

Students

Bullying Prohibition

I. Purpose

This policy provides the framework to assist the district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive behavior. This applies to students, independent contractors, teachers, administrators, and other district personnel.

II. General Statement of Policy

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of district personnel.

However, to the extent student conduct affects the educational environment of the district and the rights and welfare of its students and is within the control of the district in its normal operations, the district intends to prevent bullying and to take action to investigate, respond to, and remediate and discipline for those acts of bullying which have not been successfully prevented.

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, during school functions or activities, on school transportation, or through electronic technology and communications. This includes use of electronic technology and communications when off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a co-curricular or extra-curricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the district, or the safety or welfare of the student, or other students, or materially and substantially interferes with a student's educational opportunities or performance, or ability to participate in school functions or activities, or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying or sexual

exploitation, regardless of whether such act is committed on or off school district property and/or with or without the use of district resources.

- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in statute is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other district personnel.
- E. No teacher, administrator, volunteer, contractor, or other employee of the district will permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying, or permits, condones, or tolerates bullying, will be subject to discipline or other remedial responses for that act in accordance with the district's policies and procedures. The district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels 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; and
 - 5. The context in which the alleged incidents occurred.
- J. The district will act to investigate all complaints of bullying reported to the district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the district who is found to have violated district policy.
 - 1. Consequences for students who commit prohibited acts of bullying may range from restorative practices remedial responses or positive behavioral interventions up to and including suspension or expulsion. The district will employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, which will apply throughout the district and foster student, parent/guardian, and community participation.

2. Consequences for employees who permit, condone, or tolerate bullying, or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.
3. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from district property and events or termination of services or contracts.

III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. "Building Report Taker" is a district employee from the site who creates a record of an oral report or is the receiver of a written report.
- B. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's ability to learn, or ability to participate in school functions or activities, or receive school benefits, services, or privileges, or with a teachers' ability to educate students in a safe environment.

The term "bullying" specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

- C. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on personal devices, school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- D. "Immediately" means as soon as possible but in no event longer than 24 hours.
- E. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
 1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation

of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

3. Is directed at any student or students, including those based on a person'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, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- F. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- G. "On school premises, on school district property, at school functions or activities, or on school transportation" means all 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 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 district does not represent that it will provide supervision or assume liability at these locations and events.
- H. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct, or knowingly making a false report about prohibited conduct.
- I. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

IV. Reporting Procedure

- A. Any person who believes they have been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or other conduct prohibited by this policy will report the alleged acts immediately to an appropriate school district official designated by this policy (see Appendix I). A student or other person may report bullying anonymously. However, the district may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The district encourages the reporting party or complainant to use the report form available on each school's website, from the principal of each building or building supervisor of each building, or in the district office, but oral reports will be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a district human rights officer or the superintendent.

If the complaint involves the building report taker, the complaint will be made or filed directly with the superintendent or the district human rights officer by the reporting party or complainant.

- D. The building report taker will ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and will serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the district will be responsible for the investigation. The building report taker will provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- E. A teacher, school administrator, volunteer, contractor, or other district employee must be particularly alert to possible situations, circumstances, or events that might include bullying. A person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct will make reasonable efforts to address and resolve the bullying or prohibited conduct and will inform the building report taker immediately. A district employee who fails to report bullying or other prohibited conduct in a timely manner may be subject to discipline.
- F. Reports of bullying or other prohibited conduct are classified as private educational, personnel data, and/or confidential investigative data and will be disclosed only as permitted by law.

The building report taker, in connection with the responsible authority will be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

- 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 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 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 will undertake or authorize an investigation by the building report taker, or a third party designated by the district. The investigation will be completed within 10 school days; however, a potential five-day extension may be issued by the principal/designee for extenuating circumstances.
- B. The building report taker or other appropriate 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 purpose of the investigation is to make a determination as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved, the context in which the alleged incident occurred, and the degree to which a negative impact was created. The alleged perpetrator of the bullying or other prohibited conduct will be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

If the principal/designee determines the reported incident may involve criminal activity or the basis for criminal charges, information about the incident will be conveyed to the appropriate law enforcement authorities. As part of making this determination, the principal/designee may wish to consult with either a law enforcement officer or legal counsel. Law enforcement will only be contacted if all other available remedies have been exhausted.

- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the district will take appropriate action as described in Appendix II of this policy. Such action may include, but is not limited to, warning, restorative practices, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct will be tailored to the particular incident and the nature of the conduct and will take into account the factors specified in Section III.FI. of this policy. District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student conduct and discipline policy and other district policies; and applicable regulations.

- E. The 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 district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parents(s) or guardian(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.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the district will, 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

- A. The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the district who commits an act of reprisal or 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 testifies, assists, or 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, harassment, reprisal, or intentional disparate treatment.
- B. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct will be tailored to the particular incident and nature of the conduct and will take into account the factors specified in Section III.FI. of this policy.

VII. Training and Education

- A. The school district will discuss this policy with district personnel and volunteers and provide appropriate training to district personnel regarding this policy. The district will establish a training cycle for district personnel to occur during a period not to exceed every three school years. Newly employed district personnel will receive the training within the first year of their employment with the district. The district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.
- B. This policy will be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct. These materials will also be used to publicize this policy.

- C. The district will require ongoing professional development, consistent with state law, to build the skills of all district personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- D. The district will annually provide education and information to students regarding bullying, including information regarding this district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- E. The district is directed to 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.
- F. The district is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The 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 (see Appendix III).

The district is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents/guardians and other community members to develop

and implement prevention and intervention programs;

3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
 5. Teach students to advocate for themselves and others;
 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- G. The district may implement violence prevention and character development education programs to prevent or reduce policy violations. These programs may offer instruction on character education including character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- H. The district will inform affected students and their parents/guardians 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 district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of student records policy in the student handbook.

