

## BULLYING PREVENTION AND INTERVENTION

The Middleton Public Schools are committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, cyber-bullying or retaliation.

The Middleton Public Schools have established separate discrimination or harassment policies that prohibit discrimination on the basis of race, color, gender, religion, national origin, sexual orientation or disability. Nothing in this policy shall prevent the Middleton Public Schools from remediating any discrimination or harassment based on an individual's membership in a protected class in accordance with those policies.

### Definitions

**1. Bullying:** the severe or repeated use by one or more students of a written, verbal, telephonic or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target person that:

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

For the purposes of this policy, bullying shall include cyber-bullying.

**2. 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, voice, 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 (i) the creation of a web page, the knowing use of a blog, or social media 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 identified in the definition of bullying or (iii) 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, or (iv) repeated use of electronic media to cause any of the conditions found in the definition of bullying

**3. 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 target's education.

**4. Target Person:** A student who has been subject to bullying or retaliation by another student or group of students.

**5. Aggressor Person:** A student who engages, either individually, or as part of a group, in bullying, cyber-bullying or retaliation.

**6. Local law enforcement agency:** local police department

**7. Principal:** The administrative leader of a Middleton Public School or his/her designee for the purposes of investigating and responding to reports of bullying, cyber-bullying or retaliation.

**8. Retaliation:** Intimidation, reprisal, or harassment directed against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about 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.

### **Prohibited Behavior(s)**

The Middleton Public Schools are committed to maintaining learning environments that are free from bullying, cyber-bullying, and retaliation. Bullying, cyber-bullying and/or retaliation by a student are strictly prohibited and may result in the imposition of disciplinary sanctions by school administrators.

For the purpose of this policy, bullying is prohibited:

- 1) 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 the Middleton Public Schools; and

- 2) 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 Middleton Public Schools, if the bullying creates a hostile environment at school for the target person, infringes on the rights of the target person at school, or materially and substantially disrupts the education process or the orderly operation of a school. This prohibition shall not be construed as requiring Middleton Public Schools to staff or supervise 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 is also strictly prohibited and may result in suspension or expulsion from 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 or as deemed appropriate by school officials and the Middleton School Committee.

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

#### **A. Reporting Requirements**

In accordance with this policy and G.L. c.71, §37O, a school staff member, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, will immediately report to the school principal any instance of bullying, cyber-bullying or retaliation that the staff member has witnessed or has become aware of.

Any student, who believe that he/she is a target person of bullying, observes an act of bullying, or who has reasonable grounds to believe that these behaviors are taking place, are obligated to report such incidents to a member of the school staff as soon as is appropriate. The target person shall, however, not 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 against any student solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying may 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 to school staff or the Principal. If a parent, guardian, or member of the community makes a report to school staff, the staff member shall provide the details of the report to the Principal as soon as is appropriate.

## **B. Investigations**

Upon receipt of a report or complaint of bullying, cyber-bullying or retaliation as defined in this policy, the building principal will promptly conduct an investigation. If the principal determines that bullying, cyber-bullying, and/or retaliation has occurred, the principal will:

- (i) take appropriate disciplinary and corrective action;
- (ii) notify the Superintendent of Schools;
- (iii) notify the parents of the aggressor of the investigative findings;
- (iv) notify the parents of the target of the investigative findings and, as consistent with state and federal law, notify the target's parents of the action taken to prevent any further acts of bullying or retaliation;
- (v) take appropriate action to protect the target and witnesses from further bullying or retaliation.
- (vi) notify the local law enforcement agency if the principal reasonably believes that criminal charges may be pursued against an aggressor;
- (vii) whenever the local law enforcement agency is notified, the Superintendent of Schools shall inform the Chairperson of the School Committee to the extent permissible by law.

In investigating each report or complaint of bullying, the principal or designee will use the Bullying/Cyber-bullying Report Form which may include interviewing the alleged target person, alleged aggressor, staff members, students and/or other witnesses.

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target person and/or to protect the alleged target person from possible further incidents. Responses to promote safety may include, but not be limited to, creating a Personal Safety Plan; pre-determining seating arrangements for the target person and/or the aggressor in the classroom, gym, at lunch, at recess, after school activities that occur at the school or on school grounds, or on the bus; identifying a staff member who will act as a "safe person" for the target person; and altering the aggressor's schedule and access to the target person. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

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.

