**Student Discipline and Behavior Support Policy**

**Policies and procedures for behavior support**

Behavior support policies shall be reviewed annually and be provided to program staff and made available to parents of enrolled students.

Any/all student behavior must be managed using the approved NEARI behavior management model and the approved NEARI Restraint Model. No student at the NEARI School will be subject to abuse or neglect, or any form of cruel, unusual, severe or corporal punishment as outlined in the Private School Regulations 19.08 (5) (3)(1-6).

DEFINITION: Approved NEARI Behavior Management Model: The NEARI School uses a behavior system which includes de-escalation, verbal intervention, natural and logical consequences, a range of special precautions for students considered at-risk that range from: (a) close observations (student must be checked at least every 15 minutes for specific at-risk situations); (b) eye-watch (student must be in staff sight at all times; and (c) 1:1 (student must be at arm’s length form a staff at all times), in addition to a framework of Rules, Rewards, Routines, and Rituals to provide an environmental structure and basis for healthy relationship building. In the elementary school, NEARI also uses a positive behavior support system that is designed to ensure safety and to provide incentives for appropriate behavior through access to special end-of-week field trips.

NEARI employs both in-school and out-of-school suspensions on a carefully prescribed case-by-case basis. Such suspensions must be approved by the Administrator-in-Charge and comply with NEARI’s **Suspension Policy and Procedures** (see Suspension 3-5 day Policy and Suspension 10-day policy). NEARI uses escorts and physical restraints according to the guidelines identified below.

RATIONALE: Behavior management and support is a component of the whole NEARI approach to education and treatment. It is oriented towards helping students develop pro-social and self-regulation skills, reducing inappropriate behaviors, and improving relationships with staff. The model is designed to teach students appropriate social limits, to ensure program safety, to allow the internalization of social values, and to establish appropriate boundaries. The model is not punitive (i.e., students do not receive consequences as a way of punishing them for misbehavior).

1. Methods for preventing student violence

Whenever possible, staff will attempt to de-escalate situations to prevent them from becoming more serious problems. Techniques used at NEARI, which are selected based on the age, cognitive resources, emotional resources, social skills, and emotional needs of the individual student who is in crisis, include but are not limited to:

* back up, speak softly and slowly, avoid rapid hand gestures, especially finger pointing or raising hands in a way that could be misinterpreted;
* reduce the level of stimulation and task demands as much as possible;
* remove non-involved students from the area;
* sensory breaks;
* mindfulness activities;
* DBT skills if the student is familiar with the techniques;
* rotate non-involved staff to take the place of staff involved in the issue;
* non-involved staff ask about the problem and possible solutions with “respectful curiosity”;
* re-direction to preferred activity;
* meeting with peers to share feelings, discover full facts, and decide on actions to take;
* group meetings with staff and student(s) to name how behaviors have affected the ability of others to maintain their own routines and complete their work; and
* “time out” (as explained below);

1. Methods for preventing self-injurious behavior and suicide

Students who express suicidal thoughts or who engage in self-injury that does not require medical attention will be assessed by the Clinical Coordinator, Clinical Director, or Case Manager to determine what type of support may allow the student to manage his or her feelings safely. Available forms of support may include talking about what is distressing the student; problem-solving to resolve a stressful situation; calling the student’s parent or guardian; using affect regulation techniques, such as mindfulness, DBT, listening to music, or having a snack; or simply resting while in the company of staff. If the Clinical Coordinator, Clinical Director, or Case Manager who assesses the student determines that available support options are not sufficient to maintain the student safely at school, Crisis Intervention or 911 will be called for additional assessment and intervention.

Students who are able to be maintained safely at school after expressing suicidal thoughts or engaging in self injury will be afforded a higher level of supervision for the rest of the school day, including (a) close observations (student must be checked at least every 15 minutes for specific at-risk situations); (b) eye-watch (student must be in staff sight at all times; and (c) 1:1 (student must be at arm’s length form a staff at all times).

