

Act No. 241
Public Acts of 2011
Approved by the Governor
December 6, 2011
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December 6, 2011
EFFECTIVE DATE: December 6, 2011

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011

Introduced by Reps. Potvin, Bauer, Bledsoe, Brunner, Byrum, Callton, Clemente, Constan, Crawford, Darany, Durhal, Foster, Geiss, Haugh, Heise, Howze, Hughes, Lane, Liss, MacMaster, McCann, Nathan, O'Brien, Oakes, Olson, Olumba, Ouimet, Rendon, Rutledge, Roy Schmidt, Wayne Schmidt, Segal, Slavens, Smiley, Stallworth, Stanley, Stapleton, Talabi, Tyler, Womack and Zorn

ENROLLED HOUSE BILL No. 4163

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1310b.

The People of the State of Michigan enact:

Sec. 1310b. (1) Subject to subsection (3), not later than 6 months after the effective date of this section, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(2) Subject to subsection (3), before adopting the policy required under subsection (1), the board or board of directors shall hold at least 1 public hearing on the proposed policy. This public hearing may be held as part of a regular board meeting. Subject to subsection (3), not later than 30 days after adopting the policy, the board or board of directors shall submit a copy of its policy to the department.

(3) If, as of the effective date of this section, a school district, intermediate school district, or public school academy has already adopted and implemented an existing policy prohibiting bullying at school and that policy is in compliance with subsection (5), the board of the school district or intermediate school district or board of directors of the public school academy is not required to adopt and implement a new policy under subsection (1). However, this subsection

applies to a school district, intermediate school district, or public school academy described in this subsection only if the board or board of directors submits a copy of its policy to the department not later than 60 days after the effective date of this section.

(4) Not later than 1 year after the deadline under subsection (2) for districts and public school academies to submit copies of their policies to the department, the department shall submit a report to the senate and house standing committees on education summarizing the status of the implementation of policies under this section.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

(a) A statement prohibiting bullying of a pupil.

(b) A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying.

(c) A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus.

(d) The identification by job title of school officials responsible for ensuring that the policy is implemented.

(e) A statement describing how the policy is to be publicized.

(f) A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying.

(g) A procedure for reporting an act of bullying.

(h) A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation.

(i) A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis.

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(a) Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

(c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

(7) A school employee, school volunteer, pupil, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. However, this immunity does not apply to a school official who is designated under subsection (5)(d), or who is responsible for remedying the bullying, when acting in that capacity.

(8) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

(b) "Bullying" means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following:

(i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

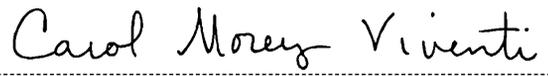
(c) "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

(9) This section shall be known as "Matt's Safe School Law".

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

2009 National School Climate Survey

Comprehensive (Enumerated) v Generic (Non-enumerated) Policies

Policies and laws that explicitly address bias-based bullying and harassment can create safer learning environments for all students by reducing the prevalence of bias behaviors and encouraging staff intervention. Comprehensive policies and laws that specifically enumerate personal characteristics, such as sexual orientation, gender identity, and gender expression, among others, are the most effective at combating anti-LGBT bullying and harassment.

- About two-thirds (65.7%) of students in schools with comprehensive policies heard homophobic remarks (e.g., “faggot” or “dyke”) often or frequently, compared to almost three-quarters of students in schools with generic, non-enumerated policies (73.7%) or no policy whatsoever (74.1%).
- Students in schools with comprehensive policies were more likely than students in schools with a generic policy or no policy to report that staff intervened when homophobic remarks (26.6% vs. 15.9% vs. 10.0%) or negative remarks about gender expression (17.3% vs. 13.3% vs. 8.9%) were made.

However, only 18.2% of all LGBT students in our study reported that their school had a comprehensive policy that specifically mentioned sexual orientation, gender identity, and/or gender expression.

Results from the NSCS provide evidence that students who live in states with comprehensive anti-bullying/harassment laws compared to students in other states experience less victimization because of their sexual orientation and were more likely to have supportive resources, including a comprehensive school policy. Yet, only 15 states plus the District of Columbia have comprehensive laws that include sexual orientation, gender identity, and/or gender expression.

