

***EDGARTOWN SCHOOL DISTRICT***  
***BULLYING PREVENTION AND INTERVENTION PLAN***

***December 2010***

**Submitted by:**

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## ***Martha's Vineyard Public Schools Bullying Prevention and Intervention Plan***

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The Martha's Vineyard Public Schools' (MVPS) Core Values are:

- All children have the right to every opportunity to achieve their full potential.
- Each person deserves to be treated with dignity and respect.
- Integrity and personal responsibility are the hallmarks of our daily interaction.

The MVPS expect that all members of the school community will treat each other in a civil manner and with respect for differences.

The MVPS is committed to providing all students with a safe learning environment that is free from bullying and cyber bullying. This commitment is an integral part of our comprehensive efforts to promote learning and to prevent and eliminate all forms of bullying/cyber bullying and their harmful and disruptive behavior that can impede the learning process.

We understand that members of certain student groups, such as students with disabilities, students with cultural and linguistic difference, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. The MVPS will take specific steps to create a safe, supportive environment for all populations in the school community and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying/cyber bullying, harassment, or teasing.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber bullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyber bullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyber bullying, and the MVPS is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence.

The revised MGL. C. 71, §80, (2014) identifies categories of "differentiating characteristics" that make certain students more vulnerable to bullying, 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 1 or more of these characteristics.

Bullying/Cyber bullying of the above mentioned students is prohibited. Procedures for reporting and responding to bullying/cyber bullying and retaliation are outlined in section V of this plan. Steps to prevent the bullying of these students and support them are outlined in sections VI and VII of this plan.

## **I. DEFINITION OF BULLYING/CYBER BULLYING**

**Bullying** as defined in MGL c. 71 § 370 is the repeated use by one or more students (or others) of written, verbal or electronic expression or a physical act or gesture or any combination thereof, as directed at a target that:

1. Causes physical or emotional harm to the target or damage to the target's property;
2. Places the target in reasonable fear of harm to him/herself or of damage to his/her property;
3. Creates a hostile environment at school for the target;
4. Infringes on the rights of the target at school; or
5. Materially and substantially disrupts the educational process.

**Cyber Bullying** is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, and defamatory websites, that:

1. Deliberately threatens, harasses, and/or intimidates an individual student or a group of students; or
2. Places a student or staff member in reasonable fear of harm to person or property; or
3. Has the effect of substantially disrupting the orderly operation of the school.

“School district owned, operated, or supervised technologies” is any computer, networking system, electronic equipment, or any other equipment or device that may be used by a person to communicate to another which is owned, leased, operated, or under the control or supervision of the school district and/or school district staff.

### **Bullying/Cyber bullying are prohibited:**

1. On school grounds, property immediately adjacent to school grounds, at a school-sponsored or school related activity, function, or program whether on or off school grounds, at a school bus stop, or on a school bus or other vehicle owned, leased or used by a school, or through the use of technology or an electronic device owned, leased, or used by a school district; and
2. At a location, activity, function, program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by a 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 of the school.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a person who reports bullying or cyber bullying, provides information during an investigation of bullying/cyber bullying, or witnesses or has reliable information about bullying/cyber bullying. Retaliation is prohibited. Reports of bullying/cyber bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying/cyber bullying or retaliation shall be subject to disciplinary action.

## **II. LEADERSHIP**

Leadership at all levels plays a critical role in everything we do here on Martha's Vineyard and the development of the Bullying/Cyber Bullying Prevention and Intervention Plan is no exception. At the Martha's Vineyard Public Schools' level, the Superintendent Dr. Matthew D'Andrea and the Assistant Superintendent Richard Smith have reviewed this important topic with the All-Island School Committee (AISC) at its monthly meetings. The AISC has also been the initial vehicle for

the development of the Island's bullying, cyber bullying and harassment policies. At the local level, the individual School Committees (Tisbury, Oak Bluffs, Edgartown, Up-Island and Martha's Vineyard Regional High School) have reviewed the policies at school committee meetings. Final approval took place in December 2010. The Superintendent will take responsibility for annually reviewing the policies and procedures to determine what may need to be updated.

