

## **BULLYING PREVENTION AND INTERVENTION**

### **INTRODUCTION**

The Somerset Public Schools and Somerset Berkley Regional School District (“District”) 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, or cyber-bullying.

### **I. LEADERSHIP**

*Leadership at all levels plays a critical role in implementing Bullying Prevention and Intervention Plans in the context of other whole school and community efforts to promote a 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. Leadership is responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to bullying.*

#### **A. Public involvement in developing the Plan**

As required by M.G.L. c. 71, § 370, the District consulted with stakeholders in 2016 to develop the Bullying Prevention and Intervention Plan (“Plan”). The plan applies to students and members of the school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. This consultation included a public comment period.

#### **B. Accessing needs and resources**

At least once every four (4) years the District administers a Department of Elementary and Secondary Education (DESE)-developed student survey to assess school climate, and the prevalence, nature and severity of bullying in our schools. Additionally, the school or District annually reports bullying incident data to DESE.

Further, building principals, with input from families and staff, assess the adequacy of current programs, review current policies and procedures, review available data on bullying and behavioral incidents and assess available resources. School building-specific data are analyzed to identify patterns of behaviors and areas of concern to inform decision-making in designing for bullying prevention strategies. Bullying data is reported to the School Committee on an annual basis.

### **C. Planning and Oversight**

1. The District is responsible for state and federal reporting requirements
2. Each building principal or designee, in conjunction with the District, is responsible for the following:
  - a. receiving reports on bullying;
  - b. collecting and analyzing and school-wide data on bullying to assess the present problem and to measure improved outcomes;
  - c. creating a process for recording and tracking incident reports and for accessing information related to targets and aggressors;
  - d. planning for the on-going professional development that is required by law;
  - e. planning supports that respond to the needs of targets and aggressors;
  - f. choosing and implementing the curricula that the school or District will use;
  - g. developing new or revising current policies and protocols under the Plan, including an Internet safety policy and designating key staff to be in charge of implementation of them;
  - h. amending student and staff handbooks and codes of conduct to, among other things, make clear that bullying of students by school staff or other students will not be tolerated;
  - i. leading the parent or family engagement efforts and draft parent information materials; and
  - j. Reviewing and updating, if needed, the Plan annually.

### **D. District Priority Statements**

The Bullying Prevention and Intervention Plan (Plan) is a comprehensive approach to addressing bullying, and cyberbullying and the District is committed to working with students, families, law enforcement agencies and the community to prevent such issues.

1. The District expects that all members of the school community will treat each other in a civil manner and with respect for differences.
2. The District is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.
3. The District understands that certain students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnancy or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics. The District will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.
4. The District does not tolerate any unlawful or disruptive behavior, including any form of bullying,

cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. The District will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. The District will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying. The Principal is responsible for the implementation and oversight of the Bullying Prevention and Intervention Plan within his or her school except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target. If the Superintendent is the alleged aggressor, the School Committee, or its designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged victim.

## **II. TRAINING AND PROFESSIONAL DEVELOPMENT**

### **A. Annual staff training on the Plan**

Annual training for all school staff on the Plan will include an overview of the steps that the principal or 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.

### **B. On-going Professional Development**

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication and respect for differences. Professional development will build the skills of staff to prevent, identify and respond to bullying.

This professional development is organized by the building principal and is delivered by external trainers or employees who have received training from an approved training program. This training provides the staff with the knowledge base and training methods needed to inform them regarding bully prevention and intervention techniques.

Additionally, as required by M.G.L. c. 71, § 37O, the content of the District professional development training will be informed by research and includes information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;

- (ii) developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- (iv) 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;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.

Further, the each school provides professional development to staff that addresses 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 includes a particular focus on the needs of students with autism or students whose disability affects social skills development.

### **C. Written Notice to Staff**

Principals, at the start of each school year, will provide all staff with annual written notice, as well as posting the Plan on the school's website and by publishing information about it, including sections related to staff duties, in the district employee handbook.

## **III. ASSISTANCE AND ACCESS TO RESOURCES AND SERVICES**

Promoting a positive school climate and ensuring that the underlying emotional needs of targets, aggressors, families, and others are addressed is critical. In order to enhance the district's capacity to prevent, intervene, and respond effectively to bullying, the District shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and aggressors, affected by bullying, as necessary.

- A. Identifying resources: Annually, the district reviews staffing and counseling services to ensure access for targets, aggressors, and their families. Recommendations may include reorganizing staff, establishing safety planning teams who will be responsible, should the need arise, for the development of student safety plans in the event it is in the best interest of specific students not to interact with one another, as well as focus on early intervention and intensive services to maintain a positive environment school environment. Members of the safety team can be the principal, assistant principal, school psychologist, school adjustment counselor, general education teacher, special education teacher, related service provider or any other individual staff member.
- B. Counseling and other services. If a situation dictates as such, the District will seek consultation with outside consultants and agencies in developing safety plans for students who have been targets of bullying or retaliation, assistance with providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors.

Counseling staff will work with school staff to develop strategies and implement current tools including, but not limited to, behavior support plans, social skills groups, and individually focused curricula.

