

	OLD COLONY REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL	JICFB*
	Policies and Regulations	

Students

Bullying

**Old Colony Regional Vocational Technical High School District
BULLYING PREVENTION AND INTERVENTION PLAN**

Priority Statement

The Old Colony Regional Vocational Technical High School District is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic and vocational technical standards. No student shall be subjected to harassment, intimidation, bullying, or cyber-bullying.

The Old Colony Regional Vocational Technical High School District recognizes that bullying and cyber-bullying have a negative effect on school climate. Students who are intimidated and fearful cannot give their education the single-minded attention they need for success. Bullying and cyber-bullying can also lead to more serious violence. Every student has the right to an education and to be safe in and around school.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyber-bullying, and the Old Colony Regional Vocational Technical High School District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence.

DEFINITIONS

Aggressor is a student or 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 who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying is 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 that:

- causes physical or emotional harm to the target or damage to the target's property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

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 communications.

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in 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 enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families is expected.

Hostile environment is 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.

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

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying or cyber-bullying.

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 Old Colony Regional Vocational Technical High School District.

Bullying and cyber-bullying are 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 Old Colony Regional Vocational Technical High School District 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.

Prevention and Intervention Plan

The Superintendent and the Principal 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. The consultation shall include, but not be limited to, notice and a public comment period. The plan shall be updated at least biennially.

The Principal is responsible for the implementation and oversight of the Bullying Prevention and Implementation Plan except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged victim. If the Superintendent is the alleged aggressor, the School Committee, or its designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged victim.

Reporting Bullying or Retaliation

Reporting by Staff

Old Colony staff members are required to report immediately to the principal or administrative assistant or to the superintendent when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Oral reports made by or to a staff member shall be recorded on a District Discipline Form or an Incident Reporting Form. The requirement to report to the principal or administrative assistant does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with the Old Colony Regional Vocational Technical High School District policies and procedures for behavior management and discipline.

Reporting by Students, Parents or Guardians, and Others

The Old Colony Regional Vocational Technical High School 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 administrative assistant, or superintendent or designee when the principal or assistant principal is the alleged aggressor. Reports may be made anonymously, but no disciplinary action will be 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, counselor, or with the principal or administrative assistant, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a staff member. The target shall, however, not be subject to discipline for failing to report bullying.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Reporting Methods

Bullying reports can be made by completing an Incident Reporting Form, emailing reportbullying@oldcolony.us, calling the principal at (508) 763-8011, extension 118, or the administrative assistant at extension 125, leaving a voice mail at extension 211 or mailing a note to the Superintendent-Director, principal or administrative assistant.

Use of an Incident Reporting Form is not required as a condition of making a report. Staff members can report an incident on a District Discipline Form or an Incident Reporting Form. The Old Colony Regional Vocational Technical High School 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 administrative assistant; and 3) post it on the Old Colony 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 Old Colony Regional Vocational Technical High School District will provide the school community, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation.

¹ See Appendix A for Old Colony's Incident Reporting Form.

A description of the reporting procedures and resources, including the name and contact information of the principal and administrative assistant, and the superintendent or designee when the principal or the assistant principal is the alleged aggressor, will be incorporated in student and staff handbooks, on the Old Colony website, and in information made available to parents or guardians.

Responding to a Bullying or Retaliation Report– Allegations of Bullying by a Student.

Safety

Before fully investigating the allegations of bullying or retaliation, the principal or administrative assistant 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 administrative assistant will take additional steps to promote safety during the course of and after the investigation, as necessary.

The school counselor will assess the student and determine the need to refer the student to a mental health professional (i.e. school based counselor, Department of Child and Family Services, or a local mental health agency/facility). The school counselor will immediately notify the student's parent or guardian if services are required.

The school counselors in conjunction with the administration will identify a faculty member who will act as the student's safe contact, issue the student a safety pass, and monitor the student's status through periodic meetings.

The principal or administrative assistant will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

Obligations to Notify Others

Notice to Parents or Guardians Upon determining that bullying or retaliation has occurred, the principal or administrative assistant will promptly notify the parents or

guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or administrative assistant contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

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 administrative assistant 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.

Notice to Law Enforcement At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or administrative assistant has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Rochester 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 under the age of 21 who is no longer enrolled in school, the principal or administrative assistant shall contact the Rochester Police Department if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the Rochester Police Chief or his/her designee and other individuals the principal or administrative assistant deems appropriate.

If the incident involves a student who resides in one of the other towns in the District, the principal or his/her administrative assistant will contact the Police Chief or his/her designee from that town.

Investigation Procedures

The principal or administrative assistant will investigate promptly all reports of bullying or retaliation. He/she will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or administrative assistant will interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or administrative assistant (or whoever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or administrative assistant, other staff members as determined by the principal, and in consultation with a school counselor, as

appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or administrative assistant will maintain confidentiality during the investigative process. The principal or administrative assistant will use the Incident Reporting Form to document the investigation.

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

Determinations

The principal or administrative assistant will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or administrative assistant will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or administrative assistant will determine what remedial action is required and determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or administrative assistant may choose to consult with the students' teacher(s) and/or school counselors, and the target's or student 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.