Local school principals ( John Custer – Tisbury, John Stevens –Edgartown, Megan Farrell – Oak Bluffs, Susan Stevens – Chilmark, Donna Lowell-Bettencourt – West Tisbury, and Sara Dingley – MVRHS) have worked with their School Advisory Councils (SAC's) to review the plans and have conducted PTO/A meetings to bring the ideas to their respective communities. Local school principals also reviewed the plans and policies with staff at staff meetings during the fall. This inclusive process has allowed stakeholders at all levels to have input into the development process as well as helping the local leaders assess the needs of the districts. Local building principals will also be responsible for record-keeping and reviewing trends that may become apparent. This ongoing process will allow for adjustments to be recommended on an Island-wide basis.

The Martha's Vineyard Public School's Curriculum, Instruction and Assessment Leadership Team is responsible for improving the curriculum, instruction and assessment practices for the MV Public Schools. Team members include the superintendent, assistant superintendent, all building principals, high school department heads and elementary school teacher leaders. This team has developed a 5 stage curriculum renewal cycle. We will use this process to examine the current bully prevention programs in place in our schools and make the necessary changes to ensure that the bully prevention program will help improve peer relations and create a more positive atmosphere where students can learn and develop.

Beginning in January of 2011, the Curriculum, Instruction and Assessment leadership team will begin the first stage of the curriculum renewal cycle with program evaluation. Each school will carefully examine the current program and report out to the larger team the strength and weaknesses of the program(s) in place in individual schools. The outcomes of this evaluation will determine the steps taken in Stage 2 of the curriculum renewal process- Production. Based on the needs identified by the program evaluation, new materials will be produced or adopted. If new curriculum materials are needed various programs will be formally evaluated based on an established criteria. The Curriculum, Instruction and Assessment Leadership Team will then vote to adopt a new curriculum program. The new curriculum materials will be piloted in Stage 3 and completely implemented in Stage 4. Stage 5 involves continued program evaluation.

### **III. TRAINING AND PROFESSIONAL DEVELOPMENT**

#### **A. Current School Year 2010-2011**

- 1. The assistant principal and two guidance counselors will receive bullying prevention and cyber bullying training by Massachusetts Aggression Reduction Center (MARC) on November 1, 2010.**
- 2. The principal will receive cyber bullying training by MARC on November 15, 2010.**
- 3. Approval of the Plan by the School's Advisory Council will take place on December 14, 2010.**
- 4. All staff will receive MARC training on January 5, 2011.**
- 5. All school staff will be trained on the Plan to include procedures for reporting and responding to bullying/cyber bullying and retaliation on January 12, 2011.**
- 6. Presentation of the Plan by the principal will take place at the February 1, 2011 PTO Meeting.**

- 7. Presentation by Jeanine Fitzgerald, consultant through Martha's Vineyard Community Services on recognizing and reacting to bullying will take place on March 22, 2011 at the PTO Meeting.**

B. Future School Years

School-Based:

- 1. Annual training for all school staff on the Plan, which includes procedures for reporting and responding to bullying/cyber bullying and retaliation.**
- 2. Review with staff the bullying/cyber bullying prevention curricula offered at each grade level within the school.**
- 3. Presentation and discussion of the Plan by the principal at a fall PTA meeting.**
- 4. Presentation by a consultant to parents on what is bullying and how to best deal with it at a PTA meeting during the first semester.**

District-Wide:

- 1. Annually:* New staff training on bullying/cyber bullying prevention and intervention using the MARC training material.
- 2. Every two years:* Staff training on bullying/cyber bullying prevention and intervention (using the MARC training material or other appropriate program).
- 3. Biannually (December and May):* School-based Bullying/Cyber bullying Prevention Teams meet at the district level to review data on reports of bullying.
- 4. Annual training of special education teachers addressing ways to prevent and respond to bullying/cyber bullying or retaliation for students with disabilities that must be considered when developing student's IEPs.*

#### **IV. ACCESS TO RESOURCES AND SERVICES**

A key component for promotion of a positive school climate is ensuring that the underlying emotional needs of targets and aggressors, families and others is addressed in an appropriate manner. In order for the district to prevent, intervene early and respond effectively to bullying/cyber bullying, many resources have been put in place. Each school on the Island has licensed school counselors available to students in the building. MVRHS also has a licensed school adjustment counselor on staff. The MVPS also serves students through the use of behavioral intervention plans and social skills groups. The Superintendent's Shared Services program also employs licensed school psychologists who are available for assessments and consultation. The Vineyard is also fortunate to have an excellent resource available in the Community Services' Island Counseling Center.

