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BULLYING AND HARASSMENT

I. Mission Statement:

The Ware Public School District will endeavor to maintain a learning and working environment free of bullying. Bullying of any type has no place in the Ware Public School District. Ware Public Schools provides protection of all students regardless of their status under the law.

II. Goals:

Ware Public Schools will not tolerate bullying or harassment of/by any student, teacher, administrator, staff member, and parent or community partner participating in any sanctioned school activity.

This policy will:

- comply with all applicable state law
- define what constitutes bullying and/or harassment
- identify district response timelines and discipline for incidents that fall within the definitions outlined in this policy

III. Definitions:

Bullying is defined as the victimization, intimidation or mistreatment by others in the school community, based on unequal physical, psychological or social power or perceived power. Bullying does include **cyber-bullying** (as defined below) and may constitute a crime. Bullying includes behaviors that can cause physical and/or emotional harm, are unwelcome, intentional, and usually repeated. Bullying can be verbal, physical, direct (face-to-face) and/or indirect (e.g. through another person, in writing, etc). Bullying generally involves a *pattern of conduct* that is directed at another person, rather than a single, isolated incident. Bullying does not include elements of bias (as defined under: **Harassment**). It is also important to note the bullying and harassment can take place within the context of a dating relationship.

Cyber-bullying is defined as any willful and repeated harm inflicted through, but not limited to, Web pages, social networking sites, email, instant messaging or text messaging using computers, cell phones and other electronic devices. The following are examples of cyberbullying, when they are intentional and result in social-emotional harm and/or distress:

- Sending text messages over the Internet or using a cell phone or texting device or medium
- Posting text, images, audio, or video to a Web page
- Sending or posting text, images, audio, or video on or over the Internet or through a cell phone or electronic network, including social networking sites
- Sending a threatening, intimidating, graphic or sexually explicit picture or video via the Internet or using a cell phone or electronic network, including social networking site

Cyber-harassment is defined as any willful and repeated harm inflicted through, but not limited to, Web pages, social networking sites, email, instant messaging or text messaging using computers, cell phones and other electronic devices which is motivated by the target individual or individuals membership in a protected group, whether real or perceived.

Harassment is defined as unwelcome, intentional, unprovoked discriminatory behavior, toward an individual or individuals, motivated by membership (real or perceived) in a protected category including: race, color, religion, ethnicity/natural origin, disability, gender, gender identity, sexual orientation and age. Harassment includes **cyber-harassment** (see definition: Cyber-harassment).

Hazing is defined as any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Reporter is defined as a person reporting an incident under this policy who is a third party and not the recipient of the alleged behavior that violates the policy.

Retaliation is defined as any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

School Community Member is defined as any student, district or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school sponsored function or activity.

Sexual harassment is defined in Massachusetts as: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or decisions regarding student evaluation or participation in school programs or activities (**quid pro quo** sexual harassment); or,
2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or school performance by creating an intimidating, hostile, humiliating or sexually offensive environment (**hostile environment** sexual harassment).

Sexual harassment may occur between student to student, adult to student, student to adult, adult to adult, male to female, female to male, female to female, and/or male to male.

IV. Policy Scope:

Any form of bullying, harassment, cyber-bullying, and/or cyber-harassment is prohibited, whether in the classroom, on school premises, immediately adjacent to school premises, traveling to or from school, or at school-sponsored events, whether or not held on school premises.

“Traveling to or from school” includes on a school bus or other school related vehicle, at official school bus stops, and walking to or from school within a reasonable time before or after school

hours. In short, any activity that is sponsored by the school or includes a significant school population.

Bullying or harassment, including cyber-bullying and/or cyber-harassment, that is not conducted at locations noted above are covered by this policy if the incident results, or could result, in a substantial disruption of the school learning environment for one or more individuals and/or the orderly day to day operations of the school.

V. Reporting and Investigations:

Each member of the school community is responsible for immediate reporting of any observations of bullying or harassment, or credible information that such an act has taken place.

Reports of bullying or harassment incidents, including cyber-bullying and/or cyber-harassment, occurring outside the scope (see above) of the school/district will be investigated to determine if the incident(s) resulted in a potential or actual disruption of the school learning environment for one or more individuals and/or the orderly day to day operations of the school.

Parent(s)/guardian(s) of both targets and alleged perpetrators of bullying or harassment incidents, including cyber-bullying and/or cyber-harassment, will be notified of such incidents within a timeframe that will be set per the district's procedures. Results of investigations of incidents will be communicated to parent(s)/guardian(s) of both targets and alleged perpetrators within a timeframe that will be set per the district's procedures, and also within the restrictions of the Federal Educations Rights and Privacy Act. If additional time is required to conduct the investigation, this will be communicated to the parent/guardian (s). Every attempt will be made to complete the investigation in a timely fashion; however extenuating circumstances may inhibit the immediate response of the district. Notifications will continue to be made as the investigation is underway.

VI. District Procedures:

The Superintendent, and/or his/her designee, will define the guidelines and procedures to implement this policy in the district's "Bullying and Harassment Prevention and Intervention Plan and Procedures". The written plan and procedures developed by the Superintendent, and/or his/her designee, to enforce this policy shall comply with applicable laws, including without limitation the Federal Educations Rights and Privacy Act, as amended.

