

# JFCZ-R BULLYING PREVENTION AND AWARENESS REGULATION

## I. Definitions

**Aggressor** is a student, staff member, or other member of the school community who engages in bullying of others.

**Bullying** as defined by Section § 22.1-276.01 of the Code of Virginia, **means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and student who is bullied; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. Bullying does not include ordinary teasing, horseplay; argument, or peer conflict.**

It is characterized by the following three (3) criteria:

1. It occurs in relationships where there is an **imbalance of power** (either, physical, mentally or socially more powerful)
2. It is **intentional** or deliberate aggressive behavior or harm doing
3. It is carried out **repeatedly**.

**Bystanders** are individuals that allow bullying to persist by simply watching and remaining passive. Passive observers give tacit permission to bullies while more active bystanders instigate the aggressor by prodding her/him to continue or by laughing, cheering, or making comments that encourage the bullying behavior.

**Cyberbullying** is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and social media postings.

*Bullying behaviors executed outside of school should not be tolerated if they negatively impact school climate, e.g., texting threats in the evening about physically assaulting a person the next day instills a climate of fear and intimidation which compromises the school climate. Such incidents should be investigated and handled by school staff as quickly and expediently as possible.*

**Retaliation** is when an aggressor bullies another individual who has reported incidents of bullying.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers or paraprofessionals.

**Target Student** is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

## II. Types of Bullying

The actions below are types of bullying or examples of intentional acts which may become bullying depending on their reasonably foreseeable effect:

**Physical bullying:** Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing.

**Verbal bullying:** Name-calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

**Relational Bullying:** Isolation of an individual from his or her peer group, spreading rumors.

**Cyberbullying:** Bullying by using information and communication technologies. Cyberbullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,

4. Impersonation: Using someone else's screen name and pretending to be them
5. Outing or Trickery: forwarding information or pictures meant to be private.

**Sexual Bullying:** Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

These actions become bullying if they meet the definition of intent. This list should be used by way of example only, and is by no means exhaustive. Behaviors, similar to those described that do not rise to the level of bullying, may still be prohibited by other NPS policies or building, classroom or program rules.

### III. Prevention of Bullying

Schools will implement procedures to prevent incidents of bullying.

1. Schools will provide annual evidence-based professional development to faculty and staff on the topic of bullying; to include bullying behavior, the recognition of bullying, prevention, reporting procedures and resolution of bullying incidents.
2. Schools will inform parents and students of policy regarding bullying. The information will include definitions of bullying, reporting procedures (including how to contact the Bullying and Safe Schools Hotline), and the consequences of bullying behavior. This information will be shared during orientations, open houses, and discipline assemblies. It additionally will be shared via the Student Handbook, including Standards of Student Conduct and district and social media platforms, school newsletters, and school websites.
3. Developmentally appropriate prevention activities will be provided to students; to include suggested activities as follows:
  - ❖ Social and emotional learning interventions and character education programming incorporated into curriculums
  - ❖ Teaching and reinforcing established rules against bullying in classrooms
  - ❖ Student/Peer Focus groups to address/assess the nature and prevalence of bullying within schools
  - ❖ Bullying Awareness and prevention campaign to coincide with National Bullying Prevention Month. Related awareness and prevention activities ongoing throughout the school year.
4. Anonymous school climate surveys should be conducted to gauge the scope of bullying in district schools; at least biennially. Quantitative and qualitative measures should be used to collect this data.
5. Information will be shared on the school division web site and each school website prominently displaying information on reporting bullying, contact information for making a report of bullying to a school administrator, and the bullying hotline (SafeSchools Hotline).

6. Posters will be displayed in all schools displaying information on how to report incidents of bullying. The posters should include contact information, hotline, and email to prevent incidents of bullying.

#### IV. Procedures for Reporting, Investigating and Responding to Bullying

##### **Reporting**

A report of alleged bullying, harassment, or intimidation that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school, in the current school year, may be made by target students, the parent/guardian, or a close relative, and staff members either orally, written or electronically, with the understanding that all reports will be taken seriously and handled with confidentiality. Anyone who believes to be subject of an incident of bullying is encouraged to report the incident immediately.