Michigan 2009: Only about 2 in 5 attended a school with a comprehensive bullying/harassment policy that included specific protections based on sexual orientation and/or gender identity/expression

2009 National School Climate Survey Sheds New Light on Experiences of Lesbian, Gay, Bisexual and Transgender (LGBT) Students (164 pages .pdf): [Click here for a pdf file of the survey.](#)

Released 09/14/2010

Bill would strengthen Oregon anti-bullying law

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By Ryan Kost, Associated Press Writer

SALEM, Ore. — One after another, Sonya Fischer told the students' stories.

Luke and Sterling, she said, both have Asperger's syndrome. "They don't understand social situations like other students."

Both were harassed, both were called names.

One day, on a crowded bus, some students snapped a picture of Sterling on a cell phone then passed it around to cries of "ugly" and "stupid."

Then there was William. A week before his parents found him dead in their car, a seat belt twisted about his neck, he'd been taunted and bullied at school.

All of this despite the fact that less than 10 years ago Oregon passed an anti-bullying law, said Fischer, a member of Family and Community Together, one of several groups pushing the legislation.

These sorts of stories -- and two recently released studies that show more than 30 percent of Oregon teens report being harassed -- have legislators introducing a bill to strengthen the old law.

"We all want our students to be safe, and that's what this is about," said Rep. Sara Gelser, a Corvallis Democrat and chair of the House education committee. Gelser spoke, along with Fischer, at a Wednesday press conference about the legislation, which will get its first hearing in her committee later this week. Speakers also took a moment to highlight two reports that showed minority students were more likely to be bullied than their white or straight counterparts.

More than 43 percent of eleventh-grade Native American and Alaska Native students report being harassed compared to the average 30 percent. Just under 50 percent of eighth-grade African-American students reported bullying compared to the average 38 percent.

The numbers were much the same for sexual minorities; more than half of the lesbian, gay, bisexual and transgender students surveyed for one study reported hiding their sexual orientation or sexual identity.

"Clearly, we are not succeeding," said Ebony Smith, a Portland State University student and a member of the group that helped draft the report on racial minorities. "We have yet to see any noticeable decline in this disparity" since the original legislation passed.

The proposed changes include expanding the law to cover psychological as well as physical harassment and identifying particularly vulnerable "protected classes" -- those set apart by race, color, religion, national origin and sexual orientation.

The law also seeks to make the policies more readily available and to give parents and students a clear path to help by having school districts appoint someone responsible for receiving and investigating reports of bullying and harassment.

Finally, districts would provide the Department of Education with data on bullying reports each year. The bill, if approved, would take effect July 1.

These additions might have made all the difference for Rachel Cushman and her brother, two Chinook Indians.

Both were bullied at school, called things like "savages," "heathens" and "stupid," Cushman said. Her brother, who was also dyslexic, was hardest hit. It was "impossible for him to succeed."

"While he was suffering, the teachers would just say 'That's how kids are,'" Cushman said. "This all could have been prevented if there had been stronger bullying legislation."

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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

January 5, 2012

MEMORANDUM

TO: Local and Intermediate School District Superintendents and
Public School Academy Directors

FROM: Carol Wolenberg, Deputy Superintendent *Carol*

SUBJECT: Submission of Bullying Policies

On December 6, 2011, Matt's Safe School Law (MCL 380.1310b) was signed into law by Governor Snyder. The law requires that not later than six months after the effective date of the legislation, the board of a local education agency (LEA) or intermediate school district (ISD) or board of directors of a public school academy (PSA) shall adopt and implement a policy prohibiting bullying. This act further requires that not later than 30 days after adopting the policy, the board or board of directors shall submit a copy of its policy to the Michigan Department of Education.

An application in the Michigan Electronic Grant System Plus (MEGS+) is currently being developed that will allow LEAs, ISDs, and PSAs to upload their board-approved policy and provide assurances that each of the required components of the policy has been addressed. The application is expected to be available as of February 1, 2012. More detailed information will be provided as the February date approaches.

