

School Committee Policy	Bullying	FILE:
Dedham Public Schools		JICFB
Date Approved by School Committee: 12/1/2010		

The Dedham Public Schools (DPS) is committed to maintaining a school environment where students are free from bullying and cyber-bullying and the effects thereof. The DPS Bullying Prevention and Intervention Plan (the Plan) has been adopted by the Dedham School Committee as stated herein.

Acts of bullying and cyberbullying are 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 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 acts create a hostile environment at school for the target, infringes on their rights at school or materially and substantially disrupts the education process or the orderly operation of a school.

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

A. Definitions

Aggressor is a student who engages in bullying, cyberbullying, or retaliation.

Bullying, as defined in M.G.L. c.71, s.370, is the repeated use by one or more students 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 victim or damages the target’s property;
- ii. places the target in reasonable fear of harm or 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 materially and substantially disrupts the education process or orderly operation of a school.

Bullying may include conduct such as physical intimidation or assault, including: intimidating an individual into taking an action against his/her will, oral or written threats, teasing, putdowns, name-calling, stalking, threatening looks, gestures, or actions; cruel rumors, false accusations, and social isolation.

Cyber-Bullying, as defined in M.G.L. c.71, s.370 is bullying through the use of technology or any electronic communication; which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system; including, but

not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include:

- i. the creation of a web page or blog in which the creator assumes the identity of another person;
- ii. the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (iv), inclusive, of the definition of bullying; and
- ii. the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that maybe accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (iv) inclusive, of the definition of bullying.

Hostile Environment, as defined in M.G.L. c. 71, s.370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive so as to alter the conditions of the student's education.

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

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

B. Annual Staff Training on the Plan

Annual training for all DPS staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal 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. 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.

C. 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, §370, the content of DPS 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 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 the DPS 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

D. Written Notice to Staff

The DPS 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 school or district employee handbook and the code of conduct.

E. Bullying and Retaliation Are Prohibited and Will Lead to Discipline

The DPS absolutely prohibits bullying, cyberbullying and retaliation as defined above. Students who engage in bullying or retaliation will be subject to disciplinary action; however, disciplinary action taken must balance the need for accountability with the need to teach appropriate behavior. The range of disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short-term or long-term suspensions, or expulsions from school as determined by the school administration and/or school committee, subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration and/or school committee from taking disciplinary action against a student for conduct that does not meet the definition of bullying or cyberbullying, as defined above, but nevertheless is inappropriate for the school environment.

F. Reporting Obligations

Reporting by Staff: A member of the DPS 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 s/he has witnessed or become aware of to the school principal or designee.

Reporting by Students, Parents/Guardians, and Others: The district expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the school principal or designee. An individual may make an anonymous report of bullying or retaliation, however, no disciplinary action may be taken against a student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

Reporting to Parents/Guardians: Upon determination that bullying or retaliation has occurred, the principal or designee will notify the parent/guardian of the target and or the aggressor of this finding and of the school's procedures for responding to it. If the alleged target and alleged aggressor attend different schools, the principal receiving the report shall inform the principal of the other student's school, who shall notify the student's parents of the report and procedures.

Reporting to Local Law Enforcement: At any point after the receipt of a report of bullying or retaliation, or during or after an investigation, if the school principal or designee has a reasonable basis to believe that the incident may involve criminal conduct, the school principal or designee will notify the local law enforcement agency. In addition, 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 Superintendent of the Dedham Public Schools or designee will notify local law enforcement if he/she believes that criminal charges may be pursued.

Reporting to Administrator of Another School District or School: 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 and the Dedham Public Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the Dedham Public Schools or designee must, 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.

G. Investigation

The school principal or designee shall investigate promptly a report of bullying or retaliation, giving consideration to all circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

Pre-Investigation: Even before fully investigating allegations of bullying or retaliation, school personnel will consider whether there is a need to take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. In taking any such action, however, the rights of both the alleged target and alleged aggressor must be considered.

Written statement of the complaint: The investigator will seek to determine the basis of the complaint, gathering information from the complainant, including such matters as: what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred (date, time of day), and where the events occurred.

