



ATLANTIS

CHARTER SCHOOL

Bully Prevention
and
Intervention Plan

BULLY PREVENTION AND INTERVENTION PLAN

I. Leadership

Atlantis Charter School (“ACS”) implements a Bullying Prevention and Intervention Plan that promotes a positive school climate through in-school, out-of-school and community-wide efforts. ACS leadership has a primary role in teaching students to be civil to one another and promoting an understanding of and respect for diversity and difference. ACS leadership is responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to bullying and to continually involve representatives from the greater school and local communities in developing and implementing the Atlantis Charter School Bullying Prevention and Intervention Plan.

II. Priority Statements

Atlantis Charter School complies with all current anti-bullying legislation (as required by M.G.L. c. 71, § 370 and amended on April 24, 2014). The Bullying Prevention and Intervention Plan has been developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. The plan shall apply to students and members of school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, bus drivers, athletic coaches, advisors to an extra-curricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Atlantis Charter School’s Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying (including cyber bullying), and to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this plan for preventing, intervening, and responding to incidents of bullying and retaliation. The K-12 District Leader, Site Leaders and the Dean of Students are responsible for the implementation and oversight of the plan.

ACS 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. ACS 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. ACS will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

ACS recognizes that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has a or is perceived to have one or more of these characteristics. The school will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

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

ACS 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.

III. Definition of Bullying

Atlantis Charter School recognizes the following definition of bullying as defined in M.G. L. c.71 § 370:

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 or herself or of damage to his or 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**

For the purposes of this section, bullying shall include “cyber-bullying.” Cyber-bullying, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include:

- (i) the creation of a web page or blog in which the creator assumes the identity of another person or**
- (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.**

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Please see **APPENDIX A** for a more complete and detailed list of definitions pertaining to bullying and retaliation.

IV. ACS Procedure for Reporting Suspected Bullying Harassment or Retaliation

Reports of 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 (**Please see APPENDIX B**). When a witness becomes aware of bullying, harassment, or retaliation, he or she is required to report immediately to the Site Leader or designee the details of the incident witnessed. 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, which will be available in the schools’ main offices, Dean of Students office, school adjustment counselor offices, and in each Site Leader’s office, the school’s main telephone lines and voicemail, and Bullying Prevention and Intervention Team member emails (found on the school’s web site).

The requirement to report to the Site Leader or designee does not limit the authority of a staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

If the Site Leader is not available, you may contact any member of the Bullying Prevention and Intervention Team (BPIT):

Bullying Prevention Intervention Team Members

K-12 District Leader
Site Leaders
Dean of Students
Student Adjustment Counselor

BPIT members will meet to determine the appropriate action. A full investigation report will be documented through interviews with all students involved including the suspected target and/or aggressor. Not all team members need to be present before a decision is reached.

Confidentiality is an absolute priority. ACS requires that all parties involved in an investigation remember the following important points:

- This information is highly confidential.
- No discussion about the student should take place with anyone else other than the BPIT Members and in a secure location.

Please refer to **APPENDIX B** to view the ACS bullying incident report form and follow up procedure. (The incident report form will be available on the ACS website, in the main offices, and in the student adjustment counselor offices.)

A. Responding to a report of bullying or retaliation: Procedure for Atlantis Charter School staff members once a report is made:

1.) Responding to the report

After the Site Leader has determined a formal investigation will be conducted, they will promptly forward the report to the Dean of Students. Before fully investigating an allegation of bullying or retaliation, the Dean of Students 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 are not limited to) creating a personal safety plan (within 24 hours, but typically before the end of the day); 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 Dean of Students or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

2.) Obligations to Notify Others

- a. Notice to parents or guardians. Prior to conducting interviews, the Dean of Students or designee will promptly notify the parents or guardians of the target. The aggressor’s parents or guardians are promptly notified after he/she has been interviewed. There may be circumstances in which the Dean of Students or designee contacts the aggressor’s parents or guardians prior to an investigation. Notice will be consistent with state regulation 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 Dean of Students or designee first informed of the incident will promptly notify by telephone the District Leader 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, including 603 CMR 49.00.

3.) Investigation

The Dean of Students or designee will investigate promptly all reports of 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 Dean of Students or designee will,

among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Dean of Students or designee will remind the alleged aggressor, target, and witness(es) that retaliation is strictly prohibited and will result in disciplinary action.