The plan shall provide for schools, at each level, appropriate procedures for reporting and investigating incidents of bullying and/or harassment. Building Principals and/or Assistant Principals or their designee will be responsible for receiving and following up on reports. The procedures will include a reporting form that may be used by any school community member for all incidents and types of bullying and/or harassment. The purpose of the reporting form is to trigger an investigation, which protects the safety of the target, bystanders, and/or concerned family/community members.

The plan will also specify procedures, in conjunction with the district's memorandum of understanding with the Ware Police Department and Eastern Hampshire District Attorney's office, for notifying local law enforcement where criminal charges may be pursued against the perpetrator.

Within the requirements of FERPA, the guidelines and procedures to implement the Bullying and Harassment Policy shall include a specific amount of time within which parents will be informed of a complaint and a specific amount of time for investigations to be completed.

Additionally, the plan will include procedures for communicating with parent/guardians, including dissemination of prevention information; a professional development plan for all staff; and instruction for students at all school levels in social-emotional learning and violence prevention.

VII. Consequences:

Consequences and appropriate remedial action for students who commit acts of bullying and/or harassment may range from positive behavioral interventions up to and including suspension or expulsion as outlined in the schools' Codes of Conduct.

Retaliation or threats of retaliation in any form designed to intimidate the target of bullying and/or harassment, those who are witnesses to such behavior or those who are investigating such behavior will be subject to discipline as outlined in the WPS Discipline Matrix located in the Student Handbook.

Acts of bullying or harassment allegedly committed by adult members (including teachers, administrators, staff members, other school personnel, parents/guardians, community partners, or other visitors to the school) of the school community will be reported to school administrators and/or the Superintendent's office, for investigation by the District Civil Rights Officer and consequences, in accordance with applicable procedures, including appropriate legal actions.

Retaliation or threats of retaliation by adult members (including teachers, administrators, staff members, other school personnel, parents/guardians, community partners, or other visitors to the school) of the WPS community in any form designed to intimidate the victim of bullying or harassment, those who are witnesses or those investigating an incident of bullying or harassment, will be subject to additional consequences, in accordance with appropriate procedures.

VIII. Oversight and Accountability:

The Superintendent will present the district's "Bullying Prevention and Intervention Plan" to the School Committee by December 1st, 2010. The plan will be reviewed and revised by the district administrative team every two years and such revisions will subsequently be presented to the School Committee.

The Superintendent, and/or his/her designee, will report on the total number of complaints, investigations, verified acts and any trends of bullying, harassment, cyber-bullying and/or cyber harassment district-wide at least annually to the School Committee.

IX. Other Legal Remedies:

Any school community member may also pursue legal remedies or other avenues of recourse, including, but not limited to, filing a complaint with:

The Massachusetts Commission Against Discrimination (MCAD)
U.S. Department of Health & Human Services, the Office for Civil Rights (OCR)

X. Legal References:

Chapter 92 of the Acts of 2010 - AN ACT RELATIVE TO BULLYING IN SCHOOLS

M.G.L. 71:37H - STUDENT CONDUCT

M.G.L CH. 269, S.17. - CRIME OF HAZING; DEFINITION; PENALTY

M.G.L. Chapter 71, S. 37H and 37L; M.G.L. Chapter 76, S. 16 and 17;
Chapter 380 of the Acts of 1993 and Chapter 766 Regulations, S. 338.0
also Mass. Dept. Of Education, Advisory Opinion on STUDENT DISCIPLINE

M.G.L. 71:37H - STUDENT HANDBOOKS

M.G.L. 71:55C and Acts of 1985c 614 Sec 1
Board of Education 603 CMR 36:00 - SCHOOL SAFETY

Title II, ADA of 1992

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education
Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

M.G.L. 76:5; Amended 1993

M.G.L.76:16 (Chapter 622 of the Acts of 1971)

Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational
Opportunity, adopted 6/24/75, as amended 10/24/78

Board of Education 603 CMR 2600

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

RELATING TO DISCRIMINATION

Title VII, Section 703, Civil Rights Act of 1964 as amended 45

Federal Regulation 74676 issued by EEO Commission

Education Amendments of 1972, 20 U.S.C. 1681 et. seq. (Title IX)

Board of Education 603 CMR 26:00

RELATING TO SEX DISCRIMINATION AND SEXUAL HARASSMENT

RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Ware Public Schools, 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 Ware Public Schools 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.

In addition, nothing in the Plan is designed or intended to limit the authority of the Ware Public Schools 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.

M.G.L. c. 71, § 37O

XI. INTERVENTION / PROCEDURES

A. REPORTING BULLYING OR RETALIATION

Any member of the school community who wishes to make a complaint regarding bullying, retaliation, and/or harassment behavior can find a universal reporting form in each school's main office, guidance office and nurse's office. The form can also be found online for download at www.warepublicschools.com. Forms will be available in Spanish and other languages as needed and a developmentally appropriate form for use with young children is also available. Forms should be returned to the person designated on the form to receive them.

Anyone who wishes to report bullying, retaliation, or harassment behavior anonymously may do so by filling out the standard reporting form without including their name. Anonymous information will not be used as evidence for disciplinary proceedings, but may trigger a further investigation into the allegation.

