

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Subject: Student Bullying Harassment, or Intimidation	Date Approved: May 15, 2001 February 21, 2006 May 26, 2009 November 17, 2009 August 16, 2011 August 19, 2014 February 21, 2017 Date Revised: May 9, 2005 March 17, 2009 October 20, 2009 June 30, 2011 August 19, 2014 February 21, 2017 Date Effective: May 15, 2001 February 21, 2006 May 26, 2009 November 17, 2009 August 16, 2011 August 19, 2014 February 21, 2017

1. PURPOSE

Somerset County Board of Education is committed to providing all students with a safe, nurturing, and supportive learning environment that is free from any form of bullying, harassment, or intimidation. It is the policy of Somerset County Board of Education to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at school. Somerset County Board of Education prohibits reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation. Additionally, to establish guidelines for setting standards of supporting a school wide bullying program involving awareness, prevention, and early intervention training with students, parents, administration, and school staff.

2. DEFINITIONS

- A. **Bullying, Harassment, or Intimidation** – means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being is:
- 1) Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or,
 - 2) Threatening or seriously intimidating; and,
 - 3) Occurs on school property, at a school activity or event, or on a school bus; or,
 - 4) Substantially disrupts the orderly operation of a school
- B. **Bullying** – exposing a student to intentional negative actions on the part of one or more students, which adversely affect the victim’s ability to participate in or benefit from the school’s educational program or activities.
- C. **Harassment** – perceived or actual experiences of discomfort with identity issues in regard to race, color, national origin, gender, disability, sexual orientation, religion, or other identifying characteristics by a student which adversely affects that student’s ability to participate in or benefit from the school’s educational program.
- D. **Intimidation** – subjection of a student to intentional action that seriously threatens and induces a sense of fear and/or inferiority which adversely affects that student’s ability to participate in or benefit from the school’s educational program or activities.
- E. **Retaliation** – an act of reprisal or getting back at a person for an act he/she has committed
- F. **Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and/or other inappropriate verbal, written, or physical conduct of a sexual nature, directed toward others.
- G. **Electronic communication** – a communication transmitted by means of an electronic device, including but are not limited to a telephone, cellular phone, computer, digital and video cameras, and pager (see policy 600-31). Cyberbullying- A form of bullying, harassment, and intimidation. Cyberbullying means a communication transmitted by an electronic device and includes the use of social media sites. Cyberbullying shall include any future applications that fall under “electronic communication”.

3. GUIDELINES

- A. The Somerset County Public Schools' Administrators shall have professional development for all school employees including contracted staff and students to increase awareness of the prevalence, causes, and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying annually. Staff will be provided with age appropriate information on identifying bullying and harassment behaviors, prevention, intervention/remediation, and consequences. Substitute teachers shall receive the portions of this training relevant to them during their orientation. All employees will be informed of the formal and informal complaint processes and their roles and responsibilities under policy and procedures. School administrators or designee will ensure that Bullying, Harassment, or Intimidation Reporting forms are available in the school's main office, counselor's office, and other locations determined by them. They will also include "Bullying, Harassment, or Intimidation Forms" in the beginning of the year packets for students, parents, and staff (see administrative procedures).
- B. Students will be provided with age appropriate information on the recognition and prevention of bullying, harassment, or intimidation and their rights and responsibilities under this and other district policies and rules at student orientation sessions. Parents shall be provided with copies of this policy and procedures and appropriate materials on recognition and prevention of bullying, harassment, or intimidation.

Prevention, Intervention, Remediation, and Consequences

This policy recognizes that the prohibition of bullying in schools and reprisal and retaliation against individuals, who report acts of bullying, as well as subsequent and standard consequences and remedial actions cannot be effective as prevention and intervention method unless they are included as a part of a whole-school based prevention/intervention program. The whole-school program would include the following elements: prevention, intervention/remediation, and consequences.

Prevention will include but is not limited to:

- At least annual professional development for all school employees
- School-wide evidence-based anti-bullying programs implemented as part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- School climate improvement efforts in order to promote student involvement in the school anti-bullying efforts, peer support, mutual respect, and a culture which encourages students to report incidents of bullying to adults.
- Collaboration with families and the community to inform parents about the prevalence, causes, and consequences of bullying, including its central role as a public health hazard and the means of preventing it.
- Biennial school/building-specific data collection on the prevalence and characteristics of bullying which is used to guide local decision-making related to surveillance, prevention, intervention, and professional development.