It is helpful to have these facts in writing. If age appropriate, the complainant may be asked to put the complaint in writing and to sign and date it. If the complainant cannot or chooses not to write a complaint, the investigator will record the allegations, read them to the complainant to confirm accuracy, and ask the complainant to sign the document. If the complainant cannot or chooses not to sign, the investigator may sign and date the document her/himself.

Interviews: Once the allegations of the complainant are established, the investigator will gather other evidence, which often involves interviews of the alleged aggressor and/or other witnesses. If appropriate, the investigator should remind the alleged aggressor and witnesses that retaliation against persons whom they believe might have reported the incidents or cooperated with the investigation is strictly prohibited and will result in disciplinary action.

Confidentiality: The principal 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 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.

H. Determination

DPS personnel must weigh all of the evidence objectively to determine whether the alleged events occurred and, if they did, whether the events constitute bullying or retaliation. The determination must be based upon all of the facts and circumstances and the perspective of a reasonable person. When applied to children, the “reasonable person” standard is generally “that of a reasonable person of like age, intelligence, and experience under like circumstances.” See *Ellison v. Brady*, 924D.2d 872 (9th Cir.1991).

If bullying or retaliation is substantiated, the school will take steps reasonably calculated to prevent recurrence and ensure that the target is not restricted in participating in school or in benefiting from school activities. As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken to prevent the recurrence of bullying or retaliation:

- ❖ hold parent conferences;
- ❖ transfer a student’s classroom or school;
- ❖ limit or deny student access to a part, or area, of a school;
- ❖ enhance adult supervision on school premises;
- ❖ exclude a student from participation in school-sponsored or school-related functions, after-school programs, and/or extracurricular activities;
- ❖ Provide relevant educational activities for individual students or groups of students. Guidance counselors and others in the school setting who have been trained to work with students on interpersonal issues may be helpful in providing such programs.
- ❖ Personalized Action Plan and directives for future conduct, including providing the target with a process for reporting any concerns about future conduct immediately. It is critical to involve the student in creating an action plan that involves a reporting process that works for that particular student.
- ❖ Arrange for communication between the parties, if appropriate, to assist them in resolving issues which have arisen between them. (Such an approach will be used cautiously since communication can sometimes exacerbate, rather than alleviate, the target’s concerns and since the conduct often involves an imbalance of power.)
- ❖ Provide counseling (or other appropriate services) or referral to such services for the target and/or the aggressor and/or for appropriate family members of said students. Develop safety plans, provide social skills programs, and refer to outside services as needed.
- ❖ 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.

I. Closing the Complaint and Possible Follow-Up

If a complaint is substantiated, DPS staff will promptly provide notice to the parent/guardian of the target and the aggressor. Notice will indicate what action is being taken to prevent any further acts of bullying or retaliation. Specific information about disciplinary action taken generally will not be released to the target’s parents or guardians – unless it involves a “stay away” or other directive that the target must be aware of in order to report violations.

If appropriate, within a reasonable time period following closure of the complaint, the administrative staff or designee will contact the target to determine whether there has been any recurrence of the prohibited conduct.

The district will retain a report of the complaint, containing the name of the complainant, the date of the complaint, investigator, school, a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.

J. 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 the respond to bullying, harassment, or teasing.

K. Age Appropriate Instruction

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 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 cyber-safety, 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 all students in September.

b. General Teaching Approaches that support bullying prevention efforts:

- 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;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aide 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

L. Parent Education and Resources

The DPS 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 district or school. The programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organization.

M. Notification Requirements

Each year the DPS 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 DPS 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 DPS will post the Plan and related information on its website.

Consistent with state and federal laws, and the policies of the DPS, no person shall be discriminated against in admission to a public school or 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 the DPS 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 DPS to take disciplinary action or other action under M.G. L. C. 71,, §§ 37H or 37H ½ , 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.

Legal References

- Ch. 92 of the Acts of 2010. AN ACT RELATIVE TO BULLYING IN SCHOOLS. (see Senate, No. 2404) Approved by the Governor, May 3, 2010
- 603 CMR 49.00 Notification of Bullying or Retaliation Regulation