Questions regarding the content of this memo may be directed to Jill Byelich in the Coordinated School Health and Safety Programs Unit at (517) 373-3623.

cc: Michigan Education Alliance

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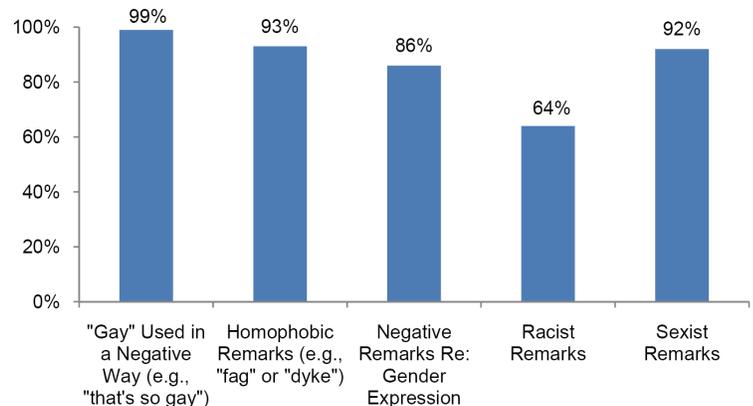
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Findings from the GLSEN 2009 *National School Climate Survey* demonstrate that Michigan schools were not safe for many lesbian, gay, bisexual and transgender (LGBT) secondary school students. In addition, many LGBT students in Michigan did not have access to important school resources, such as Gay-Straight Alliances, and were not protected by comprehensive bullying/harassment school policies.

FACT: LGBT students in Michigan most commonly heard homophobic, sexist and negative remarks about gender expression.

- Nearly all heard “gay” used in a negative way (e.g., “that’s so gay”) and more than 9 in 10 heard other homophobic remarks (e.g., “fag” or “dyke”) regularly at school (see Figure 1).
- Just under 9 in 10 regularly heard other students in their school make negative remarks about how someone expressed their gender, such as comments about someone not acting “feminine” or “masculine” enough (see Figure 1).
- Students also heard biased language from school staff. 28% regularly heard staff make negative remarks about someone’s gender expression, and 20% regularly heard school staff make homophobic remarks.

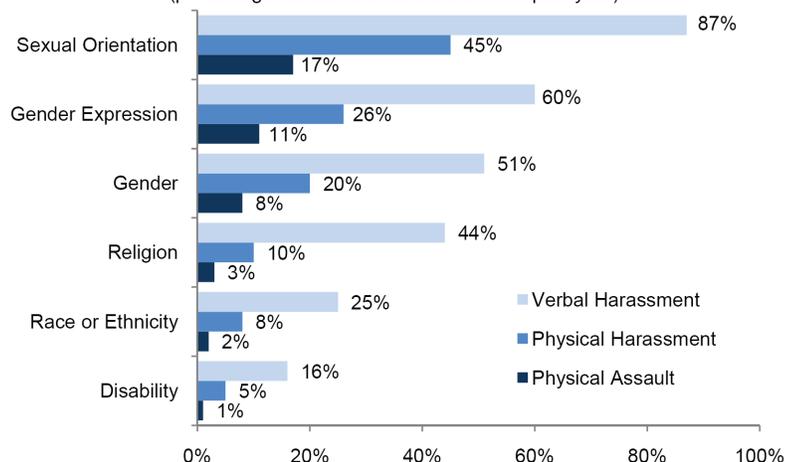
Figure 1. Hearing Biased Remarks from Students in Michigan Schools
(percentage hearing remarks “sometimes,” “often,” or “frequently”)



FACT: Most LGBT students in Michigan had been victimized at school. Many of these incidents were not reported to adult authorities.

- The majority experienced verbal harassment (e.g., called names or threatened): nearly 9 in 10 because of their sexual orientation and 3 in 5 because of the way they expressed their gender (see Figure 2).
- Many also experienced physical harassment and physical assault: about 1 in 4 was physically harassed (e.g., pushed or shoved) because of the way they expressed their gender and about 1 in 6 was physically assaulted (e.g., punched, kicked or injured with a weapon) because of their sexual orientation (see Figure 2).
- Students also reported high levels of other forms of harassment at school: 92% felt deliberately excluded or “left out” by peers; 88% had mean rumors or lies told about them; 72% were sexually harassed; 59% experienced electronic harassment or “cyberbullying”; and 51% had property (e.g., car, clothing or books) deliberately damaged or stolen.
- 58% of students who were harassed or assaulted in school *never* reported it to school staff, and 53% *never* told a family member about the incident. Among students who did report incidents to school authorities, only 43% said that reporting resulted in effective intervention by staff.

