

JRC's Bullying Prevention and Intervention Plan

I. INTRODUCTION

The Judge Rotenberg Educational Center ("JRC") operates educational and treatment programs for individuals with a variety of behavior disorders. These programs are provided in the form of a 365-day residential program, a day program, and a respite program. JRC's school age program serves students from kindergarten through high school.

JRC serves both males and female students with varying intellectual and ability levels. The students that JRC serves have developmental disabilities including on the autism spectrum, or have emotional/behavior disorders. JRC accepts students who have behavior problems that have prevented them from functioning successfully in their normal environments. JRC does not refuse or expel students on the grounds that the student's behaviors are too difficult to manage. Specific populations served include, but are not limited to, the following: Autistic, Behavior Disordered, Emotionally Disturbed, Mentally Ill, Developmentally Delayed, , Juvenile Offender, Asperger's Disorder, Attention Deficit Disorder, Learning Disabled, Multiply Handicapped, Traumatic Brain Injury, Tourette's Syndrome, Prader-Willi Syndrome, Pervasive Developmental Disorder, Non-Verbal Learning Disabilities, Language Impaired, Physically Impaired, Blind, Cerebral Palsy, Deaf, Perceptually Handicapped, and Hearing Impaired. In consequence, the types of presenting behaviors that are shown by JRC students are quite varied.

JRC is dedicated to promoting a safe and healthy learning environment that fosters respect for the dignity and rights of all students. JRC considers all forms of bullying a serious offense which will not be tolerated. Bullying is prohibited by Massachusetts state law, JRC Employee Handbook, JRC Employee Code of Conduct, and the JRC Student Code of Conduct. JRC encourages students to report such offenses immediately to a member of his/her treatment team or the staff/student investigator. JRC will promptly investigate all reports of bullying and take swift action to end that behavior and restore the student's sense of safety. JRC supports this commitment in all aspects of its community, including curricula, the residential program, staff development, student activities, and parent/guardian involvement.

A minimum of once every four years, beginning with the 2015 – 2016 school year, JRC will administer a Massachusetts Department of Elementary and Secondary Education (ESE) developed survey to assess school climate and the prevalence, nature, and severity of bullying at JRC. Additionally, JRC shall annually report bullying incident data to ESE. In order to allow for initial and periodic needs assessments, JRC will (1) survey students on school climate and school safety issues; and (2) collect and analyze data on the prevalence and characteristics of bullying. This information will help identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies

including, but not limited to, supervision, professional development, age-appropriate curricula, and support services.

II. DEFINITIONS

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

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

- 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 herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying is bullying through the use of technology or 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.

Hostile environment is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

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

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.

Plan means this JRC Bullying Prevention and Intervention Plan, as amended from time to time.

III. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

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- (i) on JRC grounds and property immediately adjacent to JRC grounds, at a JRC-sponsored or JRC-related activity, function, or program whether on or off JRC grounds, on a school bus or other vehicle owned, leased, or used by JRC; or through the use of technology or an electronic device owned, leased, or used by JRC; and
- (ii) at a location, activity, function, or program that is not JRC-related, or through the use of technology or an electronic device that is not owned, leased, or used by JRC, if the acts create a hostile environment at JRC for the target or witnesses, infringe on their rights at JRC, or materially and substantially disrupt the education process or the orderly operation of JRC.

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

IV. LEADERSHIP

- A. Planning and Oversight. The Executive Director or designee will maintain responsibility for the oversight of the Plan, except when a reported bullying incident involves the Executive Director as the alleged aggressor. In such cases, the Director of Human Resources shall be responsible for investigating the report, and other steps necessary to implement the Plan, including the addressing safety of the alleged victim. Ongoing planning and oversight responsibilities include:
 - Receiving reports on bullying.
 - Collecting and analyzing school and residential information and data on bullying to assess problems and to measure improved outcomes.
 - Recording and tracking Bullying Prevention and Intervention Reporting Forms and for accessing information related to targets and aggressors.
 - Planning ongoing professional development.
 - Planning supports that respond to the needs of targets and student aggressors.
 - Implementing the curricula.
 - Amending policies and procedures under the Plan, including the JRC Policy on Internet Safety, JRC Employee Handbook, JRC Employee Code of Conduct, and the JRC Student Code of Conduct to, among other things, make clear that bullying of students by JRC school staff or other students will not be tolerated.
 - Leading the parent/guardian engagement efforts and disseminating parent/guardian information materials.
 - Reviewing and updating the Plan biannually.
- B. Outcomes and Assessment. The biannual update of the Plan shall include a review of available information and data derived from:
 - Interviews with students, staff, and parents/guardians on school climate and safety issues. In an effort to meet the needs of the student population and to create an open dialogue between its students and staff, JRC employs a Student

