Confidentiality of Student Records

## MGL 603 CMR 23.00



- ❑ All student records maintained in the school must be private and secure. Computerized systems should be electronically secure. Emails that contain identifiable information about a student that are saved and maintained in an employee's inbox are considered part of the student's record.
- ❑ School personnel should be informed of the provisions of 603 CMR 23.00 and MGL c. 71, § 34H. These documents can be reviewed online.

[www.doe.mass.edu/lawsregs/603cmr23.html?section=01](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=01)

[www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section34H](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section34H)

*It is important that the information contained in student records is private and confidential.*

# Care and Protection of Children Under 18 (51A Report)



- ❑ School personnel are mandated reporters legally obligated to contact the Massachusetts Department of Children and Families (DCF.)
- ❑ It is important that educators understand their obligation under § 51A and the penalties for failure to comply. Please refer to the law in its entirety for complete information.  
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section51A>
- ❑ If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect they must follow DCF 51A reporting requirements and are legally obligated to contact Massachusetts DCF at 800-792-5200.
- ❑ Consult with your Principal, school adjustment counselor, school nurse, or the district's Director of Pupil Personnel Services for assistance if abuse or neglect is suspected. A team approach to these difficult decisions is recommended
- ❑ All reports are confidential.



# Mandated Reporting of any School Fires

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- ❑ This law, effective on August 10, 2006, provides greater protection for our children and will enable local authorities to identify possible juvenile fire setters and provide appropriate early intervention.
  
- ❑ If you see a fire on school property, activate the fire alarm system, and when safe to do so inform your building principal.

# *PART FOUR: BULLYING*

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**Bullying  
Hurts...**

**inside  
and  
out!**



# Bullying

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## What is a Hate Crime?

- ❑ A crime motivated in whole or in part by hatred or bias, or where the victim is targeted or selected based on his/her actual or perceived:
  - ❑ Race, color, religion, gender, sexual orientation, disability, national origin, ethnicity, or ancestry

# Bullying

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## What are Bias Indicators?

- Bias-related oral comments or slurs
- Bias-related markings, drawings, graffiti, hate symbols
- Victim and witness perception of bias
- Victim's group differs from that of offender
- Location and date of incident
- Victim's group is overwhelmingly outnumbered
- Offender's history of crimes against victims of the same group
- Hate group involvement

# What is Bullying?

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- ❑ Any repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, of a written or verbal expression or physical act or gesture to intimidate, frighten, ridicule, humiliate or cause harm to another person (based on, for example, physical appearance, lack of athletic ability, clothing, neighborhood).
- ❑ The bully has actual or perceived physical, social and/or psychological power over his/her target.
- ❑ Bullying usually involves a pattern of behavior including:
  - ❑ Physical (hitting, pushing, intimidation, damaging, defacing or taking personal property)
  - ❑ Verbal (verbal intimidation, name-calling, taunting, ridicule, jokes, insults, threats)
  - ❑ Emotional (stalking, spreading rumors, exclusion)

# What is Cyber-Bullying?

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- ❑ Cyber-bullying (or online bullying) is a term used to refer to bullying and harassment by use of electronic devices through means of e-mail, instant messaging, text messages, blogs, mobile phones, pages, online games, websites, etc.
- ❑ Other terms for cyber-bullying are *electronic bullying, electronic harassment, e-bullying, SMS bullying, mobile bullying, online bullying, digital bullying or Internet bullying.*
- ❑ Cyber-bullying is willful and involves recurring harm inflicted through the medium of electronic text.



# Why should we be concerned?

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- ❑ Many children are involved in bullying, and most are extremely concerned about it.
- ❑ Bullying can seriously affect the mental health, academic work and physical health of children who are targeted.
- ❑ Children who bully are more likely than other children to be engaged in other antisocial, violent, or troubling behavior.
- ❑ Bullying can negatively affect children who observe bullying going on around them – even if they aren't targeted themselves.
- ❑ Bullying is a form of victimization or abuse, and it is wrong. Children should be able to attend school or take part in community activities without fear of being harassed, assaulted, belittled, or excluded.



# It is **EVERYONE'S** Responsibility

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- Be familiar with basic facts about harassment and hate crimes
- Recognize and identify bias indicators
- Report all harassment to appropriate authorities
- Don't tolerate harassment and bullying
- Challenge biased or disrespectful attitudes of and behavior by students and staff
- Be alert to signs of student harassment and bullying
- Support victims and hold offenders accountable
- Call the offender's attention to the fundamental issue of respect, if a student mocks another's appearance, mannerisms or mobility
- Encourage student involvement



# Some Harassment & Bullying Myths

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- Ignore it and it will go away
- “If you only stood up for yourself...”
- It’s something the victim did
- Boys will be boys, girls will be girls
- Harassment and bullying toughens you up
- It’s a part of life, accept it
- Only wimps get bullied
- Children who get harassed or bullied are passive, loners, or overly sensitive



## **Signs of Possible Harassment or Bullying**

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- Often arrives late for school or certain classes
- School absences dramatically increase
- Often loses his/her money
- Possessions are consistently missing
- Is the victim of repeated thefts
- Is the focus of jokes or graffiti
- Is the target of abuse or insults in chat rooms, websites, or social networking sites
- Explanations for the above do not make sense



## **Other Signs of Possible Harassment or Bullying**

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- Indicates fear of walking in the halls unsupervised.
- Shows signs of being intimidated when interacting with certain students in class, cafeteria, or halls.
- Appears fearful of walking to or from school.
- Does not want to go on the school bus.
- Seems withdrawn, disengaged in class; has noticeable drop in classroom participation.
- No longer participates in school-related activities.
- Is suddenly doing poorly in school.

# Some Suggestions for Addressing Discrimination or Harassment

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- Follow District Policy and Procedures  
(See district website for complete Policy regarding Bullying:  
<http://www.dcrsd.org/about-dcrsd/district-policies/a>).
- Monitor the school climate.
- Foster respect and appreciation for diversity.
- Recognize the signs of possible bullying, harassment, and bias.
- Be sensitive to diverse cultures – their practices and perspectives.

# *PART FIVE: PHYSICAL RESTRAINT*



*Explosive Situations*



# Physical Restraint of Students

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- ❑ The purpose of 603 CMR 46.00 (Physical Restraint Regulations) is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint.
- ❑ Physical restraint shall be used only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution.



# Physical Restraint of Students

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- ❑ Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Dudley-Charlton Regional School District. Further, students of the District are protected by law from unreasonable use of physical restraint.
  
- ❑ Physical restraint shall be used only in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:
  - ❑ To administer a physical restraint only when needed to protect a student and/or member of the school community from immediate, serious, physical harm; and
  - ❑ To prevent or minimize any harm to the student as a result of the use of physical restraint.



# Physical Restraint of Students

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The following definitions appear at 603 CMR 46.02:

- Extended Restraint:** A physical restraint the duration of which is longer than twenty (20) minutes
- Physical Escort:** Touching or holding a student without the use of force for the purpose of directing the student
- Physical Restraint:** The use of bodily force to limit a student's freedom of movement

The use of mechanical or chemical restraint in all instances as of January 1, 2016. The use of seclusion restraint is prohibited in public education programs.

**Mechanical Restraint –** The use of physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint.





# Physical Restraint of Students

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- Seclusion Restraint** – Physically confining a student alone in a room or limited space without access to school staff. The use of “Time out” procedures during which a staff member remains accessible to the student shall not be considered “seclusion restraint.”
- Chemical Restraint** – The administration of medication for the purpose of restraint.
- The Superintendent will develop written procedures identifying:**
  - Appropriate responses to student behavior, that may require immediate intervention;
  - Methods of preventing student violence, self-injurious behavior, and suicide;
  - Descriptions and explanations of the school’s method of physical restraint;
  - Descriptions of the school’s training and reporting requirements;
  - Procedures for receiving and investigating complaints.



# Physical Restraint of Students

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- ❑ Each building Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint, which the DESE recommends be at least 16 hours in length.
- ❑ Only school personnel who have received training pursuant to 603 CMR 46.00 shall administer physical restraint on students. This does not, however, preclude a member of the School Committee or any teacher or any employees or agent of the School Committee from using such reasonable force as is necessary to protect pupils, other persons, or themselves from an assault by a pupil. Whenever possible the administration of physical restraint shall be administered in the presence of at least one adult who does not participate in the restraint. A person administering physical restraint shall only use the amount of force necessary to protect the student from injury or harm.
- ❑ In addition, each staff member will be trained regarding the school's physical restraint policy. The District requires all employees to review this presentation at the start of each school year, or for staff hired after the beginning of the school year, within a month of their employment. and is considered to be the annual training.



# Physical Restraint of Students

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- ❑ Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.
- ❑ Staff shall report the use of all physical restraint regardless of length of time. The staff member shall inform the administration of the physical restraint as soon as possible, and by written report, no later than the next school day. The Principal or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which, will be submitted to the Department of Elementary and Secondary Education (DESE) at the conclusion of each school year.



# Physical Restraint of Students

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- ❑ When a restraint has resulted in serious injury to a student or program staff member or when an extended restraint has been administered, the Principal shall provide a copy of the required report to the DESE within five (5) school days of the administration of the restraint.
- ❑ DCRSD practice is to notify the Director of Pupil Personnel Services within 24 hours of restraint.

Legal Ref: 603 CMR 46.00, MGL 71:37G



# Restraint-Trained Teams

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- ❑ Each school in the Dudley-Charlton Regional School District has a restraint-trained team. Members of this team must participate in a refresher course every year.
- ❑ Consult your building Principal to determine who is a member of your school's team.
- ❑ **ONLY** restraint-trained staff can engage in a restraint of a student, after exhausting all other efforts of de-escalation.
- ❑ Training and mandatory refresher trainings are offered annually. Consult your Principal if you are interested in becoming a member of your school's restraint-trained team.

# Two Goals When Utilizing Physical Restraint

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- “To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and
- To prevent or minimize any harm to the student as a result of the use of physical restraint.”

*Applies to all school events and activities sponsored by public education programs.*

# Determining When Physical Restraint May Be Used

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- “Non-physical interventions would not be effective; and the student’s behavior poses a threat of imminent, serious physical harm to self and/or others.”
- Pursuant to a student’s IEP or written plan developed in accordance with state and federal law and approved by the school and parent/guardian.
- “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.”

# Determining When Physical Restraint May Not Be Used



Physical restraint is prohibited in the following circumstances:

- As a means of punishment
- As a response to property destruction
- Disruption of school order
- Student's refusal to comply with a school rule or staff directive
- Verbal threats that do not constitute a threat of imminent, serious, physical harm



# Proper Administration of Physical Restraint

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- ONLY trained personnel should administer physical restraint.
- “Training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.”
- The physical restraint shall be witnessed by another adult who does not participate in the restraint, whenever possible.

# Proper Administration of Physical Restraint

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- Use only the amount of force necessary to protect the student or others from physical injury.
- Use the safest method available and appropriate to the situation.
- Discontinue a restraint as soon as possible. Over twenty (20) minutes is considered an “extended restraint.”
- “Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training.”



# Safety Requirements

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- Restraint should not prevent the student from breathing or speaking.
- Continuously monitor the physical status of the student such as skin color and respiration.
- Release hold immediately if there are any signs of physiological distress.
- Release hold when the student is no longer at risk of causing imminent physical harm to him or herself or others.

# Special Circumstances

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- ❑ Be aware of any medical or psychological limitations, as well as behavior intervention plans for individual students, including students with disabilities.



# Follow-up Procedures

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- Review the incident with the student in order to address the behavior that precipitated the restraint and to teach appropriate replacement techniques.
- Review the incident with the staff to discuss restraint procedures and any changes necessary for future crisis intervention.
- Discuss if any follow-up is appropriate for students who witnessed the incident.

