

Policy No: 504.20
Adopted: 05-11-2015
Revised:

BULLYING/HARASSMENT BY STUDENTS

The Elba Public School board of education prohibits acts of bullying/harassment. The board of education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying/Harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying/harassment is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

" Bullying/Harassment " is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts — i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonably perceived as being motivated either by any actual. or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered bullying/harassment whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

"Bullying/Harassment" is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;
- submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, offensive or hostile learning or work environment.

Sexual harassment as set out above, may include, but is not limited to the following:

- verbal or written harassment or abuse, or unwelcome communication implying sexual motives or intentions;
- pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
- unwelcome touching;

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- unwelcome and offensive public sexual display of affection;
- suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, etc.

The Elba Public School board of education expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Elba Public School board of education believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members.

The Elba Public School board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students' abilities to develop self-discipline.

Since bystander support of bullying/harassment can support these behaviors, the district prohibits both active and passive support for acts of bullying/harassment. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Elba Public School board of education requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student who commits one or more acts of bullying/harassment. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of bullying/harassment.

Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

Factors for Determining Consequences

Personal

- *Life Skills Competencies*
- *Talents*

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- *Experiential Deficiencies*
- *Traits*
- *Social Relationships*
- *Interest*
- *Strengths*
- *Hobbies*
- *Extra-Curricular Activities*
- *Academic Performances*
- *Classroom Participation*

Environmental

- School culture
- Family situation
- School climate
- Community activities
- Social relationships Neighborhood culture
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports

Consequences and appropriate remedial actions for a student who commits one or more acts of bullying/harassment may range from positive behavioral interventions up to and including suspension or expulsion in the case of a student as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of bullying/harassment shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Remedial measures shall be designed to: *correct the problem behavior; prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying/harassment offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment
2. Loss of privileges
3. Temporary removal from the classroom
4. Classroom or administrative detention
5. In-school suspension during the school week or the weekend
6. Out-of-school suspension
7. Legal action
8. Expulsion or termination

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Examples of Remedial Measures

Personal

Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.

- Restitution and restoration
- Peer support group
- Transformative conferencing/restorative justice
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
- Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Student counseling
- Student treatment
- Parent conferences
- Student therapy

Environmental (Classroom, School Building, or School District)

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement
- Adoption of research-based, systemic **bullying prevention program**
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Parent conferences
- Law enforcement involvement
- Referral to Family counseling

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The Elba Public School board of education requires the principal be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The Elba Public School board of education requires the principal be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made.

The Elba Public School board of education prohibits reprisal or retaliation against any person who reports an act of bullying/harassment. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The Elba Public School board of education prohibits any person from falsely accusing another as a means of bullying/harassment. The consequences and appropriate remedial action for a *person* found to have falsely accused another as a means of bullying/harassment may range from positive behavioral interventions up to and including suspension or expulsion.

The Elba Public School board of education requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur at Elba Public School, on property owned, leased, or rented by Elba Public School, in a Elba Public School vehicle, or at Elba Public School sponsored functions. The principal shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against bullying/harassment into each school employee training program and handbook.

Legal References: 20 U.S.C. §§ 1221-1234i (1994)
20 U.S.C. § 1681 et seq.
29 U.S.C. § 794 (1994)
42 U.S.C. § 1983
42 U.S.C. §§ 2000d-2000d-7 (1994).
42 U.S.C. §§ 12101 ET. seq. (1994).
79-2137 Bullying Prevention and Education
79-2139 Legislative Findings and Intent

Cross References: 404.06 Harassment
504 Student Rights and Responsibilities
505 Student Discipline
507 Student Records