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Investigator. Students are afforded various avenues to set up an appointment with the Student Investigator.

- Collecting and analyzing school building and residential specific information and data on the prevalence and characteristics of bullying through the review of Bullying Prevention and Intervention Incident Reporting Forms.

The information and data shall be used to identify areas of programmatic strengths and weaknesses and set and monitor progress towards biannual improvement goals. Through its documentation efforts JRC continues to reduce school-wide bullying. Based on its findings JRC shall revise and update policies and procedures accordingly.

V. PROFESSIONAL DEVELOPMENT AND STAFF TRAINING

- A. Ongoing Professional Development. JRC employs more than 900 school staff. The majority are employed in a direct care capacity. JRC participated in the Massachusetts Aggression Reduction Center (MARC) “Train the Trainer” program in February 2011; and provides school staff continuing professional development every two (2) years.

Professional development shall train staff on their roles and the responsibilities under the law and teach them to prevent, identify, and respond to bullying. Furthermore, professional development shall be based on research and include information on:

- (i) developmentally appropriate strategies to prevent bullying;
- (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;
- (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.

JRC provides trainings for special education teachers that address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing student’s Individualized Education Programs (IEPs) Trainings take place on a quarterly basis during teacher meetings.

- B. Annual Staff Training on the Plan. JRC provides all school staff with annual written notice of the Plan; as annual in-service training for all school staff on the Plan includes staff duties under the Plan, that school staff may constitute an “aggressor” for the purposes of the Plan, an overview of the steps that are followed upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered. Relevant sections of the Plan relating to duties of school staff are also included in the JRC Employee Handbook.

VI. SUPPORT SERVICES

A. Vulnerable Populations. JRC recognizes that certain students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived differentiating characteristics, including but not limited to race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identify or expression, physical appearance, pregnant or parenting status, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

B. Counseling Resources. As part of JRC's initiative to create a safe, supportive environment, behavioral counseling services are available to all students, including JRC's vulnerable population and both the target and the student aggressor. Behavioral counseling is provided by the student's clinician. If a student's IEP calls for counseling as a related service, JRC provides the counseling pursuant to the requirements of the IEP in addition to any behavioral counseling that the student receives. If deemed appropriate by the treatment team, the student may be referred to community based agencies for additional services.

In addition, behavioral family counseling and parent training is offered to all parents/guardians.

C. 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 IEP 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.

VII. ACADEMIC AND NON-ACADEMIC ACTIVITIES

A. Specific Bullying Prevention Approaches. Bullying prevention curricula are based on 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 school staff engaged in acts of bullying.
- Helping students understand the dynamics of bullying.
- 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 environment that is respectful of

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- diversity and difference.
- Teaching students about the student-related sections of the Plan.
- Providing social skills training to applicable students.

The bullying and cyberbullying curriculums used at JRC are the researched-based Second Step curriculum for elementary and middle school students, and a curriculum based off Dr. Thockmorton's curriculum for high school students. The curriculums cover a diverse array of topics, to include, defining, recognizing, and reporting bullying and cyberbullying, helping students learn to use their assertiveness skills to refuse bullying, creating a bully free school, strategies to deal with and respond to bullies, to include brainstorming strategies and transitioning from a strategy to a concrete plan, and constructing social rules. Lessons are delivered in a group format, with emphasis given to peer learning models. Lessons build on each other, with concepts continuously being reinforced. The applicable curriculum is reviewed quarterly unless there is a need for more frequent assessment.

B. General Teaching Approaches that Support Bullying Prevention Efforts. The following approaches are integral to establishing a safe and supportive environment. These highlight the importance of JRC's bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines to include adherence and enforcement of the JRC Student Rules.
- Creating a safe environment for all students by insuring that students' programs are followed by all staff assigned in the classroom or at the residence.
- Using appropriate and positive responses and reinforcement as part of the students' behavioral program.
- Using positive behavioral supports equally for all students.
- Teaching and rewarding pro-social, healthy, and respectful behaviors across all settings.
- 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 by providing the necessary instruction during regularly scheduled group lessons.
- Supporting students' interest and participation in activities, particularly in their areas of strength.
- Demonstrating fairness and respect that encourages students' active participation in learning.
- Maintaining an appropriate standard of behavior by interacting with students in a professional manner.

VIII. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

A. Reporting Bullying or Retaliation. Reports of bullying or retaliation may be made by

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staff, students, parents/guardians, or others. A variety of reporting resources are made available, including the Bullying Prevention and Intervention Reporting Form. The Bullying Prevention and Intervention Reporting Form shall be made available in the most prevalent language(s) of origin of students and parents/guardians. Use of a Bullying Prevention and Intervention Reporting Form is not required as a condition of making a report.

1. Reporting by Staff

A staff member who witnesses or becomes aware of conduct that may be bullying or retaliation must complete a Bullying Prevention and Intervention Reporting Form immediately. Blank forms are available in all the classrooms, residences, and in the monitoring office. Staff members also have the option of completing the on-line Bullying Prevention and Intervention Reporting Form. Bullying Prevention and Intervention Reporting Forms shall include the following information:

- Date, time and location of the incident.
- Individuals involved and their roles (i.e., target, aggressor, witnesses).
- Details of the incident, including what each person did and said, including specific words that were used.

Completed hard copy Bullying Prevention and Intervention Reporting Forms shall be submitted directly to the Student Services Department, or by placing them into the residential overnight boxes or the designated file in the staff lounge. Student Services shall be responsible for collecting all hard copy Bullying Prevention and Intervention Reporting Forms on a daily basis.

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

JRC expects Students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student or school staff to report it to a member of the treatment team. This may be done by telephone, in person, by email, or in writing, to include the Bullying Prevention and Intervention Reporting Form. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Upon receipt of an anonymous report, the Executive Director or designee will conduct a preliminary investigation. If the anonymous allegation is substantiated, a Bullying Prevention and Intervention Incident Reporting Form shall be completed by the investigating staff member and will then be provided to the target and student aggressor's treatment teams.

A member of the treatment team and/or Education Department will review the student-related sections of the Plan with each student with necessary comprehension skills at admission and on an annual basis thereafter; as students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of

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bullying with a member of his/her treatment team. In addition, JRC provides each student with a copy of the JRC Student Code of Conduct, which incorporates student appropriate information regarding bullying.

- B. Responding to a Report of Bullying or Retaliation. Before fully investigating the allegations of bullying or retaliation, the Executive 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 are not limited to, pre-determining seating arrangements for the target and/or the student aggressor, in the classroom, during meals, and/or on the bus. Classroom and residential changes may also be considered. The treatment team will take additional steps to promote safety during the course of and after the investigation, as necessary.

In situations when the alleged aggressor is a school staff member, depending on the individual circumstances and the facts known to JRC at the time of the allegation, JRC may remove the staff from schedule or restrict the staff from working with the alleged target. Based upon the investigative findings, the school staff member may be subject to disciplinary action, up to and including termination.

When necessary, the Executive 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.

Within a reasonable period of time following the determination and the ordering of discipline or a behavioral consequence, the Executive 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 Executive Director or designee will work with appropriate staff to implement them immediately.

- C. Investigation. JRC will promptly investigate all reports of bullying or retaliation and, in doing so will consider all available information known, including the nature of the allegation(s). During the investigation the Executive Director or designee will interview students, staff, witnesses, parents/guardians, and others as necessary. In addition, JRC will use other methods deemed appropriate such as the JRC video monitoring system to help with the investigation. The Executive Director or designee will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Executive Director or designee, and in consultation with the students' treatment team, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the

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Executive Director or designee will maintain confidentiality during the investigative process. The Executive Director or designee will maintain a written record of the investigation. Procedures for investigating reports of bullying and retaliation will be consistent with JRC policies and procedures for investigations.

- D. Determinations. The Executive Director or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Executive 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 Executive Director or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and discipline or behavioral consequences are necessary.

Depending upon the circumstances, the Executive Director or designee may choose to consult with the students' treatment team, and the target's and/or student aggressor's parents/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 Executive Director or designee shall inform the parent/guardian of the target about ESE's problem resolution system and the process for assessing that system, regardless of the outcome of the bullying determination.

- E. Obligations to Notify Others.

1. Notice to Parents/Guardians

Once the investigation has concluded and upon determining that bullying or retaliation has in fact occurred, the Executive Director or designee will promptly notify the parents/guardians of the target and the student aggressor of this, and of the procedures for responding to it. Notice will be consistent with state regulations at 603 CMR 49.00.

2. Notice to Another School or District

If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Principal/Executive Director or designee first informed of the incident will promptly notify by telephone the Principal/Executive 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.

3. Notice to Law Enforcement

At any point after receiving a report of bullying or retaliation, including after an

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investigation, if the Executive Director or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Executive Director or designee 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 JRC school grounds and involves a former student under the age of 21 who is no longer enrolled at JRC, the Executive 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 student aggressor.

F. Responses to Bullying.

1. Teaching Appropriate Behavior Through Skill-building

Upon the Executive Director or designee determining that bullying or retaliation has occurred, JRC will utilize a range of responses that balance the need for accountability with the need to teach appropriate behavior. Skill-building approaches that the Executive Director or designee may consider include:

- Individualized skill-building sessions with a member of the student's treatment team.
- Providing relevant educational activities for individual students or groups of students, in consultation with the treatment team and other appropriate school staff.
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals.
- Meeting with parents/guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities in the home.
- Adopting behavioral plans to include a focus on developing specific social skills to be included in the IEP.

2. Discipline/Behavioral Consequence

If the Executive Director or designee decides that discipline or a behavioral consequence is appropriate, it will be determined on the basis of facts found by the Executive Director or designee, including the nature of the conduct and the need to balance accountability with the teaching of appropriate behavior. The discipline or behavioral consequence will be consistent with the Plan and with JRC's Student Code of Conduct.

If the Executive Director or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to discipline or a behavioral consequence.

G. Collaboration with Families.

JRC shall provide each parent/guardian with a copy of the Plan before or on the date of admission and on an annual basis thereafter. JRC shall also inform parents/guardians on an annual basis about the anti-bullying curricula that are being used. This notice, provided by JRC's Education Department, shall include information, including: (1) how the parent/guardian can reinforce the curricula in the home and support the Plan; (2) the dynamics of bullying; and (3) online safety and cyberbullying. The Plan will also be posted on the JRC website for parents/guardians to access.

IX. PROBLEM RESOLUTION SYSTEM

Any Parent/Guardian wishing to file a claim/concern or seek assistance outside of JRC may do so with the ESE program resolution system. That information can be found at www.doe.mass.edu/pqa, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700.

X. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and JRC's policies and procedures, no person shall be discriminated against on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents JRC 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 policies.

In addition, nothing in the Plan is designed or intended to limit the authority of JRC to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, M.G.L. c. 71, §§ 41 and 42, M.G.L. c. 76 §5, or other applicable laws, or JRC policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

XI. MISCELLANEOUS

JRC, through its Executive Director or designee, may modify or amend this Plan at any time and for any reason. In the event of any conflict of terms between this Plan and any other conflicting JRC policy or procedure, the terms and conditions of this Plan shall control unless the Executive Director or designee determines otherwise in his/her sole discretion.

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Acknowledgement of JRC's Bullying Prevention and Intervention Plan

I have read the attached JRC's Bullying Prevention and Intervention Plan, and, by signing below, I acknowledge that I understand the requirements and expectations outlined.

Employee Signature

Date

Employee Name (Printed)