

## LENOX PUBLIC SCHOOLS

### BULLYING PREVENTION and INTERVENTION

#### PLAN

The school or district expects that all members of the school community will treat each other in a civil manner and with respect for differences.

#### I. POLICY

- A. It is the policy of the Lenox Public Schools, herein after referred to as the “district”, to provide a learning and working atmosphere for students, employees and visitors free from bullying, hazing, harassment, and intimidation. Such action may occur on the basis of race, color, religion, national origin, age, gender, sexual orientation, genetics, disability, or for any other reason.
- B. It is the responsibility of every staff member, student, and parent to recognize acts of bullying and take appropriate action to ensure that the applicable policies and procedures of this school district are implemented. It is additionally the responsibility of the school and district to record and keep data, monitoring the prevalence of bullying issues to assist in the biennial review.
- C. It is a violation of this policy for any staff member, or for any student to engage in bullying in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of bullying. All employees are mandated to report all cases of bullying, as required by this policy and state law.

Bullying is prohibited:

- On school grounds,
  - On property immediately adjacent to school grounds,
  - At a school-sponsored or school-related activity, function, or program, whether it takes place 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.
  - Through the use of technology or an electronic device that is owned, leased or used by a school district or school (for example, on a computer or over the internet)
  - At any program or location that is not school-related, or through the use of personal technology or electronic device, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school.
- D. This policy is not designed or intended to limit the school’s authority to take disciplinary action or take remedial action when such bullying occurs out of school but

has a nexus to school, or is disruptive to or materially and substantially interferes with an employee's work, personal life, a student's school work, or participation in school-related opportunities or activities. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Reports of cyber-bullying by electronic or other means, occurring in or out of school, will be reviewed and, when a nexus to work or school exists, will result in discipline. Parents of students alleged to have engaged in cyber-bullying will be invited to attend a meeting at which the activity, words or images subject to the complaint will be reviewed. A student disciplined for cyber-bullying will not be re-admitted to the regular school program until his or her parent(s) attend such meeting.

- E. Any employee or student who believes that he or she has been subjected to bullying has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.
- F. The Building Principal/Designee shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying.
- G. If an Individualized Education Program (IEP) indicates that a child has a disability which affects "social skills development" or the child is "vulnerable to bullying or teasing because of the child's disability" the IEP shall address the skills/proficiencies needed to avoid and respond to these issues.

## **II. BULLYING DEFINITIONS**

- A. "Bullying" means repeated, unwelcome, written, verbal, or electronic expression or a physical act or gesture or any combination thereof, by one or more individuals, 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 of damage to his property; (iii) creates a hostile environment at the 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 school.

The behavior must interfere with an employee's ability to perform his or her duties or with a student's academic performance or ability to learn, or interfere with a student's ability to participate in or benefit from services, activities or privileges:

1. That are being offered through the school district; or during any education program or activity; or
2. During any educational program or activity; or

3. While on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school sponsored activities, or at school sanctioned events.
- B. “Cyber-bullying” means 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 communication, instant messages or facsimile communication. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creator or impersonation creates any of the conditions enumerated in the clauses (i) to (v) inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of communicating to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the clauses (i) to (v) inclusive, of the definition of bullying.
1. Cyber-bullying may occur through the use of data, telephone, or computer software that is accessed through a computer, computer system, or computer network or any public education institute.
  2. As used in this Section, “electronic communication” also means any communication through an electronic device including, but not limited to a telephone, cellular phone, computer or pager.
- C. “Hostile Environment” means, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule and/or insult that is sufficiently severe or pervasive to alter the condition of a student’s education.
- D. “Involvement” If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day, residential school, or collaborative school, the school district or school first informed of the bullying or retaliation shall, 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.
- E. “Aggressor”: Is a person(s) who engages in bullying, cyber-bullying, or retaliation.
- F. “Target”: Is a person(s) against whom bullying, cyber-bullying, or retaliation has been directed.
- G. “Reporter”: The person who reports the act of bullying.
- H. “Retaliation”: Is any form of intimidation, reprisal, or harassment, directed against a person(s) who reports bullying, provides information during an investigation of bullying, or witnesses or provides reliable information about bullying.

- I. “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.
- J. “School Grounds”: is property on which a school building or facility is located or property that is owned, leased or used by a school district for a school-sponsored activity, function, program, instruction or training.

