

Hazleton Area School District

Anti-Bullying Policy

7/2009

Authorization Reference

The General Assembly of Pennsylvania amended "Article XIII-A Safe Schools" of the Pennsylvania School Code of 1949 on July 4, 2008. The amendment pertains to the addition of bullying policies and inclusion of non-public schools regarding the transfer of student disciplinary records. The following are the amended sections: 24 PS 13-1302-A Office for Safe Schools (C) (7) Development and implementation of research-based bullying prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

24 PS 13-1303.1-A Policy relating to bullying

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 pa. Code §12.3 (c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity shall make the policy available on its publicly accessible internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A (b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the office in accordance with section 1303- A (b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts:

(1) Directed at another student or students

- (2) Which occurs in a school setting
- (3) That is severe, persistent or pervasive
- (4) That has the effect of doing any of the following
 - (i) Substantially interfering with a student's education
 - (ii) Creating a threatening environment
 - (iii) Substantially disrupting the orderly operation of the school and "school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervise or sanctioned by the school.

24 PS 13-1305-A Transfer of Records

Whenever a pupil transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have ten (10) days from receipt of the request to supply a certified copy of the student's disciplinary record. The requirements of this section apply as well to transfers between schools within the same school entity.

Students: Anti-Bullying

HASD is committed to creating a safe, caring, respectful learning environment for all students. Bullying of students occurring in the schools is strictly prohibited and will not be tolerated. For the purposes of the policy, "school" includes school buildings, school grounds, and school-sponsored social events, trips, sporting events, buses, and bus stops as well as students travelling to and from school in any fashion. Reported incidents of bullying will be investigated promptly and thoroughly by designated school administration/staff.

Preventative Measures

A. Awareness

Bullying behaviors are unacceptable. Ongoing policy awareness is to be provided through the security/guidance departments.

B. Staff Awareness/Action

HASD staff/personnel shall receive information on the anti-bullying policy to ensure a consistent approach is adopted on a division-wide basis. The HASD Anti-Bullying Policy requires all staff members who observe, suspect, or become aware of an act of bullying to immediately follow the HASD Discipline Policy making sure the incident is reported.

C. Student/Parent Action

The HASD encourages students and parents who become aware of any act of bullying to immediately report the incident(s) to the appropriate HASD building administration, security, or staff for further investigation. Any student who retaliates against another for

reporting bullying may also be subject to consequences as per the HASD Discipline Policy.

D. Complaint/Investigative Procedure

All students shall be informed of their right to protection against bullying behaviors and the right to file a complaint if they believe they have been the victim of bullying behavior. HASD administration and/or security are responsible for investigating each complaint, determining if the complaint is legitimate in accordance with the above definition, and in taking appropriate corrective action. Any student (be they the victim or the bystander) may initiate a complaint.

E. Intervention/Consequences

Reports of bullying are taken seriously and shall be dealt with quickly and effectively. If a student is found guilty of bullying behavior, the consequences shall depend on both the results of the investigation and the severity of the incident as per the HASD Discipline Policy.

I. Definitions

A. Bullying: Defined as a pattern of aggressive, intentional or deliberately hostile behavior that occurs repeatedly and/or over time. Bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture by an adult or student that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

1. Bullying may involve, but is not limited to:
 - a. unwanted teasing
 - b. threatening
 - c. intimidating
 - d. stalking
 - e. cyber stalking
 - f. cyber bullying
 - g. physical violence
 - h. theft
 - i. sexual, religious, or racial harassment
 - j. public humiliation
 - k. destruction of school or personal property
 - l. social exclusion, including incitement and/or coercion
 - m. rumor or spreading of falsehoods

B. Harassment: Defined as any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property

2. has the effect of substantially interfering with a student's educational performance, employee's work performance, or either's opportunities or benefits
 3. has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being
 4. has the effect of substantially disrupting the orderly operation of a school.
- C. **Cyber Stalking:** Defined as to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- D. **Cyber Bullying:** Defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (i.e. MySpace, Facebook), chat rooms, and instant messaging.
- E. **Bullying, Cyber Bullying, and/or Harassment** also encompass:
1. retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
 2. retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
 3. perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. incitement or coercion
 - b. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system
 - c. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination
- F. **Bullying, Cyber Bullying, Harassment, and Discrimination:** Hereinafter all will be referred to as bullying, as defined in Section A, for the purpose of this policy. Also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs.

The HASD Bullying Policy prohibits bullying of any student or employee by any HASD Board member, district employee, parent, consultant, contractor, agent, visitor, volunteer, student, or other person in any HASD school/facility or outside the school/facility at HASD and/or school-sponsored events, on school buses/transportation, while students are travelling to and from school, and at training facilities or training programs sponsored by the HASD.

