BULLYING PREVENTION

The Rockport Public Schools is 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 cyberbullying.

POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

The Rockport Public Schools has implemented the following procedures to receive and respond to reports of bullying or retaliation. This policy and procedures will ensure that members of the school community – students, parents, and staff – know what will happen when incidents of bullying occur. All reporting forms and procedures will be shared with all school staff members and parents and guardians at the beginning of school each year, included in new student packets throughout the year, and posted on each school’s and the district websites. An anonymous reporting procedure will also be available to families. Anyone who files a report will be informed of the next steps in the investigatory process. Specific follow through from report will be communicated in a manner consistent with the Rockport Public Schools’ legal obligations regarding confidentiality.

A. Definition-Bullying Prohibited

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result, no student or employee shall be subjected to harassment, intimidation, bullying, or cyber-bullying in a public educational institute:

1. “Bullying” means the repeated use by one or more students or by a member of 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 of an unwelcome 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 the target’s property; student or employee, (ii) places the target in reasonable fear of harm to himself or of damage to his 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. For the purposes of this section, bullying shall include cyber-bullying.

The behavior must interfere with a student’s academic performance or ability to learn, or interfere with a student’s ability to participate in or benefit from services, activities, or privileges:

a. that are being offered through the school district; or
b. During any education program or activity; or
c. While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

2. “Cyber-bullying” means, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data 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 communication. Cyber-bullying shall also include (i) knowing impersonation of another person as the author of posted content or messages, if the creator or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of 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 persons.
   a. Cyber-bullying may occur through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute.
   b. As used in this Section, “electronic communication” also means any communication through an electronic device including, but not limited to a telephone, cellular phone, computer or pager.

3. “Aggressor” is a student or 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, cyber-bullying, or retaliation.

4. “Target” is a student or group of students against whom bullying, cyber-bullying, or retaliation has been perpetrated.

Bullying is prohibited and the RPS will intervene when prohibited actions occur

- 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 Rockport Public Schools.

Bullying and cyber-bullying are prohibited. The RPS will take appropriate action when the conduct occurs 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 Rockport school district only 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 disrupts the education process or the orderly operation of a school.

The following procedures are based on the requirements of M.G.L. c. 71, § 37O. In addition to the requirements of M.G.L. c. 71, § 370, where the alleged conduct is on the basis of race, color, national origin, age, gender, gender identity or expression, sexual orientation, disability or religion, the district should also consider whether the conduct constitutes a hostile environment based on those protected classes, consistent with its Discrimination and Harassment Grievance Procedures.

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 will be recorded in writing. A school or district staff member is required to report immediately to the principal 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 or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, 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.

At the beginning of each school year, the school or district 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 or 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.

1. Reporting by Staff

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or 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.

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

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 or designee. Reports may be made anonymously, but no disciplinary action will be

1 See Appendix for Reporting Form.
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.

Please note: *Nothing in this policy shall be construed to limit personnel’s ability to call 911 where a threat to safety of the student and/or other individuals is present. If there is concerned about anyone’s immediate physical safety, please call 911 first, then notify an administrator.

B. Responding to a report of bullying or retaliation.

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. Interventions will consider the rights of both the target and the aggressor, including both the consideration of remedial and disciplinary measures for the aggressor as appropriate.

In determining the steps necessary to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents, the principal or designee shall consider that certain students may be more vulnerable to becoming a target of bullying or harassment 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, pregnant 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 principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student or staff member who has reported bullying or retaliation, a student or staff member who has witnessed bullying or retaliation, a student or staff member who provides information during an investigation, or a student or staff member 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 principal 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 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 Rockport Police Department. 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 who is no longer enrolled in school, the principal or designee shall contact the Rockport Police Department 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 or designee deems appropriate.

C. Investigation. Upon receipt of a report or complaint that would, if true, constitute bullying, cyber bullying, or retaliation, the principal will promptly commence an investigation. If there is concern for physical harm of a student or student, the principal shall take interim measures reasonably calculated to ensure the safety of the student or students during the pendency of the investigation. In investigating any such complaint, the principal or designee will interview students, staff, and any witnesses to the alleged conduct. To the extent practicable and consistent with the principal’s obligation to act promptly and to thoroughly investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process and shall not disclose unnecessary or confidential information to interview subjects. During any such interviews, the principal will inform the target, aggressor, and all witnesses that retaliatory treatment of any individual for reporting or lack of cooperation with an investigation of bullying will result in disciplinary action may include suspension or expulsion from school.

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

At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the Rockport Police Department and School Resource Officer if the principal has a reasonable basis to believe that criminal charges may be pursued against
the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in this section shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

D. Determinations. Within fifteen (15) school days of the principal’s receipt of the complaint of bullying, cyber bullying, or retaliation, the principal will make a determination based upon all the facts and circumstances. If, after the investigation, bullying or retaliation is substantiated, the principal will determine what remedial action may be required, if any, and determine what responsive actions and/or disciplinary action is necessary. The principal will also consider what disciplinary and/or remedial measures are reasonably calculated to eliminate the bullying and to prevent its reoccurrence. The principal’s findings and determinations shall be documented in writing on the Incident Reporting Form.

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.

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 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.

E. Notice of Investigative Findings

Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify parents or guardians of the target and aggressor of this, and of the procedures for responding to it. While prior notice of an investigation shall not be required, the principal shall not be precluded from notifying the parents of a target or aggressor prior to completion of the principal’s investigation. This communication will be done in the primary language of the home.

