

SECTION J STUDENTS

7. *Bullying Prevention Policy* (Voted 1/20/11, #11-6; 11/14/13, #13-86; 3/16/17, #17-27)

The Public Schools of Brookline (PSB), in partnership with parents, guardians, and the community, and in keeping with the PSB core value of respect for human differences, believes that a positive, safe, and civil environment in school is necessary for students to learn and achieve. Bullying disrupts a student's ability to learn by preventing that student's full engagement with his or her education. Moreover, bullying compromises a school's ability to educate its students in a safe environment. The Brookline School Committee, therefore, prohibits bullying throughout the Public Schools of Brookline. The purpose of this policy is to stop bullying and to provide guidance to the school community for a comprehensive and caring response to all those affected by bullying. This Policy operates in tandem with the PSB's Bullying Prevention Plan (Plan). All PSB community members are required to comply with the requirements of both this Policy and the Plan.

Bullying and retaliation, as defined herein, are prohibited:

- On school grounds and 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 vehicle owned, leased, or used by the PSB; or through the use of technology or an electronic device owned, leased, or used by the PSB; and
- 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 the PSB, if the bullying creates a hostile environment at school for the target, infringes on the target's rights at school, or materially and substantially disrupts the education process or the orderly operation of a school-sponsored or school-related activity, function or program.

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

Bullying that is based on a student's protected class (race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity or expression, disability) is also addressed in the PSB's Policies Against Discrimination, Sexual Harassment and Retaliation (Sections G(6) [Personnel] and J(6) [Students], PSB Policy Manual.

I. Definitions

- a. **"Aggressor"** means a student or a member of school staff who engages in bullying or retaliation as defined herein. School staff includes, but is not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.
- b. **"Target"** means a student against whom bullying or retaliation has been perpetrated.

- c. **“Bullying”** means the repeated use by one or more students or staff of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:
- causes physical or emotional harm to the target or damage to the target’s property; and/or
 - places the target in reasonable fear of harm to him/herself, or of damage to his/her property; and/or
 - creates a hostile environment at school for the target; and/or
 - infringes on the rights of the target at school; and/or
 - materially and substantially disrupts the education process or the orderly operation of a school.
- d. **“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.

For the purposes of this policy, bullying and retaliation include cyber-bullying as defined herein.

- e. **“Cyber-bullying”** 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.

Cyber-bullying also includes the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying also includes 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 the definition of bullying.

- f. **“Hostile environment”** 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. The conduct of the aggressor sufficiently interferes with or limits a student’s ability to participate in or benefit from school-sponsored or school-related activities, functions or programs.
- g. **“Home Base”** is a location in the school selected by school administration and staff where a student go when not feeling safe. This location should be a place where students can be supervised and monitored by school staff and where they are able to request

support (examples, principal/headmaster's office, vice-principal/assistant headmaster's office, dean's office, school counselor's office, the main office, etc.)

- h. **“Safe Person”** is a designated person in the school who the student can talk to and process social situations that are troubling, confusing, or agitating including bullying, that may not be readily understood by the student. This person should be familiar to the student and have a trusting relationship already established. This person should be a person chosen by or acceptable to the student and family.
- i. **“Safety Plan”** is an immediate action plan identifying the target student's primary and secondary safe person they can go to if they feel unsafe at any time after the initial report of bullying. In addition, the safety plan lists the behavioral expectations moving forward for all students involved including the aggressor. It lists school team actions intended to provide support to students in resolving the bullying conflict, which may include, but not be limited to, additional supervision during recess, lunch, and transition time, scheduling changes, scheduled check in's with involved students, etc. This plan should be agreed upon by students, parents/families and school administration, submitted to Deputy Superintendent of Student Services for review, and filed with completed bullying investigation documents.

II. Prohibitions

Bullying and retaliation can occur in and out of school, during and after school hours, and/or at home and in locations outside of the home. When bullying or retaliation is alleged, the full cooperation of students, parents/guardians, and families is expected.

Bullying and retaliation are also prohibited 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 the PSB, if the bullying or retaliation creates a hostile environment at school for the target, infringes on the rights of the target at school, and/or materially and substantially disrupts the education process or the orderly operation of a school.

III. District Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development and updating of a Bullying Prevention and Intervention Plan (the “Plan”), in consultation with all district stakeholders, including parents/guardians, teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, and/or students, consistent with the requirements of this policy, as well as state and federal laws.

The Plan shall be reviewed and updated at least biennially.

The Principal/Headmaster is responsible for the implementation and oversight of the Plan within his/her school. When a reported bullying incident involves the principal or assistant principal as the alleged aggressor or where there are familial concerns regarding the integrity of the

investigation by virtue of the Principal/Headmaster's responsibility, the Principal/Headmaster should delegate to the Superintendent or designee responsibility for investigating the report and for other steps necessary to implement the Plan, including addressing the safety of the alleged victim(s). If the Superintendent is the alleged aggressor, the School Committee or its designee shall be responsible for investigating the report and other steps necessary to implement the Plan, including addressing the safety of the alleged victim(s).

IV. Reporting (Oral or Written) Incidents of Bullying or Retaliation

Students who believe that they are a target of bullying or retaliation, who observe bullying or retaliation, or who have reasonable grounds to believe that bullying or retaliation is taking place, are obligated to report such bullying or retaliation to a member of the school staff, and may be subject to discipline for failing to report bullying or retaliation. However, the target shall not be subject to discipline for failing to report bullying or retaliation.

