



**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

February 6, 2014

AGENDA ITEM: 9.3

TOPIC: Anti-Bullying Policy 541

BACKGROUND: This policy needs to be reviewed annually.

PROCESS: The Policy Committee has reviewed this policy and they are presenting it to the School Board with no changes recommended at this time.

RECOMMENDATION: Approval of this policy.

ANTI-BULLYING POLICY

Our policy differs from the MSBA model 541 policy (attached).

I. GENERAL STATEMENT OF POLICY

The School Board recognizes the negative impact that bullying can have on the health and safety of students and the learning environment. Bullying can create distress, anxiety, lower levels of self-esteem, and feelings of isolation. Bullying materially and substantially disrupts the rights of others to an education and is unacceptable in the educational environment.

Independent School District No. 831, Forest Lake Area Schools, endeavors to maintain a learning and working environment that is free of bullying. Toward that end, bullying is prohibited on school grounds, at school-sponsored events and activities, on school buses and other school sponsored transportation and at school bus stops. The School District acknowledges that for this policy to be effective, school personnel must fulfill their responsibilities assigned by this policy.

II. DEFINITION OF BULLYING

“Bullying” means repeated behavior by an individual student, an individual student within a group of students, or group of students that is intended to cause the target(s) of the bullying to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized, or physically abused. Bullying implies an imbalance in power or strength in which the student being bullied has difficulty defending him or herself. Bullying can take many forms, including physical, verbal, social/relational, cyberbullying or via any other method of communication. Cyberbullying includes misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing by sending or posting e-mail messages, text messages, digital pictures or images. Website postings, including blogs, may also constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources. Bullying occurs in many forms, including but not limited to, the following:

- written, verbal, or nonverbal threats
- intimidating or threatening gestures
- unwanted physical contact, violence, or assault
- an intentional display of force that would give the target reason to expect or fear physical contact or injury
- jeering, taunting, or mocking
- teasing
- degrading, insulting, or derogatory comments
- extortion
- theft of money or possessions
- vandalism of a student’s personal property
- unauthorized exercise of control over a student’s personal property

III. PREVENTATIVE MEASURES

A copy of this policy will be provided to staff, students and parents on an annual basis. Staff will discuss bullying with students and will provide age appropriate examples to assist students in identifying bullying and understanding why it is inappropriate. All students shall be informed that bullying will not be tolerated in any form. All students shall be encouraged to report any bullying regardless of whether they are the target of the bullying or an observer.

When bullying has occurred and it has been dealt with in accordance with this policy, preventative measures shall include:

- administrator or designee checking in with the student who has been bullied, and
- administrator or designee checking in with parents/guardians to see if the bullying has continued.

Additional preventative measures may include encouraging students to become involved in activities such as friendship groups, peer support groups, new student orientation groups and extracurricular activities and clubs.

The School Board will review this policy at appropriate intervals to ensure that it is effective in its aims. As part of its review, the Board may require that a survey be conducted to determine the scope and extent of bullying in each school.

IV. REPORTING PROCEDURES

Targets. All students who believe they have been the target of bullying shall promptly report the bullying to a teacher, building principal, assistant principal or other district staff member.

Parents/Guardians. All parents/guardians who become aware of any bullying are encouraged to report the bullying to a teacher, building principal, assistant principal or other district staff member.

Student Witnesses. All students who witness or become aware of bullying shall immediately report the bullying to a teacher, building principal, assistant principal or other district staff member.

School Personnel. Any staff person who witnesses bullying shall immediately intervene and take appropriate action to stop the bullying. In addition, any staff person who witnesses or receives a report of bullying shall make a report to the building principal, assistant principal, or their designee and follow any other processes put in place by the school for reporting bullying incidents.

Building Principals. A principal or assistant principal who observes bullying or receives a report of bullying shall document the incident and ensure that the school process for investigating and following up on bullying incidents is implemented in a timely manner.

V. DISCIPLINARY AND OTHER ACTION

Consistent and appropriate disciplinary action will be taken for bullying behavior. The primary purpose of such action is to protect the student who has been the target of bullying behavior and to deter bullying behavior in the future. The discipline imposed will match the offense.

In regard to investigating reports of bullying, administrators or their designees shall discuss bullying with the student who has been the target of bullying behavior in a place where the victim feels secure. The initial discussion with the student who has been the target shall not take place in the presence of the offending student(s). If more than one student is involved in perpetrating the bullying, the administrator shall talk to each of the offending students separately.