### **III. GUIDELINES FOR REPORTING BULLYING OR RETALIATION**

In school systems, bullying takes many forms and crosses many lines. The situation may be an instance of student to student, student to staff member, staff member to student, or staff member to staff member. Guidelines for dealing with any report of bullying are as follows:

- A. By law, bullying is defined by the target’s perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as bullying by another person. Therefore, in order to protect the rights of both parties, it is important that the target or a Principal or designee to whom a complaint was made or reported make it clear to the aggressor that the behavior is objectionable.
- B. In all reports of bullying, the target, and or reporter, should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts. Anonymous complaints of bullying or retaliation will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result no disciplinary action shall be taken on anonymous complaints unless verified by clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard. The *Bullying Reporting Form* (Appendix A) shall be completed. Reporting forms are available to all students and staff at each school as well as online on the Lenox Public School website.
- C. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a target of bullying, shall immediately report it to the Principal/Designee; each school shall document any prohibited incidents of bullying or cyber-bullying and the resulting consequences, including discipline and referrals, to the Superintendent’s office as they occur. The *Bullying Reporting Form* shall be completed.
- D. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member’s employment for purposes of M.G.L.c.258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of bullying or the district’s subsequent actions or inaction in connection therewith.

- E. In a situation involving a report of *student to student* bullying that is reported to a staff member other than an administrator, the staff member must inform the Building Principal. The student must also complete the *Bullying Reporting Form*.
- F. In a situation involving a report of *staff member to student* bullying, it should be brought to the attention of any staff member, and that staff member shall notify the Building Principal immediately. The *Bullying Reporting Form* must be completed.
- G. In a situation involving a report of *student to staff member* bullying, the staff member shall notify the Building Principal.
- H. In a situation involving a report of *staff member to staff member* bullying the staff member shall notify the Building Principal.
- I. If the alleged aggressor is the person responsible for conducting an investigation, the Superintendent or School Committee shall designate an alternative bullying investigator.
- J. If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day, residential school, or collaborative school, the school district or school first informed of the bullying or retaliation shall, 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.
- K. 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, residential school, or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement officials consistent with the provisions of state law.
- L. In all cases of alleged retaliation, the reporting and investigating procedures shall adhere to those procedures that apply to cases of alleged bullying.

#### **IV. PROTOCOL FOR INVESTIGATING BULLYING CLAIMS**

Once a report of bullying or retaliation has been made, including reports of mental, sexual, emotional, or physical harassment as well as threats to a person's safety, property or position in the school or work environment, the following course of action shall be taken.

- A. The Building Principal/Designee shall promptly investigate the report through discussions with the individual(s) involved. The outcome shall be documented in the *Investigator's Report Form*.(Appendix B)

In situations involving allegations against a staff member, he/she should be informed of his/her right to have a third party present at the time of the discussion.

In situations involving allegations by one student against another student, the Principal/Designee should engage the appropriate classroom or special subject area teachers. Parents of both sides of this report will be informed of the situation and will be invited to participate in resolution discussions. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit. The *Investigator's Report Form* shall specify the outcome.

- B. If the aggressor and target are willing to discuss the matter indicated in the *Investigator's Report Form*, in the presence of the Principal/Designee, a supportive faculty member and/or parent should be included in the discussion. During the discussion the offending behavior should be described by the target and the administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If the circumstances do not permit a face-to-face meeting, the administration will present the target's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline outlined in the *Student Handbook* and listed on the *Bullying Rubric* (Appendix D) and determined by the Building Principal. The matter shall be documented in the *Investigator's Report Form*.
  
- C. If after a resolution meeting with the involved parties, the Building Principal/Designee determines that further, more formal investigation or additional disciplinary action must be taken, the following could occur:
  - 1. In instances involving *student to student or student to staff member* bullying, the student may be subject to discipline including but not limited to counseling, suspension, and, in appropriate cases, expulsion. Please refer to Appendix D for the full range of disciplinary actions that may be used by the school administration.
  
  - 2. In instances involving a *staff member to student* and *staff member to staff member* bullying, findings will be referred to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, up to and including discharge consistent with the applicable law and collective bargaining agreement.
  
- D. Appropriate staff will be notified of the investigation and any follow up, within limitations of applicable law.

## **V. GUIDELINES FOR SUPPORT SERVICES AND SAFETY PLANS**

In an effort to provide the target, or other involved individuals such as reporters, witnesses or others, with a learning and working atmosphere where the target feels safe, and to prevent the re-occurrence of bullying, a target's *Safety Plan Form* will be developed to ensure these basic rights can be achieved. This Safety Plan will provide clear procedures for restoring a sense of safety for a target and assessing

that target's need for protection. The Safety Plan can include change of schedule, locker, lunch period, counseling, teacher notification, and a daily check in person. The Building Principal/Designee shall complete the *Safety Plan Form* and share it with the target, his/her parent(s) and appropriate school personnel in an efficient time frame (Refer to Appendix C.)