1. Target students, the parent/guardian, or a close relative, and staff members will have several options to report bullying; including verbal reporting, contacting staff via e-mail or in writing and/or completing the Bullying, Harassment, or Intimidation Form or reporting to the Anti-Bullying and Safe Schools Hotline at 757-628-1171.
2. Reports may be made anonymously. No disciplinary action will be taken solely based on an anonymous report. Students intentionally making false accusations of bullying may be subject to disciplinary action. Steps should be taken at the time of reporting to assure the protection of the person reporting bullying or witness(es) from retaliation. The confidentiality of the person reporting bullying or witness(es) should be maintained.
3. The Bullying, Harassment, or Intimidation Form was developed to report alleged bullying, harassment, or intimidation that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school. The form should be submitted for reporting of incidents related within the current school year. Forms should be completed and returned to the principal at the target student's school or to the Department of Student Support Services located at 800 E City Hall Avenue, Suite 904.
4. A copy of forms reporting incidents of bullying shall be forwarded to the Department of Student Support Services.
5. The Anti-Bullying and Safe Schools Hotline 757-628-1171 and safeschools@npsk12.com website have been instituted as further means of anonymous reporting and shall be maintained by the DSSS. Calls placed to the hotline are strictly confidential.
6. Reports of alleged bullying should be responded to or investigated as promptly and thoroughly as possible, within five (5) days after receiving the report.

*Each school board shall include in its code of student conduct, by July 1, 2014, policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies*

*on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal to notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying. (§ 22.1-279.6 of the Code of Virginia, relating to school boards; policies and procedures prohibiting bullying; parental notification.)*

## **Investigation**

The below shall be considered guidelines for responding to allegations of bullying.

Three Stages of Investigation will occur:

### Stage I Pre-Investigation

Prior to a full investigation, the principal or designee will determine any immediate need to protect target student(s) from further concern or incident. Immediate steps should be taken to ensure student safety to prohibit further harm; for example, obtaining medical help or separating students. Separation or possible adjustments to the school environment or increased supervision may be considered necessary. The rights of both the alleged aggressor and target should be taken into account.

### Stage II During - Investigation

Upon receiving a complaint of bullying, the building principal or designee shall investigate the complaint.

"Bullying" as defined by Section § 22.1-276.01 of the Code of Virginia, means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and student who is bullied; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. Bullying does not include ordinary teasing, horseplay; argument, or peer conflict.

It is characterized by the following three (3) criteria:

1. It occurs in relationships where there is an **imbalance of power** (either, physical, mentally or socially more powerful).
  2. It is **intentional** or deliberate aggressive behavior or harm doing.
  3. It is carried out **repeatedly**.
- A. The investigations should be completed within five school days from the date of the initial report, and be consistent with school policies and procedures.
  - B. The school principal, assistant principal, or dean will interview students, staff, parents/guardians, and witnesses as necessary.

- ❖ Interviews should be documented, conducted privately, and include the alleged aggressor, alleged target student, and witnesses.
  - ❖ The alleged, alleged target and witnesses shall not, at any time, be interviewed together.
  - ❖ The investigator will also maintain the confidentiality of the individual(s) who reported and the witness(es).
- C. The investigator will only release information regarding the allegation to the parent/guardian of his/her child.
- D. The investigator shall, use the Bullying, Intimidation and Harassment Reporting Form to collect and evaluate the facts of the allegation to include, but not limited to:
1. Name of alleged target student
  2. Name of and number of individuals who participated in the bullying or harassing behavior
  3. Location of the alleged incident
  4. Characteristics of the parties involved, i.e., grade, age, gender
  5. Description of the incident(s)
  6. Number of times the incident occurred
  7. Pattern of behavior or past behavior
  8. Witness(es) information
  9. Whether the alleged target of the bullying behavior felt an imbalance of power
  10. Whether the alleged target of the bullying feels the incident is impacting their ability to learn
- E. The investigator will separately interview the alleged aggressor, and document the following:
1. Age, grade, gender
  2. Description of the incident
  3. Location of the alleged incident
  4. Relationship between the parties involved
  5. Context in which the incident occurred
  6. Past incidents or pattern of continued behavior
  7. Any witnesses
- F. The investigator should interview witnesses to the incident of bullying and document findings.
- G. The investigator shall notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying. Date, time, and method of notification should be documented.

Using the Bullying, Intimidation, and Harassment Reporting Form, the investigator should document the findings of the investigation. The investigator should also keep a written record of the bullying incident, and any disciplinary action taken. A copy of the completed Bullying Incident Form should be maintained in the principal's office and a separate copy forwarded to the Department of Student Support Services located at 800 E City Hall Avenue, Suite 904. This form should not become a part of the student record.