- G. **Accused:** Defined as any Board member, District employee, parent, consultant, contractor, agent, visitor, volunteer, student, or other person in any HASD school/facility or outside the school/facility at HASD and/or school-sponsored events, on school buses/transportation, while students are traveling to and from school, and at training facilities or training programs sponsored by the HASD who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing of bullying.
- H. **Complainant:** Defined as any Board member, District employee, parent, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

II. Expectations

- A. The HASD expects any Board member, District employee, parent, consultant, contractor, agent, visitor, volunteer, student, or other person in any HASD school/facility or outside the school/facility at HASD and/or school-sponsored events, on school buses/transportation, while students are travelling to and from school, and at training facilities or training programs sponsored by the HASD to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. While the HASD does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint with the appropriate HASD building administration, security or staff for further investigation. Reported incidents of bullying will be investigated promptly and thoroughly by designated school administration/staff. The HASD will provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the adopted School Discipline Policy pertaining to bullying.
- C. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.
- D. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and any appropriate HASD policies.

III. Stakeholder Responsibilities

- A. **HASD Administration**
HASD Administration and other District departments will collaborate with school based staff members, families, and community stakeholders to implement this policy and associated procedures/programs to promote academic success, enhance resiliency, build developmental assets, and promote protective factors within each school by ensuring that each and every staff member and student is instructed on bullying prevention. This instruction will work to create a climate within each school and within the district that fosters the safety and respect of children and the belief that adults are there to protect and help them. Additionally, students and staff (including but not limited to school based

employees, administrators, area/district personnel, counseling staff, bus drivers) will be given the skills, instruction, and tools needed to create the foundation for preventing, identifying, investigating, and intervening when issues of bullying arise.

B. Schools

The Security Officer/Guidance at each school shall serve as the key school based personnel who will implement this policy and associated procedures to the students and staff. In the instances where there is not a security officer assigned to that facility, the head administrator in that building shall assign an individual to serve in this capacity.

C. Community Resources

HASD personnel will inform and disseminate this policy to the community, to assist in providing support of this policy to students, their families, and school staff. This collaboration will, when possible, make effective use of available school district and community resources.

D. Parent Participation and Partnership

HASD personnel will provide opportunities and encourage parents to participate in bullying prevention initiatives in meaningful and relevant ways that address the academic, social, and health needs of their children.

HASD through the guidance staff will provide resources and support for parents by linking them with internal supports as well as referral to community based resources as needed. Examples of supports and resources are Open House, PTA Meetings, Orientations, and the Student Handbook.

E. Evaluation of Policy Effectiveness

Evaluations to determine the effectiveness and efficiency of this policy will be conducted each year. These evaluations shall include input from each building administrator as well as security/guidance personnel.

F. Accountability

The HASD School Board, Superintendent, other district administrators, as well as school principals, share accountability for implementation of this policy and any program associated with this policy.

The HASD School Board and Superintendent shall ensure appropriate human and financial resources are made available to allow this policy and any program associated with this policy to be implemented and administered effectively on a continuing basis.

G. Policy Awareness

By the second week of the beginning of each school year, the school principal/designee and or appropriate area/district administrator shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil.

IV. Disciplinary

- A. Discipline pertaining to bullying shall be administered in accordance with the appropriate existing HASD policies.

V. Reporting an Act of Bullying

- A. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Student Code of Conduct.
- B. All district faculty and staff are required and must report in writing any allegations of bullying or violations of this policy to the principal/designee or appropriate area/district administrator.
- C. Whether a victim or witness, any other member of the school community who has credible information that an act of bullying has taken place, shall file a report of bullying.
- D. Any principal/designee or appropriate area/district administrator who receives a report of bullying shall forward the information to the building security officer or in lieu of a security officer the Security Operations Coordinator.
- E. Parental Contact: The security/administrator from whichever building the issue is occurring shall contact the parents/guardians of the students involved and advise them of the incident.
- F. A victim of bullying is strongly encouraged to report the incident(s) to a school official.
- G. Any individual, including anyone who has knowledge of any incident(s) involving bullying of students, shall report the incident(s) to a school official.
- H. Complaints should be filed as soon as possible after the alleged incident. Any additional incidents need to be reported.
- I. The principal/designee at each HASD school shall establish and prominently publicize to students, staff, volunteers, and parents how a report of bullying may be filed and how this report will be acted upon (i.e.: HASD Handbook, Act 80 day, etc.).
- J. The Administrator/principal/designee shall document in writing on an incident report all complaints regarding bullying to ensure that problems are appropriately addressed in a timely manner.
- K. Anonymous reports may be made utilizing the HASD Tip Line. (570) 459-3111 Extension 3205.
- L. All anonymous reports shall be assigned to Security Operations for investigation.

