

## **514 BULLYING PROHIBITION**

### **I. PURPOSE**

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. 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 school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation and other similar disruptive and detrimental behavior.

### **II. GENERAL STATEMENT OF POLICY**

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
  - 1. on school premises, at school functions or activities or on school transportation;
  - 2. By the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation or on the school computers, networks, forums and mailing lists; or
  - 3. By use of electronic technology and communications 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 cocurricular or extracurricular 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 school 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 regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also applies to sexual exploitation.

- 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 Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor or enrolled student against a staff member, independent contractor or student that occurs as described in Article II.A above is prohibited.

- E. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate 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 shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (see Policy 506). The school 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.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district and foster student, parent and community participation.

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.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- J. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school district who is found to have violated this policy.

### **III. DEFINITIONS**

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

- A. “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 educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges.

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

- B. “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 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.

- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “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.
- E. “Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- F. “On school premises, on school district property, at school functions or activities or on school 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.
- G. “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.

- H. “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.
- I. “Student” means a student enrolled in a public school or a charter school.

#### **IV. REPORTING PROCEDURE**

- A. Any person 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. The building principal, the principal’s designee or the building supervisor (hereinafter 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 school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall 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.

- D. 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 other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker

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

- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. 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.
- G. 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 school 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 report taker or a third party designated by the school district.
- B. The building report taker 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. 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, 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 shall be tailored to the particular incident and nature of

the conduct and the student's developmental age and behavioral history. School 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 discipline policy (see Policy 506) and other applicable school district policies and applicable regulations.

- E. 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 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. For purposes of notification presumed under this paragraph, a parent or legal guardian may designate in writing to the school another individual to be notified of the prohibited conduct.
- F. 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 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, reprisal, harassment or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct.

## **VII. TRAINING AND EDUCATION**

- A. Consistent with its applicable policies and practices, the school district must discuss this policy with students, school personnel and volunteers and provide

appropriate training for all school district personnel to prevent, identify and respond to prohibited conduct. The school district must establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials and publications on school rules, procedures and standards of conduct, which materials shall also be used to publicize this policy

- B. The school district shall require ongoing professional development, consistent with Minnesota Statutes, section 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. 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.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school 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.
- E. The administration 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 administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration 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 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.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking and resourcefulness.
- 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 (see Policy 515) in the student handbook.

## **VIII. NOTICE**

- A. The school district will give annual notice of this policy to students, parents or guardians and staff, and this policy shall appear in the student handbook.
- B. Article II., paragraph D., regarding malicious and sadistic conduct must be conspicuously posted throughout each school building.
- C. This policy shall be conspicuously posted in the administrative offices of the school and school district in summary form.
- D. This policy must be distributed to each school district or school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the district or the school.
- E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (see Policy 506) distributed to parents at the beginning of each school year.
- F. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website, consistent with the district policies and practices.
- G. The school district shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.
- H. The school district designates the principal as the primary contact person in each school building to receive reports of prohibited conduct.

## **IX. POLICY REVIEW**

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes, section 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents and community organizations.

### **Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9,11, 13 and 17 (Definitions)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Model Policy)  
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.0312 (Malicious and Sadistic Conduct)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. Ch. 124E (Charter School)  
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 Educational Rights and Privacy)

**Cross References:**

Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
Policy 413 (Harassment and Violence)  
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 (District-Wide Student Discipline)  
Policy 507 (Corporal Punishment and Prone Restraint)  
Policy 515 (Protection and Privacy of Pupil Records)  
Policy 521 (Student Disability Nondiscrimination)  
Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)  
Policy 524/453 (Internet Acceptable Use and Safety)  
Policy 526 (Hazing Prohibition)  
Policy 529 (Staff Notification of Violent Behavior by Students)  
Policy 539 (Violence Prevention)  
Policy 711 (Digital Recording on School Buses)  
Policy 712 (Video Surveillance Other Than on Buses)  
Policy 733 (Student Transportation Safety)

Policy Adopted: 8/20/07

Policy Revised: 5/17/10; 4/18/11, 8/14, 1/23/17, 2/26/18, 2/25/19, 2/18/20, 2/22/21, 2/28/22, 8/15/22, 7/17/23, 8/19/24, 8/18/25

Alexandria Public Schools - No. 206

Alexandria, Minnesota

# Appendix I

## ALEXANDRIA PUBLIC SCHOOLS INCIDENT REPORT FORM

This form is used to identify a possible incident of bullying or harassment. The staff person who observes the conduct or receives the concern should complete this form, not the complaining student or staff. Copies of this form should be forwarded to the Site Complaint Manager for follow up.

Date of report: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

School: \_\_\_\_\_ District: \_\_\_\_\_

Teacher/Staff: \_\_\_\_\_ Position: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name(s) of target(s):	Name(s) of accused:	Name(s) of witnesses/bystanders:

Information about the Target:		
Grade	Gender	
	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> White <input type="checkbox"/> Other

Information about the Accused Student:		
Grade	Gender	
	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> White <input type="checkbox"/> Other

Check all behaviors that apply.

