

Priority Statement

Brandon 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, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We understand that members of certain student groups, such as students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. Brandon will take 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.

I. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and 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 Brandon, and
- (ii) 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 Brandon, 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.

II. DEFINITIONS

Aggressor is any student or member of the 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, cyberbullying, or retaliation.

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or 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.

It is equally important for all members of the school community to understand that conflict is not automatically synonymous with bullying. Arguing, bantering back-and-forth, ignoring, roughhousing and fighting, while potentially serious forms of conflict, are not necessarily instances of bullying. Bullying is characterized by intention, repetition and power imbalance. Not every conflict meets these criteria

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. 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.

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.

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.

III. Training and Professional Development

A. Annual staff training on the Plan. Annual training for Brandon staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal, residential 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 Brandon. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

B. Ongoing professional development. The goal of professional development is to

establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of Brandon's professional development will be informed by research and will include information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;
- (ii) developmentally (or age-) 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 in the school environment;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.

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.

Additional areas identified by Brandon for professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;
- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making; and
- maintaining a safe and caring classroom for all students.

- C. Written notice to staff. Brandon 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 student, staff, and parent handbook.

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

- A. 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 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; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan will be reviewed annually with students at the start of the school year and on an as needed basis as students are enrolled at Brandon during the intake process.

B. 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 discipline;
- 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.

V. 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 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 Brandon staff member is required to report immediately to the principal, residential director, or their 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 Brandon staff members, may be made anonymously. Brandon will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. Brandon 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, and 3) post it on the school's website. 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 and on an as needed basis, Brandon 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 principal and residential director is below and is also incorporated in student and staff handbooks, on Brandon's website, and in information about the Plan that is made available to parents or guardians.

Karen McCarthy, Principal 508-655-6400 ext 243,
kmccarthy@brandonschool.org

Residential Coordinator/PQA: Kate Myers, 508-655-6400 ext 255,
kmyers@brandonschool.org

1. Reporting by Staff

A staff member will report immediately to the principal or residential director when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or residential director 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

Brandon expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student or staff to report it to the principal, residential director or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. 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 principal, residential director, or their designee.

B. Responding to a report of bullying or retaliation.

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or residential director 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 aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal, residential director, or their designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal, residential director, or their 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.

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal, residential director, or their designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal, residential director, or their 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 principal, residential director, or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal, residential director, or their designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, those individuals will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal shall contact the local law enforcement agency if he or she has a reasonable

basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

- C. Investigation. The principal, residential director or their designee 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 principal, residential director or their designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal, residential director or other staff members as determined by the principal or residential director and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the investigator(s) will maintain confidentiality during the investigative process. The investigator(s) will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with Brandon's policies and procedures for investigations. If necessary, the principal, and/or residential director will consult with legal counsel about the investigation.

- D. Determinations. The principal and/or residential director or their designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal and/or residential director 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 principal and/or residential director or their 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 principal, residential director, or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal, residential director, or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal and/or residential 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.

The Principal of designee shall inform the parent or guardian of the target about the Department of Elementary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

E. Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal, residential 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 principal, residential director, or designee may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with Brandon clinicians 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;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

3. Taking Disciplinary Action

If the principal, residential director, or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal, residential 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 Brandon'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 principal, residential director or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

The following includes possible disciplinary, remediation, and target safety responses to a bullying incident in the Brandon community:

Student Disciplinary Actions	Remediation Actions	Target Safety
<ul style="list-style-type: none"> · Admonishment, warning · Parental Contact/Letter · Student Apology/Think About it Form · Temporary removal from the classroom · Loss of privileges · Classroom or administrative detention · In-school suspension during the school week or the weekend for students · Out-of-school suspension · Student Re-entry Plan · Legal action · Expulsion or termination · Consequences for repeat offenses 	<ul style="list-style-type: none"> · Meetings between parents · Counseling · Education including strategies to repeating behavior · Revision of IEP, if applicable · <i>Individual Behavior Plan</i> (for repeat offenders) 	<ul style="list-style-type: none"> · Guidelines for avoiding further unnecessary contact with the target · Clarification about who will be notified · Notify staff about incident and danger of further contact · Strategies to avoid further bullying · Identifying trusted adults and “safe areas” · Education about rights to be free of retaliation and reasonable expectations about social consequences for being part of a bullying investigation · Periodic check-ins · Whole community meetings · Identification and empowerment of bystanders · Education about technology