If there is clear and sufficient evidence of physical assault, the school will address the student committing the violation in accordance with its practice regarding physical altercations, including, but not limited to, suspending the student. Once a final determination is made regarding a physical assault, a student may serve additional suspensions based on the outcome of the Determination Hearing.

Parents/guardians are assured that staff will proceed with a fair and equitable process. In order to accomplish this, students will have an opportunity to have their statements and/or complaints heard by the Dean of Students or designee who has been trained in this process. Students will also be asked to put their statements in writing.

The Dean of Students or designee assigned by the Site Leader will interview the students involved.

- a. The Dean of Students interviews individuals involved in an effort to document statements, gather information, and report findings to the Bullying Prevention Intervention Team. Students meet individually with the Dean of Students.
- b. The BPIT reviews the documents from the Dean of Students or designee investigating the report.
- c. A determination is then made.

B. Determinations

Upon a determination by the BPIT, the Dean of Students or designee will notify parents or guardians to review the findings and recommendations. Each student's confidentiality will be of paramount concern. Documentation is maintained in the student's discipline file and monitored. Due to confidentiality and potential sensitive student information, the investigative report will not be released unless court ordered.

The BPIT will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the BPIT 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 BPIT 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 BPIT 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 behavior and to assess the level of need for additional social skills development.

The Dean of Students or designee will promptly notify the parents or guardians of the target and the aggressor about any actions being taken to prevent further acts of bullying or retaliation. All notice to parents will comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Dean of Students 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.

1.) Disciplinary Actions

If the BPIT decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the BPIT, 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 this plan and with the ACS code of conduct.

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

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

A range of possible disciplinary actions may be taken against an aggressor for bullying or retaliation OR someone who knowingly makes a false accusation of bullying or retaliation, including, but not limited to:

- An in-school or out-of-school suspension
- An apology of action
- Community work related to the action
- Research paper related to the action to be presented on the topic to increase awareness
- Detention
- Suspension
- Social contract
- Mediation
- Referral to local law enforcement
- Behavior management plan and monitoring

2.) Promoting Safety for the Target and Others

The BPIT 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 BPIT may use is to increase adult supervision at transition times and in locations where 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 Dean of Students or designee will follow up with the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, Dean of Students or designee will work with appropriate school staff to implement them immediately. Dean of Students will also follow up with the aggressor to review any expectations moving forward.

3.) Reporting by Students, Parents or Guardians, and Others

ACS expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Site Leader 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. It should also be noted that anonymous reports may hinder the school's ability to obtain the information needed to appropriately investigate the concern. 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 with a staff member or with the Site Leader or designee.

4.) Notice to Law Enforcement.

At any point after receiving a report of bullying or retaliation, including after an investigation, if the BPIT has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Dean of Students or designee 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, the Site Leader 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 Site Leader will, consistent with this plan and with applicable school or district policies and procedures, consult with the Dean of Students, if any, and other individuals the Site Leader or designee deems appropriate.

5.) Notice to Parents or Guardians

At the beginning of each school year, ACS will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the K-12 District Leader, Site Leaders, Dean of Students, or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about this plan that is made available to parents or guardians.

6.) Legal Counsel

If necessary, the K-12 District Leader, Site Leader, Dean of Students, or designee will consult with legal counsel about an investigation.

7.) Problem Resolution System

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at www.doe.mass.edu/pqa, e-mails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information is also available through the Executive Director's Office.

V. Professional Development

As required by M.G.L. c. 71, § 37O, the content of Atlantis Charter School's professional development will be informed by research and will include the following:

In August, before each school year begins, Atlantis Charter School conducts annual training for all school staff (teachers, paraprofessionals, support staff, custodians, administrative staff, school nurses, counselors, athletic coaches, etc.). Each year, this will include training on the Bullying Prevention and Intervention Plan that consists of:

- A review of staff responsibilities;
- A step by step overview of the process that the Site Leaders and the BPIT will follow upon receipt of a report of bullying or retaliation;
- An overview of the bullying prevention curricula to be offered at all grades throughout the district.
- A hardcopy of the full Bullying Prevention and Intervention Plan

Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

Ongoing district-wide professional development includes but is not limited to:

1. **Positive Behavioral Intervention Strategy.** Positive behavioral intervention strategies; applying constructive disciplinary practices; engaging students in school or classroom planning and decision-making and communicating with families constructively; which includes responsive classroom and developmental designs to prevent bullying by focusing on fostering an understanding of and respect for diversity and difference; building relationships and managing classroom behaviors.
2. **Ongoing staff needs assessment.** The school will conduct ongoing needs assessments to gauge teacher and support staff professional development needs around preventing and responding to bullying.