The principal or administrative assistant will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or administrative assistant cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay-away" order or other directive that the target must be aware of in order to report violations.

If the principal or administrative assistant believes that criminal charges may be pursued against the aggressor, the principal shall consult with the Rochester Police Chief and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the appropriate law enforcement agency shall be notified.

The investigation shall be completed within fourteen (14) school days from the date of the report. At a minimum, the principal or his/her administrative assistant shall contact the parents or guardians as to the status of the investigation on a weekly basis.

Old Colony Regional Vocational Technical High School District shall document any incident of bullying that is reported, per this policy, and a file shall be maintained by the principal or administrative assistant. A monthly report shall be provided to the Superintendent.

Responses to Bullying

Teaching Appropriate Behavior

When the principal or administrative assistant determines that bullying or retaliation has occurred, the law requires that the District use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L.c.71, § 370 (d) (v). Skill-building approaches that the principal may consider include:

- offering individualized skill-building sessions based on the District's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with school 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
- making a referral for an evaluation.

Disciplinary Action

If the principal or administrative assistant decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or administrative assistant, 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 District's Code of Conduct.

Consequences for bullying or retaliation infractions may include counseling; peer mediation; a parent conference; detention; referral to the Rochester Police Department; loss of Internet privileges; mandatory participation a behavioral skills-building program; suspension; and/or expulsion.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA) and state laws regarding student discipline.

If the principal or administrative assistant determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Promoting Safety for the Target and Others

The principal or administrative assistant 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 administrative assistant 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.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or administrative assistant 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 administrative assistant will work with appropriate school staff to implement them immediately.

The Old Colony Regional Vocational Technical High School District shall provide counseling or referral services, including adjustment counseling, academic intervention, and protection to students, both targets and aggressors, affected by bullying, as necessary.

Parent Education and Resources

The Old Colony Regional Vocational Technical High School 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. The programs will be offered in collaboration with the School Council, Special Education Parent Advisory Council, or similar organizations.

Notification and Training

Parent and Notification

Each year the Old Colony Regional Vocational Technical High School District will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber-bullying and online safety.

In addition, each year the District will send parents written notice about the student-related sections of the Bullying Prevention and Intervention Plan, the Acceptable Use Policy, and the 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.

Student Training and Notification

Annual written notice of the relevant sections of the Bullying Prevention and Intervention Plan, the Acceptable Use Policy, and the Internet Safety Policy shall be provided to students in age-appropriate terms.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all grade 9-12 students.

Staff Notification and Training

Annual training for all school staff on the Plan will include sections related to staff duties and bullying of students by school staff, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula for grades 9-12.

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Staff members hired after the start of the school year will participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

Relevant sections of the Bullying Prevention and Intervention Plan relating to the duties of staff shall be included in the District's Employee Handbook.

Annual written notice of the Bullying Prevention and Intervention Plan, the Acceptable Use Policy, and the Internet Safety Policy shall be provided to all school staff.

The Bullying Prevention and Intervention Plan shall be posted on the Old Colony Regional Vocational Technical High School District website.

Professional Development

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 370, the content of district wide professional development will be informed by research and will include information on:

- age appropriate strategies to prevent bullying;
- age appropriate strategies for immediate, effective interventions to stop bullying incidents;
- information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- information on the incidence and nature of cyber-bullying; and
- Internet safety issues as they relate to cyber-bullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular

focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas of professional development may include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;
- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making;
- maintaining a safe and caring classroom for all students maintaining a safe and caring classroom for all students; and
- engaging staff and those responsible for the implementation and oversight of the Plan to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, etc. and bullying behaviors.

PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyber-bullying, are prohibited: on school grounds and 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, and at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

As stated in M.G.L. c. 71, § 370, nothing in this Plan requires the District to staff any non-school related activities, functions, or programs.

Relationship to Other Laws

Consistent with state and federal laws, and the policies of the Old Colony Regional Vocational Technical High School District, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the 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 District policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the District to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H¹/₂, M.G.L. c. 71, §§41 and 42, M.G.L.c 76 § 5, other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior regardless of whether the Plan, covers the behavior.

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 71:370 MGL 265:43, 43A
MGL268:13B MGL269:14A

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

REFERENCES: Massachusetts Department of Elementary and Secondary
Education's Model Bullying Prevention and Intervention Plan

This Plan is updated to reflect M.G.L. c. 71, 370 as amended by Sections 72 – 74 of Chapter 38 of the Acts of 2013, which changed the definition of “perpetrator” to include “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.” The amendment also made the plan applicable to school staff, including but not limited to, the individuals listed in the amended perpetrator definition.

Source: Massachusetts Association of School Committees

Legal References:

Title VII, Section 703, Civil Rights Act of 1964 as amended
Title IX of the Education Amendments of 1972
603 CMR 26:00

Cross References:

AC, Nondiscrimination / Equal Opportunity
ACAB*, Sexual Harassment
JICFA, Hazing

Adopted: January 18, 2006

Old Colony Regional Vocational Technical High School
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