Any school community member who retaliates against another for reporting bullying/harassment, or who knowingly makes a false accusation of bullying/harassment or retaliation, shall be subject to disciplinary action.

B. INVESTIGATION OF BULLYING OR RETALIATION

A complaint or incident of bullying, retaliation, or harassment behavior may be reported to administration either on the reporting form, or on an existing office referral form. If a complaint is verbal in nature, the administrator will ask the complainant / witness to fill out a reporting form.

Investigations are coordinated by the building Equity Officer (EO). In all schools, the reports will be sent to the Assistant Principal. Investigations will be carried out by the building administrator or his/her designee. In many cases, a team of individuals may be called on to assist in the process.

There are several circumstances under which an incident may be referred to the District Equity Coordinator for investigation. These include:

- When a parent/guardian/student feels the situation is unresolved at the building level.
- When the incident involves the administrator or other staff in a building who are responsible for investigations.
- When the situation remains unresolved even after investigation and corrective action (at administrators discretion but generally meaning there are two or more separate and substantiated incidents regarding a single person or group of persons).
- Adult to adult behavior (at the building administrator's discretion).

Investigation of the complaint will be documented on the "Bullying Prevention and Intervention Incident Reporting Form". This form will help to determine if a civil rights/anti-bullying violation

occurred and will document the type of violation. It will also document the corrective actions and/or disciplinary action(s) taken as well as notification of all relevant parties. All completed forms are sent to the District Equity Coordinator. It is recommended that the building EO check with the District Equity Coordinator before concluding an investigation to determine if the person(s) involved have been the subject of a previous complaint in another building.

Investigation of the complaint will be completed within 1-5 school days whenever possible, and if additional time is required to conduct the investigation, this will be communicated to the parent/guardian (s).

If the accusation(s) against the perpetrator(s) prove to be substantiated, the investigator's report shall:

- provide for reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring, including appropriate disciplinary action as set forth by the WPS Discipline Matrix;
- document, as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and,
- document, as needed, reasonable steps to protect the complainant, witness, or informant from retaliation as a result of communicating the complaint.

Other actions to be considered include the following:

- Have an educational discussion with the bully/cyber-bully and with bystanders. Discuss the dangers of such behavior and the fact that everyone is now aware of the situation. If relevant, discuss future legal problems the child may incur if they continue with these behaviors.
- Immediately inform bullies/cyber-bullies and bystanders about the consequences for bullying or cyber-bullying in school. If the alleged perpetrator(s) engage in any bullying or cyber-bullying in school, follow through on consequences immediately.

C. NOTIFICATION

Parents/guardians of any students involved in a complaint will be notified by administration of the complaint **within 24 hours** of its receipt.

The principal or designee must immediately notify the **local law enforcement agency**, per the Memorandum of Understanding (between the Ware Public Schools, the Ware Police Department, and the Northwestern District Attorney's Office), when criminal charges may be pursued against the aggressor(s).

If the reported incident involves a student from more than one school district, charter school, non-public school, special education day or residential school or collaborative program, the Principal or designee first informed of the incident will promptly notify by telephone the **Principal/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.

The Principal or designee will promptly notify the **parent/guardian of the aggressor(s)** of the disciplinary action taken.

The Principal or designee will promptly notify the **parent/guardian of the target**, to the extent consistent with the state and federal law, of the actions taken to prevent any further acts of bullying or retaliation. Note that this last element does NOT permit the school to release information that is protected by existing confidentiality laws.

The building Equity Officer will communicate to the **original reporter of the behavior**, when not directly involved and when a name has been provided, and within the confines of confidentiality, that his or her complaint has been investigated and action has been taken.

D. SAFETY PLANS

Each school building administrator, in conjunction with the building Student Support Teams, will establish a safety plan for target (s) of bullying/harassment. The plan should include the following elements:

- Selection of a “safe zone”; an area identified by the target where he or she can go to get help from a trusted adult. Each WPS building has a School Adjustment Counselor that is available for any student in need.
- When possible, the use of WPS Email will be used to inform all relevant adults (teachers, coaches, bus drivers, counselors and other support staff) of the situation between the aggressor(s) and target(s). This will provide documentation and time/date stamping to insure timely notification has been implemented.
- A plan for monitoring of less structured areas of the school environment, such as buses, lunchroom and playground and locker rooms.
- Follow-up with parents/guardians of all involved to inform them of actions being taken.
- Assessment of effectiveness of the above interventions on a regular basis. School climate surveys will be administered by the School Council in each building.
- The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

E. REQUIREMENTS FOR STUDENTS WITH DISABILITIES

For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71B, § 3, as amended by chapter 92 of the acts of 2010.)

Whenever the IEP Team evaluation indicates that a student’s disability affects social skills development, or when the student’s disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71B, § 3, as amended by chapter 92 of the acts of 2010.)

F. REFERRAL TO OUTSIDE SERVICES

The Ware Public School District makes referrals for students and families to outside services based on the individual needs of students. Students have access to counseling and service

information. This assistance helps students and families access appropriate and timely services. The Ware Public School District will comply with relevant laws and policies. Ware Public Schools will make the appropriate referrals to outside services for any student whether considered a target, aggressor or the appropriate family members of the involved students.