VI. Access to Resources and Services

Although Atlantis Charter School is committed to bullying prevention, early intervention and building capacity to utilize the available supports such as those cited above, assertive steps are taken to understand the dynamics of bullying and provide approaches to address the needs of targets and aggressors.

Counseling and/or appropriate referral to services for aggressors, targets, and family members of those students assists in ensuring that the underlying emotional needs of targets, aggressors, families, and others are addressed.

A. Identifying Resources

1. Counseling and other sources

Student Adjustment Counselors are a critical part of our Bullying Prevention Intervention Team to ensure counseling support can focus on prevention and early intervention, including intensive services for families. When a report of bullying is made, a referral to counseling support services may be initiated from the Site Leader, Dean of Students, or designee for the student adjustment counselors to carry out.

Resources include appropriate referrals to:

- a. Clinicians, psychologists, therapists, or counselors in the area
- b. Community Service Agencies (CSAs) for Medicaid eligible students provides assistance with medical support; referral to pediatricians' offices or specialists in the area;
- c. In school counseling support (group or individual counseling on social skills to prevent or address bullying for both the target and aggressor);
- d. Family therapy;
- e. Psychological, emotional assessments and/or testing;
- f. Court interventions for truancy or parent support;
- g. Parent Partner Program –teachers work in the home with parents to provide behavioral and academic support;
- h. Peer Mentor Program – offers target and/or aggressor support with a peer mentor who is trained in the Bullying Prevention and Intervention Plan;
- i. Adult Mentor – offers target and/or aggressor support by providing weekly meetings with adult mentors to work on building strengths and positive relationships;
- j. Behavior Management Plans – development of plans to establish behavioral goals and a system of monitoring;
- k. In School Monitoring support – designs and develops a system of monitoring students through daily/weekly check-ins, support groups, behavior or safety plans.
- l. Anti-Bullying Student Contract;
- m. Other resources: *Bullying At School and Online* presented by education.com;

2. Students with Disabilities

As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

During the IEP Team meeting if a student is identified as being on the Autism spectrum or has reported being a target or aggressor, the team is notified by the student adjustment counselor or other appropriate staff member.

The team may choose to utilize the following resources in addition to those listed above:

- a. Mentor for Community Outreach Program - Students with transition goals can be referred to this program, which provides them with a mentor (teacher) who will work with the student towards their transition goals. Referrals to community based programs such as hospitals, tutoring experiences, animal shelters etc. engage the students in experiences designed to help them explore meaningful community services and positive self-worth.
- b. Social Skills Groups – Students are included in groups that teach social skills to students with pragmatic social language deficits, difficulty reading social cues or body language, or other social deficits that may cause them to become a target for bullying and harassment.

- c. Safety Plans – the IEP team will develop a safety plan for the student that will include both in and out of school plans to insure the student’s safety beyond the school day.
- d. Individually Focused Curricula – based on the students’ disability the IEP team will insure that any of the Second Step curricula or Responsive Classroom or Development Design is meeting the student’s individual level of needs.

B. Curricular and Instructional Resources

Atlantis Charter School provides age-appropriate instruction on bullying informed by the following programs and initiatives.