In addition, the school will offer appropriate support services, education and or intervention services for targets, aggressors, and appropriate family members of the involved students. The school may consider current tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula.

## **VI. NOTIFICATIONS**

### **1. TO OTHER INVOLVED PARTIES**

The principal or designee will promptly notify the parents or guardians of the target and 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

### **2. TO LAW ENFORCEMENT**

The Building Principal shall determine when acts of bullying need to be reported to local law enforcement. School officials will coordinate with the Lenox Police Department to identify a police liaison for bullying cases.

## **VII. RETALIATION AND FALSE ACCUSATIONS**

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited. Any student or staff member who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

In any situation where relational and/or false accusations occur in any form against any person who has made or filed a complaint relating to bullying, reprisal is forbidden. If either action occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student. A referral to law enforcement may be made.

## **VIII. CONFIDENTIALITY**

Reports of bullying should be kept confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the target

and stopping the behavior. This is in accordance with the Family Educational Rights and Privacy Act (FERPA.)

## **IX. SCHOOL-HOME PARTNERSHIP**

- A. **PARENT EDUCATION AND RESOURCES:** The Lenox Public Schools are committed to working collaboratively with families in order to ensure that we have a safe and supportive school community. In partnership with the Lenox Public Schools, parents share in the responsibility to (i) reinforce the curriculum at home and support the school district or school plan; (ii) learn the dynamics of bullying; and (iii) reinforce proper online safety and cyber-bullying. To assist parents in this partnership, the Lenox Public Schools will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying and social curricula used by each school in the district. These programs will be offered in collaboration with the PTO, School Counsels, Special Education Advisory Council and any other appropriate community organizations.
  
- B. **NOTIFICATION TO PARENTS AND/OR GUARDIANS:** Each year the Lenox Public Schools will inform parents and guardians of the anti-bullying curricula that will be used in each of our schools. This notice will include information about the dynamics of bullying, including cyber bullying and online safety. The Lenox Public Schools will send parents a written notice each year about the student-related sections of the Plan and the Lenox Public Schools' Internet Safety Policy. All notices and information will be made available to parents in hard copy and electronically on the Lenox Public Schools' website. The Lenox Public Schools are committed to supporting the diversity of our community and will offer this policy in other languages if needed by families.

Parents will be informed about each school's bullying prevention and intervention plan and trainings.

## **X. PREVENTION & TRAINING**

- A. The professional development of staff and training for students is a critical part of this policy. All staff and students will receive annual trainings on this policy. Newly hired staff shall be trained promptly on this policy and its procedures and will receive professional development as needed.
  
- B. The content of professional development for this policy shall include, but not be limited to, (i) developmentally appropriate strategies to prevent bullying incidents; (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 in the

school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying.

- C. Each school shall provide age-appropriate instruction at each grade level for all students on bullying prevention annually.
- D. The school district shall update their bullying prevention and intervention plans biennially, in consultation with teachers, staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians.
- E. Specialized training for staff of students with special education IEPs and for students with special needs.

## **XI. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the Lenox Public Schools, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and course of study of such public school on account of race, color, gender, religion, national origin or sexual orientation. Nothing in this Plan prevents the Lenox Public Schools from taking action to remediate discrimination or bullying based on a person's membership in a legally protected category under local, state or federal law or Lenox Public School Policies.

In addition, nothing in this Plan is designed or intended to limit the authority of the Lenox Public Schools to take disciplinary action or other action under M.G.L. c. 71 37H or 37 H ½ , other applicable laws or school policies in response to violent, harmful or disruptive behavior, regardless of whether the Plan covers the behavior.

For further information about these guidelines, or for help with bullying problems or any other form of bullying, consult a member of the administration.

### LEGAL REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. Chapter 151B, Massachusetts General Laws
4. M.G.L. Chapter 76 § 5
5. M.G.L. Chapter 269 § 17, 18, 19
6. M.G.L. Chapter 71, §370, 82, 84 93
7. Family Education Rights and Privacy Act
8. Mass Student Records Laws and Regulations
9. Senate 2404 Bill: An Act Relative to Bullying in Schools
10. MGL C71, S 370

Approved by School Committee: December 6, 2010; May 16, 2011.

# ***APPENDIX***

- A. Bullying Prevention and Intervention Incident Reporting Form
- B. Bullying Incident Investigator's Report Form
- C. Lenox Safety Plan Form
- D. Bullying Behavior Rubric