

BULLYING PREVENTION AND INTERVENTION POLICY

The Acton-Boxborough Regional School District (hereinafter referred to as “The District”) recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District expects that all members of the school community will treat each other in a civil manner with respect for differences and strives to provide and maintain safe and supportive learning and working environment for all students and employees. The District will not tolerate any unlawful or disruptive behavior that causes physical or emotional harm and absolutely prohibits bullying, cyber-bullying and retaliation. **This prohibition shall apply to all District employees, contractors, volunteers, parents/guardians and students, including conduct between/among all parties.**

M.G.L. c. 71, § 37O protects students from student-on-student and staff-on-student bullying, cyber-bullying and retaliation. In accordance with this state law, bullying and cyber-bullying of the district’s students 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 the school district; or through the use of technology or 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 or 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 victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school.

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

M.G.L. c. 71, § 37O defines bullying as “the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- (i) causes physical or emotional harm to the victim or damage to the victim’s property;
- (ii) places the victim in reasonable fear of harm to himself or of damage to his property;
- (iii) creates a hostile environment at school for the victim;
- (iv) infringes on the rights of the victim 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.

Cyber-bullying, 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. Cyber-bullying 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.”

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

Reporting Potential Bullying or Retaliation:

A culture of openness is considered the most effective means for countering bullying behavior. It is the responsibility of each member of the school community: students, staff and parents to report instances of bullying or retaliation, with the understanding that such reports will be listened to and taken seriously.

- a. Any school staff employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying or retaliation shall immediately report it to the principal or designee. This includes bullying of a student by another student or by a staff member.
- b. Oral reports made by or to a staff member shall be recorded in writing.
- c. The District will make a variety of reporting resources available to the school and home community including, but not limited to, an incident reporting form, a voice mailbox, a dedicated mailing address and an email address. Reports of bullying and/or retaliation, reported by students, parents or guardians, or other non-school staff, may be made anonymously but no disciplinary action will be taken against an alleged aggressor solely on the basis of these anonymous reports.
- d. Reports by school staff, parents or guardians and others generally should be made to the principal or designee. However, if the principal is the alleged aggressor, the report should be made to the Superintendent. In such circumstances, the Superintendent or designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target. If the Superintendent is the alleged aggressor, the report should be made to the School Committee, which shall then be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target.

Responding to Potential Bullying or Retaliation by A Student:

Before fully investigating the allegations of bullying or retaliation, the Principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged

target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The Principal or designee will take steps to promote safety during the course of and after the investigation, as necessary for all parties involved.

The Principal or designee will implement appropriate strategies for protecting a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who has provided information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

1. Investigative Procedures for Potential Bullying or Retaliation:

Each school is required to investigate in a timely manner and determine whether or not bullying or retaliation has occurred. This requires a determination as to the nature of the incident (bullying v. peer conflict). Once determined, outreach to the target and family shall occur **concurrently** with a commitment to addressing the needs of the target, identifying and educating bystanders, and providing formative/educational consequences for aggressors.

Steps to be taken should include:

- a. Determine the nature, chronicity, and severity of the presenting situation.
- b. Identify aggressor(s), target(s), and bystanders
- c. Provide a safety and comfort plan for the target(s).
- d. Identify whether or not the bullying has occurred on or off campus.
- e. Immediately remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.
- f. Have conversations with all parties.
- g. Inform parents, guardians and all relevant adults of initial investigation; notice of confidentiality.
- h. Establish a timetable for following up with parents, especially parents of target(s).
- i. Collection and documentation of data.

Non-Classroom Supervision:

Each school must supervise non-classroom areas. The review and exchange of information regarding non-classroom areas are important to:

- a. Determine “hot spots” that bullying and/or retaliation may more likely occur.
- b. Consider ways of keeping certain groups or students apart during transitions, or building positive collaborations between older and younger students.
- c. Consider adult density in “hot spots” if necessary.

2. Consequences from Findings:

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the District use a range of responses that balance the need for accountability with the need to teach appropriate behavior M.G.L. c. 71 § 370(d)(v). Skill building approaches include offering individualized skill-building sessions based on our District's anti-bullying curricula, providing relevant educational activities for individual students or groups of students, in consultation with our counselors and psychologists, implementing a range of academic and non-academic positive behavioral support to help students understand pro-social ways to achieve their goals, meeting with parents and guardians to engage parent support and to reinforce the anti-bullying curricula and social skills building activities at home, adopting behavioral plans to include a focus on developing specific social skills, and making a referral for evaluation.

If the Principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance the Plan and with the school's or district's code of conduct.

The federal Individuals with Disabilities Education Act (IDEA) and Section 504, which should be read in cooperation with the State laws regarding student discipline, govern discipline procedures for eligible students with disabilities protected by these laws.

If the Principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, the student may be subject to disciplinary action.

Consequences for bullying or retaliation should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences may be disagreeable or uncomfortable but should not involve revenge or hostile punishment.

Consequences should consider these specific issues:

- a. Nature, severity, and chronicity of the behavioral impact on the target
- b. Degree of physical, psychological, social harm on the target
- c. Student's age, development and degree of maturity
- d. Surrounding circumstances and context in which the incident(s) occurred
- e. Prior disciplinary history and continuing patterns of behavior
- f. Relationship between and among the parties involved
- g. Context in which the alleged incident(s) occurred
- h. The need to balance accountability with the teaching of appropriate behavior.

