

EVERETT PUBLIC SCHOOLS

POLICY ON BULLYING

INTRODUCTION

The Everett Public Schools is committed to promoting an atmosphere of safety, respect and caring for all students, staff members and visitors to the schools, and to providing an environment in each school that is conducive to teaching and learning. Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of this plan at his or her school. Bullying, harassment and intimidation have no place in a school setting. Consistent with this commitment, the Everett Public Schools refuses to tolerate and prohibits bullying and cyber-bullying of students, as those terms are defined in G.L. c. 71, §370. The Everett Public Schools also prohibits and refuses to tolerate retaliation against students who report such conduct, provide information during an investigation of bullying, or witness or have reliable information about bullying. Bullying, cyber-bullying, harassment, intimidation and retaliation violate the Code of Conduct for students. Such conduct also may constitute a crime. A student or staff member 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 a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target who engages in bullying, cyber-bullying, harassment, intimidation or retaliation will be subject to discipline and may be subject to criminal prosecution.

The bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) that must be remedied, for bullying can undermine a student's ability to achieve his or her full academic potential. The Everett Public Schools does not attempt to resolve the bullying situation by unilaterally changing the frequency, duration, intensity, placement, or location of the student's special education and related services. These decisions are made by the IEP Team and consistent with the IDEA provisions that address parental participation.

DEFINITIONS

Bullying : The repeated use by one or more students or by a member of a school staff including, but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target and (1) causes physical or emotional harm to the target or damage to the target's personal property; (2) places the target in reasonable fear of such harm to himself or damage to his property ; (3) creates a hostile

environment in school for the target; (4) infringes on the target's rights in school; or (5) materially and substantially disrupts the educational process or orderly operations of school. This shall include cyber-bullying.

Bystander: A person who is present during an act of bullying, but does not take part.

Cyber-bullying: Bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include:

1. The creation of a web page or blog in which the creator assumes the identity of another person.
2. The knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated clauses to include the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions that are included in the definition of bullying.

Hostile environment: A situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Plan: Each school district, charter school non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students parents and guardians. The Plan shall apply to students and members of a school staff, including, but not limited to educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.

Retaliation: Any form of intimidation, reprisal or harassment that is directed against a person who reports bullying, provides information during a bullying investigation, or witnesses or has reliable information about bullying.

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

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

Stalking: The act willfully and maliciously engaging in conduct that seriously alarms or annoys a specific person and would cause reasonable person to suffer substantial emotional distress and makes a threat with the intent to place person in fear of death or bodily injury. Such conduct, acts or threats include, but are not limited to, electronic mail, Internet communications and facsimile communications. Stalking is a police matter and felony that is punishable by imprisonment in the state prison for up to five years or by a fine of not more than \$1000.00, or imprisonment in the house of correction for not more than two and one-half years or both.

Unauthorized Access: Whoever, without authorization, knowingly accesses a computer system by any means, or after gaining access to a computer system by any means knows that such access is not authorized and fails to terminate such access, shall be punished by imprisonment in the house of correction for not more than thirty days or by a fine of not more than one thousand dollars, or both.

The requirement of a password or other authentication to gain access shall constitute notice that access is limited to authorized users.

See also Everett Public Schools Acceptable Use Policy.

Target: A student against whom bullying, cyber-bullying or retaliation has been perpetrated.

APPLICATION OF POLICY

Bullying is prohibited 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 Everett Public Schools.

Bullying also is prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Everett Public Schools if the act or acts in question create a hostile environment at school for the **target**; infringe on the rights of the target at school; and/or materially and substantially disrupt the education process or

the orderly operation of a school. Nothing in this Policy requires the school district to staff any non-school-related activities, functions or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

The Everett Public Schools provides age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district. The curriculum shall be evidence-based and includes practices for use as part of any bullying prevention and intervention program to help ensure that school and classroom settings are positive, safe and nurturing environments for all children and adults.

The Superintendent is responsible for developing a Bullying Prevention and Intervention Plan, with staff and public involvement, addressing each of the 10 elements set forth in G.L.c.71, §370(d), with copies of forms, flow charts, etc. Principals are responsible for implementing the Plan in their schools; the Superintendent is responsible for its overall implementation. The Plan reflects an integrated approach that incorporates preventive education, behavior management, disciplinary action and restorative justice. This balanced approach addresses the needs of all parties involved: the target, alleged perpetrator and community through processes that preserve the safety and dignity of all.¹ It requires, among other

things, that students and staff members report all instances of bullying, cyber-bullying or retaliation; that Principals or their designees promptly investigate reports of bullying, cyber-bullying or retaliation; that the parents/guardians of students who are targets or alleged perpetrators of bullying, cyber-bullying or retaliation be notified and informed of what steps are being taken to prevent recurrences and to keep the alleged targets safe; and that the school district take effective remedial action to end bullying, cyber-bullying and retaliation and to restore a sense of security to targets of bullying. The Plan also includes on-going training and education components. Information regarding bullying and cyber-bullying will be made available to students, parents/guardians, staff members and the community through such avenues as newsletters, presentations to students, professional development for staff, meetings of the Committee on Bullying in each building, and presentations to parents and the community for policy input and feedback.

BULLYING PREVENTION AND INTERVENTION PLAN

The Everett Public Schools develops, adheres to and updates this plan in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians.

¹ Nothing in this Policy creates or should be interpreted as creating an express or implied contract. Except for any provisions mandated by state law, federal law or applicable collective bargaining agreements, the *Everett Public School District* reserves the exclusive right at all times to unilaterally modify, revoke, or change any and all provisions of this Policy.

The Everett Public Schools Policy on Bullying and its Action Plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. This consultation shall include, but not be limited to, notice and a public comment period.

Parents, guardians and staff are expected to attend school-sponsored and district-sponsored events to learn acceptable strategies regarding ways to identify and deal with all matters of bullying, cyber-bullying and retaliation.

RELATIONSHIP BETWEEN BULLYING POLICY AND POLICIES AGAINST DISCRIMINATION AND HARRASSMENT

Any incident of bullying, intimidation or harassment that is based on a person's membership in a legally protected category under state or federal law will be treated as a violation of this Policy and the Everett Public Schools' policy prohibiting unlawful discrimination.

Nothing in this Policy is designed or intended to limit the authority of a Principal or the Superintendent to take action under G.L. c. 71, §§37H or 37H½, G.L. c. 71, §§41 and 42, G.L. c. 76, §5 or other applicable laws, policies or collective bargaining agreements in response to violent, harmful or disruptive behavior, regardless of whether this Policy covers such behavior.

Accepted by school committee on December 18, 2017 .