

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

POLICY SERIES: Student Rights & Responsibilities
SUBJECT: Goals
BOARD APPROVED: September 2012
REVISION DATE: June 2014

SRR 140 Bullying

I. PURPOSE

The District is committed to compliance with the law and strives to maintain a safe and supportive learning environment. In consideration of the District's unique student population, the District will implement the law in a manner that serves students according to their individual needs with the goal of keeping all students in the learning environment. This policy provides a framework for engaging all students and staff in preventing, reporting and responding to acts of bullying with interventions appropriate to the circumstances and each student's needs.

II. GENERAL STATEMENT OF POLICY

The District is committed to providing innovative educational services that meet the unique needs of students. To that end, the Board advocates a proactive approach to any student behavior that may disrupt another student's learning environment. The Board recognizes and supports District staff in their efforts to educate students about the importance of respectful communication and the need to conduct themselves in a manner that does not interfere with the rights and privileges of others.

By adopting this policy, the Board seeks to engage students and staff with the goal of creating and maintaining a positive school climate within a framework of positive behavior interventions and supports.

III. STUDENT AND STAFF RESPONSIBILITIES

- A. Students have the responsibility not to bully another student:
1. On District premises, at District functions or activities, or on District-owned or contracted vehicles used for transportation;
 2. By use of electronic technology and communications on District premises, during District functions or activities, on District-owned or contracted vehicles used for transportation, or on District computers, networks, forums, and mailing lists; or
 3. By use of electronic technology and communications off District premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. District employees, agents, contractors or volunteers who witness prohibited conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of

prohibited conduct are responsible for reporting the conduct immediately to an appropriate District official designated by this policy.

IV. DEFINITIONS

The following definitions identify behaviors that are significant deviations from the norm among general education student populations. While these definitions provide valuable considerations, the District's small class sizes and a low student-teacher ratio promote staff awareness of behaviors and prompt interventions. The District's identification of behaviors that are significant deviations from the norm will reflect the advantages of its structure and the different needs among its student population.

For purposes of this policy, the following definitions shall apply:

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - 1. Involves an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; or
 - 2. Materially and substantially interferes with a student's educational opportunities or performance or ability to participate in District functions or activities or receive educational benefits, services, or privileges.
- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site or forum, transmitted through a computer, cell phone, or other electronic device.
- C. Intimidating, threatening, abusive, or harming conduct may involve, but is not limited to conduct that:
 - 1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 - 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 - 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in Minn. Stat. Chapter 363A. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or Minn. Stat. chapter 363A.
- D. "Prohibited conduct" means bullying or cyberbullying as defined in this section or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

- E. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

V. REPORTING

- A. Any person who believes that he or she has been the target of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate District official designated by this policy. Anonymous reports are allowed but may not be relied upon solely to determine interventions or remedial responses.
- B. The District encourages the reporter to use the report form available online or from the building administrator, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting bullying directly to the Executive Director of Special Services and Educational Programs or to the Superintendent.
- C. The building principal or program supervisor shall receive reports of prohibited conduct. Any District employee who receives a report of prohibited conduct shall inform the building principal or program supervisor immediately, without screening or investigation. The building principal shall be responsible for ensuring that this policy and its procedures are fairly and fully implemented.
- D. Upon receiving a report, the building principal or program supervisor shall forward the report immediately to the Executive Director of Special Services and Educational Programs. The Executive Director of Special Services and Educational Programs shall investigate or designate an appropriate person to investigate the report within three school days.
- E. Reports of prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building principal, in conjunction with the Executive Director of Special Services and Educational Programs, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

VI. DISTRICT RESPONSES

- A. The District may take immediate steps, at its discretion, to protect the target of the prohibited conduct, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. Such steps may include taking any of the following actions:
 - 1. Intervening to protect the target of the prohibited conduct;
 - 2. Providing information about available community resources to the students involved, and other affected individuals, as appropriate;
 - 3. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, allowing the child's individualized education program or section 504 plan to address additional skills and proficiencies, if any, the child needs to respond to or not engage in prohibited

conduct;

4. Allowing the student alleged to have engaged in prohibited conduct to present his/her perspective in an investigation;
5. Informing affected students and their parents of their rights under state and federal data practices laws to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data.
6. Notifying the parents or guardians of students involved in a bullying incident and remedial action taken, to the extent permitted by law, based on a confirmed report.

B. The District shall ensure that any remedial responses are tailored to the particular circumstances and students involved. Remedial responses shall be made with consideration of the following factors:

1. The nature of the conduct;
2. Students' developmental age and behavioral history;
3. The levels of harm and surrounding circumstances;
4. Past incidences or past or continuing patterns of behavior;
5. The relationship between the parties involved;
6. The context in which the alleged incidents occurred; and
7. Any other factors that may influence the effectiveness of a remedial measure or disciplinary action.

C. Upon completion of the investigation, the District will develop and implement any responses as appropriate. Remedial responses will be developed consistent with the District's system of positive behavior interventions and supports.

VII. TRAINING AND EDUCATION

A. The District shall develop and apply research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring policy violations.

B. The District shall discuss this policy with students, school personnel, and volunteers and provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. The District shall establish a training cycle, not to exceed a period of three school years, for school personnel.

C. The District requires ongoing professional development, consistent with Minn. Stat. section 122A.60, to build the skills of all school personnel who regularly interact with students, to identify, prevent, and appropriately address prohibited conduct.

D. Professional development includes, but is not limited to, information about developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct; the complex dynamics affecting a bully, a target of, and witnesses to prohibited conduct; research on prohibited conduct, including specific categories of students at risk

for prohibited conduct in school; the incidence and nature of cyberbullying; and Internet safety and cyberbullying.

- E. The District will use new employee training materials, the District and school publications containing rules, procedures, and standards of conduct, and the Student Handbook to publicize this policy.

VIII. RETALIATION

- A. The District prohibits reprisals or retaliation against any person who asserts, alleges, or reports prohibited conduct or provides information about such conduct. Retaliation includes, but is not limited to, any form of intimidation, harassment and intentional disparate treatment. Remedial responses, disciplinary or other appropriate action will be taken to address acts of reprisal or retaliation.
- B. The District will develop responses to address retaliatory behavior consistent with its system of positive behavior interventions and supports.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: Student Rights and Responsibilities Goals Policy
Student Conduct and Discipline Policy
Harassment and Violence Policy
Technology Responsible Use and Safety Policy
Student Data Privacy Rights and Access Policy