The appropriate range of consequences, subject to due process where appropriate, is as follows:

- a. Verbal reprimand
- b. Temporary removal from the classroom
- c. Loss of privileges, including before and after school activities
- d. Time-out
- e. Notice to parent
- f. Supervised break times
- g. Detention
- h. In-school suspension
- i. Out-of-school suspension
- j. Reassignment of seats in lunch, bus, class, etc.
- k. Reassignment of classes

- l. Referral to an outside agency
- m. Reassignment to another school or another mode of transportation
- n. Expulsion
- o. Report to law enforcement

In addition, formative activities will be given, which may include:

- a. Reparation to the target (recognizing that direct apology may be contraindicated)
- b. Completion of curricular based assignment(s)
- c. Meeting with Civil Rights Coordinator
- d. Completion of community service designed to help the aggressor understand and respect differences; written report required by the aggressor
- e. Therapeutic support for both aggressor and targets

3. Notification Obligations:

Notice to another school or district: If an incident of bullying or retaliation involves students from more than one school district, commonwealth charter school, or non-public school, a school administrator shall promptly notify the appropriate administrator of the other school or district so that both may take appropriate action.

Notice to parents or guardians: Upon determining that bullying or retaliation has occurred, the Principal or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and the procedures for responding to it. There may be circumstances in which the Principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations of 603 CMR 49.00, including 49.05 paragraph 4:

“A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.”

The Principal or designees will notify the parents/guardians of the acts the District has taken to prevent further acts of bullying and retaliation through consequences and formative activities, as discussed above. Moreover, the school will notify the parents/guardians about the range of services, including, but not limited to, counseling (guidance, adjustment counseling, school psychology intervention) both individually and in group, social groups (social skills building, social pragmatic groups), friendship groups, discussion groups, role-playing groups, etc. that are specifically designed to address issues of bullying and retaliation. These individual and group interventions are designed to teach generalization skills. Staff will be given time to regularly communicate and collaborate with each other to ensure consistent reinforcement of a student's specific skills, adjust the school environment to meet that student's needs, and be notified to prevent any further acts of bullying and retaliation. Specialists will consult with staff to help students becoming targets and/or aggressors. These acts will be discussed openly with the parents/guardians to establish a trusting relationship between home and school.

Notice to law enforcement: At any point after receiving a report of bullying or retaliation, including after an investigation, if the Principal or designee has a reasonable basis to believe that criminal charges may be pursued against the student aggressor, the Principal will notify the local law enforcement agency. Notice will be consistent with the requirement of 603 CMR 49.00.

In making these determinations, the Principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer and the Superintendent or designee. At all times, schools will remain sensitive to the confidentiality of all parties, but may not be able to preserve fully the confidential nature of the allegation.

Responding to Allegations of Bullying by School Staff

Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the Superintendent/designee shall be responsible for such actions. In the event the Superintendent is the alleged aggressor, the School Committee/designee shall be responsible for such actions.

A staff member who is the subject of a complaint of a serious nature will be informed promptly and will be afforded the opportunity to present the facts as he/she sees them, in accordance with district policies and procedures, including any applicable collective bargaining agreements.

Procedures for investigating reports of bullying and retaliation by staff are consistent with district policies and procedures for investigations of other alleged misconduct by staff. If necessary, the designated school official will consult with legal counsel about such procedures. Investigations may include interviews of staff, students and others as deemed appropriate. School officials will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable given their obligation to investigate and address the allegations at issue, the school officials will maintain confidentiality during the investigative process.

In the event a designated school official determines that the staff member has engaged in bullying of or retaliation against a student, the student's parent/guardian will be notified of what action is being taken to prevent further such acts and to restore the student's sense of safety. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of personnel records, the school official will not report specific information to the target's parent or guardian about any 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.

In the event disciplinary action against an employee is under consideration, appropriate due process will be provided. Any disciplinary action imposed will be based upon facts found by the designated school official and appropriate standards and expectations in light of the employee's role and responsibilities. School officials will develop a method to record confirmed acts of bullying by staff.

School-wide Bullying Prevention and Intervention Program

All Acton-Boxborough Regional Schools will include a bullying prevention and intervention plan that is proactive and educational, in keeping with the guidelines published by the Department of Elementary and Secondary Education. The district is committed to supporting each school in their adoption of a school-wide bullying prevention and intervention program by providing the necessary funding, training and staff time. Each school is directed to develop or adopt a research based bullying prevention curriculum that includes the major components listed in the Bullying Prevention and Intervention procedures. Additionally, bullying prevention and intervention will include a team approach for the systematic tracking, monitoring and evaluation of the school based Bullying Prevention program

with special emphasis on analyzing incidents for systemic intervention at the school building level and the school system at large.

Each Team will:

- Consist of members appointed by the principal including but not limited to the following constituents: Building Principal or Assistant Principal, Teacher representative(s), Counselor/Psychologist/Special Educator.
- Additional collaboration from Pupil Services administration and/or School Nurse.
- Meet a minimum of two times during the school year.
- By the beginning of the school year:
 - Distribute Policy and procedures to all students, parents, faculty and staff (student handbook, annual written notice, website, employee handbook, etc.)
 - Notify the Superintendent of Schools in writing of their school's compliance with this Policy and submit a copy of the bullying prevention and intervention procedures adopted for each school.
- Yearly, monitor and review the effectiveness of the Bullying Prevention and Intervention Procedures.
- By June of each year, provide a brief annual summary to the Superintendent of Schools regarding the implementation of the Bullying Prevention and Intervention Policy with recommendations for building based enhancements/improvements.

The Superintendent or designated representative has operational responsibility for the District's implementation of the Bullying Prevention and Intervention Policy.

See Procedures at JICFB-R

File: JBA, ADA

CROSS REFS.: AC, Nondiscrimination
ACAB, Sexual Harassment
JICFA-E, Hazing

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