For students identified with special needs, the Office of Student Support Services carefully considers the needs of identified students who are vulnerable to bullying/cyber bullying because of their disability and takes appropriate action to include needed services in a student's Individual Education Plan (IEP). Recently, the MVPS has contracted with the Center for Children with Special Needs in Glastonbury, CT and with Wediko Children's Services to provide consultation to staff who work with students who have behavioral challenges.

## **V. PROCEDURE FOR REPORTING AND RESPONDING TO BULLYING/CYBER BULLYING AND RETALIATION:**

- A. Reporting bullying/cyber bullying or retaliation. Reports of bullying/cyber bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying/cyber bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,<sup>1</sup> a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying/cyber bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal

or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

### **1. Reporting by Staff**

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying/cyber bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

### **2. Reporting by Students, Parents or Guardians, and Others**

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying/cyber bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying/cyber bullying with a staff member, or with the principal or designee.

B. Responding to a report of bullying/cyber bullying or retaliation.

**1. Safety**

Before fully investigating the allegations of bullying/cyber bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying/cyber bullying or retaliation a student who has reported bullying/cyber bullying or retaliation, a student who has witnessed bullying/cyber bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying/cyber bullying or retaliation. (Include locally established student safety planning policies and procedures here.)

**2. Obligations to Notify Others**

- a. Notice to Parents or Guardians. Upon determining that bullying/cyber bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this and of 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 at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying/cyber 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 aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.



- C. Investigation. The principal or designee will investigate promptly all reports of bullying/cyber bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying/cyber bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

- D. Determinations. The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying/cyber bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying/cyber bullying behavior and to assess the level of need for additional social skills development.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying/cyber bullying or retaliation is found, what action is being taken to prevent further acts of bullying/cyber bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

- E. Responses to bullying/cyber bullying:

**1. Teaching Appropriate Behavior Through Skills-building**

Upon the principal or designee determining that bullying/cyber bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building sessions based on the school's/district's anti-bullying/cyber bullying curricula;
- Providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying/cyber bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills; and
- Making a referral for evaluation.

## **2. Taking Disciplinary Action**

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 accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

Consequences and appropriate remedial actions for pupils who commit an act of bullying/cyber-bullying range from positive behavioral interventions up to and including suspension. In addition, cyber bullying using district technology violates the *Martha's Vineyard Public Schools Network Acceptable Use Policy For Students*.

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

## **3. Promoting Safety for the Target and Others**

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying/cyber bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

## **VI. COLLABORATION WITH FAMILIES**

- A. Parent education and resources. The school or district will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying/cyber bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organizations.

- B. Notification requirements. Each year the school or district will inform parents or guardians of enrolled students about the anti-bullying/cyber bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber bullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Plan and related information on its website.

## **VII. BULLYING/CYBER BULLYING PREVENTION PROGRAMS**

- A. Specific bullying/cyber bullying prevention approaches. Bullying/cyber bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying/cyber bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber bullying, including the underlying power imbalance;
- Emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications; and
- Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying/Cyber Bullying Prevention and Intervention Plan. The Plan should include specific information about how and when the school or district will review the Plan with students.

- B. General teaching approaches that support bullying/cyber bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying/cyber bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely; and

- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.
- Continue to use Responsive Classroom and Developmental Design in all classrooms.
- Continue to use the DARE program in grade 6.
- Continue to use the Second Step program-Talking About Touching in grades K-2.
- Continue to deliver the Ropes Course, offered by the Dukes County Sheriff Department, to grade 8.

## **VIII. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

Nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, § 37H or 37H½, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

In addition to the above, any complainant may pursue his/her rights under the law and file a formal complaint with the appropriate government agencies below within six (6) months:

Massachusetts Commission Against  
Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994.6000

US Equal Employment Opportunity  
Commission  
475 Government Center  
Boston, MA 02203  
(617) 565.3196

## APPENDIX A

### *Bullying Policy*

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Bullying of any type has no place in a school setting. The Martha's Vineyard Public Schools will endeavor to maintain a learning and working environment free of bullying.

Bullying is defined as the repeated act of one or more individuals intimidating one or more persons through verbal, physical, mental, or written interactions. Bullying can take many forms and can occur in virtually any setting. It can create unnecessary and unwarranted anxiety that may affect attending school, walking in corridors, eating in cafeterias, playing in the school yard or recreation areas, participating in or attending special and extracurricular activities, or riding on the bus to and from school each day.