Intervention/Remediation will include but is not limited to:

- Counseling with school counselor or school psychologist
- Parent/Student Conference
- Behavior Contract
- Peer mediation
- Professional development for school staff on how to respond appropriately to students who bully, are bullied, and/or are bystanders who report bullying.
- Education/intervention for the students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance and sensitivity to Diversity.
- Remedial measures designed to correct the bullying behavior, prevent another occurrence, and protect the victim.
- Support/counseling for the victim with protection from retaliation and further episodes of bullying.
- A continuum of interventions developed to prevent bullying by addressing the social-emotional, behavioral, and academic needs of students who bully in order to prevent further incidents, while taking great care to ensure the safety of the victim.
- Utilizing community health and mental health resources for those students who are unable to stop bullying behaviors in spite of school intervention and for those students involved in bullying behaviors as perpetrators, victims, or witnesses whose mental or physical health, safety, or academic performance has been impacted
- Satisfactory completion of community service.

4. DISCIPLINE:

Students and others engaging in these behaviors on school property or at or at school related activities are subject to disciplinary and /or legal action. Acts that are committed off of school property but impacts the learning environment and/or the safety of students during the school day will also be subject to disciplinary and/or legal action. Any action taken against individuals found to have committed acts of bullying, harassment/sexual harassment or intimidation, engaged in reprisal or retaliation, and for persons found to have made false accusations will be consistent with COMAR, Title 13A State Board of Education, Title IX of the Education Amendments of 1972, due process rights, and Somerset Board Policy 600-17 Student Discipline. Consequences may include but are not limited to: denial of school privileges, parent conference, in-school suspension, verbal reprimand, reassignment of classes, reassignment of bus, referral to law enforcement, and out of school suspension. Additionally, third party individuals who bully, harass, or intimidate (on behalf of the initial harasser) the complainant and retaliate against any witness will be subjected to the same disciplinary procedures and consequences as the harasser.

Students with Disabilities:

- A student with a disability may be removed for more than 10 school days at a time for a violation of school rules, to the same extent removal is applied to students without disabilities, if the student's IEP team determines the behavior subject to the removal is not a manifestation of the student's disability. If the violation of school rules is not a manifestation of the student's disability, the student may be removed, but the student must continue to receive educational services in another setting, and receive, as appropriate, a Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP), or modifications to an existing BIP, designed to address the behavioral violation and to prevent its recurrence (COMAR 13A.08.03.03B(4) – (5)).
- When these removals (10 days or less at one time) accumulate to more than 10 days in a school year, school personnel determine the extent of services needed to enable the student to progress in a general curriculum towards the IEP goals.
- On the date a student with a disability is removed from the student's current placement for a violation of a code of student conduct, for more than 10 consecutive days or a change of placement, school personnel shall notify the parents of the decision and provide the parents with the procedural safeguards notice.
- Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern.
- Within 10 school days of any decision to change the placement, the IEP team must review all relevant information in the student's file, any teacher observation and any relevant information provided by the parents to determine:
 - If the conduct was caused by or had a direct and substantial relationship to the student's disability or;
 - If the conduct in question was the direct result of the public agency's failure to implement the IEP.
- If the IEP team determines that either of the above statements is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- If the conduct was a manifestation of the student's disability, the IEP team must:
 - Conduct a functional behavioral assessment and a behavioral intervention plan for the student, if the school had not previously done so;
 - In the situation where a behavior intervention plan has been developed, review the behavior intervention plan and modify it, as necessary to address the behavior; and
 - Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, except when the student has been removed to an interim alternative education setting for up to 45 days for drugs, weapon, or serious bodily injury.

5. SUPPORT SERVICES:

There are numerous support services available to the student bully, victim, witness, bystander at a school, staff, parents, and community. These services include counseling, conflict resolution, social skills/competency training, assigned mentors, as well as specialized support through the department of juvenile services, law enforcement agencies, faith-based services, multi-service centers, and youth development agencies. Each school principal or designee will publish a list of support services that are available at their particular school and/or community. Additional information with the reporting and investigation procedures of Somerset County Public Schools can be obtained through the MSDE. Individuals with questions may

contact the following MSDE staff: Walter Sallee, (or current Director), Interim Executive Director of Student Services and Strategic Planning Branch, 410-767-0311; and/or Dominic M. Romano, School Safety Specialist (or current School Safety Specialist) at 410-767-0311.

6. EVALUATION:

The Superintendent or designee will convene an ad hoc committee composed of representatives of certification/classified staff, volunteers, students, parents, and community members to review the effectiveness of this policy and procedures periodically. Based upon the review of the committee, the Superintendent may prepare a report to the Board including, if necessary, any recommended policy changes.