MELMARK NEW ENGLAND POLICY & PROCEDURE

SUBJECT: Bullying Prevention and Intervention Plan and Anti-Hazing Policy

PERSON RESPONSIBLE: Executive Director

PROCEDURES:

Definitions

This policy and procedure reflects the update\(^1\) to M.G.L. c. 86 of the Acts of 2014 which amended M.G.L. c. 71, § 37O, the anti-bullying statute, and was signed into law on April 24, 2014. M.G.L. c. 71, § 37O, as amended requires school districts, charter schools, approved private day or residential schools, and collaborative schools to “recognize” in their bullying prevention and intervention plans that certain enumerated categories of students\(^2\) may be more vulnerable to being targets of bullying based on actual or perceived differentiating characteristics. Such districts and schools must also include in the plan the specific steps they will take to support these vulnerable students and provide all students the skills, knowledge and strategies they need to prevent or respond to bullying or harassment. Under the new law, school districts, charter schools, approved private day or residential schools, and collaborative schools must notify parents and guardians of targets of bullying of the availability of the Department of Elementary and Secondary Education’s problem resolution system and assist these parents and guardians in understanding the problem resolution process. Chapter 86 also addresses the data reporting and collection obligations of school districts, charter schools, approved private day or residential schools, and collaborative schools, requiring them to collect and report the following data to the Department of Elementary and Secondary Education (DESE) : 1) the number of reported allegations of bullying or retaliation; 2) the number and nature of substantiated incidents of bullying and retaliation; 3) the number of students disciplined for engaging in bullying or retaliation, and 4) other information required by DESE.\(^3\) (DESE is required to analyze the data and to issue a report annually to the legislature which contains statewide aggregated data on the nature and frequency of bullying in schools.) Additionally, Chapter 86 requires school districts, charter schools, approved private day or residential schools, and collaborative schools, to administer a DESE-developed student survey at least once every four years to assess “school climate and the prevalence, nature and severity of bullying in schools.”\(^4\)

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1 The Model Bullying Prevention and Intervention Plan was also revised in 2013 to reflect the change in the definition of “perpetrator” to include a member of the school staff.

2 Newly amended M.G.L. c. 71, §37O(d)(3) reads in relevant part: Each plan shall recognize 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.

3 M.G.L., c. 71 §37O(k). DESE is required to analyze the data and to issue a report annually to the legislature which contains statewide aggregated data on the nature and frequency of bullying in schools.

4 M.G.L. c. 71, § 37O (k).

Sources: Melmark New England Policies and Procedures; Massachusetts Department of Elementary and Secondary Education
(DESE will use survey results to, among other things, assess the effectiveness of bullying prevention curricula and instruction and identify long-term trends and areas of improvement, and will make its findings available to school officials.) The law also authorizes school districts, charter schools, approved private day or residential schools, and collaborative schools to adopt an anti-bullying seal to represent its commitment to bullying prevention and intervention.

The following definitions relating to this Bullying Prevention and Intervention Plan (“Plan”) are from M.G.L. c. 71, § 37O, as noted below.

**Aggressor** is a student or a member of a school staff who engages in bullying, cyberbullying or retaliation against a student.

**Bullying**, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include 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. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

**Hostile environment**, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student’s education.

**Perpetrator**, a student or 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 who engages in bullying or retaliation.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

**School grounds**, property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

**School Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.
Target is a student against whom bullying, cyberbullying or retaliation has been perpetrated.

Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

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

Priority Statement

Melmark New England (MNE) expects that all members of the school community will treat each other in a civil manner and with respect for differences.

Melmark New England is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, to increase adaptive behaviors and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. MNE will identify specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing. Given Melmark New England’s population, teachers will need to use their observational skills primarily as ways to assess bullying behavior because of the functioning level and lack of verbal language of most of our students.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target’s sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan (“Plan”) is a comprehensive approach to addressing bullying and cyberbullying, and the school or district is committed to working with students, staff,
families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The Program Director or designee is responsible for the implementation and oversight of the Plan.