Examples of bullying include but are not exclusive to:

1. Intimidation, either physical or psychological;
2. Threats of any kind, stated or implied;
3. Assaults on students, including those that are verbal, physical, psychological, and emotional; and
4. Attacks on student property.

The School Committee expects administrators and supervisors to make clear to students and staff that bullying in the school building, on school grounds, on the bus or school-sanctioned transportation, or at school-sponsored functions will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students and termination for employees.

The District will promptly and reasonably investigate allegations of bullying. The principal, or his/her designee, of each building will be responsible for handling all complaints by students alleging bullying.

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy,

{*Adoption Date*} 12.01.2010 by the Edgartown School Committee

#### LEGAL REFS:

M.G.L. Chapter 151C

M.G.L. Chapter 76 § 5

M.G.L. Chapter 269 § 17, 18, 19

M.G.L. Chapter 71 §§ 82, 84

M.G.L. Chapter 71 §370

1 <sup>st</sup> Reading-	10.28.2010
2 <sup>nd</sup> Reading-	11.10.2010
3 <sup>rd</sup> Reading-	12.01.2010

## BULLYING PREVENTION AND INTERVENTION

The *Act Relative to Bullying in Schools*, M.G.L. c. 71, § 37O, prohibits bullying/cyber bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to addressing bullying/cyber bullying incidents. Parts of the law that are important for students and parents or guardians to know are described below.

These requirements will be included in the schools' or district's Bullying Prevention and Intervention Plan ("the Plan"), which was finalized by December 31, 2010. The Plan will include the requirements of the new law, and also information about the policies and procedures that the school or school district will follow to prevent bullying/cyber bullying and retaliation, or to respond to it when it occurs. In developing the Plan, schools and districts must consult with school and local community members, including parents and guardians.

### **Definitions**

***Aggressor*** is a student who engages in bullying, cyber bullying, or retaliation.

***Bullying*** is the repeated use by one or more students or a member of a school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber bullying.

***Cyber bullying*** is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and internet postings.

***Hostile environment*** is a situation in which bullying/cyber 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 student's education.

***Target*** is a student against whom bullying, cyber bullying, or retaliation is directed.

***Retaliation*** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying/cyber bullying, provides information during an investigation of bullying/cyber bullying, or witnesses or has reliable information about bullying/cyber bullying.

***School Staff*** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

### **Prohibition Against Bullying**

Bullying is prohibited:

- on school grounds;
- on property immediately adjacent to school grounds;
- at a school-sponsored or school-related activity, function, or program, whether it takes place 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;
- through the use of technology or an electronic device that is owned, leased or used by a school district or school (for example, on a computer or over the Internet); or
- at any program or location that is not school-related, or through the use of personal technology or electronic device, if the bullying/cyber bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school.

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

### **Reporting Bullying/Cyber Bullying**

Anyone, including a parent or guardian, student, or school staff member, can report bullying/cyber bullying or retaliation. Reports can be made in writing or orally to the principal of your local school or another staff member, or reports may be made anonymously.

School staff members must report immediately to the principal or his/her designee if they witness or become aware of bullying/cyber bullying or retaliation. Staff members include, but are not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, and paraprofessionals.

If the principal or his/her designee is the alleged aggressor, the report must be made to the Superintendent. If the alleged aggressor is the Superintendent, then the report must be made to the school committee.

When the school principal or his/her designee receives a report, he or she shall promptly conduct an investigation. If the school principal or designee determines that bullying/cyber bullying or retaliation has occurred, he or she shall (i) notify the parents or guardians of the target, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying/cyber bullying or retaliation; (ii) notify the parents or guardians of an aggressor; (iii) take appropriate disciplinary action; and (iv) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the aggressor.

### **Professional Development for School and District Staff**

Schools and districts must provide ongoing professional development to increase the skills of all staff members to prevent, identify, and respond to bullying/cyber bullying.

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying/cyber bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying/cyber bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying/cyber bullying; (iv) research findings on bullying/cyber bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying/cyber bullying in the school environment; (v) information on the incidence and nature of cyber bullying; and (vi) internet safety issues as they relate to cyber bullying.

Additional information about the school's or district's Bullying Prevention and Intervention Plan will be made available when it is finalized.

## *APPENDIX B*

### **BULLYING PREVENTION AND INTERVENTION**

The *Act Relative to Bullying in Schools*, M.G.L. c. 71, § 37O, prohibits bullying/cyber bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to addressing bullying/cyber bullying incidents. Relevant sections of the law are described below.

