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## **Policy 712: Bullying Prevention and Intervention**

**Adopted 12/8/10**

**Amended 10/23/13**

**Amended 04/24/19**

The Shrewsbury Public Schools holds a core value of “respect and responsibility” and, as such, is committed to the continuous improvement of learning environments. In order to achieve these aspirations, the Shrewsbury Public Schools is committed to providing school environments where students are not subject to bullying and cyberbullying and the effects of such actions. Acts of bullying and cyberbullying are prohibited:

- (i) On school grounds; on 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 the school district; or through the use of technology, including use of the school district’s network for World Wide Web/internet/intranet access; use of a personal electronic device when present at the locations cited above; or use of an electronic device owned, leased or used by the school district, and
- (ii) At a location, activity, function or program that is not school-related, or through the use of technology, including through the World Wide Web/internet or use of an electronic device that is not owned, leased or used by the school district, if the acts create 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.

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

Incidents of bullying may, in addition to being a violation of this policy, constitute a violation of civil rights laws including but not limited to Title II, Title VI, Title IX, and Section 504. Please see the anti-discrimination/harassment policies of the Shrewsbury Public Schools for further information.

### **A. Definitions**

**Aggressor** is a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.

**Bullying**, as defined in M.G.L. c.71, s. 37O as amended, is the repeated use by one or more students or by a member of a 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, 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 of 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
- (v) Materially and substantially disrupts the education process or the 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.

**Cyberbullying**, as defined in M.G.L. c.71, s. 37O is bullying through the use of technology or any electronic communication, which shall include, but 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 also includes:

- (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 above in clauses (i) to (v), inclusive, of the definition of bullying; and
- (iii) The distribution by electronic means of a communication 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 above in clauses (i) to (v), inclusive, of the definition of bullying.

Cyberbullying may include conduct such as sending derogatory, harassing or threatening email messages, instant messages, or text messages; creating websites or posting comments on websites that ridicule, humiliate, or intimidate others; and posting on websites or disseminating embarrassing or inappropriate pictures or images of others.

**Hostile Environment**, as defined in M.G.L. c. 71, s. 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 person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

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

**School 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.

## **B. Bullying and Retaliation Are Prohibited and Will Lead to Discipline**

The Shrewsbury Public Schools absolutely prohibits bullying, cyberbullying and retaliation as defined above. Students or staff 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, reflective writing assignments intended to educate the student aggressor, detentions, Saturday school, short-term or long-term suspensions, or expulsions from school as determined by the school administration, subject to applicable procedural requirements, unpaid administrative leave (for staff members) or termination of employment (for staff members). Nothing in this policy is intended to prevent the school administration 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. Disciplinary actions will be in accordance with administrative disciplinary policies and applicable state and federal laws.

## **C. Reporting Obligations and Methods**

**Reporting by Staff:** A member of school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, and advisor to an extracurricular activity or paraprofessional, shall promptly report any instance of bullying or retaliation s/he has witnessed or become aware of to the school principal or designee. As with other situations requiring behavior management, staff members will intervene as needed to stop the problematic behavior and then communicate the behavior to the administration utilizing the process in place for reporting. A member of school staff may be named the aggressor or perpetrator in a bullying report. If a school staff member is an alleged aggressor, the principal or designee shall investigate; if the alleged aggressor is the principal, the superintendent or designee shall investigate; if the alleged aggressor is the superintendent, the School Committee or designee shall investigate.

**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. If a

school staff member is an alleged aggressor, the principal or designee shall investigate; if the alleged aggressor is the principal, the superintendent or designee shall investigate; if the alleged aggressor is the superintendent, the School Committee or designee shall investigate.

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

**Reporting to Local Law Enforcement:** At any point after 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 Shrewsbury Public Schools or designee will notify local law enforcement if s/he believes that criminal charges may be pursued. See also section H below.

**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 Shrewsbury Public Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the Shrewsbury 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.

**Reporting Methods:** Each school shall have a reporting procedure in place for staff members to utilize. Each school shall communicate, through its handbook, the ways in which students and parents/guardians may report suspected bullying or cyberbullying, including anonymous reporting.

