

BERKLEY PUBLIC SCHOOLS

ANTI-BULLYING

Policy #6650

A. Purpose

Berkley Public Schools is committed to fostering and maintaining a safe and nurturing learning and work environment that encourages mutual respect, dignity and equality and is free from all forms of harassment, intimidation and bullying. The purpose of this policy is to prevent harassment, intimidation and bullying between or among any members of the school community and to offer persons who believe they have been subject to bullying an efficient and effective means by which to end it.

B. Definitions

Bullying, as defined in M.G.L. c. 71, § 370, 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:

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

Cyber bullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L.c.71, §370 for the legal definition of cyber bullying.

Bullying is the act of one or more individuals intimidating one or more persons through verbal, physical, mental or written interactions including via any electronic media (cyber bullying). This includes student to student, staff to staff, student to staff and staff to student.

Bullying is a major distraction from learning. Bullying of any type has no place in a school setting. The Berkley Public Schools will endeavor to maintain a learning and working environment free from bullying.

Bullying may include, but is not limited to:

- intimidation, either physical or psychological,
- threats of any kind, stated or implied,
- assaults on persons, including verbal, physical, psychological, written and/or emotional,
- attacks on personal property.

C. Scope

This policy applies to all members of the Berkley Public Schools community, staff, students and parents/guardians, while attending school and all extracurricular and school-sponsored activities and events, both on school property and at off-site locations, and during normal school hours.

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 up to and including suspension and expulsion for students and termination for employees.

D. Prevention and Intervention Plan

The Superintendent shall oversee the development of a prevention and intervention plan in consultation with school staff, administrators, parents, volunteers and local law enforcement agencies. The bullying prevention and intervention plan shall be reviewed and updated at least biennially. The Principal(s) are responsible for the implementation and oversight of the prevention and implementation of the plan within his/her school. (See attached)

E. Training and Assessment

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

F. Violations of the Policy

Any person who violates this policy will be subject to appropriate disciplinary action, including but not limited to warnings, reprimands, physical restraint/restrictions, discharge, suspension or expulsion. Any disciplinary action against employees of the school system will be taken in accordance with applicable collective bargaining agreements, state, and federal law. Student's disciplinary action will be in accordance with each school's discipline procedure.

G. Reporting Bullying Incidents

Any person who believes that he or she has been subjected to, or has witnessed acts of intimidation or bullying in the educational environment is encouraged to bring his/her complaint to the immediate attention of an adult or staff member for assistance in resolving the matter.

Complainants are not promised confidentiality; however, the district will enforce the anti-retaliation provisions of this policy to protect complainants and witnesses. The school system will endeavor to involve as few people as possible, with the goal of protecting all parties involved and stopping the behavior.

Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee.

H. Anti-Retaliation Provision

Behavior that is interpreted as retaliatory in response to a bullying complaint being filed is in violation of this policy and subject to the same reporting and investigative procedures as the initial complaint. Filing of false reports is also in violation of this policy. Persons found to be filing false reports of bullying or harassment will be subject to disciplinary action.

I. Resolving Complaints of Bullying

All complaints will be investigated by the assistant principal, principal and/or superintendent. All appropriate steps will be taken to resolve the complaint. Disciplinary action will be in accordance with each school's discipline procedure.

Adopted: April 12, 2010

Amended: Nov. 17, 2010

Reviewed: March 1, 2016

Att: Bullying Prevention and Intervention Plan, 11/5/12 amended

BERKLEY PUBLIC SCHOOLS (BPS)***Bullying Prevention and Intervention Plan*****I. LEADERSHIP**

School leaders play a critical role in developing and implementing Bullying Prevention and Intervention Plans (“the Plan”) to promote positive school climate. Leaders have a primary role in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference.

Public Involvement

As required by M.G.L. c. 71, § 37O, this Plan has been developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. Consultation included notice and a public comment period before the Plan was adopted by the school committee.

Assessing Needs and Resources

The Plan is the district’s blueprint for enhancing capacity to prevent and respond to issues of bullying. As part of the planning process, school leaders, with input from families and staff, assessed the adequacy of current programs; reviewed current policies and procedures; reviewed available data on bullying and behavioral incidents; and assessed available resources including curricula, training programs, and behavioral health services.

Planning and Oversight

School leaders will 1) receive reports on bullying; 2) collect and analyze school-wide data on bullying to assess the present problem and measure improved outcomes; 3) create a process for recording and tracking incident reports for accessing information related to targets and aggressors; 4) plan for the ongoing professional development that is required by the law; 5) respond to the needs of targets and aggressors; 6) choose and implement the curricula that the school will use; 7) revise current policies and protocols under the Plan, including an Internet Safety Policy, and designate key staff to be in charge of implementation of them; 8) amend student and staff handbooks and codes of conduct; 9) lead the parent or family engagement efforts and draft parent information materials; and 10) review and update the Plan each year, or more frequently.

Priority Statement

Berkley Public Schools is committed to fostering and maintaining a safe and nurturing learning and work environment that encourages mutual respect, dignity and equality and is free from all forms of harassment, intimidation and bullying.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

In accordance with M.G.L. c. 71, § 37O BPS will provide ongoing professional development for all staff, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, and paraprofessionals. Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal/designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

Ongoing Professional Development

Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of school-wide and district-wide professional development will be informed by research and will include information on: developmentally appropriate strategies to prevent and/or stop bullying; information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber bullying; and Internet safety issues as they relate to cyber bullying. Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Written Notice to Staff

BPS will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the employee handbook and the code of conduct.