- a. Positive Behavioral and Intervention Supports (PBIS) - The main focus is to provide a clear system of behavioral supports at ACS. This system includes a broad range of systemic and individualized strategies for important school wide academic and behavioral outcomes to maintain a positive and safe environment for ALL ACS community members. Responsive classroom and developmental designs are also implemented to prevent bullying by focusing on fostering an understanding of and respect for diversity and difference; building relationships and managing classroom behaviors.
- b. Mentor Program- The Atlantis Charter School Mentoring program’s major goal is to pinpoint high-risk students and make them feel important by providing a safe harbor. The program is designed to increase the academic performance of marginal learners through affective means. The mentor will use encouragement to assist in building self-esteem and to help the marginal student set attainable short/long term goals. The mentor will monitor the mentee’s progress and provide continued support and motivation. The end result is that the student will see the connection between
- c. The Second Step Program focuses on strategies such as using scripts and role plays to develop skills, empowering students to take action by knowing what to do when they witness other students engaged—or are engaged themselves—in acts of bullying or retaliation. This program helps students understand the dynamics of bullying and cyber bullying, emphasizing cybersafety, including safe and appropriate use of electronic communication technologies.
- d. ISAFE Program: Sponsored by, The Bristol County Sheriff’s Department provides instruction and information to students on complex issues pertaining to Cyber Bullying and Internet Safety.
- e. CHOICES Program: Sponsored by, The Bristol County Sheriff’s Department presented by: Minimum security Inmates from the Bristol County House of Correction. Inmates share the consequences of their own bad decisions and the difficulties they face in jail, and upon their eventual release. The importance of education is emphasized as a major player in enabling young people to make good, healthy choices.
- f. SLAM Program: Sponsored by The Bristol County Sheriff’s Department presented by: Minimum security inmates at the Bristol County House of Corrections. Students learn about inmate living conditions and experience first-hand what it’s like being locked up in a jail cell. The tour wraps up with a presentation from inmates to discuss their own life of crime.
- g. Bullying Prevention Program Sponsored by The Bristol County Sheriff’s office. All parents and guardians are welcome to attend. This program is offered in the evening at a parent group meeting during the school year. Topics discussed are: internet safety, bullying, and cyber bullying.

The Atlantis Charter School strongly believes in the educational value of Internet resources. Our goal in providing this access is to support administration, enhance instruction and promote student learning. ACS has an Internet Acceptable Use Policy for Students, Faculty & Staff users. **Please refer to internet user policy above.**

VII. General Teaching Approaches, Academic and non-academic Activities that Support Bullying Prevention Efforts

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our 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;
- Providing diversity training to all students through multiple instructional resources;
- Using the Internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

VIII. Planning and Oversight

Atlantis Charter School's Bullying Prevention Intervention Team (BPIT) includes, the Dean of Students, Student Adjustment Counselors, Site Leaders, and K-12 District Leader. The BPIT is responsible for:

- Review reports on bullying;
- Collect and analyze building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes;
- Utilize a data sheet to record and track incident reports
- Access information related to targets and aggressors;
- Planning for the ongoing professional development that is required by the law;
- Plan supports that respond to the needs of targets and aggressors on an ongoing basis;
- Review curricula that the school or district will use;
- Develop new or revise current policies and protocols under the Plan, including an Internet safety policy,
- Designate key staff to be in charge of implementation of them;
- Amend student and staff handbooks and codes of conduct;
- Leading the parent or family engagement efforts and drafting parent information materials; and 1
- Review and update the Plan each year, or more frequently.

Atlantis Charter School's Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying (including cyber bullying), and affords all students the same protection regardless of their status under the law, and will continue working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence.

APPENDIX A: DEFINITIONS

Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below.

Aggressor is a student or member of a school who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying, as defined in M.G.L. c. 71, § 37O, 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 or herself or of damage to his or 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

Cyberbullying, is bullying through the use of technology or 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. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, 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, provides information during an investigation of bullying, or witnesses or has reliable information about 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.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated

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, RETALIATION Yes No

Summary of Investigation:

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

III. CONCLUSIONS FROM THE INVESTIGATION

1. Finding of bullying or retaliation:

YES NO

Bullying _____ Incident documented as

Retaliation only _____ Discipline referral

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 STEP referral 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 Site Leader:

_____ Date _____

(If Site Leader was not the investigator)

Signature and Title: _____ Date: _____

APPENDIX C: Forms Bullying May Take

Actions meant to hurt another person's feelings or to put a person down are called **bullying/harassing** behaviors. Bullying is a form of harassment.

In this section, we will be using the words "bullying/harassment" for behaviors such as:

- saying hurtful things to someone about their appearance, their intelligence, or their abilities;
- posting hurtful comments about someone online;
- hurting someone by hitting, kicking, or pinching them, or in some other physical way;
- Leaving someone out or treating them badly because of who they are.

