

**SCHOOL POLICIES
INDEPENDENT SCHOOL DISTRICT 16**

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SERIES	500	Students
SUBJECT	514	Bullying Prohibition Policy
Adopted		August 24, 2004
Revised		May 10, 2005; August 9, 2011; December 2, 2014; April 11, 2017

I. PURPOSE

The School District strives to provide safe, secure, and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student’s ability to learn and a teacher’s ability to educate.

This policy protects students against bullying and retaliation by other students. This policy also protects any student who voluntarily participates in any school district function or activity from prohibited conduct, whether or not the student is enrolled in the school district.

II. DEFINITIONS

A. “Bullying” is objectively offensive intimidating, threatening, abusive or harmful conduct directed by a student toward one or more students: when either (1) there is a real or perceived imbalance of power between those involved and the conduct reoccurs or forms a pattern; or, (2) the conduct materially and substantially interferes with the student’s educational opportunities, performance, or ability to participate in school functions, activities or programs.

Bullying can be, but need not be, based on an individual’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, or any additional characteristic defined in Minnesota Statutes, Chapter 363A (commonly referred to as the Minnesota Human Rights Act). Bullying includes “cyberbullying,” as defined in this policy.

B. “Cyberbullying” is bullying that occurs when an electronic device, including, but not limited to, a computer or cell phone, is used to transfer a sign, signal,

writing, image, sound or data and includes a post to a social network, Internet website or forum.

C. “Intimidating, threatening, abusive, or harming conduct” may involve, but is not limited to, conduct that causes physical harm or reasonable fear of harm to a student or a student's property, violates a student's reasonable expectation of privacy under Minnesota common law, defames a student, or constitutes intentional infliction of emotional distress against a student or retaliation for, or knowingly making a false report.

D. “On school premises, on district property or at school functions or activities, or on school district transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

E. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

F. “Remedial response” is appropriately prompt action taken to intervene, investigate, correct and prevent bullying from recurring, including protecting and supporting a student subjected to bullying and those who provided aid and support to the student.

III. PROHIBITED CONDUCT

A. Bullying is prohibited:

1. On school district property or premises, or school district transportation as defined in this policy.
2. During any school district sponsored or school related program, activity, event or trip.
3. Using school district computers, electronic technology, networks, forums or mailing lists.

4. Using electronic technology off the school district premises that materially and substantially disrupts a student's learning or school environment.
- B. Apparent permission or consent by a student does not mean that bullying will be tolerated or allowed.
- C. Retaliation is prohibited by any student or school district employee against anyone who in good faith asserts, alleges, reports, or provides information pertaining to an alleged incident of prohibited conduct. The school district will take appropriate action against any student or district employee who engages in retaliation.
- D. Filing a false accusation of bullying is prohibited.

IV. INITIAL RESPONSE AND REPORTING

- A. Any student who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously; however, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. School principal or designee ("principal/designee") is the person responsible for receiving reports of bullying at the building level. The principal/designee will ensure this policy and its procedures are fairly and fully implemented and serve as the primary person to address policy and procedural matters. If the complaint involves the principal/designee, the complaint shall be made to the Human Rights Officer or Superintendent.
- D. Students who believe that they have been bullied or have witnessed bullying are strongly encouraged to bring their concerns to the principal/designee.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has reason to believe that bullying has occurred shall make reasonable efforts to address and resolve the bullying

or prohibited conduct and shall inform the building principal/designee immediately. School district personnel who fail to inform the building principal/designee of conduct that may constitute bullying or other prohibited conduct or who fails to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

- F. The use of, access to, and disclosure of information pertaining to reports and investigations of bullying or other prohibited conduct are subject to state and federal data practices laws. The school district will notify affected individuals, including students and parents, of their rights related to information provided to and obtained by the school district, in accordance with the school district's legal obligations. Investigative records will be maintained by the principal/designee.
- G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- H. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building principal or other appropriate school district officials or a third party designated by the school district.
- B. The building principal or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students, or others pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. The investigation will determine whether the reported conduct constitutes a case of bullying. The determination will take into consideration the totality of the facts and circumstances surrounding the conduct, including, but not limited to:

1. The developmental ages and maturity levels of the parties involved.
 2. The level of harm, surrounding circumstances, and nature of the behavior.
 3. Past incidences or past or continuing patterns of behavior.
 4. The relationship between the parties involved.
 5. The context in which the alleged incidents occurred.
- E. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer or remediation measures.
- F. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the developmental age of the student, and the student's history of prohibited conduct and performance. The school district may use multi-tiered levels of response that are individualized, consistent, reasonable, fair and age-appropriate. When appropriate, the school district will provide the target, actor, and other affected individuals with information about available community resources to aid in the remedial process.
- G. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardians(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- H. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school

district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel will receive the training within the first year of their employment with the school district. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct.
- C. The school district will provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The school district will implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The school district will establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction to encourage character development.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this

requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

VIII. NOTICE

- A. The school district will provide notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or summary will be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy will be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121 A.03 (Sexual, Religious and Racial Harassment and Violence)

Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

20 U.S.C § 1232g *et seq.* (Family Educational Rights and Privacy Act)

34 C.F.R §§ 99.1-99.67 (Family Education Rights and Privacy)