- C. 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, bullying allegations, 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.
- D. Referral to outside services. Schools have a referral protocol for referring students and families to outside services to help students and families access appropriate and timely services. All referrals must comply with relevant laws and policies.

#### **IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES**

##### **A. Specific bullying prevention approaches:**

###### **Evidence-Based Curriculum**

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

Current research on bullying prevention curricula emphasizes 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 or school staff engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyberbullying, 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.

##### **B. General teaching approaches that support bullying prevention efforts**

The following instructional 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 intervention strategies (PBIS);
- 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, particularly in their areas of strength.

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

### **A. Reporting Bullying or Retaliation**

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 or district staff member is required to report immediately to the principal or designee or to the superintendent or designee when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports of bullying or retaliation made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. However, no disciplinary action shall be taken against a student **solely** on the basis of an anonymous report.

The schools and district have a variety of reporting resources available to the school community including, but not limited to, paper and online Incident Reporting Forms, 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 or district 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 principal or designee; and
- 3) post it on the school's website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

As outlined previously, at the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, 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 or designee, and the superintendent or designee when the principal or the assistant principal is the alleged aggressor, 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.

#### 1. Reporting by Staff

A staff member will report immediately to the principal or designee, or to the superintendent or designee when the principal or the assistant principal is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided 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.

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

The school and/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 or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor. 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, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

### **B. Responding to a report of bullying or retaliation – Allegations of Bullying by a Student**

#### 1. Safety

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 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 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, such as a student safety plan developed collaboratively by the school and family, 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.

School Adjustment Counselors provide counseling for identified targets and student aggressors. The School Resource Officer (SRO) is also available to discuss bullying and bullying prevention with students.

## 2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal 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 principal or designee first informed of the incident will promptly notify by telephone the principal or 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 principal or 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 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 student 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 or designee deems appropriate.

### **C. Investigation**

The principal 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 principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whomever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

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

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

- All incidents of bullying must be documented and reported directly to the building principal or his/her designee, who will have the primary responsibility for resolving complaints.
- The Principal or designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged aggressor of bullying. The actions being taken to prevent further acts of bullying shall be discussed.
- The school principal or a designee shall promptly investigate the report of bullying, using a Critical Incident Reporting/Complaint Form which may include interviewing the alleged target, alleged aggressor, staff members, students and/or witnesses.
- Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall 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.
- At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be

pursued against the aggressor, the principal shall 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 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 student 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 or designee deems appropriate.
- All reasonable efforts shall be made to complete the investigation within five school days from the date of the report. If the investigation cannot be completed within five days, the principal will notify the parents or guardians of the status of the investigation after five days. 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, according to section E below.
- 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 shall be provided to the Superintendent.
- Confidentiality shall be maintained to the extent consistent with the school's obligations under law.
- It is important that the child being bullied and/or the recipient of retaliation be given support from appropriate school staff to restore the target's safety and to assess the target's needs, including counseling intervention as needed. Research indicates that it is not always effective to bring a student who is being bullied and/or retaliated against together with the student who is doing the bullying for the purpose of mediating the dispute. Each case is unique and should be addressed with sensitivity to the safety and welfare of the students involved.
- If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

#### **D. Determinations**

The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal 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 principal 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 principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or student 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 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 principal 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.

The principal or designee shall inform the parent or guardian of the target about DESE's problem resolution system (PRS) and the process for accessing that system, regardless of the outcome of the bullying determination.

## **E. Responses to Bullying**

### **1. Teaching Appropriate Behavior Through Skills-building**

Upon the principal 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 principal or designee may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- 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 or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal 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 or district's code of conduct.

#### I. First Incident:

If a teacher or other staff person recognizes, or perceives a report from a student regarding behavior of a relatively minor nature, such as mild teasing, name calling, or excluding a student from group activities, etc. the student or students involved will be warned that such behavior is not allowed. The student should be told that, if this behavior occurs again the student would be sent to the principal or designee for further action. When a warning is given, the staff member should document that such a warning has taken place. As stated throughout this policy, all reported incidents of bullying must be documented, including the final outcome of such investigation, i.e. Warning was given to a student.

When bullying is reported to a staff member, it is important to ask whether or not this behavior has happened previously. If there has been a history of chronic bullying, the staff member will skip Step One and consult with the principal /designee in order to determine appropriate action steps.

A teacher reporting bullying to the office shall use the Incident Reporting Form, completing the identifying information.

#### II. Second Incident:

The principal/designee will review school expectations and rules with the alleged aggressor, and a problem solving conference is held. The parents of the student will be called and notified. The student and parents are told that any subsequent confirmations of bullying or any retaliation against those who brought the matter to the attention of staff, will be followed by disciplinary consequences. If the bullying behavior is judged to be severe, the principal/designee always has the option to dispense a disciplinary consequence, even upon the initial referral to the office. In cases where disciplinary action becomes necessary, a due process investigation will precede any such action.