XII. PREVENTION

A. NEEDS ASSESSMENT

Initial and periodic needs assessments will be conducted via the following methods:

- Surveying students/staff/families on school climate and bullying issues
- Collecting and analyzing building specific data on bullying and harassment behavior

B. PROFESSIONAL DEVELOPMENT

1. Initial staff training:

Staff and Administrators received initial training on 3/10/2010 by Curtis Frick, Assistant District Attorney for Northwestern District Court. This training was comprehensive and provided a baseline of expectations for the new guidelines being imposed in the law.

2. Annual staff notice and training: Each School Year (SY) Opening Day Professional Development will be provided to alert and train staff about the dangers and warning signs of bullying to include the process for reporting and requirements. This is an attendance required event. (SY2010-11 was 8/25/2010) Additional training for Administration and Guidance has been planned for SY2010-11 as well.

3. Ongoing Professional Development opportunities:

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop 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; (iv) research findings on bullying, including information about specific categories of students who have been show to be particularly at risk for 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.

C. STUDENT EDUCATION

1. Activities, programming and curricula that support a safe and respectful school culture:

Social/emotional curricula:

- Responsive Classroom (SMK – school wide)
- Woven Word Program (Kindergarten)
- Second Step (Pre-K through 5)
- All Stars Program (6th grade)

- Steps to Respect (3rd grade)
- After School Bullying Prevention Group (WJHS)
- Bullying Survey (WHS)
- Social Skills Curriculum (7th grade English)

Prevention curricula:

- Good Character Board (SMK – school wide)
- DiLeo Dragon Awards (SMK – school wide)
- Lunch Bunch (SMK – school wide)
- Boys Group Lunch and Girls Group Lunch (WMS – school wide)
- Character Theme Months (WMS – school wide)
- Bullying Prevention Presentation and Internet Safety by District Attorney’s Office (9/9-10/2010 (WJHS)
- Opening Day Forum for students (WJSHS SY2010-11)

Programming:

- Advisory program at Ware High School
- Project Wisdom (WJSHS)
- Social Norms Campaign (WJSHS) by Ware Domestic Violence Task Force

Other activities:

- GSA (Gay Straight Alliance) group at WHS
- Peer Mediation (Grades K-12)
- Student Leadership Council (Grade 6)
- Climate Council (WMS Faculty)
- Doin’ The Right Thing (WMS – school wide) play about bullying (3 year cycle)
- Ware Domestic Violence Task Force (WMS and WJSHS – school wide)
- Separated junior high and high school students at all times.
- SMK also has school store where access is earned through positive behavior and demonstration of six pillars of good character through collection of stamps on monthly school bingo.

2. Internet Education

The Attorney General’s Office has released advisories to parents regarding student access to social networking sites on the internet and cyber-bullying. These advisories provide parents with suggestions for educating children to the dangers associated with these sites, including the phenomenon of cyber bullying.

The Ware Public School District is committed to protecting students from exposure to inappropriate content on internet sites. Student access to internet sites while they are in school is monitored on a daily basis. Sites that are not monitored effectively by the site authors and contain inappropriate content and/or language are blocked by the school.

The struggle to provide students with access to rich sources of content for use in their classes while protecting them from exposure to inappropriate content, stalking, and cyber-bullying is an ongoing one. We will continue to monitor student access to internet sites and will block access to sites that contain inappropriate or potentially injurious content. We urge parents to read the attached advisories and pay close attention to the sites that your children are accessing at home.

The internet is a powerful educational tool that should be monitored closely by both parents and schools.

D. COLLABORATION WITH FAMILIES

As required, the Ware Public Schools have included provisions for informing parents or guardians about the bullying prevention and intervention curricula used by the district and schools including: (i) how parents and guardians can reinforce the curricula at home and support the school or district plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying. Parents and guardians must also be notified in writing each year about the student-related sections of the Bullying Prevention and Intervention Plan, in the language(s) most prevalent among the parents or guardians.

Notification Requirements

Each year the Ware Public Schools will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used in each of the schools. This notice will include information about the dynamics of bullying, including cyber-bullying and online safety. The 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 via School Handbooks. All notices and information made available to parents or guardians will be in School Handbooks and on individual school websites, and will be available in the language(s) most prevalent among parents or guardians. The district will also post the Plan and related information on its website.

APPENDIX A: BULLYING PREVENTION AND INTERVENTION 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.

FOR ADMINISTRATIVE USE ONLY

9. Signature of Person Filing this Report: **Date:**

(Note: Reports may be filed anonymously.)

10: Form Given to:

Position: **Date:**

APPENDIX A

Signature:

Date Received:

II. INVESTIGATION: BULLYING PREVENTION AND INTERVENTION INCIDENT REPORTING FORM

1. Investigator(s):

Position(s):

2. Interviews:

Interviewed aggressor Name: Date:

Interviewed target Name: Date:

Interviewed witnesses Name: Date:

Name (Signature): 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 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 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 Principal: Date

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

Signature

Title:

Date:

APPENDIX B: Therapeutic Resources and Partnerships

The following is a list of locally available counseling venues for assistance in therapy or guidance: (the list is arranged by distance to school and in no way is an endorsement of these services.)