### Stage III After - Investigation

- A. Investigators will consider the facts and circumstances of the investigation and make an objective determination as to if the allegations of bullying are substantiated. An administrator will determine the appropriate actions required if any.

All disciplinary actions will be in accordance with the Standards of Student Conduct.

If the allegation is not substantiated, it should be recorded as such and included in the documentation.

Behavioral Interventions should be provided in support of target students, aggressors, and/or bystanders, and may include, but are not limited to, the following:

1. Parent/Student Conferences
2. Threat Assessment
3. Development of a safety plan and written documentation of outcome and follow-up plan, if appropriate for the target student and aggressor, utilizing the Bullying Incident Report
4. Increased adult supervision (schedule/classroom changes, checks during transitions)
5. Incentives and reinforcements for improved behavior
6. Restorative Interventions
7. Referral to outside Services where appropriate and consistent with applicable regulations and policies

Intervention provided to all parties should be documented on the Support Provided for Targeted Child Form and Support Provided for Identified as Aggressor Form.

- B. Submit a copy of the completed Bullying and Harassment Reporting and Investigation Form to the Department of Student Support Services located at 800 E City Hall Avenue, Suite 904 within ten (10) days of the completion of the investigation. The section designated “to be completed by the person investigating complaint” should be completed by the investigator to document the determination of the investigation.
- C. Copies of forms related to the investigation will be maintained in a confidential file. These forms will not be filed in the student's record.
- D. Acts of bullying that fall under the law violation category should be reported in accordance with school policy.
- E. Consequences for the behavior or the reported allegations that are determined to be an act of bullying/harassment should be administered in accordance with the Standards of Student Conduct.
- F. The investigator will arrange for follow-up to be completed two weeks after the reporting to determine whether the bullying has continued. The follow-up will include a determination for any additional intervention or support.

## Responses to Bullying

Schools should provide evidence-based support and intervention to target students, aggressors, and/or bystanders to address acts of bullying. Responses should account for the development and maturity levels of parties involved; the context in which incident occurred; disciplinary history/patterns of behavior; relationships between parties; and ease of use/availability of resources for staff. Suggested interventions include but are not limited to:

### A. Behavioral Interventions

- ❖ Parent/Student conferences
- ❖ Verbal reprimand specifying what is not acceptable behavior
- ❖ Appropriate referral to counseling staff
- ❖ Positive behavioral supports; check in with a trusted adult, agreed-upon incentive/reward
- ❖ Increased adult supervision during transition times and in areas where bullying is alleged to have occurred
- ❖ Safety plans or behavior contracts
- ❖ Teaching and modeling of appropriate social behavior

### B. Social and Emotional Learning Interventions

- ❖ Perform and record acts of kindness.
- ❖ Prepare an oral report/presentation on how it feels to be bullied or how to help a student who is bullied.
- ❖ Select a book or story on bullying, and read it to a younger class.
- ❖ Help another student in a classroom activity.
- ❖ Participate in a supervised, structured discussion or activity to reinforce social-emotional learning skills.

### C. Restorative Practices

- ❖ Verbal apologies that include taking responsibility for the behavior
- ❖ Written letters of apology, including description of future positive behavior
- ❖ Repair or restoration of property or personal items that may have been damaged by the aggressor

### D. Disciplinary Action

All incidents of bullying should be addressed, and some may require disciplinary action for the aggressor. The degree to which the level of disciplinary action is administered varies upon the severity of the incident and should be consistent with the Standards of Student Conduct. Incidents that do not meet the criteria for bullying, please also refer to the Standards of Student Conduct for handling as appropriate.



## E. Follow-up

Separate conferences should be arranged for the target student and aggressor within a timely period at the conclusion of the investigation to assure that the bullying behavior has stopped. This meeting should also serve as an opportunity to determine if any further support or assistance is needed. Follow-up should be documented.

## F. Department of Student Support Services (DSSS) Support

The DSSS may, in situations where a report of bullying is reported and unresolved, or a satisfactory conclusion to the concern by all parties is not met, the DSSS, at the request of the school or parent/guardian may conduct an independent review of the bullying report and investigation.

## V. Notifications

- A. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- B. Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies should be notified.
- C. All notification should be documented to include the date, time, and mode of contact.