The same person or group of people is often bullied or harassed over and over again. This can happen on or off school grounds. Bullying/harassment is not an accident. Even though students may sometimes feel pressured by other students to bully or harass someone, they are still acting in a way that is meant to hurt or upset that person. And behavior that is hurtful to others is unacceptable behavior. Different forms and types of bullying/harassment are described on the following pages. The information provided there will help you answer the questions in this section.

Forms That Bullying/Harassment Might Take:

Physical

- pushing, tripping, hitting
- taking or breaking someone's belongings on purpose
- making comments or jokes about someone's body
- touching, pinching, or grabbing part of someone's body in a way that makes them feel uncomfortable

Verbal

- calling someone names, teasing, or making fun of them
- insulting, humiliating, or threatening someone
- calling someone names in a way meant to upset them
- calling someone names because of their choice of activities, hobbies, or clothing
- making fun of someone who has parents who are of the same gender

Social

- leaving someone out of "the group" or refusing to play with them
- saying bad things about someone
- making someone look silly
- telling others not to talk to someone
- showing pictures or other things that are rude or insulting
-

Forms That Bullying/Harassment Might Take:

Electronic

- using the Internet or a cell phone to e-mail or send text messages or pictures in order to threaten someone, hurt their feelings, embarrass them or make them look bad, or spread rumors or tell secrets about them

Racial

- treating someone badly because of their race, culture, or skin color
- saying bad things about someone's race, culture, or skin color
- telling racist jokes

Gender Role-Based

- treating someone badly because they are a boy or a girl

- leaving someone out or treating them hurtfully – for example, telling a girl she cannot play a sport because she is a girl
- making hurtful comments about someone’s hobby – for example, calling a boy a “sissy” because he likes a hobby you think only girls should like

Religion-based

- treating someone badly because of their religion or place of worship, example: church, mosque or temple
- saying bad things about someone’s religion or place of worship, example; church, mosque or temple

Disability-based

- treating someone badly because of a disability they have – for example, making jokes about a person who uses a wheelchair (visible disability) or calling a person names because he or she learns in a different way than you do (invisible disability) – or spreading rumors about someone because of a disability you think that person may have
- making someone feel left out because of a disability they have (visible or invisible) or a disability you think they may have

Income-based

- treating someone badly because of the type of housing or the neighborhood they live in
- making jokes about someone because they do not appear to have a lot of money (e.g., because they may not have name-brand clothing, or because of where they live)

APPENDIX D: Example of Step by Step Reporting and Follow up Supports

- The targeted student and/or witness(es) report bullying or harassment.
- The Site Leader reviews initial report;
- If the report meets the elements of bullying or harassment it will be promptly forwarded to the Dean of Students for a formal investigation;
- Within 24 hours of receiving the report, the Dean of Students or designee will implement a safety plan. All staff that has contact with the involved students will be informed of the plan;
- Dean of Students or designee contacts the targeted student's parents and/or guardians;
- A formal investigation into the report is conducted by the Dean of Students or designee;
- If needed, Student Adjustment Counselor will meet with the targeted student to ensure his/her safety, assess for follow up supports;
- Interviews are typically completed in the following order:
 - Targeted Student
 - Witness(es)
 - Aggressor(s)
- Upon completing the initial interview with the aggressor, the aggressor's parents and/or guardians are notified;
- BPIT meets to review the bullying investigation summary and witness statements;
- BPIT makes a determination and recommends disciplinary action, mediation and/or community service;
- Site Leader assigns an appropriate disciplinary action and/or community service;
- The Dean of Students or designee contacts the targeted student's and aggressor's parent(s) and/or guardians to inform them of the determination and next steps, which may include but is not limited to:
 - a documented monitoring plan in place with specific plan of action (identifies who and what will occur) to insure the bullying or harassment doesn't reoccur
 - Give the parent a resource list for supporting positive youth development;
 - Counseling referrals
 - Provide parent with a letter that outlines all steps taken



APPENDIX E: Bullying of Students with Disabilities Letter

United States Department of Education
Office of Special Education and Rehabilitative Services

Aug. 20, 2013

Dear Colleague:

The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) is committed to working with States to ensure that school districts provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate. OSERS is issuing this letter to provide an overview of a school district's responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities.¹

As discussed in this letter, and consistent with prior Dear Colleague Letters the Department has published, bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the IDEA that must be remedied.² However, even when situations do not rise to a level that constitutes a denial of FAPE, bullying can undermine a student's ability to achieve his or her full academic potential. Attached to this letter are specific strategies that school districts and schools³ can implement to effectively prevent and respond to bullying, and resources for obtaining additional information.