Assessing Needs and Resources

The Program Director, with input from families and staff, will assess the adequacy of current programs; review current policies and procedures; review available data on bullying and behavioral incidents; and assess available resources including curricula, training programs and behavioral health services. This process will assist MNE in identifying resource gaps and the most significant areas of need. Based on these findings, MNE will revise or develop policies and procedures; establish partnerships with community agencies, including law enforcement; and set priorities.

At least once every four years beginning with the 2019-2020 school year, MNE will administer a DESE-developed student survey to assess school climate and the prevalence, nature and severity of bullying at MNE. Similar tools to the student survey can be used with staff and parents/guardians to assist in determining school climate needs. Additionally, MNE will annually report bullying incident data to DESE.

Training and Professional Development

Annual Staff Training on the Plan

Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the Program Director or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district.

Ongoing Professional Development

Melmark New England’s goal of professional development is to establish a common understanding of tools necessary for staff to create a program climate that promotes safety, civil communication, and respect for differences. As required by M.G.L. c. 71, § 37O, the content of schoolwide and districtwide professional development will be informed by research and will include information on:

1. developmentally (or age-) appropriate strategies to prevent bullying;
2. developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
3. information regarding the complex interaction and power differential that can take place between and among a perpetrator, target, and witnesses to the bullying;
4. research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
5. information on the incidence and nature of cyberbullying;
6. Internet safety issues as they relate to cyberbullying; and
7. how to identify these issues in Melmark New England’s student population.

Sources: Melmark New England Policy and Procedures; Melmark, Inc. Policy and Procedures
Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students’ Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Melmark New England has developed, adhered to and updated a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The plan shall be updated at least biennially.

Written Notice to Staff

Melmark New England will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the employee handbook and the code of conduct. This information will be posted on Melmark New England’s policy and procedures (P&Ps) Sharepoint site and sent to parents via our Connect-ED/Blackboard Connect system on an annual basis. This Plan will be publicly available on an ongoing basis at the school’s front desk (Publicly Available Information binder) and in the Family Handbook.

Written Notice to Parents

The plan includes provisions for informing parents and guardians about the bullying prevention curriculum of Melmark New England and includes, but is not limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

Access to Resources and Services

Identifying Resources

Melmark New England will incorporate as part of the admission and ongoing clinical processes, identifying each student’s needs to provide behavior support, counseling and other services for targets, perpetrators, and their families. This will include a review of current staffing and programs that support the creation of positive school environments by focusing on early interventions and intensive services. The clinical team will develop recommendations and action steps to fill resource and service gaps. This may include adopting new curricula, reorganizing staff, establishing safety planning teams, and identifying other agencies that can provide services. These protocols will be adapted into the student’s Behavior Support Plan.

Counseling and Other Services

Melmark New England will assess and procure when needed linguistically appropriate resources within
our programs. If resources need to be developed, the Plan should identify linkages with community-based organizations, including Community Service Agencies (CSAs) for Medicaid eligible students. Melmark New England clinical staff will be responsible for developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students and staff exhibiting bullying behaviors. Melmark New England will develop these components as part of the student’s Behavior Support Plan, social skills groups, and individually focused curricula.

Students with Disabilities

As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing. Particular focus will be on the development of communication and social skills given Melmark New England’s primary student population.

Referral to Outside Services

Melmark New England will have available referral resources (through their medical consultant) and social worker should students and families need outside services.

Academic and Non-Academic Activities

Specific Bullying Prevention Approaches

Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches*

• using scripts and role plays to develop skills;
• empowering students to take action by knowing what to do when they witness other students or staff engaged in acts of bullying or retaliation, including seeking adult assistance;
• helping students or staff understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
• emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
• enhancing students’ skills for engaging in healthy relationships and respectful communications;
• engaging students in a safe, supportive school environment that is respectful of diversity and difference; and
• using social stories as a teaching methodology to develop skills.