#### **D. Investigation**

The school principal or designee shall investigate promptly a report of bullying or retaliation giving consideration to all the 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 student 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 may involve interviews of the alleged student or staff aggressor and/or other witnesses. If appropriate, the investigator should remind the alleged student or staff 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 confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school's obligation to investigate and address the matter.

## **E. Determination**

School 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*, 924 F.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:

- holding parent conferences;
- transferring student's classroom or school;
- limiting or denying student access to a part, or area, of a school;
- enhancing adult supervision on school premises;

- excluding from participation in school-sponsored or school-related functions, after-school programs, and/or extracurricular activities;
- providing relevant educational activities for individual students or groups of students (guidance counselors and others in the school setting who have been trained in working with students on interpersonal issues may be helpful in providing such programs);
- student 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);
- arranging 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); and
- providing counseling (or other appropriate services) or referral to such services outside of school for the target and/or the student aggressor and/or for appropriate family members of said students. The cost of outside counseling or other social services will not be the responsibility of the school district.

#### **F. Closing the Complaint and Possible Follow-Up**

If a complaint is substantiated, school staff will promptly provide notice to the parent/guardian of the target and the student 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 (see section H below).

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.

#### **G. Bullying Prevention Plan**

Pursuant to M.G.L. c.71, s. 37O, the Shrewsbury Public Schools administration will develop a bullying prevention and intervention plan that will address the various provisions within the law. The plan will be developed in accordance with the requirements of the law and will be reviewed and updated if necessary at least biennially by the administration per the law. The plan will be communicated to parents and students annually. The plan will also include a provision for the ongoing professional development of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, and paraprofessionals, to prevent, identify, and respond to bullying.

The principal is responsible for the implementation and oversight of the bullying prevention and intervention plan within his or her school.

#### **H. Communication**

The principal or a designee will communicate findings to the parents/guardians of both the target and the student aggressor when an investigation determines that bullying or retaliation has occurred; communication of a complaint and investigation may occur prior to the investigation/determination if, in the principal or designee's judgment, such communication is in the best interests of the students and the school. All communications related to bullying complaints, investigations, and findings will take into consideration individual privacy concerns as well as state and federal law related to confidentiality of student records.

Pursuant to Department of Elementary and Secondary regulations (603 CMR 49.00) related to M.G.L. c. 71, s. 37O, pursuant to the Massachusetts Student Record Regulations (603 CMR 23.00), and pursuant to the Federal Family Educational Rights and Privacy Act regulations (34 CFR Part 99) school personnel may not disclose information from a student record to a parent except for the parent/guardian's own child. Therefore, specific information regarding disciplinary actions that become part of the aggressor's record may not be shared with the target or the parents/guardians of the target, unless it involves a "stay away" or other directive that the target must be aware of in order to report violations. School personnel may, however, share information with the family of the target regarding the process that was followed to investigate and determine whether bullying occurred; what general measures are being taken to protect the target from further acts of bullying or retaliation; and what is being done to ensure that the target is reassured, receives help, and is provided with appropriate ways to communicate ongoing concerns.

The principal or designee will notify the Shrewsbury Police Department if he/she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor. The principal or designee may consult with the school resource officer or any other individuals deemed appropriate in order to make such a determination. Notification of law enforcement is not required in situations where bullying and retaliation can be handled appropriately within the school.

If, in the principal or designee's judgment, there is an immediate threat to the health and/or safety of a student or other individuals, information in the student record may be disclosed to appropriate parties during the period of emergency.

#### **I. Reporting**

The superintendent or a designee shall report annually to the School Committee regarding the frequency of bullying behaviors during the prior school year and to update the Committee regarding steps being taken in the schools to minimize such behaviors while promoting the continuous improvement of learning environments.

**J.           Response to a report of bullying by school staff**

M.G.L. c. 71, § 37O, as amended in 2013, indicates that a member of a 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, is prohibited from bullying a student. If a report of a school staff member allegedly bullying a student is received, it shall be investigated in a manner consistent with the human resources practices of the Shrewsbury Public Schools. It should be noted the district will extend protections to students who are bullied by a member of school staff. Investigations and responses to allegations of bullying of a student by a staff member shall respect the rights and responsibilities of staff members under all applicable laws, regulations, district policies, and/or collective bargaining agreements.

This policy will be reviewed within five years of its last revision.