The parent of any student who expresses suicidal ideation or engages in self-injurious behavior will be notified of the circumstances as soon as possible so arrangements can be made for adequate support, supervision, or evaluation as appropriate.

All expressions of suicidal thoughts and self-injurious behavior will be taken seriously and as important indicators of emotional distress. Under no circumstances will suicidal thoughts or self-injurious behavior be dismissed as “attention-seeking” or manipulative.

1. Alternatives to physical restraint

If attempts to de-escalate a potential crisis situation with the techniques described above are not successful but the situation does not yet warrant a restraint, a physical escort may be used to help the student disengage from the conflict or to move to a safe area where additional support can be provided. A physical escort is the temporary touching or holding without the use of force for the purpose of guiding or inducing a student who is agitated to walk to a safe location.

The procedure for a physical escort is as follows:

* The requisite number of staff will position themselves on either side of a student and request that he or she move to a safe place as directed by staff for additional support.
* The student will be informed that unless he or she chooses to move on his or her own, the staff will provide a physical escort.
* If the student refuses to move on his or her own, staff will place one hand above the elbow, taking care not to cover the elbow joint, and place the other hand at the wrist, above the wrist joint.
* The staff will then stand beside the student and gently escort him or her away from the potential crisis situation to the safe place identified for the particular student.

1. Training requirements for staff

Behavior support training will be provided to all program staff within the first month of the school year and about the behavior support policies and requirements when such procedures are implemented. For employees hired after the school year begins, behavior support training must be provided and completed within one month of the date of hire of the employee.

1. Reporting requirements and follow-up procedures

Reporting requirements for student injury: Any serious injury to a student will be reported immediately to the Administrator, who will ensure the appropriate reporting to parents, legal guardians, sending school districts and DESE.

1. Procedure for receiving and investigating complaints about behavior support policies

Any complaint from any source (i.e. staff, student, parent, other) will be thoroughly investigated. Any NEARI employee receiving such a report will ensure that their supervisor is notified immediately and that the supervisor has notified the program director/principal. Within 24 hours of receipt of the complaint, the program director/principal will initiate a formal investigation. If preliminary conversations with relevant parties indicate a possibility that the complaint is valid, the program director/principal will notify the executive director of any and all complaints and of the initiation of the formal investigation. The Administrator will submit a written report regarding the complaint within 48 hours with findings and recommendations to the Executive Director. The Executive Director will review the report and authorize the Administrator to inform all relevant parties of the outcome of the investigation, consistent with the requirements of standard personnel procedures.

1. Behavior support reporting requirements

The Administrator will ensure that NEARI staff document all restraints on a restraint report. Administrator will ensure that these reports are kept in the student’s file consistent with DESE regulations. Any restraint that exceeds twenty-minutes will be documented on the DESE Restraint Form and submitted to the agency in a timely manner. Copies of documentation of any restraint will be sent to parents, legal guardians and/or the Special Education Director (or his/her designee) of the sending school district.

Information about all restraints will be entered at least weekly in the DESE Student Restraint Data Collection system.

1. Procedure for making both oral and written notification to the parent

The parent and/or guardian will be notified by phone or email by the case manager within twenty-four hours of a restraint or other significant behavioral intervention. The case manager will document any unsuccessful attempts to reach the parent and/or guardian. Written copies of the restraint or incident report will be mailed within three working days of the incident.

Parents will have the opportunity to discuss the incident and provide feedback to the case manager. If the parent and/or guardian has a complaint about the restraint, they will be given the opportunity to discuss the restraint with the Lead Interventionist or Administrator.

1. Procedure for the use of time-out.

If a student is separated from the group or program activities as part of a behavior support response, the student shall be continuously observed by a staff member, and staff shall be with the student or immediately available to the student at all times.

If a student is separated from the group or program activities for more than 30 minutes as part of a behavior support response, the lead interventionist shall obtain written approval from the NEARI School Administrator.

In addition to formally designated time out rooms in the elementary school, the middle and high school use intervention spaces and “cubbie” areas. These are small, contained spaces with low partitions in the hall that are used when a student must be removed from the group. When a student must be separated, he or she is directed to an available room where a staff is present. The staff person is responsible for monitoring the activities of the student and determining when he or she is able to return to the regular school activity. Time out is never used as a punishment, but rather as an opportunity for the student to re-group in relative privacy and use more adaptive coping skills before returning to class or activities. Any room that separates students must be unlocked, physically safe, comfortable, and appropriate for the population being served by the school.

When such an intervention is required, NEARI staff will adhere to the following guidelines:

* The lead interventionist, staff on desk, Administrator, or Executive Director may approve the use of a time-out or other space to separate a student from the rest of the group.
* Time-outs or separation from the group should be completed as quickly as possible to allow the student to return to regular routines.
* Students placed in time out must be under constant visual observation by staff and doors to any time-out space must be left open during the duration of the time-out unless a staff person is directly observing a student and both are behind a closed door.
* If disruptive behaviors have progressed to property destruction that may also hurt the student, the student will be placed in formally designated time-out spaces that have been deemed to be safe for the NEARI population.
* Time-outs may not exceed 30 minutes, unless approved by the Lead Interventionist or Administrator.
* Staff will be available to observe and talk to a student throughout the duration of the student’s placement in a time-out space.
* Staff will maintain a log indicating the date, time, and duration of any time-outs. Staff will also document the reason for the intervention. The lead interventionist, on-desk person or senior administrator will provide written approval for the time-out.

**Meals and Behavior Support Procedures**

Meals shall not be withheld as a form of punishment or behavior management. No student’s meal shall be denied or unreasonably delayed for any reason other than medical prescriptions.

**Physical Restraint**

NEARI staff physically restrain students only in emergency situations to protect a student and/or other members of the school community from assault or imminent, serious, physical harm. All restraints shall be conducted with extreme caution to prevent or minimize any harm to the student and staff. Written notice of NEARI’s policy about physical restraint is provided to parents and/or guardians in the admission packet.

1. **Methods for engaging parents and students in discussions about restraint prevention and use**

Engaging parents and students in discussion about restraint prevention and use starts with a discussion of The Behavior Management Support Policy. NEARI’s approach to preventing restraints and the circumstances when they will be used are explained to the parent and/or guardian and discussed as part of the intake process. Parents are given a copy of the behavior management policy and de-escalation techniques, and they are invited to suggest additional techniques that may help calm their child. Parents will then be asked sign a form indicating that the policy has explained to them and that they understand it.

Parent Advisory meetings are held two times per school year, during which parents are invited to ask questions about the restraint policy and make suggestions to improve it.

Case Managers contact parents following a restraint and discuss restraint prevention techniques that were used and what techniques could be more effective in the future for each individual student.

**2. Method of physical restraint used by the program in an emergency situation**

The form of restraint used by staff is passive physical restraint. The program prohibits seclusion restraint (see Time Out Policy). NEARI’s passive physical restraint conforms to M.G.L. c123, 104 CMR 27.12 or 104 CMR 28.05 and 603CMR 46.00.00.

Restraints may only be initiated in emergency situations as a last resort when the student poses a danger to self or others. No student shall be restrained for purposes of punishment or for the convenience of others. When circumstances allow, staff will use a range of verbal de-escalation techniques, described above, before initiating a restraint. When such restraints are necessary, and the student’s behavior allows for such intervention, staff will begin by placing a student in a standing restraint, move to a sitting restraint, and only after such techniques have failed to calm the situation and make it safe, move to a supine position restraint. If the student’s behavior indicates that a supine-restraint is necessary to ensure safety, such restraints may be initiated immediately.