These requirements will be included in the school's or district's Bullying Prevention and Intervention Plan, which must be finalized no later than December 31, 2010. The Plan will include the requirements of the new law, and also information about the policies and procedures that the school or school district will follow to prevent bullying/cyber bullying and retaliation, or to respond to it when it occurs. In developing the Plan, schools and districts must consult with school and local community members, including staff, and parents and guardians.

#### **Definitions**

**Aggressor** is a student who engages in bullying, cyber bullying, or retaliation.

**Bullying** is the repeated use by one or more students or a member of a school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber bullying.

**Cyber bullying** is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings.

**Hostile environment** is a situation in which bullying/cyber 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 student's education.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying/cyber bullying, provides information during an investigation of bullying/cyber bullying, or witnesses or has reliable information about bullying/cyber bullying.

**Target** is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

**School Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

#### **Prohibition Against Bullying/Cyber Bullying**

Bullying is prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school, or through the use of technology or an electronic device that is owned,



leased, or used by a school district or school and (ii) at a location, activity, function, or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying/cyber bullying creates a hostile environment at school for the target, infringes on the rights of the target 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.

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

### **Responsibility of Staff to Report Bullying/Cyber Bullying**

A member of a school staff is required to report immediately any instance of bullying/cyber bullying or retaliation the staff member has witnessed or become aware of to the principal of your local school or to the school official identified in the Plan as responsible for receiving such reports or both.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activities, support staff and paraprofessionals.

Upon receipt of such a report, the school principal or his/her designee shall promptly conduct an investigation. If the school principal or designee determines that bullying/cyber bullying or retaliation has occurred, the school principal or designee shall (i) notify the parents or guardians of the target, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying/cyber bullying or retaliation; (ii) notify the parents or guardians of an aggressor; (iii) take appropriate disciplinary action; and (iv) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the aggressor.

If the principal or his/her designee is the alleged aggressor, the report must be made to the Superintendent. If the alleged aggressor is the Superintendent, then the report must be made to the school committee.

### **Professional Development**

Schools and districts must provide ongoing professional development to increase the skills of all staff members to prevent, identify, and respond to bullying/cyber bullying.

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying/cyber bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying/cyber bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying/cyber bullying; (iv) research findings on bullying/cyber bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying/cyber bullying in the school environment; (v) information on the incidence and nature of cyber bullying; and (vi) internet safety issues as they relate to cyber bullying.

Additional information about the school's or district's Bullying Prevention and Intervention Plan will be made available when it is finalized.

## *APPENDIX C*

### *Harassment Policy*

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Harassment of students, staff, or any individual will not be tolerated in the Martha's Vineyard Public Schools. This policy is in effect while individuals are on school grounds, school district property, or property within the jurisdiction of the school district, school buses, or when engaging in school activities.

Harassment prohibited by the district includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

Harassment means conduct of a verbal or physical nature that is designed to embarrass distress, agitate, disturb, or trouble students.

Harassment as described above may include, but is not limited to:

1. Verbal, physical or written harassment or abuse;
2. Repeated remarks of a demeaning nature;
3. Implied or explicit threats concerning one's grades, achievements, or other matters; and
4. Demeaning jokes, stories, or activities.

The district will promptly and reasonably investigate allegations of harassment. The principal of each building will be responsible for handling all complaints alleging harassment.

Retaliation against an individual because s/he has filed a harassment complaint or has assisted or participated in a harassment investigation or proceeding is also prohibited. An individual who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including suspension and expulsion.

The superintendent will develop administrative guidelines and procedures for the implementation of this policy.

{*Adoption Date*} 12.01.2010 by the Edgartown School Committee

CROSS REFS:

LEGAL REFS:

1 <sup>st</sup> Reading-	10.28.2010
2 <sup>nd</sup> Reading-	11.10.2010
3 <sup>rd</sup> Reading-	12.01.2010

## *APPENDIX D*

### *Bullying, Cyber Bullying and Harassment Guidelines and Procedures*

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The Martha's Vineyard Public Schools (MVPS) expects that all members of the school community will treat each other in a civil manner and with respect for their differences. It is committed to providing all students with a safe learning environment that is free from bullying and cyber bullying. This commitment is an integral part of our comprehensive efforts to promote learning and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

#### **DEFINITIONS:**

**Bullying** as defined in MGL c. 71 § 370 is the repeated use by one or more students (or others) of written, verbal or electronic expression or a physical act or gesture or any combination thereof, as directed at a target that:

6. Causes physical or emotional harm to the target or damage to the target's property;
7. Places the target in reasonable fear of harm to him/herself or of damage to his/her property;
8. Creates a hostile environment at school for the target;
9. Infringes on the rights of the target at school; or
10. Materially and substantially disrupts the educational process.