If an investigation substantiates that bullying has occurred, the building principal or their designee shall take appropriate action consistent with this policy, including placing a written record of the behavior in the offending student(s)'s discipline file.

The District recognizes that parents can play an important role in educating their children and preventing bullying. Accordingly, the parents of each offending student shall be informed of any bullying incidents involving their child. Parents of offending students may be encouraged to attend one or more conferences with an administrator or their designee to review the bullying behavior and cooperative strategies for correcting it.

The building principal or designee shall also inform the parents of the student who has been the target as soon as reasonably possible of any and all bullying behavior involving their child. Parents of students who have been bullied may also be provided with bullying prevention resources to support their child and receive ongoing communications from the school regarding the bullying situation. The principal or designee will inform the parents of the student who has been the target when the investigation has been completed.

Disciplinary action for bullying may include loss of privileges, removal from class, suspension, and expulsion or exclusion. If the building principal believes that the conduct rises or may have risen to the level of a crime, disciplinary action will also include referral to law enforcement officials.

The penalties and prohibitions in this policy are in addition to, and do not replace or supersede, any related provisions in District policy prohibiting conduct such as harassment, violence, assault, and hazing.

Without disclosing personally identifiable data, the School District shall make summary information about violations of this policy available to the public, upon request, consistent with the Minnesota Government Data Practices Act.

The school district is not authorized to disclose to a student who has been the target of bullying 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 involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

VI. REPRISAL

The School District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged bullying or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VI. DISSEMINATION OF POLICY AND TRAINING

A summary of this policy shall appear in the student handbook.

The School District will develop and implement a method of discussing this policy annually with students and employees.

This policy shall be reviewed at least annually for compliance with state and federal laws.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

Cross References: Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414
Harassment and Violence Policy 425
Hazing Prohibition Policy 431
Use of Student Records Policy 505
Discipline Policy 515
Suspension and Expulsion Policy 516
Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522
Student Transportation Safety Policy 531
School Weapons Policy 532
Equal Educational Opportunity Policy 535
Student Disability Nondiscrimination Policy 536
Student Camera Use in School Policy 517

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Revised: _____

MSBA/MASA Model Policy 514
Orig. 2003
Rev. 2010

514 BULLYING PROHIBITION POLICY

[Note: School districts are required by statute to have a policy addressing bullying.]

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. 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. 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, remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district's policies and procedures. 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 or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from 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 and/or termination of services and/or contracts.

- G. The school district will act to investigate all complaints of bullying and will discipline or 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.

[Note: As the purpose of the policy is to ensure the safety and well-being of students, school districts should review those individuals in their district who may have responsibility for its students, whether formal or informal, to ensure that this purpose is met. Accordingly, school districts may wish to exclude or add certain individuals as being subject to its policy. For example, if a school district is providing visitors with extensive contact with students, the school district may wish to include visitors as individuals subject to the policy to ensure the access the school district has permitted is not being abused. Alternatively, a school district may wish to remove contractors from the policy if the individuals with whom it contracts have little or no contact with students to avoid unnecessary application of the policy.]

III. DEFINITIONS

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

- A. "Bullying" means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to a student or a group of students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of:
 - 1. harming a student or a group of students;
 - 2. damaging a student's or a group of students' property;
 - 3. placing a student or a group of students in reasonable fear of harm to person or property;
 - 4. creating a hostile educational environment for a student or a group of students; or
 - 5. intimidating a student or a group of students.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school district property or at school-related functions" 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.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying 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's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from 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 building report taker) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying 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.
- 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 receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying 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 are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying 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 ACTION

- A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. 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; school district policies; and regulations.

- D. 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 involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

VI. REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

VII. TRAINING AND EDUCATION

- A. The school district annually will provide information and any applicable training to school district staff regarding this policy.
- B. 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.
- C. 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 victim, and to make resources or referrals to resources available to victims of bullying.
- D. The school district may implement violence prevention and character development education programs to prevent and 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.

VIII. NOTICE

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.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and

Violence)

Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)

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

Minn. Stat. § 121A.69 (Hazing Policy)

Cross References:

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

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

MSBA/MASA Model Policy 423 (Employee-Student Relationships)

MSBA/MASA Model Policy 501 (School Weapons Policy)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 507 (Corporal Punishment)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)

MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

MSBA/MASA Model Policy 711 (Video Recording on School Buses)

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