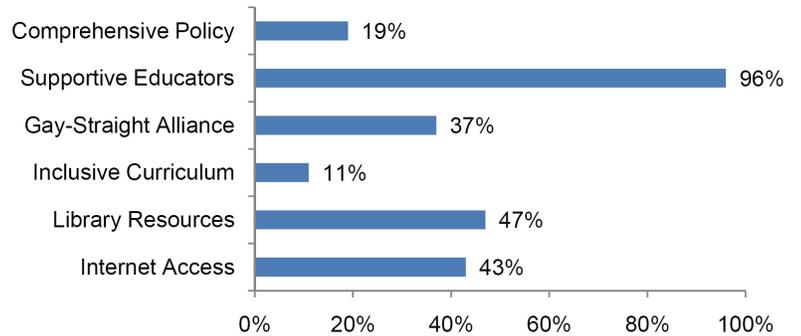
Figure 2. Harassment and Assault in Michigan Schools
(percentage harassed or assaulted in the past year)



FACT: LGBT students in Michigan most often did not have access to in-school resources and supports.

- Only about 2 in 5 attended a school with a comprehensive bullying/harassment policy that included specific protections based on sexual orientation and/or gender identity/expression (see Figure 3).
- Almost all could identify at least one school staff member supportive of LGBT students, but only 49% could identify many (6 or more) supportive school staff.
- Many did not have LGBT-inclusive curricular resources: only about 1 in 10 was taught positive representations of LGBT people, history and events, and only about 2 in 5 could access information about LGBT communities on school Internet (see Figure 3).

Figure 3. Availability of LGBT-Related Resources and Supports in School in Michigan Schools



School-based supports such as comprehensive bullying/harassment policies, school personnel who are supportive of LGBT students, Gay-Straight Alliances and LGBT-inclusive curricular resources can positively affect school climate for LGBT students. Findings from the *2009 National School Climate Survey* demonstrate that students attending schools with these resources and supports report more positive school experiences, including lower victimization and absenteeism and higher academic achievement.

RECOMMENDATIONS

Given the high percentages of LGBT students in Michigan who experience harassment at school and the limited access to key resources and supports that can have a positive effect on their school experiences, it is critical that school leaders, education policymakers and other individuals who are obligated to provide safe learning environments for all students take the following steps:

- Implement comprehensive school bullying/harassment policies;
- Support Gay-Straight Alliances;
- Provide training for school staff to better respond to LGBT harassment in school; and
- Increase student access to LGBT-inclusive curricular resources.

These actions can move us toward a future in which all students in Michigan will have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity or gender expression.

CONTACT GLSEN

| | | |
|--------------------------------|--|--|
| GLSEN National Office | glsen@glsen.org | www.glsen.org |
| GLSEN Ann Arbor-Ypsilanti Area | annarbor@chapters.glsen.org | www.glsen.org/annarbor |
| GLSEN Grand Rapids | grandrapids@chapters.glsen.org | www.glsen.org/grandrapids |
| GLSEN Southeast Michigan | glsensemi@gmail.com | www.glsen.org/southeastmichigan |

GLSEN (the Gay, Lesbian and Straight Education Network) is the leading national education organization focused on ensuring safe schools for all students.

ABOUT THE RESEARCH

In 2009, GLSEN conducted the sixth National School Climate Survey (NSCS), a biennial survey of the experiences of LGBT youth in U.S. secondary schools. The national sample consisted of 7,261 LGBT students from all 50 states and the District of Columbia. A total of 227 respondents were attending schools in Michigan at the time of the survey. The majority of this sample was White (80%), 9% was multi-racial, 5% was Hispanic/Latino, 5% was African American/Black and less than 2% identified as Asian/Pacific Islander or Middle Eastern/Arab American. Most identified as female (62%), 30% as male and 5% as transgender. Most (91%) attended public schools, and 68% attended school in urban or suburban communities. The results reported in this Research Brief have a margin of error of +/-7%.

For the national NSCS report or for any other GLSEN research, go to www.glsen.org/research.