**Cyber Bullying** is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, and defamatory websites, that:

3. Deliberately threatens, harasses, and/or intimidates an individual student or a group of students; or
4. Places a student or staff member in reasonable fear of harm to person or property; or
4. Has the effect of substantially disrupting the orderly operation of the school.

“School district owned, operated, or supervised technologies” is any computer, networking system, electronic equipment, or any other equipment or device that may be used by a person to communicate to another which is owned, leased, operated, or under the control or supervision of the school district and/or school district staff.

**Hostile Environment** as defined in MGL c. 71 § 370, is 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 a student's education.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying or cyber bullying, provides information during an investigation of bullying or cyber bullying, or witnesses or has reliable information about bullying or cyber bullying.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors or extracurricular activities, support staff, and paraprofessionals.

**Target** is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

**Aggressor** is a student who perpetrates bullying or cyber bullying or retaliation on another student.

**Bullying/Cyber bullying Prevention and Intervention Plan** is a comprehensive approach to addressing bullying and cyber bullying.

## **TRAINING AND PROFESSIONAL DEVELOPMENT**

- Annual staff training on the Plan
- Ongoing professional development
- Parent and Community involvement

## **PROCEDURE FOR REPORTING AND RESPONDING TO BULLYING/CYBER BULLYING AND RETALIATION:**

E. Reporting bullying/cyber bullying or retaliation. Reports of bullying/cyber bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying/cyber bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,<sup>2</sup> a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying/cyber bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

### **1. Reporting by Staff**

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying/cyber bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

### **3. Reporting by Students, Parents or Guardians, and Others**

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying/cyber bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying/cyber bullying with a staff member, or with the principal or designee.

## **F. Responding to a report of bullying/cyber bullying or retaliation.**

### **1. Safety**

Before fully investigating the allegations of bullying/cyber bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying/cyber bullying or retaliation a student who has reported bullying/cyber bullying or retaliation, a student who has witnessed bullying/cyber bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying/cyber bullying or retaliation.

### **2. Obligations to Notify Others**

- a. Notice to parents or guardians. Upon determining that bullying/cyber bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of 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 at 603 CMR 49.00.

- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying/cyber 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 aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

- G. Investigation. The principal or designee will investigate promptly all reports of bullying/cyber bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying/cyber bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

- H. Determinations. The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying/cyber bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent

recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying/cyber bullying behavior and to assess the level of need for additional social skills development.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying/cyber bullying or retaliation is found, what action is being taken to prevent further acts of bullying/cyber bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

#### E. Responses to bullying/cyber bullying:

##### **1. Teaching Appropriate Behavior Through Skills-building**

Upon the principal or designee determining that bullying/cyber bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building sessions based on the school's/district's anti-bullying/cyber bullying curricula;
- Providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying/cyber bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills; and
- Making a referral for evaluation.

##### **4. Taking Disciplinary Action**

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 accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

Consequences and appropriate remedial actions for pupils who commit an act of bullying/cyber-bullying range from positive behavioral interventions up to and including suspension. In addition, cyber bullying using district technology violates the *Martha's Vineyard Public Schools Network Acceptable Use Policy For Students*.

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

### **5. Promoting Safety for the Target and Others**

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying/cyber bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

## **COLLABORATION WITH FAMILIES**

- A. Parent education and resources. The school or district will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying/cyber bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organizations.
- B. Notification requirements. Each year the school or district will inform parents or guardians of enrolled students about the anti-bullying/cyber bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber bullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Plan and related information on its website.



## **BULLYING/CYBER BULLYING PREVENTION PROGRAMS**

A. Specific bullying/cyber bullying prevention approaches. Bullying/cyber bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying/cyber bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber bullying, including the underlying power imbalance;
- Emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications; and
- Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying/Cyber Bullying Prevention and Intervention Plan. The Plan should include specific information about how and when the school or district will review the Plan with students.