Bullying of any student by another student, for any reason, cannot be tolerated in our schools.⁴ Bullying is no longer dismissed as an ordinary part of growing up, and every effort should be made to structure environments and provide supports to students and staff so that bullying does not occur. Teachers and adults should respond quickly and consistently to bullying behavior and send a message that bullying is not acceptable. Intervening immediately to stop bullying on the spot can help ensure a safer school environment.

Bullying is characterized by aggression used within a relationship where the aggressor(s) has more real or perceived power than the target, and the aggression is repeated, or has the potential to be repeated, over time. Bullying can involve overt physical behavior or verbal, emotional, or social behaviors (*e.g.*, excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant

¹ This letter is intended to supplement the July 25, 2000, joint Dear Colleague Letter from OSERS and the Department's Office for Civil Rights (OCR), which addressed disability harassment under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II of the ADA), and the IDEA (available at: <http://www.ed.gov/ocr/docs/disabharassltr.html>).

² Some bullying of students with disabilities may also constitute discriminatory harassment and trigger additional responsibilities under the civil rights laws that OCR enforces, including Section 504, Title II of the ADA, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. See OCR's October 26, 2010, Dear Colleague Letter on Harassment and Bullying (available at: <http://www.ed.gov/ocr/letters/colleague-201010.html>).

³ In the context of this letter "school" includes public preschools; elementary, middle, and high schools; and public agencies, including the State Educational Agency (SEA), Educational Service Agencies (ESA), Local Educational Agencies (LEA), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. See 34 C.F.R. §300.33.

⁴ Although the focus of this letter is peer-to-peer bullying, it is important to acknowledge that it is also intolerable for teachers and school staff to be party to school bullying and disability harassment (*i.e.*, being active participants in bullying), or observers to school bullying without taking action to address the behavior. While teacher-student disability harassment also may constitute a denial of FAPE, those issues are beyond the scope of this letter. We recommend that States and school districts consult with legal counsel regarding their responsibilities and duties in cases of bullying that involve school personnel, including taking the matter seriously, and promptly addressing any problematic behaviors.

aggression to far more subtle and covert behaviors. Cyberbullying, or bullying through electronic technology (e.g., cell phones, computers, online/social media), can include offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles.

Addressing and reporting bullying is critical. Students who are targets of bullying behavior are more likely to experience lower academic achievement and aspirations, higher truancy rates, feelings of alienation from school, poor relationships with peers, loneliness, or depression.⁵ Bystanders, or those who only see or hear about bullying, also may be negatively affected as bullying tends to have harmful effects on overall school climate. Bullying can foster fear and disrespect and negatively affect the school experience, norms, and relationships of all students, families, and school personnel.⁶ The consequences may result in students changing their patterns of school participation or schools eliminating school activities (e.g., dances, sporting events) where bullying has occurred. Teachers, school personnel, parents, and students should report bullying when they become aware of it.

Students with disabilities are disproportionately affected by bullying.⁷ For example, students with learning disabilities, attention deficit or hyperactivity disorder, and autism are more likely to be bullied than their peers.⁸ Any number of factors -- physical characteristics, processing and social skills, or intolerant environments -- may increase the risk that students with disabilities will be bullied. Due to the characteristics of their disabilities, students with intellectual, communication, processing, or emotional disabilities may not understand the extent to which bullying behaviors are harmful, or may be unable to make the situation known to an adult who can help. In circumstances involving a student who has not previously been identified as a child with a disability under the IDEA, bullying may also trigger a school's child find obligations under the IDEA. 34 C.F.R. §§300.111, 300.201.