4. Promoting Safety for the Target and Others

The principal, residential director, or designee will consider what adjustments, if any, are needed in the school/residential environment to enhance the target's sense of safety and that of others as well. One strategy that the principal, residential 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 principal, residential 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 principal, residential director, or designee will work with appropriate school staff to implement them immediately.

Confidentiality:

The regulations also speak to confidentiality at 603 CMR 49.07 which states:

1. A principal may not disclose information from a student record of a target or aggressor to a parent or guardian unless the information is about the parent's or guardian's child.

2. A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603CMR 49.06 without the consent of a student or his or her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

3. A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals.

It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

VI. ACCESS TO RESOURCES AND SERVICES

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of targets, aggressors, families, and others are addressed. The Brandon school's programmatic structure includes several strategies for providing supports and services necessary to meet these needs.

A. Identifying resources. The program at Brandon is designed to provide small class/group size throughout the school and residences with a high staff to student ratio in order to provide early intervention and intensive services to meet the needs of students. Additionally, behavioral specialists are employed in the schools to provide more intense intervention when required in order to maintain the safety of students at all times. Each student at Brandon is a member of a treatment planning team that includes representatives from the education, residential, clinical, case management, and nursing department. This team of professionals meets throughout each month in order to discuss individual student concerns, create safety plans for students who have been targets of bullying or retaliation, and identify existing and needed resources to meet the needs of students. In addition to this, Brandon's Treatment Operations Team comprised of administrative staff and department heads regularly review treatment team agendas and discussions in order to provide support, consultation, and intervention. Education programming includes age appropriate curricula designed to support a positive school climate and positive peer interactions. Brandon's program-wide behavior support system is designed to reward positive behavior among students.

B. Assessing additional needs/resources: At least once every four years beginning with 2015/16 school year, Brandon will administer a Department of Elementary and Secondary Education-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in schools. Additionally, Brandon will annually report bullying incident data to the DESE.

C. Counseling and other services. At Brandon, students receive weekly individual and/or family counseling per their treatment plan. Additionally, identified students

participate in social skills groups, anger management, and/or conflict resolution groups to prevent bullying behavior, to support students who have been targets of bullying or retaliation, and to offer education and/or intervention services for students exhibiting bullying behavior. When necessary, Brandon convenes mini-treatment teams in order to discuss individual student concerns, initiate functional behavioral assessments, and/or to create individual behavior intervention plans. When situations require more intensive planning, Brandon works with two consulting psychologists who provide forensic mental health consultation to guide planning and intervention.

- 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 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.
- D. Referral to outside services. Individual case managers at Brandon facilitate the process of referring students and families to outside services as needed in conjunction with involved agencies (ie Department of Children and Families, Department of Mental Health, local law enforcement, etc).

VII. COLLABORATION WITH FAMILIES

- A. Parent education and resources. The school will offer 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 Brandon school. The programs will be offered in collaboration with the Special Education Parent Advisory Group.
- C. Notification requirements. Each year The Brandon School 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. The school will send parents written notice each year about the student-related sections of the Plan and the school's or district'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. The school will post the Plan and related information on its website.

VIII. PROBLEM RESOLUTION SYSTEM.

Chapter 86 of the Acts of 2014 amended section 370 of Chapter 71 of the General Laws to include (g)(v): the plan shall inform parents or guardians of the target about the Department's problem resolution system and the proves for seeking assistance or filing a claim through the problem resolution system. This information will be made available in both hard copy and electronic formats:

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education

Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pgs>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700.

IX. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of The Brandon School, no person shall be discriminated against in admission to Brandon or in obtaining the advantages, privilege and courses of study of such school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents Brandon 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 Brandon to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, Brandon policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

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