VIII. Notice

- A. The school district will provide annual notice of this policy to students, parents or guardians, and employees.
- B. This policy will be conspicuously posted throughout each school building, in the administrative offices of the district, and in the office of each school.
- C. This policy will be distributed to each district employee and independent contractor at the time of hiring or contracting.
- D. Notice of the rights and responsibilities of students and their parents/guardians under this policy will be included in the student conduct and discipline policy distributed to parents/guardians at the beginning of each school year.
- E. This policy will be available to all parents/guardians and other school community members in an electronic format in the language appearing on the district's or a school's website.

F. The district will 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 a Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (Student Bullying Policy)
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Student 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. 122A.60 (Staff Development Program)
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. §§ 91.1-99.67 (Family Educational Rights and Privacy)

Cross References:

Policy 403 (Discipline of School District Employees)
Policy 413 (Harassment and Violence Prohibition, Students and Employees)
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
Policy 423 (Employee–Student Relationships)
Policy 501 (School Weapons Policy)
Policy 506 (Student Conduct and Discipline)
Policy 507 (Corporal Punishment)
Policy 515 (Protection and Privacy of Student Records)
Policy 521 (Student Disability Nondiscrimination)
Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)
Policy 524 (Electronic Technologies Acceptable Use)
Policy 526 (Student Hazing Prohibition)
Policy 528 (Student Parental, Family & Marital Status Nondiscrimination)
Policy 529 (Staff Notification of Violent Behavior of Students)
Policy 713 (Student Transportation)
Policy 717 (Video/Electronic Surveillance)

Policy
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INDEPENDENT SCHOOL DISTRICT NO. 273
Edina, Minnesota



Appendix I to Policy 514 and 526

BULLYING AND HAZING REPORT FORM

Edina Public Schools maintains a firm policy prohibiting all forms of bullying and hazing. All persons are to be treated with respect and dignity. Bullying or hazing by any student, teacher, administrator, or other district personnel will not be tolerated under any circumstances.

Person completing report:

Home address:

Work address:

Home phone:

Work phone:

Date of alleged incident(s):

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ sex \ national origin \ gender \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Name of person(s) you believe bullied or hazed toward you or another person.

If the alleged bullying or hazing was toward another person(s), identify that person(s).

Where and when did the incident(s) occur?

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (e.g., threats, requests, demands); what, if any, physical contact was involved; or other relevant information. Attach additional pages if necessary.

List any witnesses to the incident(s).

My signature below shows that the information I have provided in this document is true, correct, and complete to the best of my knowledge and belief.

Signature: _____ Date _____

Received by: _____ Date _____

Please submit to the building principal or designee, or director of human resources, as indicated by the policy(ies).

Form (02/24)

Appendix II to Policy 514

DISCIPLINARY INFORMATION AND CONSEQUENCES

For the student harmed: protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

Support may include: referral to student support staff for one-to-one support or social skills training; daily check-in and check-out with a trusted adult in the school; choice to participate in a restorative process, facilitated by a trained facilitator.

For the student who violated the prohibited conduct policy: schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate, and should match the severity of the student's behavior and their developmental age. The consequences will be a natural and logical match to the prohibited behavior; consequences will be paired with meaningful instruction and guidance; and will be carefully planned with well-defined outcomes.

Consequences may include: A referral to appropriate staff for teaching and reinforcing appropriate school behavior; mini-courses or skill modules to guide restitution; a referral to participate in a restorative process facilitated by a trained facilitator if the student admits to having caused harm; a meeting between the administrator and the family of the student who did the harm; a coordinated behavior plan that may include behavior contracts with a plan to prevent the prohibited conduct from recurring; individual counseling and one-to-one support to change behavior.

Consequences may also include warning, suspension, exclusion, expulsion, or transfer. Schools should avoid using punitive discipline (detention, suspensions, and expulsions) if any other method or consequence can be used with fidelity. The school may review school-wide behavior data as well as the data related to the person who did the harm and the person harmed. If the investigator determines that a violation of this policy may be the result of school climate needs, the district may conduct classroom, school, or district-wide training.

When an investigation determines that bullying occurred, the principal/designee will explain the consequences in a non-hostile manner and will impose any consequence immediately and consistently. The principal/designee will keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:

- The actor is no longer bullying and is interacting civilly with the target.
- The target reports feeling safe and is interacting civilly with the actor.
- School staff observe an increase in positive behavior and social-emotional competency in the actor and/or the target.
- School staff observe a more positive climate in the physical location where bullying incidents were high.

Remedial Response and Referrals

The principal/designee will design and implement remedial measures to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. The principal/designee will refer students who bully to positive-behavior small-group interventions (for anger management, trauma, or social skills) within the school, if possible, to reinforce the behavioral expectation they violated and increase their social-emotional competency. The principal/designee will ask a school mental health professional to refer targets of bullying to individual or group therapy where they can openly express their feelings about their bullying experience, or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.

Appendix

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Appendix III to Policy 514

STUDENT INSTRUCTION

Administration is encouraged to take such actions as deemed appropriate to accomplish the following goals:

- Engage students in creating a safe and supportive school environment.
- Partner with parents/guardians and other community members to develop and implement prevention and intervention programs.
- Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment.
- Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct.
- Teach students to advocate for themselves and others.
- Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct.
- Foster student collaborations to create a more conducive environment for a supportive school climate.

Possible units of instruction could include:

1. Social emotional learning.
2. Appropriate behavior online and on social media, and cyberbullying awareness and response.
3. Valuing diversity in school and society.
4. Advocacy skills for themselves and others.
5. Skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying.

The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught. Schools will satisfy the documentation requirements established by the superintendent or designee to ensure compliance with this curricular requirement.

Appendix

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