

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 508 – Bullying Prohibition

1.0 Purpose

The purpose of this policy is to comply with and implement the requirements of the Safe and Supportive Schools Act, Minnesota Statutes § 121A.031. This policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other prohibited conduct.

2.0 General Statement of Policy

2.1 An act of bullying, by either an individual student or a group of students against another student, is expressly prohibited on school district property, at school-related functions or on school transportation. This policy also applies to any student whose conduct at any time constitutes bullying, cyberbullying or other prohibited conduct that interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges.

The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying among students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying and to take action to investigate, respond, and remediate those acts of bullying that occur.

For purposes of this policy, school employees include school board members, agents, volunteers, contractors, or persons subject to the supervision and control of the district. Refer to 3.7 below.

2.2 Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in 2.1 above is prohibited.

Policy 508 – Bullying Prohibition

- 2.3 No teacher, administrator, or other employee of the school district will permit, condone, or tolerate bullying.
- 2.4 Apparent permission or consent by a student being bullied does not negate or lessen the prohibitions contained in this policy.
- 2.5 Retaliation against a victim, a good faith reporter, or a witness of bullying is prohibited.
- 2.6 False accusations or reports of bullying against another student are prohibited.
- 2.7 A student who engages in an act of bullying, reprisal or false reporting of bullying will be subject to discipline for that act in accordance with the school district's policies and procedures including the school district's student discipline policy (Policy 520).
- 2.8 Consequences for students who commit acts of bullying may range from remedial responses, student and/or parent conference and positive behavioral interventions, up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from School District property and events.

- 2.9 The school district will act to investigate all complaints of bullying reported to the school district and will take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.
- 2.10 A school-aged child who voluntarily participates in a public school event such as a co-curricular activity is subject to the same student bullying policy provisions applicable to public school students participating in the activity.

3.0 Definitions

For purposes of this policy, the definitions included in this section apply.

Policy 508 – Bullying Prohibition

3.1 “Bullying” means intimidating, threatening, abusive or harming conduct that is objectively offensive and:

1) an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern;

or

2) materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or to receive benefits, services or privileges.

The term “bullying” specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation as defined in this policy.

3.2 “Cyberbullying” means bullying using technology or other electronic communication including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term includes bullying using technology or other electronic communication that occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

3.3 “Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

3.4 “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

3.5 “Immediately” means as soon as possible, but in no event longer than one school day.

3.6 “Actor” means an individual alleged to have engaged in or found to have engaged in prohibited conduct.

3.7 “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:

Policy 508 – Bullying Prohibition

- 1) Causes physical harm to a student or student's property or causes a student to be in reasonable fear of harm to person or property;
- 2) Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
- 3) Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA).

However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the Minnesota Human Rights Act (MHRA).

- 3.8** "District employee," for the purposes of this policy only, includes school board members, administrators, teachers, substitute teachers, school counselors, school social workers, psychologists, related services staff, paraprofessionals, nutrition services personnel, custodial personnel, bus drivers, athletic coaches, extracurricular activities advisors, interpreters, cultural liaisons, volunteers, contractors, agents and all other non-student employees of the district.
- 3.9** "On school premises, at school functions or activities, or on school transportation" means:
- 3.9.1** all school district buildings, school grounds, and school property or property immediately adjacent to school grounds;
 - 3.9.2** school bus stops, school buses and vehicles, school-contracted vehicles, or any other vehicles approved for school district purposes;
 - 3.9.3** the area of entrance or departure from school grounds, premises, or events, and all school related functions, school-sponsored activities, events or trips.

While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

Policy 508 – Bullying Prohibition

- 3.10 “Prohibited conduct” means bullying, or cyberbullying, malicious and sadistic conduct, or sexual exploitation as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- 3.11 “Student” means a student enrolled in a public school or a charter school.

4.0 Reporting Procedure

- 4.1 Any person who believes ~~he or she~~ they has have been the target of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy will report the alleged acts immediately to the building principal, the principal’s designee or the building supervisor.
- 4.2 A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- 4.3 The school district encourages the reporting party or complainant to use a report form available from the principal or building supervisor of each building or available in the school district office from school district personnel, but oral reports will be considered complaints as well.
- 4.4 The building principal, the principal’s designee, or the building supervisor (hereinafter the “report taker”) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- 4.5 The report taker will ensure that this policy and its procedures, including remedial responses, restorative practices, consequences, and sanctions are fairly and fully implemented and will serve as the primary contact on policy and procedural matters. The report taker will be responsible for the investigation, any resulting record, and for keeping and regulating access to any record. The report taker will provide information about available community resources to the target or victim of the bullying, the actor, and other affected individuals as appropriate.