B. General teaching approaches that support bullying/cyber bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying/cyber bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

## **STATE AND FEDERAL RIGHTS**

In addition to the above, any complainant may pursue his/her rights under the law and file a formal complaint with the appropriate government agencies below within 6 months:

Massachusetts Commission Against  
Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994.6000

US Equal Employment Opportunity  
Commission  
475 Government Center  
Boston, MA 02203  
(617) 565.3196

BULLYING/CYBER BULLYING INCIDENT REPORTING FORM

1. Name of Reporter/Person Filing the Report: (Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. Check whether you are the: Target of the behavior Reporter (not the target)

3. Check whether you are a: Student Staff member (specify role) Parent Administrator Other (specify)

Your contact information/telephone number:

4. If student, state your school: Grade:

5. If staff member, state your school or work site:

6. Information about the Incident:

Name of Target (of behavior):

Name of Aggressor (Person who engaged in the behavior):

Date(s) of Incident(s):

Time When Incident(s) Occurred:

Location of Incident(s) (Be as specific as possible):

7. Witnesses (List people who saw the incident or have information about it):

Name: Student Staff Other

Name: Student Staff Other

Name: Student Staff Other

8. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.

II. INVESTIGATION

1. Investigator(s): Position(s):

2. Interviews:

Interviewed aggressor Name: Date:

Interviewed target Name: Date:

Interviewed witnesses Name: Date:

Name: Date:

3. Any prior documented Incidents by the aggressor?  Yes  No  
 If yes, have incidents involved target or target group previously?  Yes  No  
 Any previous incidents with findings of BULLYING/CYBER BULLYING, RETALIATION  Yes  No

Summary of Investigation:

*(Please use additional paper and attach to this document as needed)*

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**III. CONCLUSIONS FROM THE INVESTIGATION**

**1. Finding of bullying/cyber bullying or retaliation:**

- |  |   |
|--|---|
| <input type="checkbox"/> YES                     | <input type="checkbox"/> NO                             |
| <input type="checkbox"/> Bullying/Cyber Bullying | <input type="checkbox"/> Incident documented as _____   |
| <input type="checkbox"/> Retaliation             | <input type="checkbox"/> Discipline referral only _____ |

**2. Contacts:**

- Target's parent/guardian Date: \_\_\_\_\_  Aggressor's parent/guardian Date: \_\_\_\_\_  
 District Equity Coordinator (DEC) Date: \_\_\_\_\_  Law Enforcement Date: \_\_\_\_\_

**3. Action Taken:**

- Loss of Privileges  Detention  Suspension  
 Community Service  Education  Other \_\_\_\_\_

**4. Describe Safety Planning:** \_\_\_\_\_

- Follow-up with Target: scheduled for \_\_\_\_\_ Initial and date when completed: \_\_\_\_\_  
 Follow-up with Aggressor: scheduled for \_\_\_\_\_ Initial and date when completed: \_\_\_\_\_

Report forwarded to Principal: Date \_\_\_\_\_ Report forwarded to Superintendent: Date \_\_\_\_\_  
 (If principal was not the investigator)

Signature and Title: \_\_\_\_\_ Date: \_\_\_\_\_

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*FOR ADMINISTRATIVE USE ONLY*

A. Signature of Person Filing this Report: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Note: Reports may be filed anonymously.)

B. Form Given to: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date Received: \_\_\_\_\_

## APPENDIX F

### BULLYING PREVENTION AND INTERVENTION

On May 3, 2010 Governor Patrick signed an *Act Relative to Bullying in Schools*. This new law prohibits bullying/cyber bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to addressing bullying/cyber bullying incidents. Relevant sections of the law (M.G.L. c. 71, § 37O) are described below.

These requirements will be included in the school's or district's Bullying Prevention and Intervention Plan, which must be finalized no later than December 31, 2010. The Plan will include the requirements of the new law, and also information about the policies and procedures that the school or school district will follow to prevent bullying/cyber bullying and retaliation, or to respond to it when it occurs. In developing the Plan, schools and districts must consult with school and local community members, including staff, and parents and guardians.

#### Definitions

**Aggressor** is a student who engages in bullying, cyber bullying, or retaliation.

**Bullying** is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber bullying.

**Cyber bullying** is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings.

**Hostile environment** is a situation in which bullying/cyber 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 student's education.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying/cyber bullying, provides information during an investigation of bullying/cyber bullying, or witnesses or has reliable information about bullying/cyber bullying.