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Application: FY 2012 - Anti-bullying Policy | **Status:** Initiate Document | **Security Level:** Not Assigned

Created By:
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POLICY INFORMATION

Instructions: Please complete this page.

| | |
|---|--------------------------------------|
| 1. My district/intermediate school district has conducted a public hearing to review the new policy. | <input type="checkbox"/> |
| 2. My district/intermediate school district is implementing a previously existing policy. | <input type="checkbox"/> |
| 3. Date of policy adoption: | <input type="text"/> |
| Please check the boxes next to components that are included in your district's/intermediate school district's adopted policy prohibiting bullying at school. | Required Policy Components |
| 4. A statement prohibiting bullying of a pupil. | <input type="checkbox"/> |
| 5. A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying. | <input type="checkbox"/> |
| 6. A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus. | <input type="checkbox"/> |
| 7. The identification by job title of school officials responsible for ensuring that the policy is implemented. | <input type="checkbox"/> |
| 8. A statement describing how the policy is to be publicized. | <input type="checkbox"/> |
| 9. A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying. | <input type="checkbox"/> |
| 10. A procedure for reporting an act of bullying. | <input type="checkbox"/> |
| 11. A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation. | <input type="checkbox"/> |
| 12. A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis. | <input type="checkbox"/> |
| | Recommended Policy Components |
| 13. Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders. | <input type="checkbox"/> |
| 14. A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying. | <input checked="" type="checkbox"/> |
| 15. A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyber-bullying. | <input type="checkbox"/> |

Attach the policy.

NOTE: The file names you are attaching **SHOULD NOT** have any spaces, periods, or special characters e.g. a slash, between the words. Attachments may be in **Word, PDF, JPG, XLS** or **GIF** format.

Uploading Supporting Document files:

Type the title for the attachment (i.e. Bullying Policy)

Viewing an Attached Narrative file:

Once an attachment file is uploaded, click the link under the **Browse** button.

If more than one file exists, select the document name from the drop-down menu above and the screen will refresh. Then, click the link under the **Browse** button to view the attachment.

Title:

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STATE OF MICHIGAN
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RICK SNYDER
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

January 26, 2012

MEMORANDUM

TO: Local and Intermediate School District Superintendents and Public School Academy Directors

FROM: Carol Wolenberg, Deputy Superintendent *Carol*

SUBJECT: Bullying Policies

On December 6, 2011, Matt's Safe School Law (MCL 380.1310b) was signed into law by Governor Snyder. The law requires that not later than six months after the effective date of the legislation, the board of a local education agency (LEA) or intermediate school district (ISD) or board of directors of a public school academy (PSA) shall adopt and implement a policy prohibiting bullying. This act further requires that not later than 30 days after adopting this policy, the board or board of directors shall submit a copy of its policy to the Michigan Department of Education (MDE). An application, titled "Anti-Bullying Policy," is currently available in the Michigan Electronic Grant System Plus (MEGS+) for the submission of these policies. No other form of submission will be accepted.

If the LEA, ISD, or PSA is adopting an existing policy which contains all of the required components in the law, it must be submitted in the MEGS+ system no later than February 6, 2012. If a new or updated policy will be adopted, at least one public hearing must be held by the board or board of directors before its adoption. It must then be submitted in MEGS+ no later than 30 days after adoption, or June 6, 2012, whichever is first.

The LEA, ISD, or PSA may view the Michigan State Board of Education's Model Anti-Bullying Policy template, which includes all of the required and encouraged components in the law, at:

http://www.michigan.gov/documents/mde/SBE_Model_AntiBullying_Policy_Revised_9.8_172355_7.pdf.

Questions regarding the content of this memo may be directed to Jill Byelich in the Coordinated School Health and Safety Programs Unit at byelichj1@michigan.gov or (517) 373-3623.

cc: Michigan Education Alliance

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**MICHIGAN
STATE BOARD OF EDUCATION**

Model Anti-Bullying Policy

The (fill in district name) board of education recognizes that a school that is physically and emotionally safe and secure for all students promotes good citizenship, increases student attendance and engagement, and supports academic achievement. To protect the rights of all students and groups for a safe and secure learning environment, the board of education prohibits acts of bullying, harassment, and other forms of aggression and violence. Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with both a school's ability to educate its students and a student's ability to learn. All administrators, faculty, staff, parents, volunteers, and students are expected to refuse to tolerate bullying and harassment and to demonstrate behavior that is respectful and civil. It is especially important for adults to model these behaviors (even when disciplining) in order to provide positive examples for student behavior.

"Bullying" or "harassment" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e., cyberbullying, through the use of internet, cell phone, personal digital assistant (pda), computer, or wireless handheld device, currently in use or later developed and used by students) that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy. Such behaviors are considered to be bullying or harassment whether they take place on or off school property, at any school-sponsored function, or in a school vehicle or at any time or place where a child's imminent safety or over-all well being may be at issue.