PHYSICAL CONDUCT – Harm to another’s body or property. *Criminal Conduct/Mandatory Reporting				
<input type="checkbox"/> Threatening physical harm	<input type="checkbox"/> Pushing	<input type="checkbox"/> Slapping	<input type="checkbox"/> Destroying or defacing property*	<input type="checkbox"/> Assault with a weapon*
<input type="checkbox"/> Making threatening gestures	<input type="checkbox"/> Pinching	<input type="checkbox"/> Kicking	<input type="checkbox"/> Extortion*	<input type="checkbox"/> Arson*
	<input type="checkbox"/> Scratching	<input type="checkbox"/> Tripping	<input type="checkbox"/> Theft*	<input type="checkbox"/> Other:
	<input type="checkbox"/> Hair pulling	<input type="checkbox"/> Biting		

<input type="checkbox"/> Starting a fight <input type="checkbox"/> Blocking movement, cornering <input type="checkbox"/> Shoving	<input type="checkbox"/> Spitting	<input type="checkbox"/> Hitting	<input type="checkbox"/> Sexual assault*	
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<b>EMOTIONAL CONDUCT – <i>Harm to another's self-worth, in person or electronically.</i></b>				
<input type="checkbox"/> Insulting gestures <input type="checkbox"/> Dirty looks <input type="checkbox"/> Insulting remarks <input type="checkbox"/> Name calling <input type="checkbox"/> Taunting	<input type="checkbox"/> Defacing or falsifying schoolwork <input type="checkbox"/> Insulting/degrading graffiti <input type="checkbox"/> Harassing and/or frightening phone calls, emails, text or phone messages <input type="checkbox"/> Cyberbullying	<input type="checkbox"/> Racial, ethnic or religious slurs or epithets <input type="checkbox"/> Insulting remarks related to disability, gender or sexual orientation	<input type="checkbox"/> Threatening another to secure silence <input type="checkbox"/> Challenging in public <input type="checkbox"/> Unwanted sexually suggested remarks, images or gestures <input type="checkbox"/> Other:	

<b>SOCIAL (RELATIONAL) CONDUCT – <i>Harm to another through damage (or threat of damage) to relationship or feelings of acceptance, friendship or group inclusion.</i></b>				
<input type="checkbox"/> Using negative body language or facial expressions <input type="checkbox"/> Gossiping <input type="checkbox"/> Starting/spreading rumors	<input type="checkbox"/> Playing mean tricks <input type="checkbox"/> Insulting publicly <input type="checkbox"/> Ignoring someone to punish or coerce <input type="checkbox"/> Cyberbullying	<input type="checkbox"/> Threatening to end a relationship <input type="checkbox"/> Undermining other relationships <input type="checkbox"/> Passively not including in group	<input type="checkbox"/> Exclusion <input type="checkbox"/> Ostracizing/ total group rejection <input type="checkbox"/> Arranging public humiliation <input type="checkbox"/> Other:	

- Additional comments should be listed below –

[www.mcgrathinc.com](http://www.mcgrathinc.com)

## Appendix II

### SCHOOL DISTRICT ACTION ON REPORT

The principal/designee shall perform the investigation.

1. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances. The principal/ designee shall document the extension in the investigation report and shall notify the parties involved. The principal/designee will make every effort to protect the confidentiality of those who report bullying incidents and is responsible for keeping and protecting access to any written records of the investigation.
2. Prior to the investigation of an incident, the principal/designee will take immediate steps, at its discretion, to protect the alleged actor(s), target(s), bystander(s) or reporter pending completion of an investigation. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the complainant from additional incidents of bullying or retaliation.
3. 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 and the context in which the alleged incident occurred.
  - Identifying the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
  - Conducting an individual interview in a private setting with the alleged actor and target. The alleged actor and target should never be interviewed together or in public. Individual interviews shall also be conducted in private with student and adult bystanders. The investigation may also consist of any other methods and documents deemed pertinent by the principal/designee.
  - Determining how often the conduct occurred, any past incident or continuing pattern of behavior and whether the target's education, including but not limited to, a negative impact on academic performance, educational opportunities and participation in school activities was affected.
  - Assessing the individual and school-wide effects of the incident relating to safety and assigning school staff to create and implement a safety plan to prevent the recurrence of an incidence that will restore a sense of safety for the target and other students who have been impacted.

- If the principal/designee determines the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must 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 shall only be contacted if all other available remedies have been exhausted.
- When appropriate, preparing a report identifying his/her recommendation for individual consequences.
- Comprehensively documenting the details of the investigation.
- When the investigation is complete, the principal/designee shall ensure the investigation report is attached to the incident report.

## Appendix III

### 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 must be a natural and logical match to the prohibited behavior, paired with meaningful instruction and guidance and carefully planned with well-defined outcomes.

Consequences may include: A referral to appropriate staff for teaching and re-enforcing 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 shall explain the consequences in a non-hostile manner and shall impose any consequence immediately and consistently. The principal/designee shall 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 shall 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 shall 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 shall 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 IV

### 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 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:

- Social emotional learning.
- Appropriate behavior online/on social media and cyberbullying awareness and response.
- Valuing diversity in school and society.
- Advocacy skills for themselves and others.
- 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 shall satisfy the documentation requirements established by the superintendent or designee to ensure compliance with this curricular requirement.

Established: 2/26/18