III. ACCESS TO RESOURCES AND SERVICES

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of targets, aggressors, families, and others are addressed. In order to enhance the school's or district's capacity to prevent, intervene early, and respond effectively to bullying, available services reflect an understanding of the dynamics of bullying and provide approaches to address the needs of targets and aggressors.

Resources, Counseling and other Services

BPS will provide school-based interventions and other services as needed for targets, aggressors, and their families.

Students With Disabilities

As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

Referral to Outside Services

BPS will follow established protocols for referring students and families to outside services.

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

An age-appropriate instruction on bullying prevention in each grade has been incorporated into the school's curricula.

Bullying prevention curricula will emphasize the following approaches: using scripts and role plays to develop skills; empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance; helping students understand the dynamics of bullying and cyber bullying, including the underlying power imbalance; emphasizing cyber safety, including safe and appropriate use of electronic communication technologies; enhancing students' skills for engaging in healthy relationships and respectful communications; and engaging students in a safe, supportive school environment that is respectful of diversity and difference. The Plan will be reviewed with each student on a yearly basis.

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities.

Communication With Parents

We provide information to parents on the dynamics of bullying, cyber bullying and online safety through parent meetings and posting information and links on the district and schools' websites.

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

Any person who believes that he or she has been subjected to, or has witnessed acts of intimidation or bullying in the educational environment is encouraged to bring his/her complaint to the immediate attention of an adult or staff member for assistance in resolving the matter.

Complainants are not promised confidentiality; however, the district will enforce the anti-retaliation provisions of this policy to protect complainants and witnesses. The school system will endeavor to involve as few people as possible, with the goal of protecting all parties involved and stopping the behavior.

The district Incident Reporting Form is attached.

At the beginning of each school year, the school will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal/designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

Reporting

A staff member will report immediately to the principal/designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal/designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal/designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal/designee.

Responding to a report of bullying or retaliation

Before fully investigating the allegations of bullying or retaliation, the principal/designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target 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 and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will

act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal/designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal/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.

Obligations to Notify Others

Upon determining that bullying or retaliation has occurred, the principal/designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it.

There may be circumstances in which the principal/designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

Notice to Another School or District

If the reported incident involves students/persons from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal/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, and 603 CMR 49.00.

Notice to Law Enforcement

At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal/designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal/designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal/designee deems appropriate.

Investigation

The principal/designee will investigate promptly all reports of bullying or retaliation and, in doing so; will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. During the investigation the principal/designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal/designee (whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations.

Determination

The principal/designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal/designee will take steps to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal/designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary. Depending upon the circumstances, the principal/designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal/designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal/designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal/designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the principal/designee may consider include:

- offering individualized skill-building sessions;
- providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

2. Taking Disciplinary Action

If the principal/designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal/designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the school's discipline procedure.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the principal/designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others

The principal/designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal/designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal/designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal/designee will work with appropriate school staff to implement them immediately.

VI. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyber bullying, are prohibited: (i) 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 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 through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school. 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.

As stated in M.G.L. c. 71, § 370, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

VII. DEFINITIONS

Several of the following definitions are copied directly from M.G.L. c. 71, § 370, as noted below.

Aggressor is a student who engages in bullying, cyber bullying, or retaliation.

Bullying, as defined in M.G.L. c. 71, § 37O, 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:

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

Cyber bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L.c.71, §37O for the legal definition of cyber bullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is 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 a student's education.

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

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

VIII. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the school or district, 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, gender identity, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school or District 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 school or district 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.

LEGAL REF: BESE CMR 26:00

Adopted: November 17, 2010

Amended: January 9, 2012

Amended: Nov. 5, 2012

Reviewed: March 1, 2016

BERKLEY PUBLIC SCHOOLS

INCIDENT REPORTING/COMPLAINT FORM

1. Name of Reporter: _____

2. Check whether you are the:
Target (of the behavior): Reporter:

3. Check whether you are a:
 Student Staff Member Other (specify)

 Parent Administrator

3A. Provide Your Contact Information/Tel. No:

4. State your school: Berkley Community School Berkley Middle School

5. Information about the Incident:

Name of Target (of behavior): _____ **Check whether:**
Staff Other Student

Name of Subject of Report/Complaint: _____ Student
Staff Other

Date(s) of Incident: _____

Time When Incident(s) Occurred: _____

Incident Location (be as specific as possible):

6. Witnesses: (List people who saw the incident or have relevant information about the incident):

Name: _____ Student Staff Member Other

Name: _____ Student Staff Member Other

7. Describe the details of the incident (the names of persons involved, what occurred, and what each person did and said, including specific words used; use additional paper if necessary):

8. Signature of Reporter/Complainant: _____ Date: _____

9. Form Provided to: _____ Position: _____ Date: _____

Signature: _____ Date: _____

10. Action Taken:

11. Follow Up Parent/Guardian of Reporter: Y/N

Follow Up Parent/Guardian of Subject: Y/N

12. Additional Follow Up Needed: Y/N