In notifying the parents of a target or aggressor of an investigation or the principal’s findings thereon, the principal shall maintain the privacy and confidentiality of any individual or child who is not the child of the parents to whom the notice is provided. The principal shall ensure that any notice to the parents complies with applicable state regulations including, but not limited to, 603 CMR 49.00, and shall not report specific information to the target’s parent(s) about the disciplinary action taken against an aggressor unless it involves a “stay away” order or other directive that the target must be aware of in order to report violations.

The notice to the parents or guardians of the victim shall include information about the Massachusetts Department of Elementary and Secondary Education’s (“DESE”) problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. The parents of the victim should be provided the following contact information: Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906, Telephone: 781-338-3700; TTY: N.E.T. Relay: 1-800-439-2370.

F. Requests for Reconsideration
If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation or reconsideration of the investigative findings. The written request shall state the reasons for request and shall be delivered to the Superintendent of the Rockport Public Schools within ten (10) school days or the parents'/guardians' receipt of notice of the investigative findings. Within five (5) school days of receipt of any such request, the superintendent shall decide whether or not to reopen the investigation and shall provide written notification of that determination to the appealing party and to the other party involved.

The filing of a request for reconsideration or a reopening of the investigation shall not stay the imposition of disciplinary sanctions or the implementation of any safety interventions determined to be appropriate by the principal.

G. Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal or designee determining that bullying, cyber-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)(vi). Rockport Public Schools administrators and staff may consider the following skill-building approaches:

- 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
- including offerings, supports and, where appropriate, individual behavior plans addressing the recognition that certain students may be more vulnerable to becoming a target of bullying or harassment 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, pregnant 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.

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. Possible consequences to serious incidents of bullying include suspension and expulsion from school.
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. He/she may also implement a safety plan. In developing a safety plan, the principal or designee shall consider that certain students may be more vulnerable to becoming a target of bullying or harassment 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, pregnant 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.

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.

VI. COLLABORATION WITH FAMILIES

Rockport Public Schools is committed to promoting a strong home-school partnership regarding bullying prevention. Each school will provide information to families that will support common language across the district as well as sharing prevention and identification strategies. Communication between home and school will be via school notices, school and district web sites, and parent conferences/presentations on a regular basis.

It will also focus on school and district-specific approaches to collaboration which will take into account age, climate, socio-economic factors, linguistic, and cultural make-up of students and the parents.

A. Parent education and resources. The school or district will offer 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. The programs will be offered in collaboration with the PTO, School Councils, Special Education Parent Advisory Council, or similar organizations.

A. Notification requirements. Each year the school will inform parents or guardians of enrolled students about the bullying prevention curricula that are being used. This notice will include information about how parents and guardians can reinforce the curriculum at home and support the school district or school plan, the dynamics of bullying, including cyber-bullying and online safety. The school or district will send parents written notice
each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and 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 the district Bullying Prevention and Harassment Policy and related information on its website.

VII. PROHIBITION AGAINST BULLYING AND RETALIATION

The following information will be included in the Bullying Prevention Plan, all student handbooks, staff handbooks, and in the student code of conduct in accordance with M.G.L. c. 71, § 37O(b).

Acts of bullying, which include cyber-bullying, are prohibited:

(1) Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying 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 a school district or school, shall be prohibited if the bullying: (a) creates a hostile environment at school for the target; (b) infringes on the rights of the target at school; or (c) materially and substantially disrupts the education process or the orderly operation of a school.

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

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.

IX. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Rockport Public Schools, no person shall be discriminated against in admission to a public school in Rockport or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, age, gender identity, disability, 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 including its Discrimination and Harassment Grievance Procedures.

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.

REFERENCES: Massachusetts Department of Elementary and Secondary Education’s Model Bullying Prevention and Intervention Plan
LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
603 CMR 26.00
MGL 71:37O
MGL 265:43, 43A
MGL 268:13B
MGL 269:14A

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

BULLYING INCIDENT REPORTING FORM

ROCKPORT PUBLIC SCHOOLS

*If concerned about anyone’s immediate physical safety, please call 911 first, then notify an administrator.

1. Name of Reporter: ________________________________________________________
   (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) ____________

4. State your school or work site: High School   Middle School   Elementary

5. Information about the Incident:
   Name of Target (of behavior) ________________________________
   Name of Aggressor (alleged bully): ________________________________
   Date(s) of Incident(s): ________________________________
   Time When Incident(s) Occurred ________________________________
   Location of Incident(s) (Be specific.) ________________________________

6. Witnesses (List of 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 the back, if necessary.

   ________________________________________________________________

FOR ADMINISTRATIVE USE ONLY

8. Signature of Person Filing this Report: ___________________________ Date: __________
   (Note: Reports may be filed anonymously; however, an individual may not be subject to discipline on the basis of an anonymous report of bullying)

9. Form given to: ___________________________ Position: ___________ Date: __________
APPENDIX B
BULLYING INCIDENT INVESTIGATION FORM
ROCKPORT PUBLIC SCHOOLS

*If concerned about anyone’s immediate physical safety, please call 911 first, then notify an administrator.

Signature: ____________________________ Date Received: _______________

1. Investigator(s): ____________________________ Position(s): _______________

2. Interviews:
   Interviewed aggressor Name: ________________ IEP/504 Date: _________
   Interviewed target Name: ________________ IEP/504 Date: _________
   Interviewed witnesses Name: ________________ IEP/504 Date: _________
   Name: ________________ IEP/504 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 or 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 ____________________________
   Retaliation Discipline referral only ____________________________

2. Contacts:
   Target’s parent/guardian Date: ______________
   Aggressor’s parent/guardian Date: ______________
   Law Enforcement Date: ______________

3. Action Taken:
   Loss of Privileges Detention Suspension Dates Excluded: ______________
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 Principal: Date_______________
(If principal was not the investigator)

Signature and Title:___________________________________________  Date:___________