"Bullying" is conduct that meets all of the following criteria:

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more pupils;
- is conveyed through physical, verbal, technological or emotional means;

- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

"Harassment" is conduct that meets all of the following criteria:

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more pupils;
- is conveyed through physical, verbal, technological or emotional means;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises. Bullying or harassment, including cyberbullying/harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one or more students and/or the orderly day-to-day operations of any school or school program.

The (fill in district name) board of education expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The (fill in district name) board of education believes that a comprehensive health education curriculum, within a coordinated school health framework, helps students attain knowledge and skills vital to school success, a productive workforce and good citizenship. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency.

The (fill in district name) board of education recognizes that in order to have the maximum impact, it is critical to provide a minimum of annual training for school employees and volunteers who have significant contact with pupils on school policies and procedures regarding bullying and harassment. Training will provide school employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them.

The (fill in district name) board of education believes that standards for student behavior must be set through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline and their ability to respect the rights of others. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, parents, and community members.

The (fill in district name) board of education believes that the best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the aggressive behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future.

Since bystander support of bullying and harassment can encourage these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students *not* to be part of the problem; *not* to pass on the rumor or derogatory message; to walk away from these acts when they see them; to constructively attempt to stop them; to report them to the designated authority; and to reach out in friendship to the target. Periodic classroom meetings should be conducted to teach bystanders how and when to respond to bullying and harassment incidents. Informal classroom discussions and activities designed to provide awareness and increase student connectedness promote a positive shift in peer norms that will support empowered bystanders. When bystanders do report or cooperate in an investigation, they must be protected from retaliation with the same type of procedures used to respond to bullying and harassment.

The (fill in district name) board of education requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more

acts of bullying and harassment. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm (physical and/or emotional distress)
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

Note: In order to ensure students' perception of fair and impartial treatment, a student's academic or athletic status is *not* a legitimate factor for determining consequences. Consequences must be perceived as fair and impartial.

Factors for Determining Remedial Measures

Personal

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

Environmental

- School culture
- School climate and lack of connectedness
- Student-staff relationships and staff behavior toward the student
- Level of consistency in staff responses to bullying or harassing behaviors
- Level of consistency in application or severity of consequences given to students
- Staff-staff relationships witnessed by students
- General staff management of classrooms and other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

- Range and number of opportunities for student engagement, involvement, and recognition for achievement (beyond academics and athletics)

Consequences and appropriate remedial actions for a student or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook. School employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Remedial measures shall be designed to: *correct the problem behavior*; *prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment
- Participation in a guided reflection process designed to teach alternative behavior
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action
- Expulsion or termination

Examples of Remedial Measures

Strategies for Individual Behavioral Change:

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice practices
- Supervised peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.

- Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

Strategies for Environmental Change (Classroom, School Building, or School District):

- Activities or strategies designed to help the student who engaged in bullying or harassment reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- Change process to improve school culture
- School climate improvement/improvement in conditions for learning and instructional pedagogy (incorporation of brain-compatible strategies)
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Increased supervision and targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for staff in key disciplinary roles
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to family counseling
- Increased involvement of parent-teacher organizations
- Increased involvement of community-based organizations
- Increased opportunities for parent input and engagement in school initiatives and activities
- Development of a general bullying/harassment response plan
- Peer support groups
- Increase communication with and involvement of law enforcement (e.g., school resource officer, juvenile officer)
- Engage in community awareness events and planning sessions

The (fill in district name) board of education requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The (fill in district name) board of education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made. The parents of the students involved shall receive written notice from the school on the outcome of the investigation (in compliance with current privacy laws and regulations). All reports on instances of bullying and/or harassment must be recorded by the school for annual data review.

The (fill in district name) board of education prohibits reprisal or retaliation against any person who reports an act of bullying or harassment or cooperates in an investigation. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The (fill in district name) board of education prohibits any person from falsely accusing another as a means of bullying or harassment. The consequences and appropriate remedial action for a *person* found to have falsely accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a *school employee* found to have falsely accused another as a means of bullying or harassment shall be in accordance with district policies, procedures, and agreements.

The (fill in district name) board of education requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The chief school administrator shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.