School staff who witness or become aware of bullying or retaliation shall immediately report in writing such bullying or retaliation to the Principal/Headmaster/Superintendent/School Committee, or his/her designee within one school day of witnessing or receiving a complaint of bullying of a student.

Parents/guardians, or members of the community, are encouraged to report bullying or retaliation to the Principal/Headmaster as soon as possible.

Each school shall have a means for anyone to anonymously report bullying or retaliation. No formal disciplinary action shall be taken against a student or staff member solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation/report of bullying or retaliation shall be subject to disciplinary action equivalent to that for bullying or retaliation.

V. District Compliance with Massachusetts Chapter 86, Section 4 of Bullying in Schools

The PSB shall annually report bullying incident data to DESE. The data shall include, but not be limited to: (i) the number of reported allegations of bullying and retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the DESE.

VI. Investigation of Reports of Bullying or Retaliation

Upon receipt of a report of bullying or retaliation, the Principal/Headmaster/Superintendent/School Committee or his/her designee shall promptly (1) with the assistance of support staff, assess the alleged target's need for protection and create and implement a safety plan that shall restore both a sense of and actual safety for the target; (2) notify the safe person listed on the student's safety plan (*see* Sections I(h) and (c)); (3) notify the

parents/guardians of the alleged target(s) and the alleged aggressor(s) within the confines of student confidentiality protections as outlined within DESE regulations and/or FERPA, and consistent with the requirements of the Plan; and (4) conduct and conclude an investigation within 10 school days that is consistent with the requirements of the Plan.

The details of the PSB's procedures pertaining to reports of bullying are set out in the PSB's Bullying Procedural and Prevention Plan. The below highlights key provisions of the Plan. The PSB requires full compliance with the Plan.

If a report of bullying or retaliation involves students from another PSB or non-PSB school, the Principal/Headmaster or his/her designee shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

At any point after receiving a report of bullying or retaliation, including after an investigation, the Headmaster/Principal//Superintendent//School Committee or designee shall immediately notify the local law enforcement agency if he/she has a reasonable basis to believe that criminal charges may be pursued against the aggressor(s). Such notification will be made after consultation with the Superintendent or his/her designee. The Headmaster/Principal/Superintendent/School Committee or designee shall document the reasons for his/her decision to notify law enforcement if such notification is made.

If the Principal/Headmaster/Superintendent/School Committee or his/her designee determines that bullying or retaliation has occurred, the Principal/Headmaster/Superintendent//School Committee or his/her designee shall (1) notify the parents/guardians of the target(s) and aggressor(s) of the determination and of the procedures for responding to bullying or retaliation; (2) consistent with state and federal privacy laws and related regulations, notify the parents/guardians of the target(s) of the action taken to prevent further bullying or retaliation; and (3) take appropriate disciplinary action.

All disciplinary action for students and staff who are found to have committed bullying or retaliation shall be in accordance with the Plan and the PSB's disciplinary policies. Such disciplinary action may include loss of extracurricular privileges, suspension and/or removal from school in the case of students; and administrative leave and termination in the case of staff.

If the Principal/Headmaster/Superintendent/School Committee or his/her designee determines that bullying or retaliation has not occurred, he/she shall notify the parents/guardians of the alleged target(s) and aggressor(s) of the determination and shall verify that they have received notice of the student-related sections of the Plan.

If provided for by the Discipline Policy of the Public Schools of Brookline, a parent/guardian can appeal the results of a bullying investigation determination pursuant to the procedures set forth in that Policy.

Confidentiality shall be used to the greatest extent permitted by law to protect a person who reports bullying or retaliation, who provides information during an investigation of bullying or retaliation, or who witnesses or has reliable information about bullying or retaliation.

The Principal/Headmaster shall document and maintain a file of all reports of bullying and retaliation. A quarterly report shall be provided to the Superintendent or his/her designee.

The Superintendent and/or his/her designee shall inform the School Committee periodically of any trends or implications of these reports in order to give the School Committee the opportunity to review and amend this policy.

VII. Counseling Assistance

The PSB recognizes that students affected by bullying or retaliation can include aggressors, targets, and others less directly involved. The PSB shall therefore provide or refer students affected by bullying or retaliation to counseling, guidance and/or academic intervention, as appropriate.

VIII. Training and Instruction on Bullying Prevention

Annual training in preventing, identifying, responding to, and reporting bullying or retaliation shall be provided for all school employees.

Staff training for those responsible for the implementation and oversight of the Plan will include training to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, and bullying behaviors.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all pre-K to 12 students.

IX. Publication and Notice

Annual written notice of the relevant sections of the Plan shall be provided to students and their parents/guardians in age-appropriate terms and in the languages which are most prevalent among the students and parents/guardians.

Annual written notice of the Plan, including sections related to staff duties and bullying of students by school staff, shall be provided to all school staff, along with annual training on the applicability of the Plan to their school.

Relevant sections of the Plan relating to the duties of faculty and staff shall be included in any relevant employee manuals/materials pertaining to employee training and conduct.

The Plan shall be posted on the PSB website.

REFERENCES: Massachusetts Department of Elementary and Secondary Education Model Bullying Prevention and Intervention Plan

LEGAL REFS.:

MGL 71:37O (been amended by Section 74 of Chapter 38).

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

603 CMR 26.00

603 CMR 49.00