# Reporting Requirements



View the Dudley-Charlton Regional School Committee Physical Restraint Policy (<http://www.dcrsd.org/about-dcrsd/district-policies/jka>) on the district website for specific items to be included in the written report.

## Reporting to School Administration:

- Verbally inform the designated administrator of the restraint as soon as possible, and provide a written report the same school day
- The administrator must maintain an on-going record of all reported instances of physical restraint

## Reporting to Parents:

- Verbally inform the student's parents or guardians of the restraint as soon as possible (within 24 hours)
- The principal will provide a written report postmarked no later than three school days following the use of restraint and allow for parent and student to comment

# Reporting Requirements

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## Reporting to the Department of Elementary and Secondary Education:

- A report should be filed for when a restraint has resulted in a serious injury to a student or staff member (within 3 school working days) or the restraint lasted longer than twenty (20) minutes-extended restraint (within 5 school working days)
- Information for ALL physical restraints will be collected and submitted annually to DESE at the conclusion of each school year.
- Principal will review restraint data within the building weekly to identify any students restrained multiple times within a week to reconvene a team and monthly to identify any patterns or additional training needed to reduce the frequency of restraints used.



# De-escalation Techniques

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- ❑ Most situations can be prevented or defused if we are alert and sensitive to the situation as it begins to evolve.
- ❑ Effective verbal and non-verbal intervention skills assist potential aggressors in comprehending our message, rather than their fears.
- ❑ Share with the aggressor your awareness of their problem – to them, the problem is quite real. You want to help in any appropriate manner you can.
- ❑ Never demand things of a person. State needs and requirements as calmly, simply, and politely as you can.





# De-escalation Techniques

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- Give the aggressor options. Give them time to process these options. Patience is key.
- Always leave the person a “face-saving” way out of the situation they have found themselves in.
- Always empower people to seek and define their own solutions or problem-resolutions.
- Keep all verbal communications simple; complexity burdens people unfairly.



# De-escalation Techniques

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- ❑ Even under normal circumstances, you communicate with your expression, posture, voice, muscle-tone and touch as much or more than you do with your words. Be certain your words and body language exhibit calm.
- ❑ Keep talking; silence can be intimidating.
- ❑ It may be that you will be required to restrain someone (only if you are trained!) to insure everyone's safety. However, it may be that you can broker a solution between the people involved, or, that you can remove the item causing the trouble. We do not want to do more than we need to do to get things calmed down. It is often quite effective to try to broaden the person's perspective. Remind him or her that appropriate behavior is expected of everyone.

# Staff Technology Acceptable Use Policy IJNDB

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This Acceptable Use Policy shall serve as a statement on the appropriate use of any and all technology resources available to staff of the Dudley-Charlton Regional School District including, but not limited to, district owned computers, tablets, printers, network, electronic mail system (e-mail), district provided websites, cloud computing technologies, and Internet access. It is the Dudley Charlton Regional School District's goal to promote educational excellence with the assistance of these technology resources. This Acceptable Use Policy addresses many state requirements intended to ensure the integrity of personal information as outlined by the Massachusetts personal privacy laws and is also necessary to obtain E-rate financial assistance.

**[TO REVIEW POLICY IJNDB – CLICK HERE](#)**

# *Thank You!*

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***Thank you for reviewing this important information. This presentation is a part of annual, mandatory trainings for the Dudley-Charlton Regional School District.***



***Please electronically sign the affidavit on the next slide to acknowledge viewing the entire presentation.***

**DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT  
CONFIRMATION OF REVIEW OF CIVIL RIGHTS, BULLYING,  
RESTRAINT TRAINING AND RELATED DOCUMENTS**

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**I have viewed the online presentation *Laws and Regulations You Should Know* and acknowledge that I understand and have reviewed all the trainings listed below:**

*Federal Educational Laws and Legislations*

*Massachusetts General Laws*

*Massachusetts Department of Elementary & Secondary Education Regulations*

*Dudley-Charlton Regional School District Policies & Procedures*

*Physical Restraint Training Information*

*Staff Technology Acceptable Use*

**Acknowledge Training**