* As is appropriate based on MNE’s student population.

Classroom and individual meetings will be held to review the Plan with students. For those students who are significantly cognitively impaired, it will be reviewed to the student’s capacity.
General Teaching Approaches that Support Bullying Prevention Efforts

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

• setting clear expectations for students and establishing school and classroom routines;
• creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
• using appropriate and positive responses and reinforcement, even when students require behavioral support;
• using positive behavioral supports;
• encouraging adults to develop positive relationships with students;
• modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
• using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
• using the Internet safely; and
• supporting students’ interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

Policies and Procedures for Reporting and Responding to Bullying and Retaliation

Reporting Bullying or Retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A Melmark New England staff member is required to report immediately to the Program Director or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. Melmark New England will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a Nursing voicemail, mail to a Program Director at the Andover school and/or email to referrals@melmarkne.org.

Melmark New England has developed procedures for immediate notification by the Executive Director or designee to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

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, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the Executive Director or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the Executive Director or designee shall (i) notify the local law enforcement agency of the incident.

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5 See Appendix A for Sample Incident Reporting Form.
enforcement agency if the Executive Director or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement.

Use of an Incident Reporting Form is not required as a condition of making a report. Melmark New England will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school’s main office, the school nurse’s office and MNE’s Sharepoint site. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the MNE will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the Program Director, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the Program Director or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the Program Director or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

MNE expects 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 Program Director or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged perpetrator solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. 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 Program Director or designee.

Sources: Melmark New England Policy and Procedures; Melmark, Inc. Policy and Procedures
Responding to a Report of Bullying or Retaliation

1. Safety

Before fully investigating the allegations of bullying or retaliation, the Program Director 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 not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the perpetrator 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 perpetrator’s schedule and access to the target. The Program Director or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Program Director or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. MNE will convene the clinical team assigned to the student and develop an appropriate student safety plan for the student. That plan will be incorporated within 7 (seven) days to the student’s Behavior Support Plan. Immediate temporary supports will be identified until the Behavior Support Plan is finalized.

2. Obligations to Notify Others

a. Notice to Parents or Guardians. Upon determining that bullying or retaliation has occurred, the Program Director or designee will promptly notify the parents or guardians of the target and the perpetrator of this, and of the procedures for responding to it. There may be circumstances in which the Program Director or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

b. 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 Program Director or designee first informed of the incident will promptly notify by telephone the Program Director 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.

c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Program Director or designee has a reasonable basis to believe that criminal charges may be pursued against the perpetrator, 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 Program Director 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 perpetrator.

Sources: Melmark New England Policy and Procedures; Melmark, Inc. Policy and Procedures
In making this determination, the Program Director or designee, consistent with the Plan and with applicable MNE policies and procedures, consult with the school resource officer, if any, and other individuals the Program Director or designee deems appropriate.

**Investigation**

The Program Director with the assigned MNE investigator will investigate promptly 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 Program Director or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Program Director or designee (or whoever is conducting the investigation) will remind the alleged perpetrator, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Program Director or designee, other staff members as determined by the Program Director or designee, and in consultation with the Senior Clinician, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the Program Director or designee will maintain confidentiality during the investigative process. The Program Director or designee 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 investigations. If necessary, the Program Director or designee will consult with legal counsel about the investigation, this will be done in consultation with the Executive Director.

**Determinations**

The Program Director or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Program Director or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Program Director or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Program Director or designee may choose to consult with the students’ teacher(s) and/or Senior Clinician, and the target’s or perpetrator’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.

The Program Director or designee will promptly notify the parents or guardians of the target and the perpetrator 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 Program Director or designee cannot report specific information to the target’s parent or guardian about the disciplinary action taken unless it involves a “stay away” order or other directive that the target must be aware of in order to report violations.

Sources: Melmark New England Policy and Procedures; Melmark, Inc. Policy and Procedures
The Program Director or designee shall inform the parent or guardian of the target about DESE’s problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-building

Upon the Program Director or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the Program Director or designee may consider include:

- offering individualized skill-building sessions based on MNE’s anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social 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;
- adapting behavior support plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

2. Taking Disciplinary Action

Melmark New England serves a student population diagnosed with Autism Spectrum Disorders (ASD), neurological disorders and accompanying behavioral challenges. Over 60% of our population is totally non-verbal and a significant percentage of the remaining population has limited language skills. Most students who attend MNE have significant social skill deficits and moderate to severe intellectual disabilities. Given that profile, many of our children would require a manifestation determination prior to the implementation of any disciplinary proceedings. Should an investigation determine that an incident was clearly an act of bullying, then discipline may be imposed on the perpetrator after the assessment of their disability issues. These disciplinary actions will be determined based on the student’s skill set and level of understanding. They may include movement away from the target and loss of preferred activities (as based on their IEP and behavior support plan). In the event none of these interventions work, we would move to our student suspensions and termination of placements policy (AP-09).

If the Program Director or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Program Director 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 Plan and with the school’s or district’s code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws.
regarding student discipline.

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

3. Promoting Safety for the Target and Others

The Program Director 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. One strategy that the Program Director or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

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

Collaboration with Families

Parent Education and Resources

MNE will offer access to education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the Parent Advisory Council (PAC) and MNE’s Expert Speaker series.

Notification Requirements

Each year MNE will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. MNE will send parents written notice each year about the student-related sections of the Plan and the MNE’s Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. MNE will post the Plan and related information on its website.

Prohibition against Bullying and Retaliation

Acts of bullying, which include cyberbullying, are prohibited:

1. on all MNE grounds and property immediately adjacent to MNE grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by MNE, and

2. at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by MNE, if the acts create a
hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires MNE to staff any non-school related activities, functions, or programs.

**Relationship to Other Laws**

Consistent with state and federal laws, and the policies of Melmark New England, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents MNE from taking action to remediate discrimination or harassment based on a person’s membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the Melmark New England to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

**Problem Resolution System**

Any parent wishing to file a claim/concern or seeing assistance outside of MNE may do so with the DESE Program Resolution System (PRS). That information can be found at [http://www.doe.mass.edu/pga](http://www.doe.mass.edu/pga), emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information is also available in the Executive Director’s office.
Anti-Hazing Policy

The term “hazing” as used in M.G.L. c. 269, §§ 17-19, shall mean any conduct of method of initiation into any student organization, whether on public or private property, which willfully 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.

Notification Requirements

Melmark New England will inform every student about this policy on an annual basis. Given that MNE serves a student population diagnosed with ASD, neurological disorders and accompanying behavioral challenges, there are no student groups, student teams or student organizations, including unaffiliated student groups, student teams, or student organizations. Over 60% of our population is totally non-verbal and a significant percentage of the remaining population has limited language skills. Most students who attend MNE have significant social skill deficits and moderate to severe intellectual disabilities. When each student is informed about this policy, he/she will sign or otherwise mark a copy of this policy, as is appropriate, which will then be filed in the student’s confidential record. Please note that the information is delivered tailored to each student’s level of understanding.

In addition, MNE will file an annual report with the Massachusetts Department of Elementary and Secondary Education (DESE) on or before October 1 certifying that:

• MNE complies with its responsibility to inform students of the provisions of M.G.L. c. 269, §§ 17-19;
• MNE has adopted a disciplinary policy with regard to the organizers and participants of hazing (as is applicable to MNE’s student profile); and
• The MNE anti-hazing policy has been communicated in a manner that is most appropriate to every student.

Disciplinary Action

Given the profile described above, many of our children would require a manifestation determination prior to the implementation of any disciplinary proceedings. Should an investigation determine that an incident was clearly an act of hazing, then discipline may be imposed on the perpetrator after the assessment of their disability issues. These disciplinary actions will be determined based on the student’s skill set and level of understanding. They may include movement away from the target and loss of preferred activities (as based on their IEP and behavior support plan). In the event none of these interventions work, we would move to our student suspensions and termination of placements policy (AP-09).