Valley Human Services (4.6 miles)

96 South St.

Ware, MA 01082

413 967 6241

The West Brookfield Counseling Center (5.9 miles)

62 Ware St.

West Brookfield MA 01585

508 867 4451

The Griswold Behavioral Health Center (17.8 miles)

40 Wright St.

Palmer MA 01069

413 283 7651

If necessary, the school can provide you with a release of information form so that we may contact or provide information to the service provider at your request. Please see your guidance office for the form.

APPENDIX C: Action Steps for Educators to Take to Stop Bullying

Use this chart as a starting point to help participants in your staff training identify specific actions they can take.

To stop bullying before it starts, we can:	If we hear or see evidence of bullying, we can:	If we see or learn of a pattern of bullying, we can:	We should ask questions when we see:
Adopt and publicize an anti-bullying policy that includes clear procedures and consequences.	Stop the bullying immediately.	Bring staff together to discuss the behavior and agree on a unified course of action.	Ripped or damaged clothing.
Provide school-wide training.	Offer guidance to bystanders on how to intervene appropriately.	Let an administrator know immediately.	Students who isolate themselves from others.
Create a safe and nurturing environment where all can learn.	Take note of problem areas and work towards making them safer for all.	Work towards a prevention strategy so that patterns will change.	Students who are always unhappy or typically happy and suddenly not.

APPENDIX D: Additional Resources for Bullying Prevention

Teaching Tolerance [1, 2]

BullyBust is an awareness campaign designed to reduce bullying in schools by teaching students and adults how to stand up to bullying and promote upstander behavior. An upstander is someone who witnesses bully behavior and does something about it.

Bully Police USA [3]

This watchdog organization advocates for bullied children and provides links to state anti-bullying laws, along with a rating of each state law's effectiveness.

Committee for Children [4]

The Committee for Children develops evidence-based bullying, child abuse and violence prevention education curricula that teach social-emotional skills to children, families and educators.

Find Youth Info [5]

A clearinghouse site for information prepared by the federal government to help prevent and address bullying in communities.

Gay Straight Alliance (GSA) for Safe Schools [6]

This Wisconsin-based organization offers programs, trainings, and resources to make middle schools and high schools safe for all students, including LGBT youths.

GLSEN: Gay, Lesbian and Straight Education Network [7]

Through national programs including the Day of Silence and No Name-Calling Week, GLSEN strives to assure that each member of every school community is respected regardless of sexual orientation or gender identity/expression.

National Center for Bullying Prevention [8]

Programs and resources for teens, parents and schools, including information on National Bullying Prevention Month (October), online surveys and a digital petition. Teens Against Bullying offers engaging activities and strategies for teens to combat bullying.

National Education Association (NEA) [9]

This site provides a Diversity Tool Kit, links to anti-bullying resources (including a downloadable Safe Zone poster), and a school employee's guide to LGBT issues.

Office of Safe and Drug-Free Schools: Exploring the Nature and Prevention of Bullying [10]

This comprehensive, facilitated online training is designed to enhance educators' understanding of bullying among young people while providing information for participants to create or refine their school's bullying prevention plan.

Parents and Friends of Lesbians and Gays (PFLAG) [11]

Tools to create safe schools, a training program, and updates on safe-schools legislation pending in Congress and advice for supporting LGBT parents of school-aged children.

Safe Schools Coalition [12]

This public-private partnership aims to reduce bias-based bullying and violence in schools across the nation by raising awareness among students, educators and parents. Also includes content on law and public policy; Spanish-language resources; and classroom materials.

APPENDIX D: Additional Resources for Bullying Prevention continued

"The Secret to Stopping a Bully?" [13]

This *Boston Globe Sunday Magazine* article examines anti-bullying programs, with a focus on bystander training.

Stop Bullying Now [14]

This interactive Web site offers resources for children (including cartoons and Webisodes) and adults (including strategies for bullying awareness, prevention and intervention).

Teaching Tolerance [15]

Classroom activities, professional-development resources and free teaching kits to fight bias, reduce prejudice and promote tolerance and understanding of differences. Below are a few activities to reduce bullying:

Bullying: Guidelines for Teachers [16]

5 Steps to Safer Schools [17]

"THIS is why we need a GSA" [18]

A Bullying Quiz [19]

A Bullying Survey [20]

Early Grades Allies: A Discussion Activity [21]

Bullies Act Out [22]

Playing the Bully Card [23]

Bullying: Tips for Students [24]

Stand Up! [25]

Links:

[1] http://www.tolerance.org/sites/default/files/kits/tt_BULLIED_Resources.pdf

[2] <http://www.schoolclimate.org/bullybust/>

[3] <http://www.bullypolice.org>

[4] <http://www.cffchildren.org>

[5] <http://www.findyouthinfo.gov>

[6] <http://www.gsaforsafeschools.org/resources.html>

[7] <http://www.glsen.org/cgi-bin/iowa/all/antibullying/index.html>

[8] <http://www.pacer.org/bullying>

[9] <http://www.nea.org/tools/30420.htm>

[10] <http://www2.ed.gov/admins/lead/safety/training/bullying/index.html>

[11] <http://community.pflag.org/Page.aspx?pid=358>

[12] <http://www.safeschoolscoalition.org>

[13] http://www.boston.com/bostonglobe/magazine/articles/2010/05/02/the_secret_to_stopping_a_bully/?page=full

