

White Oak School

POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

- A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school staff member is required to report immediately to the Headmaster or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. The school will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the Headmaster or designee; and 3) post it on the school's website.

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 Headmaster or designee, will be incorporated in student and staff handbooks, on the school website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

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

2. Reporting by Students, Parents or Guardians, and Others

The school 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 Headmaster or 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 Headmaster or designee.

B. Responding to a report of bullying or retaliation.

1. Safety

Before fully investigating the allegations of bullying or retaliation, the Headmaster or 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 Headmaster or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Headmaster 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.

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the Headmaster or 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 Headmaster or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Headmaster or designee first informed of the incident will promptly notify by telephone the Principal or Headmaster or other 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.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Headmaster or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Headmaster 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 Headmaster or 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 Headmaster will, consistent with the Plan and with applicable school policies and procedures, consult with other individuals the Headmaster or designee deems appropriate.

- C. Investigation. The Headmaster or 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 Headmaster or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Headmaster or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Headmaster or designee, and any other staff members as determined by the Headmaster or designee. To the extent practicable, and given his/her obligation to investigate and address the matter, the Headmaster or designee will maintain confidentiality during the investigative process. The Headmaster or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school policies and procedures for investigations. If necessary, the Headmaster or designee will consult with legal counsel about the investigation.

- D. Determinations. The Headmaster or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Headmaster or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Headmaster or 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 Headmaster or designee may choose to consult with the students' teacher(s) and/or Dean of Students, 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 Headmaster or 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 Headmaster or 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.

- E. Responses to Bullying.

1. Teaching Appropriate Behavior Through Skills-building

Upon the Headmaster or 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 Headmaster or designee may consider include:

- offering individualized skill-building sessions based on the school's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with teachers 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 Headmaster or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Headmaster or 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 Plan and with the school's code of conduct.

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 Headmaster or 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 Headmaster or 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 Headmaster or 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 Headmaster or 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 Headmaster or designee will work with appropriate school staff to implement them immediately.

COLLABORATION WITH FAMILIES

- A. Parent education and resources. The school offers education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school.

- B. Notification requirements. Each year the school informs parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice includes information about the dynamics of bullying, including cyberbullying and online safety. The school sends parents written notice each year about the student-related sections of the Plan and the school's Internet safety policy. All notices and information made available to parents or guardians are in hard copy and electronic formats. The school posts the Plan and related information on its website.

PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, 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 the 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 the 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 the 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, § 37O, nothing in this Plan requires the school to staff any non-school related activities, functions, or programs.

DEFINITIONS

Aggressor is a student who engages in bullying, cyberbullying, 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.

Cyberbullying, 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 cyberbullying.

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, cyberbullying, or retaliation has been perpetrated.

RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the school, no person shall be discriminated against in admission to the school or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school 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 to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or school policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

White Oak School Bullying Prevention and Intervention Reporting Form

1. Name of Reporter/Person Filing the Report: _____

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. Check whether you are the: Target of the behavior Reporter (not the target)
3. Check whether you are a: Student Staff member (specify role) _____
 Parent Administrator Other (specify) _____

Your contact information/telephone #: _____

4. If a student, what is your grade: _____

5. Information about the incident:

Name of Target (of behavior): _____

Name of Aggressor (Person who engaged in the behavior): _____

Date(s) of Incident(s): _____

Location of incident(s) (Be as specific as possible): _____

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

Name: _____ ___ Student ___ Staff ___ Other _____

Name: _____ ___ Student ___ Staff ___ Other _____

Name: _____ ___ Student ___ Staff ___ Other _____

7. Describe the details of the incident (including names of people involved, what occurred and what each person did and said, including specific words used). Please use additional space on back if necessary.

8. Signature of Person Filing this Report: _____ Date: _____

(Note: Reports may be filed anonymously.)

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

Signature: _____ Date Received: _____

10. Signature: _____ Date Received: _____

INVESTIGATION

1. Investigators(s): _____ Position(s): _____

2. Interviews:

___ Interviewed aggressor Name: _____ Date: _____
___ Interviewed target Name: _____ Date: _____
___ Interviewed witnesses Name: _____ Date: _____

3. Any prior documented incidents by the aggressor? ___ Yes ___ No

If yes, have incidents involved target or target group previously? ___ Yes ___ No

Any previous incidents with findings of BULLYING, RETALIATION? ___ Yes ___ No

Summary of Investigation:

(Please use additional paper and attach to this document as needed)

CONCLUSIONS FROM THE INVESTIGATION

1. Finding of bullying or retaliation:

___ YES ___ NO
___ Bullying ___ Incident documented as _____
___ Retaliation ___ Discipline referral only _____

2. Contacts:

___ Target's parent/guardian Date: _____ ___ Aggressor's parent/guardian Date: _____
___ District Equity Coordinator (DEC) Date: _____ ___ Law Enforcement Date: _____

3. Action Taken:

___ Loss of Privileges ___ Detention ___ STEP Referral ___ Suspension
___ Community Service ___ Education ___ Other _____

4. Describe Safety Planning: _____

Follow-up with Target: scheduled for _____ Initial & Date when completed: _____

Follow-up with Aggressor: scheduled for _____ Initial & Date when completed: _____

Report forwarded to Headmaster: Date _____
(If Headmaster was not the investigator)

Signature and Title: _____ Date: _____