#### III. Third Incident:

The principal/designee will contact the parents to set up a parental conference. The student will receive a disciplinary consequence which could range from detention to out of school suspension, depending upon the severity of the behavior. At the parental conference, bullying will be addressed, and a remedial plan may be formulated. Appropriate community based interventions or counseling will also be considered. In cases where disciplinary action becomes necessary, a due process investigation will precede any such action.

#### IV. Fourth Incident: Sent to the Principal or Designee

Following a comprehensive investigation, the student will be immediately suspended. A parental conference will be arranged to create/review a remedial plan. Additional alternatives, such as referral for expulsion could be considered. In cases where disciplinary action becomes necessary, a due process investigation will precede any such action.

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

As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken to prevent the recurrence of bullying or retaliation:

- Monitor and assure the continued safety of all parties.
- Develop and implement a safety plan for the target and witnesses as needed.
- Provide necessary supports for the target.
- Require relevant educational activities for individual students or groups of students.
- Refer to psycho/social educational groups or workshops.

### **F. Responding to a Report of Bullying by School Staff**

- Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the Superintendent/designee shall be responsible for such actions. In the event the Superintendent is the alleged aggressor, the School Committee/designee shall be responsible for such actions.
- A staff member who is the subject of a complaint of a serious nature will be informed promptly and will be afforded the opportunity to present the facts as he/she sees them, in accordance with district

- policies and procedures, including any applicable collective bargaining agreements.
- Procedures for investigating reports of bullying and retaliation by staff are consistent with district policies and procedures for investigations of other alleged misconduct by staff. If necessary, the designated school official will consult with legal counsel about such procedures. Investigations may include interviews of staff, students and others as deemed appropriate. School officials will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable given their obligation to investigate and address the allegations at issue, the school officials will maintain confidentiality during the investigative process.
  - In the event a designated school official determines that the staff member has engaged in bullying of or retaliation against a student, the student's parent/guardian will be notified of what action is being taken to prevent further such acts and to restore the student's sense of safety. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of personnel records, the school official will not report specific information to the target's parent or guardian about any 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.
  - In the event disciplinary action against an employee is under consideration, appropriate due process will be provided. Any disciplinary action imposed will be based upon facts found by the designated school official and appropriate standards and expectations in light of the employee's role and responsibilities.
  - Confirmed acts of bullying by staff shall be recorded and shared with the School Committee on an annual basis.

## **VI. COLLABORATION WITH FAMILIES**

### **A. Parent education and resources**

After the beginning of each school year, schools will offer informational programs for parents and guardians that are focused on the parental components of the Plan and any anti-bullying/social competency curricula used by the district to deepen understanding of the dynamics of bullying and retaliation.

The district has a comprehensive Bullying Prevention and Intervention website at <https://www.somersetschools.org/Families/Bullying-Prevention/index.html>. It provides access to the policy, plan, and procedures, various ways for reporting instances of bullying or retaliation, and resources and links to related sites.

Schools also offer overviews of the bullying prevention and intervention plan and procedures and the evidenced-based curriculum to families at events such as Parent Teacher Organization (PTO) meetings, Back-to-School nights, School Council meetings, and Parent Advisory Council for Education (PACE) meetings.

## **B. Notification requirements**

Each year schools will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan as well as the district's Responsible Use Policy. All notices and information to parents or guardians will be available in hard copy and/or electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Plan and related information on its website.

## **VII. PROHIBITION AGAINST BULLYING AND RETALIATION**

Per M.G.L. c. 71, § 37O, the Somerset Public Schools and Somerset Berkley Regional School District prohibit acts of bullying, which include cyberbullying,

- 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 District.

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 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.

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 district or school to staff any non-school related activities, functions, or programs.

## **VIII. PROBLEM RESOLUTION SYSTEM**

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Problem Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information are also available at the Superintendent's office.

## IX. DEFINITIONS (M.G.L. c. 71, § 37O)

**Aggressor** is a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

**Bullying**, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or school staff members 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 him/herself, or of damage to his/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**, as defined in M.G.L. c. 71, § 37O, 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 or 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.

**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.

**School grounds** is the property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

**School 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.

## **X. 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, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. 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 or 37H¾, M.G.L. c. 71, §41 and §42, M.G.L. c 76 §5, or other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

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.

**Laws and Regulations:**

- [An Act Relative to Bullying, Chapter 92 of the Acts of 2010](#), approved May 2, 2010 [Federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g](#)
  - and 34 CFR Part 99
- School Bullying Prohibited: Bullying Prevention Plans), M.G.L. c. 71, § 37O [Massachusetts Student Records Regulations, 603 CMR 23.00](#)
- [Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h](#) and [34 CFR Part 98 Student Rights in Research, Experimental Programs, and Testing](#)
- Massachusetts General Laws Chapter §69 Section 1D – The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth
- Massachusetts General Laws Chapter §71, Section 370 – School bullying prohibited; bullying prevention plans
- Massachusetts General Laws Chapter §71 Section 93 – Policy regarding internet safety measures for schools providing computer access to students Massachusetts General Laws Chapter 265 Section 43 – Stalking, punishment Massachusetts General Laws Chapter §265 Section 43A – Criminal harassment, punishment
- Massachusetts General Laws Chapter §269 Section 14A – Annoying telephone call

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