If the Program Director or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Program Director or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the

Sources: Melmark New England Policy and Procedures; Melmark, Inc. Policy and Procedures
teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school’s or district’s code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the Program Director or designee determines that a student knowingly made a false allegation of hazing, that student may be subject to disciplinary action.

Signature of Staff/Student

Date
BULLYING PREVENTION AND INTERVENTION INCIDENT REPORTING FORM

1. Name of Reporter/Person Filing the Report: ____________________________________________________________
   (Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the
   basis of an anonymous report.)

2. Check whether you are the:   Target of the behavior ☐ Reporter (not the target) ☐

3. Check whether you are a:       □ Student       □ Staff member (specify role) ______________________________
                               □ Parent       □ Administrator       □ Other (specify) _______________________

   Your contact information/telephone number: __________________________________________________________

4. If student, state your school: _________________________________________________   Grade: _____________

5. If staff member, state your school or work site: ______________________________________________________

6. Information about the Incident:
   Name of Target (of behavior): _____________________________________________________________
   Name of Aggressor (Person who engaged in the behavior): ______________________________________
   Date(s) of Incident(s): _________________________________________________________________
   Time When Incident(s) Occurred: __________________________________________________________
   Location of Incident(s) (Be as specific as possible): _________________________________________

7. Witnesses (List people who saw the incident or have information about it):
   Name: _________________________________________ ☐ Student ☐ Staff ☐ Other _______________________
   Name: _________________________________________ ☐ Student ☐ Staff ☐ Other _______________________
   Name: _________________________________________ ☐ Student ☐ Staff ☐ Other _______________________

8. Describe the details of the incident (including names of people involved, what occurred, and what each person did
   and said, including specific words used). Please use additional space on back if necessary.

   ____________________________________________________

FOR ADMINISTRATIVE USE ONLY

9. Signature of Person Filing this Report: ___________________________________________ Date: ______________
   (Note: Reports may be filed anonymously.)

10. Form Given to: ______________________ Position: ______________________ Date: __________
       Signature: __________________________________________________ Date Received: ______________
APPENDIX A

II. INVESTIGATION
1. Investigator(s):___________________________________________________ Position(s):________________________

2. Interviews:
   □ Interviewed aggressor Name: ____________________________ Date: ______________
   □ Interviewed target Name: ____________________________ Date: ______________
   □ Interviewed witnesses Name: ____________________________ Date: ______________
   □ __________ Name: ____________________________ Date: ______________

3. Any prior documented Incidents by the aggressor?  □ Yes □ No
   If yes, have incidents involved target or target group previously?  □ Yes □ No
   Any previous incidents with findings of BULLYING, RETALIATION □ Yes □ No

Summary of Investigation:

(Please use additional paper and attach to this document as needed)

III. CONCLUSIONS FROM THE INVESTIGATION
1. Finding of bullying or retaliation:
   □ YES □ NO
   □ Bullying □ Incident documented as __________________________
   □ Retaliation □ Discipline referral only________________________

2. Contacts:
   □ Target’s parent/guardian Date: ________________ □ Aggressor’s parent/guardian Date: ________________
   □ District Equity Coordinator (DEC) Date: ______________ □ Law Enforcement Date: ________________

3. Action Taken:
   □ Loss of Privileges □ Detention □ STEP referral □ Suspension
   □ Community Service □ Education □ Other ____________________________

4. Describe Safety Planning: ____________________________________________________________________________

Follow-up with Target: scheduled for __________________________ Initial and date when completed: _________
Follow-up with Aggressor: scheduled for __________________________ Initial and date when completed: _________

Report forwarded to Principal: Date________________ Report forwarded to Superintendent: Date________________
(If principal was not the investigator)

Signature and Title: ___________________________________________________________ Date: _________________