Policy 508 – Bullying Prohibition

- 4.6 School employees will be particularly alert to possible situations, circumstances, or events that might include prohibited conduct. Any school employee who witnesses prohibited conduct or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct must make reasonable efforts to address and resolve the prohibited conduct. School district personnel who fail to inform the report taker of alleged prohibited conduct or who fail to make reasonable efforts to address and resolve the prohibited conduct in a timely manner may be subject to disciplinary action.
 - 4.7 Reports of prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The report taker, in conjunction with the appropriate administrator, will be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
 - 4.8 The school district will respect the privacy of the target, the actor and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.
 - 4.9 Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- 5.0 School District Action
- 5.1 The report taker or other appropriate school district officials will take immediate steps to protect the target of the prohibited conduct, the complainant, the reporter, and students or others pending completion of an investigation of the prohibited conduct, consistent with applicable law.
 - 5.2 Consistent with state and federal data practices laws governing access to data, including Minnesota Statutes Section 13.02, subdivision 8, the report taker will notify the parents or guardians of all students (whether actor or target) involved in reports of prohibited conduct.
 - 5.3 The actor of the prohibited conduct will be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

Policy 508 – Bullying Prohibition

- 5.4 When investigating a complaint, the school district may take into account the following factors:
- 1) the developmental and maturity levels of the parties involved;
 - 2) the levels of harm, surrounding circumstances and nature of the behavior;
 - 3) past incidences and continuing patterns of behavior;
 - 4) the relationship between the parties involved; and
 - 5) the context in which the alleged incidents occurred.
- 5.5 Investigation of the incident of prohibited conduct will be initiated by the report taker or a third party designated by the school district within three (3) school days of the receipt of a report.
- 5.6 Upon completion of an investigation resulting in a finding of prohibited conduct, the school district will make an appropriate remedial response which may include warning, restorative practices, suspension, expulsion, and exclusion, transfer, remediation, termination, or discharge pursuant to the school district's discipline policy (Policy 520: Student Discipline), the Minnesota Pupil Fair Dismissal Act, applicable collective bargaining agreements, and other applicable laws, rules, regulations and school district policies.
- 5.7 Remedial responses will be tailored to the particular incident, the nature of the conduct and the students' developmental age and behavioral history. The school district will utilize research-based, developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the district, and foster active student, parent and community participation.
- 5.8 In order to prevent or respond to prohibited conduct committed by or directed against a child with a disability, the Individualized Education Program (IEP) team or Section 504 Plan of Accommodation team will address the skills and proficiencies the child needs as a result of the child's disability.
- 5.9 The report taker will notify the students and the parent(s) or guardian(s) of affected students of their rights under state and federal data practices laws to obtain access to data related to the incident and to contest the accuracy and completeness of the data.
- 5.10 The school district is not authorized to disclose private educational data including specific remedial action concerning the actor or target. Such data are private educational data that cannot be released, even to the parents whose child was a target of prohibited conduct.

Policy 508 – Bullying Prohibition

6.0 Retaliation or Reprisal

The district prohibits reprisals or retaliation against any person who asserts, alleges, or makes a good faith report of prohibited conduct or provides information about such conduct. Retaliation and reprisals include, but are not limited to any form of intimidation, harassment, assault or bullying committed against a person because the person asserted, alleged, or reported prohibited conduct or provided information about prohibited conduct.

7.0 Professional Development and School Personnel Education

The school district will discuss this policy with school personnel and volunteers and will provide appropriate training for all school personnel to prevent, identify and respond to prohibited conduct.

7.1 Ongoing professional development will be provided to all school district personnel who regularly interact with students to identify, prevent, and appropriately address prohibited conduct.

7.2 Professional development will include, but not be limited to:

- 1) Developmentally appropriate strategies to prevent incidents of prohibited conduct and to intervene immediately and stop them in a manner that does not stigmatize the target;
- 2) Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the prohibited conduct;
- 3) Research findings on prohibited conduct, including information about specific categories of students who have been shown to be particularly at risk for offending or being the target of bullying, and any specific interventions that may be particularly effective for addressing prohibited conduct;
- 4) Recognizing, responding to and reporting prohibited conduct;
- 5) Information about the incidence and nature of cyberbullying;
- 6) Information about Internet safety issues as they relate to cyberbullying.

7.3 The district will establish a training cycle, not to exceed a period of three school years, for district personnel. A district or school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.

7.4 Newly employed district personnel must receive the training within the first year of employment with the district.

Policy 508 – Bullying Prohibition

7.5 This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

8.0 Student Education

8.1 Each school will provide developmentally appropriate programmatic instruction to help students:

- 1) identify, prevent, and reduce prohibited conduct;
- 2) value diversity in school and society;
- 3) develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to and reporting prohibited conduct.

8.2 Each school will make effective prevention and intervention programs available to students.

8.3 The district will establish strategies for creating a positive school climate and use evidence based social-emotional learning to prevent and reduce discrimination and other improper conduct.

9.0 Notice

9.1 The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy will appear in the student handbook.

9.2 Section 2.2 regarding malicious and sadistic conduct will be conspicuously posted throughout each school building.

9.3 This policy or a summary thereof will be conspicuously posted in the administrative offices of all district buildings.

9.4 At the time of initial employment with the school district, this policy will be given to each district employee and independent contractor if the contractor regularly interacts with students.

9.5 This policy will be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's web site.

9.6 The district will use new employee training materials, the district publications on school rules, procedures and standards of conduct, and the student handbook to publicize this policy.

Policy 508 – Bullying Prohibition

9.7 An electronic copy of the policy will be submitted to the Commissioner of Education.

10.0 Policy Review

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Adopted: 3/14/06
Revised: 12/16/14
Revised: 8/21/18
Revised: