

INDEPENDENT SCHOOL DISTRICT NO. 283

SECTION/FILE 514

DATE OF ADOPTION 06/12/06

AFFIRMED/REVISED: 05/09/11; 09/24/12;
8/26/14; 11/13/17; 9/17/18; 02/11/19; 10/14/19;
08/10/21; 04/30/24 2nd reading

TITLE Bullying Prohibition Policy

I. PURPOSE

In alignment with St. Louis Park's mission, vision, and core values bullying is prohibited as it interferes with the development of students' self and their ability to become their best selves. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

St Louis Park schools believe that students have the right to learn in an environment that "energizes and enhances the spirit of our community". Bullying (or hazing) actions and behaviors are a direct violation of this mission and the district's educational goals; therefore are prohibited.

The following conduct is prohibited:

- A. Any conduct interferes with or obstructs the mission or operations of the District or the safety or welfare of the student, other students or employees of the District and, as it applies to behavior against other students:
 - 1. Where there is an actual or perceived imbalance of power between the student acting and the target of that behavior; and
 - 2. Where the conduct is repeated or forms a pattern; or
 - 3. Where the conduct materially and substantially 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.
 - 4. Where the behavior has a negative impact on a student's emotional well-being.
- B. Bullying conduct that occurs:
 - 1. On school premises, at school functions or activities, on school provided transportation by use of electronic technology and communications on school premises, during school functions or activities (whether the functions or activities

take place before, during or after school hours), on school provided transportation, on school provided technology, networks, forums or mailing lists;

2. By use of electronic technology and communications off school premises when such use substantially and materially disrupts student learning or the school environment.

- C. Cyberbullying or bullying using technology or other electronic communication;
- D. Any harming conduct that causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property, or violates a student's reasonable expectation of privacy, or constitutes intentional infliction of emotional distress against a student;
- E. Any harming conduct, **including malicious and sadistic conduct**, that is directed at a student or students based on the actual or perceived student's: race, ethnicity, color, creed, religion, national origin, immigration status, gender, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, gender identity or expression, academic status related to student performance disability, status with regard to public assistance, age, other protected class characteristic under the Minnesota Human Rights Act; (*Actions that extend beyond the scope of bullying and violate the civil rights of federally protected classes may be investigated and dealt with as a violation of Policy 413 - Harassment and Violence.*)
- F. Conduct that is characterized as, but is not limited to: teasing, abusive, intimidating, defaming, threatening, terrorizing, exclusionary, or provocative conduct that induces or causes others to act in violation of this policy.
- G. No student, employee or other personnel of the District shall plan, direct, encourage, aid or engage in bullying and/ or hazing;
- H. No employee or other personnel of the District shall permit, condone or tolerate bullying and/or hazing;
- I. Any act of reprisal or retaliation by any student, teacher, administrator, volunteer, contractor, or other employee of the school district against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment;
- J. No student or employee shall supply information in a complaint or investigation that is determined to have been falsely and maliciously supplied;

- K. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.

III. SCHOOL DISTRICT RESPONSE

- A. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action when any student, teacher, administrator, volunteer, contractor, or other employee of the school district is found to have violated this policy. The District shall act to initiate an investigation of all complaints of bullying or hazing within three (3) school days of a report of alleged conduct prohibited by this policy.
- B. Remedial and restorative responses to prohibited conduct shall be offered to actors, targets and bystanders that are tailored to the particular behavior or conduct, the students' developmental ages and behavioral histories. The goal of disciplinary consequences is to deter future incidents of bullying. Behavior intervention or discipline shall be consistent with the requirements of St. Louis Park Public Schools' Policy 506 - Student Behavior Intervention and other district policies, applicable collective bargaining agreements, and applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act.
- C. Within the limitations of appropriate data protection requirements, parents of students alleged to have engaged in prohibited conduct and parents of alleged targets of that conduct, shall be notified of the alleged conduct and the investigation into the allegations.
 - 1. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel.

III. DEFINITIONS

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

- A. "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 receive school benefits, services, or privileges. The term "bullying" specifically includes cyberbullying as defined in this policy.

The term bullying specifically includes cyberbullying and malicious and sadistic conduct.

- B. “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 applies to prohibited conduct which 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 is substantially and materially disrupts student learning or the school environment.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Intimidating, threatening, abusive or harming conduct” means but is not limited to conduct that does the following:
1. Causes physical harm to a student or a 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, 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 MHRA.
- E. “Malicious and sadistic conduct means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another or engaging in extreme or excessive cruelty or delighting in cruelty.
- EF. “On school premises, on school district property, at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. 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.
- FG. “Prohibited conduct” means bullying or cyberbullying, malicious and sadistic conduct, ~~as defined in this policy~~ or retaliation or reprisal for asserting, alleging, reporting, or

providing information about such conduct or knowingly making a false report about bullying.

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

Ⓕ. “Student” means a student enrolled in a public school or a charter school.

I. **J.** “Hazing” A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be considered hazing and is subject to discipline for that act.

IV. REPORTING PROCEDURE

A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely on an anonymous report to determine discipline or other remedial responses.

B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.

C. The building principal, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving reports of bullying or other prohibited conduct 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 building 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.

The building report taker shall ensure that this policy and its procedures, practices, consequences and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator and other affected individuals as appropriate.

D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct

shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.

- E. Reports of bullying or other 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 building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. 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, or work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, 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.

V. SCHOOL DISTRICT PROCEDURES

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter and students, or others pending completion of an investigation of the bullying or other, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, student conference, restorative practices, parent conference, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the particular behavior or conduct and the students' developmental ages and behavioral histories. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the St. Louis Park Public

Schools Policy 506 Student Behavior Intervention and other applicable school district policies; and regulations.

- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. 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.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. §122A.60 to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and

5. Internet safety and cyberbullying.

- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

The administration is encouraged to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

- 1. Engage all students in creating a safe and supportive school environment;
- 2. Partner with parents and other community members to develop and implement prevention and intervention programs;
- 3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
- 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the school's primary contact person;
- 5. Teach students to advocate for themselves and others;
- 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
- 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

8. Teach and implement restorative practices.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
 - G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See ~~St. Louis Park Public Schools~~ Policy 515 Protection and Privacy of Pupil Records) in the student handbook.

VII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See St. Louis Park Public Schools Policy 506 Student Behavior Intervention) distributed to parents at the beginning of each school year.
- E. This policy shall 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 website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

VIII. 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 other applicable law. Revisions shall be made in consultation with students, parents and community organizations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §120A.05, Subds. 9, 11, 13 and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. §121A.031 (School Student Bullying Policy)

Minn. Stat. §121A.032 (Malicious and Sadistic Conduct)

Minn. Stat. §121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

Minn. Stat. §124D.10 (Charter School)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

20 U.S.C. §1232g *et seq.* (Family Educational Rights and Privacy Act)

34 C.F.R. §§99.1 – 99.67 (Family Educational Rights and Privacy Act)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

St. Louis Park Public Schools Policy 413 (Harassment and Violence)

St. Louis Park Public Schools Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse, Maltreatment of Minors by School)

St. Louis Park Public Schools Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

St. Louis Park Public Schools Policy 423 (Employee-Student Relationships)

St. Louis Park Public Schools Policy 501 (School Weapons Policy)

St. Louis Park Public Schools Policy 506 (Student Behavior Intervention)

St. Louis Park Public Schools Policy 507 (Corporal Punishment)

St. Louis Park Public Schools Policy 515 (Protection and Privacy of Pupil Records)

St. Louis Park Public Schools Policy 521 (Student Disability Nondiscrimination)

St. Louis Park Public Schools Policy 522 (Student Sex Nondiscrimination)

St. Louis Park Public Schools Policy 524 (Internet and Technology Responsible Use Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)

St. Louis Park Public Schools Policy 526 (Hazing Prohibition)

St. Louis Park Public Schools Policy 529 (Staff Notification of Violent Behavior by Students)

St. Louis Park Public Schools Policy 709 (Student Transportation Safety)

St. Louis Park Public Schools Policy 711 (Video Recording of Students on School Buses)

MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)