[14] <http://www.stopbullyingnow.hrsa.gov>

[15] <http://www.teachingtolerance.org>

[16-25] <http://www.tolerance.org/>

APPENDIX E: Curriculum Resources and Materials

Books for Adults and Teachers:

The Bully Free Classroom, over 100 tips and strategies for teachers K – 8, Dr. Allan L. Beane

Steps to Implementing a Bully Free Program, (A Workbook for Planning Teams / Committees)

It is Time to be Bully Free!, an Anti-Bullying Guidebook for School Leaders, Dr. Richard A. Spurling

DARE Program, Bullying Prevention, Lessons 1 and 2

Too Good for Violence Program, Mendez Foundation

Olweus Bullying Prevention Program, provided by ARP Phoenix

Prevent Bullying at Your School! No – Bullying Program for Grades K – 8, from Hazelden, provided by ARP Phoenix

The Bully, the Bullied, and the Bystander, by Barbara Coloroso

Bullies and Victims: Helping Your Child Through the Schoolyard Battlefield, by SuEllen Fried, and Paul Fried

Bullyproof: A Teacher’ s Guide on Teasing and Bullying for Use with Fourth and Fifth Grade Students, by Nan Stein

Bully-Proofing Your School: A Comprehensive Approach for Elementary Schools, by Carla Garrity, Kathryn Jens, William Porter, Nancy Sager, and Cam Short-Camilli

Great Peacemakers True Stories From Around the World, by Ken Beller and Heather Chase

Childhood Bullying and Teasing, Dorothea M. Ross

The Challenge to Care in Schools, by Nel Noddings

Tackling Bullying in Your School, by Sonia Sharp and Peter K. Smith

Quit It! A Teacher’ s Guide on Teasing and Bullying for Use with Students in Grade K – 3, by Merle Froschl

Reducing School Violence through Conflict Resolution, by David W. Johnson and Roger T. Johnson

Books for Children:

Bailey the Big Bully, by Lizi Boyd (K – 3)

Best Enemies Again by Kathleen Leverich (2 – 5)

Bootsie Barker Bites by Barbara Bottner (PK – 3)

Bullies Are a Pain in the Brain, by Trevor Romain (3 – 8)

APPENDIX E: Curriculum Resources and Materials continued

Bully, by Janine Amos (K – 4)

The Bully Buster Book, by John William Yee (7 – 9)

Bully on the Bus, by Carl W. Bosch (2 – 6)

Bully Trouble, by Joanna Cole (PK – 3)

Cliques, Phonies, and Other Baloney, by Trevor Romain (3 – 8)

The 18th Emergency, by Betsy Byard (4 – 7)

Fighting Invisible Tigers, by Earl Hipp (6 – 12)

Freak the Mighty, by W. Rodman Philbrick (4 – 7)

How to Handle Bullies, Teasers, and Other Meanies, by Kate Cohen-Posey (6 – 10)

The Kids's Guide to Working Out Conflicts, by Naomi Drew (5 – 10)

Make Someone Smile and 40 More Ways to Be a Peaceful Person, by July Lalli

Stick Up for Yourself! Every Kid's Guide to Person Power and Positive Self-Esteem, by

Gershen Kaufman (Grades 3 – 7)

Teen Esteem, by Pat Palmer (7 – 12)

What a Wimp! by Carol Carrick (3 – 5)

What Do You Stand For? For Teens, by Barbara A. Lewis (3 - 7)

What Do You Think? A Kid's Guide to Dealing with Daily Dilemmas, by Linda Schwartz (3 –7)

What Would You Do? A Kid's Guide to Tricky and Sticky Situations, by Linda Schwartz (3-7) Why is

Everybody Always Picking on Me: A Guide to Handling Bullies by Terrence Webster-Doyle (K – 5)

Videos:

Anger, Rage and You:

Techniques for dealing with anger before it get out of control. (5 - 9) (23 mins)

www.nimcoinc.com

Bridging Racial Divisions:

Explores how racial division affects everyone. Triggers to violence are examined. (6 – 12) (30 mins)

www.at-risk.com

Broken Toy:

Addresses the physical and emotional harm that bullying causes. (3 – 7) (25 mins)

www.educationalmedia.com

APPENDIX E: Curriculum Resources and Materials continued

BullySmart:

Teaches students to say no to negative peer pressure and get away from a bully without fighting. (K – 5) (31 mins) www.nimcoinc.com

Coping with Fighters, Bullies, and Troublemakers:

Offers special techniques for coping with disruptive classmates. Teaches students how to avoid being a victim and when to ask for help. (6 – 12) (22 mins) www.nimcoinc.com

Disrespect, Rudeness, and Teasing:

Helps students learn what being disrespectful and rude tells us about a person, and why teasing is never a good solution. Learn how to disagree without being rude. (6 – 12) (22 mins) www.nimcoinc.com

Don't Pick On Me!

Examines the dynamics behind teasing and models effective responses to being harassed. (3 – 8) (20 mins) www.nimcoinc.com

How to Cope with School Violence:

Teaches students how to cope with violent confrontations in or around school. Effective ways to avoid violence. (6 – 12) (17 mins) www.nimcoinc.com

How to Resolve Power Struggles:

Students learn the best way to handle power struggles with siblings, parents and teachers, and how not to let bullies and troublemakers take advantage of them. (6 – 12) (18 mins) www.nimcoinc.com

Other Materials:

Anger Management: Mad Me:

An activity book to help children learn to identify and handle feelings of anger. (K – 2) www.nimcoinc.com

Anger Management: From Mad to Worse:

An activity book to teach students positive ways to handle anger. (3 – 4) www.nimcoinc.com

It's Not Okay to Bully:

Video and coloring book suggests ways to prevent bullying behaviors, including knowing when to stand up for yourself and when to tell an adult. (K – 3) www.nimcoinc.com

The Anti-Bullying Game:

This game is intended to help both victims and bullies understand what causes bullying behavior and help them learn to interact more effectively. (1 – 10) www.taylorandfrancisgroup.com

Beyond Hate:

Two-tape set explores the origins and dimensions of hate. (6 – 12) www.adl.org

Taking Action Against Bullying:

Book, video, and poster program, designed to teach students about the dangers of bullying. (6 – 8) www.bullybeware.com

Source: Bristol County Sheriff's Office

APPENDIX F: Staff / Student Handbook Summary

Ware Public Schools, Ware, Massachusetts

Bullying Policy (an excerpt from the WPS School Handbook)

School Committee Policy File: JICFB

BULLYING

The Ware School District will endeavor to maintain a learning and working environment free of bullying. Bullying of any type has no place in the Ware School District.

“Bullying”, 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 victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim 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.

Bullying shall be 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 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 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 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, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

“Hostile environment”, 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 the student’s education.

“Perpetrator”, a student who engages in bullying or retaliation.

APPENDIX F: Staff / Student Handbook Summary continued

“School grounds”, property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

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 and staff, including those that are verbal, physical, psychological and emotional.
4. Attacks on student property.
5. Cyber and text message bullying and harassing phone calls

The School Committee expects administrators and supervisors to make it 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 (refer to most current approved student handbook).

The Principal or Assistant Principal will be responsible for handling all verbal and written complaints alleging harassment, including bullying. Within two school days, the Ware School District will reasonably investigate, notify parents, and respond to the allegations of harassment, including bullying. Instances of harassment and/or bullying will be reported to the appropriate state and/or federal agencies in accordance with state and/or federal law. Mediation will be offered to students and/or parents.

School personnel will be instructed not to tolerate and to immediately report harassment, hazing or bullying, as defined by this policy, by any student or personnel, or any third party who are participating in, observing, or otherwise engaged in activities, including extracurricular activities, on school property or at school related services, activities or events.

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

LEGAL REF: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
Chapter 92 of the Acts of 2010

STALKING

Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers 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.

APPENDIX F: Staff / Student Handbook Summary continued

HARASSMENT

Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers 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.

ELECTRONIC HARASSMENT

Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such a fine and imprisonment.

For purposes of this section, "electronic communication" shall include, but 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.

Adoption Date: August 15, 2007

Revision Date: July 14, 2010

Last Date Reviewed: June 21, 2010

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools

CHAPTER 92: AN ACT RELATIVE TO BULLYING IN SCHOOLS.

(See Senate, No. 2404) Approved by the Governor, May 3, 2010

Education Laws and Regulations

603 CMR 49.00 NOTIFICATION OF BULLYING OR RETALIATION REGULATIONS

Section:

49.01: Authority

49.02: Scope and Purpose

47.03: Definitions and Terms

47.04: Bullying and Retaliation Prohibited

47.05: Notice to Parents

47.06: Notice to Law Enforcement Agency

47.07: Confidentiality of Records

Background:

Chapter 92 of the Acts of 2010, *An Act Relative to Bullying in Schools*, was signed into law on May 3, 2010 and took effect immediately. The law requires each school district, charter school, non-public school, approved private special education day or residential school, and collaborative school to develop and implement a plan to address bullying prevention and intervention. The statute directs the Board of Elementary and Secondary Education to promulgate regulations addressing a Principal's duties under one of the ten required elements of the bullying prevention and intervention plan, namely, notification to parents or guardians of the target and the aggressor of bullying or retaliation and the action taken to prevent further bullying, and notification to law enforcement of bullying or retaliation, when the aggressor's conduct may result in criminal charges. The law further provides that the regulations must be promulgated by September 30, 2010.

This is a new regulation.

603 CMR 49.00 Notification of Bullying or Retaliation Regulations 49.01: Authority

603 CMR 49.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, §37O, as added by St. 2010, c. 92.

49.02: Scope and Purpose

603 CMR 49.00 governs the requirements related to the duty of the Principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools continued

retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603 CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

49.03: Definitions and Terms

Aggressor means perpetrator of bullying or retaliation as defined in M.G.L. c. 71, §37O.

Approved private day or residential school means a school that accepts, through agreement with a school committee, a student requiring special education pursuant to M.G.L. c. 71B, §10 and 603 CMR 28.09.

