

POLICY RELATING TO PUPIL SERVICES

ANTI-BULLYING POLICY

The Wachusett Regional School District fosters and strives to maintain educational environments that are free from bullying, cyber-bullying, and retaliation. No student or school staff member, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals in the Wachusett Regional School District shall be permitted to bully a student through conduct or communication or to retaliate against any individual for reporting bullying or cooperating with an investigation of bullying. A student or school staff member, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors, to an extracurricular activity and paraprofessionals, who engages in bullying, cyber-bullying, or retaliation will be subject to a range of disciplinary sanctions including, but not limited to, reprimand, detention, suspension, expulsion, or other sanctions as determined by administration. In addition to being subject to school or employment related disciplinary sanctions, individuals who engage in bullying and/or retaliation shall be required to participate in instructional activities designed to develop the skills and proficiencies necessary to avoid engaging in further bullying and/or retaliatory behavior(s).

The Wachusett Regional School District has established separate discrimination and harassment policies that provide protections to specific categories and groups of students and staff. Nothing in this policy shall prevent the Wachusett Regional School District from responding to discrimination or harassment based on a person's membership in a legally protected category under local, state and/or federal law.

A. Definitions

Bullying: *The repeated use by one or more students or by a school staff member, 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 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/her 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. For the purposes of this policy, bullying shall include cyber-bullying.*

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Cyber-bullying: *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.*

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 creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Cyber-bullying shall also include 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 in clauses (i) to (v), inclusive, of the definition of bullying.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying or cyber-bullying.

Aggressor/Perpetrator: A student or school staff member including but not limited to who engaged, either individually, or as part of a group, in bullying, cyber-bullying or retaliation.

Hostile Environment: 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 the target's education.

Local law enforcement agency: Local police department(s).

Principal: The administrative leader of a school in the Wachusett Regional School District or his/her designee for the purposes of investigating and responding to reports of bullying, cyber-bullying or retaliation.

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Retaliation: Intimidation, reprisal, or harassment directed against a person who reports bullying, provides information during an investigation of bullying, witnesses a bullying incident, or has reliable information about bullying.

Target/Victim: A student against whom bullying or retaliation has been perpetrated.

B. **Policy Jurisdiction**

For purposes of this policy, bullying is prohibited:

- 1) *on school grounds, on property immediately adjacent to school grounds, at a school sponsored or school-related activity, at a 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 the school district or a school; and*
- 2) *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 or school, if the bullying creates 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. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.*

C. **Reporting Requirements**

In furtherance of this policy and in accordance with M.G.L. c.71, §37O, a school staff member, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional, will immediately report to the school principal or their designee any instance of bullying, cyber-bullying, or retaliation that the staff member has witnessed or has become aware of.

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D. Investigation / Procedures

1. Investigative Procedures for Potential Bullying or Retaliation:

Each school is required to investigate in a timely manner and determine whether or not bullying and /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 consequences for aggressors.

Steps to be taken will 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 timely conversations with all individuals involved
- g. Establish a timetable for following up with parents, especially parents of target(s)
- h. Inform parents, guardians and all relevant adults of initial investigation following confidentiality requirements
- i. Collect and document data

E. 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

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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 shall 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, may include, but are not limited to:

- a. Report to law enforcement
- b. Expulsion
- c. Referral to outside agency
- d. Reassignment of classes
- e. Reassignment of seats in lunch, bus, class, etc.
- f. Out-of-school suspension

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- g. In-school suspension
- h. Detention
- i. Loss of privileges (including before and after school activities)
- j. Temporary removal from the classroom
- k. Verbal reprimand

In addition, instructional activities designed to develop the skills and proficiencies necessary to avoid engaging in further bullying and/or retaliatory behaviors will be given, which may include, but are not limited to:

- a. Reparation to the target
- 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

F. 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.”

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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 instructional activities, as discussed above. Moreover, the school will notify the parents/guardians about the range of services, including, but not limited to, counseling both individually and in group settings, that are specifically designed to address issues of bullying and retaliation.

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.

G. Bullying Prevention and Intervention Plan

The superintendent will be responsible for the development, implementation, and evaluation of a Bullying Prevention and Intervention Plan to address bullying prevention and intervention in district schools.

(i) Development of the Plan

The plan shall be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include notice and a public comment period.

The plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have any one (1) of the above characteristics.

The plan shall be reviewed and updated biennially.

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School-wide Bullying Prevention and Intervention Program

All Wachusett Regional schools will include a District-wide 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 district-wide bullying prevention and intervention program.

(ii) Contents of the Plan

The District-wide Bullying Prevention and Intervention Plan shall include:

- (a) descriptions of and statements prohibiting bullying, cyber-bullying, and retaliation;
- (b) procedures for students, staff, parents, guardians, and others to report bullying or retaliation;
- (c) a provision that reports of bullying or retaliation may be made anonymously but that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
- (d) a provision that any student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- (e) procedures for promptly responding to and investigating reports of bullying or retaliation;
- (f) procedures for collecting, maintaining and reporting bullying incident data;
- (g) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior.
- (h) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection
- (i) strategy for providing counseling or referral to appropriate services for aggressors, targets and appropriate family members;
- (j) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation
- (k) provision for the notification of local law enforcement agencies if the principal reasonably believes that criminal charges may be pursued against the aggressor;

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- (l) provision for annual and ongoing professional development to build the skills of all staff to prevent, identify, and respond to bullying. The content of such professional development training shall be in accordance with the requirements of M.G.L. c.71, §37O;
- (m) provision for the implementation of a research-based anti-bullying curriculum in grades PK-12 and for informing parents regarding the curriculum contents, the dynamics of bullying, and online safety and cyber-bullying and strategies for reinforcing the curriculum at home; and
- (n) the specific steps that the District shall take to support vulnerable students and to provide all students with the skills, knowledge, and strategies needed to prevent or respond to bullying or harassment.

(iii) Implementation of the Plan

The school principal shall be responsible for implementing and oversight of the District's Bullying Prevention and Intervention Plan within his/her school.

(iv) Public Notice

The Wachusett Regional School District shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook. The plan shall be posted on the website of each school in the District.

Legal Refs: M.G.L. c.71, §37O; 603 CMR 49.00

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