* Only the necessary number of staff are present to create physical security and provide a witness.
* The student’s arms are secured from behind by staff wrapping their arms around the student’s torso just above the elbows.
* Staff places their head against the student’s back and lower neck to avoid head butting.
* If a student is unable to be maintained safely in a standing position, a supine position restraint may be initiated.
* It may be necessary to secure the student’s legs with staff wrapping their arms around them just below the knees.
* As the youth begins to calm down and relax, parts of the body are released slowly.
* Adjustments will be made accordingly, including total release of the restraint for any student who voices or shows signs of physical distress while in a restraint.

**3. NEARI does not use seclusion, medication restraint, prone restraint, or mechanical restraint under any circumstances.**

**4. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate.**

**5. Procedure for periodic review of data and documentation**

Monthly Restraint Data Review and Individual Restraint Review Records are used to analyze circumstances when restraints have been used, to consider whether other strategies could have been used instead of restraint, and to create action plans based on fact finding. Restraint Reviews are chaired by the Administrator or designee.

**6. NEARI restraint training for all staff**

As part of a new employee’s orientation training, he or she must complete restraint training within the first month of employment. That training includes both the physical and psychological components of a restraint for both staff and students, new regulatory requirements (effective January 2016) around implementation of restraints and the type and time allowed for such interventions. Staff must either have assisted in a number of restraints, or participated in a “live fire” exercise with other staff, prior to being approved to initiate and lead a restraint. Documentation of successful completion of this training, signed by the trainer and/or supervisor, must be placed in the personnel file of each employee.

All program staff are required to participate in restraint training conducted by senior NEARI staff at the beginning of each school year. This training covers positive behavior support and restraint prevention, as well as the necessary requirements for restraining a student

**7. NEARI intensive training for staff who serve as restraint resources**

In-depth restraint training takes place at the beginning of each school year. This training is provided to staff who serve as school resources for proper administration of physical restraints. Areas covered include early intervention and other strategies to de-escalate situations with the intent to prevent physical restraints.

Staff will also learn how to evaluate and identify behaviors that may pose risk of harm to students or staff, what constitutes imminent danger and why physical restraints are used only as the last resort. Staff will discuss the psychological, physiological and social/emotional impact the restraint has on the student and family.

All participating staff must show proficiency in NEARI restraint techniques and shall experience what a physical restraint feels like to a student. Also discussed in the training will be how to identify the physical signs of distress that could be present during a restraint. Staff will know the procedures when and if medical assistance is necessary.

Finally, a review of report writing and required documentation shall be provided.

**8. Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department**

Parents are notified by email or telephone by the end of the day whenever their child has been restrained. The Case Manager will provide a description of the precipitants to the restraint, techniques used to avoid the restraint, and the resolution of the restraint. A written report about the restraint will be mailed to the parent within three school days.

The Administrator will ensure that NEARI staff document all restraints on a restraint report. Administrator will ensure that these reports are kept in the student’s file consistent with DESE regulations. Any restraint that exceeds twenty-minutes will be documented on the DESE Restraint Form and submitted to the agency in a timely manner. Copies of documentation of any restraint will be sent to parents, legal guardians and/or the Special Education Director (or his/her designee) of the sending school district.

Information about all restraints will be entered at least weekly in the DESE Student Restraint Data Collection system.

**9. Procedure for receiving and investigating complaints about restraints**

Any complaint from any source (i.e. staff, student, parent, other) will be thoroughly investigated. Any NEARI employee receiving such a report will ensure that their supervisor is notified immediately and that the supervisor has notified the program director/principal. Within 24 hours of receipt of the complaint, the program director/principal will initiate a formal investigation. If preliminary conversations with relevant parties indicate a possibility that the complaint is valid, the program director/principal will notify the executive director of any and all complaints and of the initiation of the formal investigation. The Administrator will submit a written report regarding the complaint within 48 hours with findings and recommendations to the Executive Director. The Executive Director will review the report and authorize the Administrator to inform all relevant parties of the outcome of the investigation, consistent with the requirements of standard personnel procedures.

**10. The Administrator or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department upon request.**

**Planned and emergency terminations**

Planned Terminations: NEARI shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date.

Emergency Terminations: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Elementary and Secondary Education.

The program shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the program shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.