Whether or not the bullying is related to the student's disability, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of FAPE under the IDEA that must be remedied.⁹ States and school districts have a responsibility under the IDEA, 20 U.S.C. § 1400, *et seq.*, to ensure that FAPE in the least restrictive environment (LRE) is made available to eligible students with disabilities. In order for a student to receive FAPE, the student's individualized education program (IEP) must be reasonably calculated to provide meaningful educational benefit.¹⁰

Schools have an obligation to ensure that a student with a disability who is the target of bullying behavior continues to receive FAPE in accordance with his or her IEP. The school should, as part of its appropriate response to the bullying, convene the IEP Team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP is no longer designed to provide meaningful educational benefit. If the IEP is no longer designed to provide a meaningful educational benefit to the student, the IEP Team must then determine to what extent additional or different special education or related services are needed to address the student's individual needs; and revise the IEP accordingly. Additionally, parents have the right to request an IEP Team meeting at any time, and public agencies generally must grant a parental request for an IEP Team meeting where a student's needs may have changed as a result of bullying. The IDEA placement team (usually the same as the IEP Team) should exercise caution when considering a change in the placement or the location of services provided to the student with a disability who was the target of the bullying behavior and should keep the student in the original placement unless the student can no longer receive FAPE in the current LRE placement. While it may be appropriate to consider whether to change the placement of the child who was the target of the bullying behavior,

⁵ Gini G., & Pozzoli T. (2009). Association between bullying and psychosomatic problems: A meta-analysis. *Pediatrics*, 123(3):1059-1065.

⁶ O'Brennan, L. M., Bradshaw, C. P., & Sawyer, A. L. (2009). Examining developmental differences in the social-emotional problems among frequent bullies, victim, and bully/victims. *Psychology in the Schools*, 46(2), 100-115.

⁷ Swearer, S. M., Wang, C., Maag, J. M., Siebecker, A., B., & Frerichs, L. J. (2012). Understanding the bullying dynamic among students in special and general education. *Journal of School Psychology*, 50, 503-520.

⁸ Twyman, K. A., Saylor, C. F., Saia, D., Macias, M. M., Taylor, L. A., & Spratt, E. (2010). Bullying and ostracism experiences in children with special health care needs. *Journal of Developmental Behavioral Pediatrics*, 31, 1-8.

⁹ OCR also has authority to investigate complaints alleging denial of FAPE under Section 504 and Title II. See the July 25, 2000, joint Dear Colleague Letter on Disability Harassment; (available at: <http://www.ed.gov/ocr/docs/disabharassltr.html>); and OCR's October 26, 2010, Dear Colleague Letter on Harassment and Bullying (available at: <http://www.ed.gov/ocr/letters/colleague-201010.html>).

¹⁰ See *Hendrick Hudson Central Sch. Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 201 (1982).

placement teams should be aware that certain changes to the education program of a student with a disability (*e.g.*, placement in a more restrictive “protected” setting to avoid bullying behavior) may constitute a denial of the IDEA’s requirement that the school provide FAPE in the LRE. Moreover, schools may not attempt to resolve the bullying situation by unilaterally changing the frequency, duration, intensity, placement, or location of the student’s special education and related services. These decisions must be made by the IEP Team and consistent with the IDEA provisions that address parental participation.

If the student who engaged in the bullying behavior is a student with a disability, the IEP Team should review the student’s IEP to determine if additional supports and services are needed to address the inappropriate behavior. In addition, the IEP Team and other school personnel should consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted.

As discussed above, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit from the special education and related services provided by the school is a denial of FAPE. A student must feel safe in school in order to fulfill his or her full academic potential. We encourage States and school districts to alert Boards of Education, school administrators, teachers, and staff that bullying can result in a denial of FAPE for students with disabilities. We also encourage States and school districts to reevaluate their policies and practices addressing problematic behaviors, including bullying, in light of the information provided in this letter, as well as in OSERS’ July 25, 2000, joint Dear Colleague Letter and OCR’s October 26, 2010, Dear Colleague Letter. The enclosure to this letter, “Effective Evidence-based Practices for Preventing and Addressing Bullying,” includes practices for use as part of any bullying prevention and intervention program to help ensure that school and classroom settings are positive, safe, and nurturing environments for all children and adults.

We look forward to continuing to work with you to ensure that students with disabilities have access to high-quality services in positive, safe, and respectful school environments.

Sincerely,



Melody Musgrove, Ed. D.
Director
Office of Special Education Programs



Michael K. Yudin
Acting Assistant Secretary

Enclosure: Effective Evidence-based Practices for
 Preventing and Addressing Bullying