## VI. Bullying and Harassment of Students with Disabilities

Any bullying of a student with a disability that results in the student not receiving meaningful educational benefits constitutes a denial of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). Furthermore, some bullying of students with disabilities may also constitute discriminatory harassment and trigger additional responsibilities under the civil rights laws.

School division policies should be followed when a student with a disability is involved in any bullying incident.

*Considerations for students with an Individualized Education Plan (IEP):*

Schools should convene the Individualized Education Program (IEP) Team to determine whether, as a result of the effects of the bullying, the student's needs have changed, and if the IEP is no longer designed to provide meaningful educational benefit. The decisions must be made by the IEP Team and be consistent with the IDEA parental participation provisions.

Parents have the right to request an IEP Team meeting at any time that a student's needs may have changed as a result of the bullying. The following should also be considered:

- 1) If the IEP is no longer designed to provide a meaningful educational benefit to the student, the IEP Team must then determine to what extent additional or different special education or related services are needed to address the student's needs and revise the IEP accordingly.
- 2) IEP Teams should exercise caution when considering a change in placement or the location of services and should keep the student in the original placement unless the student can no longer receive FAPE in the least restrictive environment (LRE) placement
- 3) The placement of a student with disabilities in a more restrictive "protected" environment setting to avoid bullying behavior may constitute a denial of the IDEA's requirement that the school provide FAPE in the LRE.
- 4) Schools may 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.
- 5) If a student with a disability engages in bullying behavior, the IEP Team should review the student's IEP to determine if additional supports and services are needed to address the inappropriate behavior.
- 6) The IEP Team and other school personnel should examine the environment in which the bullying occurred to determine if changes to the environment are necessary.

*Considerations for students with a 504 Plan:*

The Office for Civil Rights (OCR) in the U.S. Department of Education (Department) enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), both of which prohibit disability discrimination. According to the October 21, 2014 "Dear Colleague" letter providing guidance on bullying of students with disabilities published by OCR, all public elementary or secondary education programs must provide students with disabilities equal educational opportunities. This means that they must ensure that students with disabilities receive a free and appropriate public education (FAPE). This is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities.

Bullying of a student on the basis of his/her disability may result in a disability-based harassment violation under Section 504 and Title II. When a school knows or should know of bullying conduct based on a student's disability, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If the investigation reveals that bullying based on a disability created a hostile environment – i.e., the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school – the school must take prompt and effective steps reasonably calculated to end the bullying, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects.

Norfolk City School Board Policy JBA (NPS Policy JBA) outlines the Section 504 Nondiscrimination Policy and Complaint Grievance Procedures. This procedure is not a prerequisite before a complainant may directly pursue any other remedy available under state or federal law. However, the policy of Norfolk City School Board is for students, parents/guardians, and employees to have the opportunity to make concerns known and for the schools to have the opportunity to respond to and resolve concerns as rapidly as practicable. Any student, parent, or guardian may file a formal or informal grievance as outlined in NPS Policy JBA with the school principal, other school or division staff, or the Section 504 Compliance Officer by contacting the Department of Student Support Services at 800 E. City Hall Avenue- Suite 904, Norfolk, VA 23510 or (757) 628-3931.

## **VII. Awareness Month**

In conjunction with the National Bullying Prevention Awareness Month, Norfolk Public Schools will participate in bullying awareness and prevention campaign in each school building with the intention of providing needed information to faculty, staff, and students, for preventing bullying.

Goals of Awareness Month include:

- ❖ To bring awareness surrounding the issue of bullying.
- ❖ To promote safe and supportive schools
- ❖ To share information about bullying prevention resources
- ❖ To inspire students to unite for respect, kindness, and inclusion

Activities may include:

- ❖ Providing parents and students with information through pamphlets and handouts on the subject of bullying.
- ❖ Placing bullying awareness posters in school buildings.
- ❖ Including the topic in morning announcements.
- ❖ Placing bullying awareness and prevention information on school social media platforms.

## **Administrative Tools**

The forms noted below are to be used to assist the district in identifying, recordkeeping, and notification as it relates to bullying. All forms are downloadable and may be accessed at the NPS website or Administrators Toolkit.

- ❖ Bullying, Harassment, or Intimidation Reporting Form
- ❖ Bullying Procedure Flowchart
- ❖ Bullying Flowchart: Responding to Bullying
- ❖ Letter to Inform Parent/Guardian of Bullying Incident
- ❖ Support Provided for Target Student
- ❖ Support Provided for Student Identified as Aggressor