

PHYSICAL RESTRAINT GRIEVANCE PROCEDURES

The Hadley Public Schools has established an internal procedure in order to provide for prompt and equitable resolutions of complaints regarding the administration of physical restraint.

DEFINITIONS:

A “Grievance” is a complaint made pursuant to, and arising out of, the Hadley Public Schools’ obligation to comply with state regulations regarding the use of physical restraint.

An “Aggrieved Party” is a person or persons making the complaint.

PURPOSE:

The purpose of this grievance procedure is to secure prompt and equitable solutions to grievances which may, from time to time, arise pursuant to 603 CMR 46.00.

GENERAL:

No aggrieved party will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

All documents, communications and records dealing with the filing of a grievance will be kept confidential to the full extent provided by law.

PROCEDURE:

1. The complaint should be filed with the building Principal in writing within fifteen (15) business days after the complainant becomes aware of the incident.
2. Within ten (10) business days after receiving the grievance, the building principal or his/her designee shall meet with the aggrieved party in an effort to resolve the grievance. This investigation into the complaint is contemplated to be thorough, but informal, in nature. All interested persons and their representatives, if any, shall be afforded an opportunity to be heard and to submit evidence relevant to the complaint. If the grievance is not resolved, it will be forwarded to the Director of Student Services.

3. Within fifteen (15) business days of receipt of an unresolved grievance, the Assistant Superintendent of Student Services will conduct a hearing to determine what, if any, action shall be taken in response to the grievance. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures, including:
 - a. the opportunity for the aggrieved party to present the grievance in a suitable manner;
 - b. the right of the aggrieved party to a hearing before the Assistant Superintendent of Student Services;
 - c. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense;
 - d. the right of the aggrieved party to a prompt decision

Parents/legal guardians should provide advance notice to the Director of Student Services if they will be represented by counsel or an advocate at the grievance hearing.

4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the Assistant Superintendent of Student Services and forwarded to the complainant no later than fifteen (15) business days after the hearing. The determination of the validity of the complaint and the description of the resolution will be provided in an alternate format, upon request, if needed for effective communication.
5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) business days following receipt of the written determination to the Superintendent of the Hadley Public Schools.
6. These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that the Hadley Public Schools comply with 603 CR 46.00.
7. Copies of all resolutions and findings made under this procedure shall be filed with the Superintendent's office of the Hadley Public Schools.

Adopted By The
Hadley School Committee: September 22, 2014