



Lincoln Public Schools

Stephanie Powers
Administrator for Student Services

To: School Committee
From: Stephanie Powers, Administrator for Student Services
Re: Draft of School Committee Policy on Bullying
Draft of Lincoln Public Schools Bullying Prevention and Intervention Plan
Date: November 12, 2010

On May 3, 2010 Governor Patrick signed an *Act Relative to Bullying in Schools*. This new law prohibits bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to addressing bullying incidents.

The District must devote resources and engage in activities to establish a Bullying Prevention Plan by December 31, 2010 to meet compliance with the law. These activities must include development of policy. The Lincoln Public Schools has several policies and procedures that prohibit forms of bullying, cyberbullying and student harassment. Many of these need to be updated to comply with current laws and regulations. In the coming months we will propose revisions for School Committee discussion and vote. These include the:

- Code of Conduct (Student and Parent Handbook)
- Computer Acceptable Use Policy (Student and Parent Handbook)
- Discipline Code (JK)
- Student Computer and Internet Use (IJNDCA)
- Non-Discrimination and Discrimination Grievance Procedures (AC)
- Harassment and Harassment Reporting and Investigation (ACA)
- Student Conduct on School Buses (EEAEC)

The proposed policy on Bullying Prevention is presented as a draft for the Committee's review. It reflects the format and language recommended by the Massachusetts Department of Elementary and Secondary Education.

Also included is the Lincoln Public Schools Bullying Prevention and Intervention Plan for a first reading. This document was presented at a community forum on November 10, 2010. Representatives from the Lincoln Police Department, the Lincoln Library, the Lincoln Recreation Department, the Lincoln Public Schools, the HAFB Youth Center, the HAFB Police Department, the HAFB Family Advocacy Program, the Lincoln PTA, and the Lincoln School Committee were in attendance. Revisions suggested at this meeting are included in this latest version. The School Committee should plan to vote on the policy and plan at the next meeting. These documents are due to the Department of Elementary and Secondary Education by December 31, 2010.

File: JICFB

LINCOLN PUBLIC SCHOOLS BULLYING PREVENTION

–DRAFT FOR FRIST READING BY SCHOOL COMMITTEE–

The Lincoln Public Schools, in accordance with MGL: Chapter 92 of the Acts of 2010, endeavor to maintain a safe learning environment where students can achieve the highest academic standard. The Lincoln Public Schools are committed to creating an environment in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. The Lincoln Public Schools will endeavor to maintain a learning and working environment free of bullying. The Lincoln Public Schools shall not tolerate bullying.

Definitions

“Bullying” is 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:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

“Cyber-bullying” means 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 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 of impersonation creates any of the conditions enumerated in 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 the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying or cyber-bullying.

“Retaliation” is any form of intimidation, reprisal or harassment by a current student or former student under the age of 21 directed against a person in response to an action that person has taken or knowledge that person has.

Prohibitions

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Lincoln Public Schools.

Bullying and cyber-bullying are 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 Lincoln Public School district if the act or acts in question:

- Create a hostile environment at school for the target;
- Infringe on the rights of the target at school; and/or
- Materially and substantially disrupt the education process or the orderly operation of a school.

Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

Reporting

Students who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall not, however, be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

Any member of a school staff shall immediately report any instance of bullying the staff member witnessed or became aware of to the school principal.

Investigation Procedures

The Principal, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

The school principal shall promptly investigate the report of bullying, using a Bullying/Cyber-Bullying Investigation Reporting Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Staff shall assess an alleged target's needs for protection and respond as needed to restore a sense of safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school principal or determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within a timely manner. The parents or guardians shall be contacted upon completion of the investigation and informed of the results. The report provided to parents or guardians shall include whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. The Principal shall contact the parents or guardians as to the status of the investigation.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

Retaliation

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.

Target Assistance

The Lincoln Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

Training and Assessment

Training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

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

Communication with Other School Districts

If an incident of bullying or retaliation involves students from more than one school district, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. 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 a local school district, the school district or school informed of the bullying or retaliation shall contact law enforcement.

Special Education

Whenever the evaluation of the Individualized Education Program (IEP) team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Lincoln Public Schools website.

REFERENCES: MA Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan

LEGAL REFERENCES: Title VII, Section 703 Civil Rights Act of 1964 as amended
Federal Regulation 74696 issued by EEO Commission
Title IX of the Education Amendments of 1972
603 CMR 26.00
MGL 71:370
MGL 265:43, 43A
MGL 268:13B
MGL 269:14A

CROSS REFERENCES (will be indicated as polices are revised and adapted):

Current references

- Discipline Code (JK)
- Student Computer and Internet Use (IJNDCA)
- Non-Discrimination and Discrimination Grievance Procedures (AC)
- Harassment and Harassment Reporting and Investigation (ACA)
- Student Conduct on School Buses (EEAEC)