Confidentiality shall be used consistent with all applicable state and federal laws to protect the target person and any 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 a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Middleton Police. Notice will be consistent with the requirements of 603 CMR 49.00 and the Memorandum of Understanding between the Middleton Public Schools, the Middleton Police Department and the Essex County District Attorney's Office.

Bullying may constitute child abuse under Massachusetts Law, Ch. 119, and s.51A. The Middleton Public Schools will comply with Massachusetts law in reporting suspected cases of child abuse or neglect to the Department of Children and Families (DCF). Complaints of a serious nature involving physical contact, abuse or other such actions shall be reported immediately to the Superintendent of Schools.

The investigation shall be completed within ten school days from the date of the report to the principal. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including 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. At a minimum the principal or his/her designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

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 or designee. A monthly report of all incidents shall be provided to the Superintendent of Schools who will prepare a summary for distribution to the School Committee and/or other Advisory Committees.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law. Individuals reporting incidents of alleged bullying should know that complaints will be promptly addressed in a confidential manner to protect the privacy of all individuals involved. Information provided under these procedures will be treated as confidential. This means that such information will be shared with others on a need-to-know basis only.

## **Bullying Prevention and Intervention Plan**

The Superintendent will develop and implement a Bullying Prevention and Intervention Plan to address bullying prevention and intervention in the Middleton Public Schools.

### **(i) Development of the Plan**

The plan shall be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, local law enforcement agencies, students, parents and guardians. The consultation shall include notice and a public comment period. The plan shall be updated biennially.

### **(ii) Contents of the Plan**

The Bullying Prevention and Intervention Plan shall be in accordance with the requirements of G.L. c.71, §37O and shall include:

- (a) descriptions of, and statements prohibiting, bullying, cyber-bullying and retaliation consistent with this policy;
- (b) procedures for students, staff, parents, guardians and others to report bullying or retaliation;
- (c) a provision that reports of bullying or retaliation may be made anonymously but that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
- (d) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- (e) procedures for promptly responding to and investigating reports of bullying or retaliation;
- (f) information regarding the range of disciplinary and remedial actions that may be taken against an aggressor;
- (g) procedures for assessing and monitoring the target's and witness's need for protective interventions;
- (h) strategies for protecting from bullying or retaliation any individual who reports bullying, cooperates with an investigation of bullying, or who has reliable information about an act of bullying;
- (i) procedures consistent with state and federal law for notifying the parents of a target and of an aggressor of the investigative findings and actions to be taken;
- (j) provision for the notification of local law enforcement agencies if the principal reasonably believes that criminal charges may be pursued against the aggressor;
- (k) provision for annual and ongoing professional development to build the skills of all staff to prevent, identify, and respond to bullying. The content of such professional development training(s) shall be in accordance with the requirements of M.G.L. c.71, §37O;

- (l) provision for the implementation of an evidenced-based anti-bullying instruction in grades PK-6 and for informing parents regarding the instructional contents and strategies for reinforcing the learning at home, the dynamics of bullying, and Internet safety.

### **(iii) Implementation of the Plan**

It shall be the responsibility of the building principal to implement and adhere to the District's Bullying Prevention and Intervention Plan within each school.

### **(iv) Publication and Notice**

A summary of the Bullying Prevention and Intervention Plan shall be included in the parent-student handbook and shall be posted on individual school and the district websites.

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.

### **Target person and Aggressor/Perpetrator Assistance**

The Middleton Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both target persons and perpetrators, affected by bullying, as necessary. This may also be done for those who reported, participated in, or witnessed the bullying behavior.

### **Training and Assessment**

Annual 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 all PK to Grade 6 students.

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

LEGAL REFS. 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  
603 CMR 26.00  
MGL 71:37O  
MGL 265:43, 43A  
MGL 268:13B  
MGL 269:14A

CROSS REFS: AC, Nondiscrimination  
ACAB, Sexual Harassment  
JBA, Student-to-Student Harassment  
JICFA, Prohibition of Hazing  
JK, Student Discipline Regulations

**Approved: Middleton School Committee December 13, 2010**

**Reviewed:**

**Revised:**