VII. Parental Notification

- A. When a student is involved in an incident of bullying, as a victim or accused, parent notification is required.

VIII. Process of Referral for External Investigation

- A. If the act is outside the scope of the HASD and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parents/guardians will be notified, and the referral documented by the security officer/principal/designee on the incident report.

IX. Confidentiality

- A. To the greatest extent possible, all complaints will be treated as confidential.

X. Retaliation Prohibited

- A. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy.
- B. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner in an investigation is specifically prohibited.
- C. Any acts of retaliation involving students shall constitute a Group III Violation and be subject to the provisions of HASD Policy No. 233: Suspension and Expulsion.
- D. Employee discipline shall be in accordance with existing HASD policies.

XI. Additional Referral

- A. In all cases, the HASD reserves the right to refer the results of its own investigation to the law enforcement entity, having jurisdiction where the offence occurred for possible criminal charges, whether or not the district takes any other action.

XII. Preclusion

- A. This policy shall not prevent the HASD, any victim, or accused from seeking additional redress under any other available law either civil or criminal.

XIII. Educational Component Requirement

The HASD Bullying Policy is only as strong as its educational component. This policy shall be accompanied by a bullying program selected by a Bullying Program Committee and approved by the HASD Board.

- A. The Program Committee shall be headed by the Superintendent or his/her designee and consist of a microcosm of the district as selected by the Superintendent or his/her designee to include but not limited to a representative of the Security Department, an elementary school administrator, middle school administrator, high school administrator,

Director of Curriculum, elementary school teacher, middle school teacher, high school teacher, guidance counselor, and a parent.

- B. After the committee has selected a program, it shall be presented to the HASD Board for approval and inclusion in the policy.
- C. The program selected can after review and implementation, be changed or tailored to meet the needs of the HASD. There must however be a program in place to accompany this policy.

XIV. Program Implementation and Support

- A. It shall be the responsibility of the HASD Board to designate funding as well as any specifics necessary to implement the program with fidelity.

XV. Yearly Student Survey

A. Time Period to Conduct Survey

Twice each year, at the beginning (by September 30th) and at the end of each school year (by May 30th), an anti-bullying survey shall be distributed to each student in the HASD for completion and submission.

B. Purpose of Survey

This survey will be designed to reflect students' opinions on bullying issues within the HASD, as well as to assist in measuring if the anti-bullying program and the Anti-Bullying Policy itself are being effective.

C. Composition of Survey

The survey shall consist of five to ten questions specific to bullying and the anti-bully program and policy of the HASD. The survey shall be standardized throughout the HASD by grade level. The Anti Bullying Program Committee shall design the survey.

D. Responsibility to Conduct Anti-Bullying Surveys

At each HASD school, it shall be the principal's responsibility to ensure that the anti-bullying surveys are provided to all students in accordance with Section XV Paragraph A of this policy.

E. Survey Compilation

It shall be the principal's responsibility to ensure all survey results are collected and compiled from their building. Following the compilation, the report shall be forwarded in accordance, with the direction provided by Security Operations.

XVI. Annual Program Assessment

A. Period to Conduct the Assessment:

During the month of July after each school year, the HASD Superintendent or his/her designee shall conduct an annual program assessment.

B. Core Elements of the Assessment:

This assessment shall use in part the results of the yearly student surveys as well as interviews with members of the Anti Bullying Policy Committee/Anti Bullying Program Committee. The assessment shall serve as a pulse check to effectively monitor and judiciously manage the program.

C. Report of Findings:

August of every School Year, the Superintendent or his/her designee shall report the findings from the Annual Program Assessment to the HASD School Board.

XVII. Termination of Anti-Bullying Program:

- A. **Alternate Program Required:** Since the failure to address the issue of bullying through proactive measures and education can carry severe civil liabilities, as well as wide spread detriment to the core values of an educational facility, termination of the anti-bullying program shall occur only when an alternate anti-bullying program is retroactively approved. After the initial anti-bullying program is selected and implemented, at no time while the HASD Anti-Bullying Policy is in effect, shall an anti-bullying program not exist.
- B. **Just Cause:** Program termination shall be deemed appropriate based on the results of surveys and assessments showing a negative progression for a period of at least three consecutive years.
- C. **Alternate Program Selection Procedure:** Should program termination be warranted, the Superintendent shall reconvene the Anti Bullying Program Committee and the committee shall re-review existing options for a new anti-bullying program.
- D. **Approval of Anti-Bullying Program:** Approval of any anti-bullying program for use in the HASD shall reside solely with the HASD School Board. The Superintendent or his/her designee shall make recommendations for approval of any specific policy.