Bullying, pursuant to M.G.L. c. 71, §37O, means 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:

- (a) causes physical or emotional harm to the target or damage to the target's property;
- (b) places the target in reasonable fear of harm to himself or herself or damage to his or her property;
- (c) creates a hostile environment at school for the target;
- (d) infringes on the rights of the target at school; or
- (e) materially and substantially disrupts the education process or the orderly operation of a school. Bullying shall include cyberbullying.

Charter school, pursuant to M.G.L. c. 71, §37O, means a Commonwealth charter school or Horace Mann charter school established pursuant to M.G.L. c. 71, § 89.

Collaborative school, pursuant to M.G.L. c. 71, §37O, means a school operated by an educational collaborative established pursuant to M.G.L. c. 40, §4E.

Cyberbullying, pursuant to M.G.L. c. 71, §37O, means bullying through the use of technology or any electronic communication, which shall include, but 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.

Cyberbullying shall also include:

- (a) the creation of a web page or blog in which the creator assumes the identity of another person, or
- (b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions in 603 CMR 49.03: Bullying(a) through

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools continued

(e). Cyberbullying 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 in 603 CMR 49.03: Bullying(a) through (e).

Hostile environment, pursuant to M.G.L. c. 71, §37O, means 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 the student's education.

Local law enforcement agency means a local police department.

Local plan means the bullying prevention and intervention plan required to be developed under M.G.L. c. 71, §37O.

Parent means a student's father or mother, or guardian.

Principal means the administrative leader of a public school, charter school, collaborative school, or approved private day or residential school, or his or her designee for the purposes of implementing the school's bullying prevention and intervention plan.

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

School means an approved private day or residential, collaborative, or charter school.

School district, pursuant to M.G.L. c. 71, §37O, means the school department of a city or town, a regional school district or a county agricultural school.

Student record has the meaning set forth in the Massachusetts Student Records Regulations, 603 CMR 23.02.

Target means a student victim of bullying or retaliation as defined in M.G.L. c. 71, §37O.

49.04: Bullying and Retaliation Prohibited

(1) Bullying of a student is prohibited as provided in M.G.L. c. 71, §37O. Retaliation is also prohibited.

(2) Bullying shall be prohibited 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 owned, leased or used by a school district or school. Bullying 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

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools continued

or used by a school district or school, shall be prohibited if the bullying:

- (a) creates a hostile environment at school for the target;
- (b) infringes on the rights of the target at school; or
- (c) materially and substantially disrupts the education process or the orderly operation of a school.

(3) Each school district and school shall have procedures for receiving reports of bullying or retaliation; promptly responding to and investigating such reports, and determining whether bullying or retaliation has occurred; responding to incidents of bullying or retaliation; and reporting to parents and law enforcement as set forth in 603 CMR 49.05 and 49.06.

49.05: Notice to Parents

(1) Upon investigation and determination that bullying or retaliation has occurred, the Principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The Principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Nothing in 603 CMR 49.05 prohibits the Principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.

(2) Notice required by 603 CMR 49.05 shall be provided in the primary language of the home.

(3) Each school district and school shall include the requirements and procedures for communicating with the parents of the aggressor and target of bullying or retaliation in the local plan.

(4) A Principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

49.06: Notice to Law Enforcement Agency

(1) Before the first day of each school year, the superintendent or designee of a school district and the school leader or designee of an approved private day or residential school, collaborative school, or charter school shall communicate with the chief of police or designee of the local police department about the implementation of 603 CMR 49.06. Such communication may include agreeing on a method for notification, a process for informal communication, updates of prior

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools continued

written agreements, or any other subject appropriate to the implementation of 603 CMR 49.06.

(2) At any point after receipt of a report of bullying or retaliation, including after an investigation, the Principal shall notify the local law enforcement agency if the Principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The Principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

(a) In making the determination whether notification to law enforcement is appropriate, the Principal may consult with the school resource officer and any other individuals the Principal deems appropriate.

(b) Nothing in 603 CMR 49.06 shall prevent the Principal from taking appropriate disciplinary or other action pursuant to school district or school policy and state law, provided that disciplinary actions balance the need for accountability with the need to teach appropriate behavior.

(c) The Principal shall respond to the incident as set forth in relevant provisions of the local plan consistent with 603 CMR 49.06.

(3) If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the school district or school, the Principal of the school informed of the bullying or retaliation shall notify the local law enforcement agency if the Principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

(4) Each school district and school shall include the requirements and procedures for communicating with the local law enforcement agency in the local plan.

49.07: Confidentiality of Records

(1) A Principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.

(2) A Principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The Principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

(3) A Principal may disclose student record information about a target or aggressor to appropriate

APPENDIX G: Chapter 92 – An Act Relative to Bullying in Schools continued

parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the Principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The Principal must document the disclosures and the reasons that the Principal determined that a health or safety emergency exists.

Regulatory Authority:

603 CMR 49.00: M.G.L. 71, §37O, as added by Chapter 92 of the Acts of 2010

Adoption Date: December 8, 2010
Revision Date: December 9, 2010
Last Date Reviewed: December 9, 2010