**Target** is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

#### Prohibition Against Bullying/Cyber Bullying

Bullying is prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school, or through the use of technology or an electronic device that is owned, leased, or used by a school district or school and (ii) at a location, activity, function, or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying/cyber bullying creates a hostile environment at school for the target, infringes on the rights of the target 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.

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

### **Responsibility of Staff to Report Bullying/Cyber Bullying**

A member of a school staff is required to report immediately any instance of bullying/cyber bullying or retaliation the staff member has witnessed or become aware of to the principal of your local school or to the school official identified in the Plan as responsible for receiving such reports or both.

Staff includes, but is not limited to, an educator, administrator, counselor, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity and paraprofessional.

Upon receipt of such a report, the school principal or his/her designee shall promptly conduct an investigation. If the school principal or designee determines that bullying/cyber bullying or retaliation has occurred, the school principal or designee shall (i) notify the parents or guardians of the target, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying/cyber bullying or retaliation; (ii) notify the parents or guardians of an aggressor; (iii) take appropriate disciplinary action; and (iv) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the aggressor.

### **Professional Development**

Schools and districts must provide ongoing professional development to increase the skills of all staff members to prevent, identify, and respond to bullying/cyber bullying.

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying/cyber bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying/cyber bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying/cyber bullying; (iv) research findings on bullying/cyber bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying/cyber bullying in the school environment; (v) information on the incidence and nature of cyber bullying; and (vi) internet safety issues as they relate to cyber bullying.

Additional information about the school's or district's Bullying Prevention and Intervention Plan will be made available when it is finalized.

## APPENDIX G

### BULLYING PREVENTION AND INTERVENTION SUMMARY FOR STAFF HANDBOOKS

On May 3, 2010 Governor Patrick signed an *Act Relative to Bullying in Schools*. This new law prohibits bullying/cyber bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to addressing bullying/cyber bullying incidents. Parts of the law (M.G.L. c. 71, § 37O) that are important for students and parents or guardians to know are described below.

These requirements will be included in the school's or district's Bullying Prevention and Intervention Plan ("the Plan"), which must be finalized no later than December 31, 2010. The Plan will include the requirements of the new law, and also information about the policies and procedures that the school or school district will follow to prevent bullying/cyber bullying and retaliation, or to respond to it when it occurs. In developing the Plan, schools and districts must consult with school and local community members, including parents and guardians.

#### Definitions

**Aggressor** is a student who engages in bullying, cyber bullying, or retaliation.

**Bullying** is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber bullying.

**Cyber bullying** is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and internet postings.

**Hostile environment** is a situation in which bullying/cyber 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 student's education.

**Target** is a student against whom bullying, cyber bullying, or retaliation is directed.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying/cyber bullying, provides information during an investigation of bullying/cyber bullying, or witnesses or has reliable information about bullying/cyber bullying.

#### Prohibition Against Bullying

Bullying is prohibited:

- on school grounds;
- on property immediately adjacent to school grounds;
- at a school-sponsored or school-related activity, function, or program, whether it takes place 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;
- through the use of technology or an electronic device that is owned, leased or used by a school district or school (for example, on a computer or over the Internet); or
- at any program or location that is not school-related, or through the use of personal technology or electronic device, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school.

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

### **Reporting Bullying/Cyber Bullying**

Anyone, including a parent or guardian, student, or school staff member, can report bullying/cyber bullying or retaliation. Reports can be made in writing or orally to the principal of your local school or another staff member, or reports may be made anonymously.

School staff members must report immediately to the principal or his/her designee if they witness or become aware of bullying/cyber bullying or retaliation. Staff members include, but are not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, and paraprofessionals.

When the school principal or his/her designee receives a report, he or she shall promptly conduct an investigation. If the school principal or designee determines that bullying/cyber bullying or retaliation has occurred, he or she shall (i) notify the parents or guardians of the target, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying/cyber bullying or retaliation; (ii) notify the parents or guardians of an aggressor; (iii) take appropriate disciplinary action; and (iv) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the aggressor.

### **Professional Development for School and District Staff**

Schools and districts must provide ongoing professional development to increase the skills of all staff members to prevent, identify, and respond to bullying/cyber bullying.

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying/cyber bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying/cyber bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying/cyber bullying; (iv) research findings on bullying/cyber bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying/cyber bullying in the school environment; (v) information on the incidence and nature of cyber bullying; and (vi) internet safety issues as they relate to cyber bullying.

Additional information about the school's or district's Bullying Prevention and Intervention Plan will be made available when it is finalized.