



# Bullying Prevention and Intervention

The contents of this presentation are for informational purposes only and should not be considered legal advice.



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# History of Legislation



- ❖ Phoebe Prince tragedy January 2010
- ❖ Bullying Prevention and Intervention Legislation was signed by Governor Patrick on May 2, 2010 (c. 71, section 37O)
- ❖ The Department of Elementary and Secondary Education (DESE) issued its first Model Bullying Prevention and Intervention Plan on August 24, 2010 (most recent update: September 2013)
- ❖ All Districts were required to submit their own Plans to DESE by December 31, 2010

# Recent Developments...

## Changes to Bullying Law



- Over the summer, the legislature amended the Bullying Law to include members of school staff as potential perpetrators
- The changes do not impact the definition of “victim” under the law, which still only identifies “a student” as a potential victim
- Be aware that parents may claim that their child was “bullied” by a staff member and that this now triggers an obligation to conduct a bullying investigation

# Recent Developments...

## Specific Changes to Statute



- Definition of Bullying (c. 71, § 37O(a)) to include “members of a school staff including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, and paraprofessionals” as potential perpetrator
- Definition of “perpetrator” (c. 71, § 37O(a)) is expanded to include staff members as described above
- The bullying intervention and prevention plan shall be amended to apply also to staff as described above (c. 71, § 37O(d))
- Updated Model Plan issued by DESE in September 2013



# On-going Obligations

- Review Plan biennially
- Staff receives annual written notice
- Post Plan on Website
- Update Plan to reflect statutory changes
  - Staff as potential perpetrators
  - Note staff are not potential victims under the law
  - Investigations when administrator is alleged aggressor
    - Superintendent or designee investigates if report of Principal or Asst. Principal
    - School Committee or designee investigates if report of Superintendent
    - Develop procedures for investigations

# Common Pitfalls



- Age-appropriate summaries of bullying
- Cyberbullying...various definitions
  - Multiple acts not always required
  - Beware of non-specific definition in Model Plan
- Presumptions about timeframes
- Failure to investigate
- Balancing student confidentiality and due process
- Cyberbullying – getting the evidence
- Allegations against staff involving students from other districts
- Inconsistencies in resolutions

# Hot Topics...

## Social media – Impersonators and Multi-district Investigations



- It is violation of the law to create a social media account, blog, etc. in another person's name, assuming their identity if the creation causes physical/emotional harm, etc.
- It is also a violation to knowingly impersonate another as the author of posted content or messages if the act causes physical/emotional harm, etc.
- When a report involves student(s) from another district, notify the administration in the other district
  - Collaborative investigations and information sharing
  - Be mindful of student confidentiality concerns
  - Get parental permission

# Hot Topics...

## Investigations involving Social Media



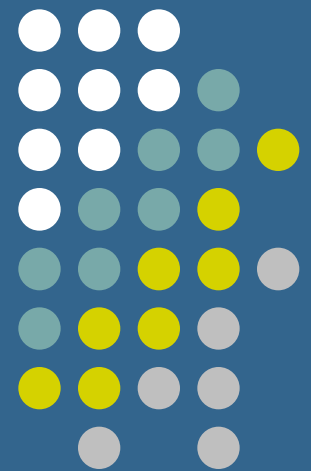
- Understand the technology being used
- Get hard copies (screenshots, etc.) of the posts/tweets/photos, etc. immediately – evidence disappears quickly
- Identify students from their screen names (identifying information contained within the screen name? Other kids are typically aware of who belongs to what name)
- Detective work required – often time-consuming



# WHO, WHAT, WHERE, WHEN, HOW?

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Back to Basics...who is covered, what behaviors are prohibited, when/where can we reach them, and how do we handle situations when they arise?



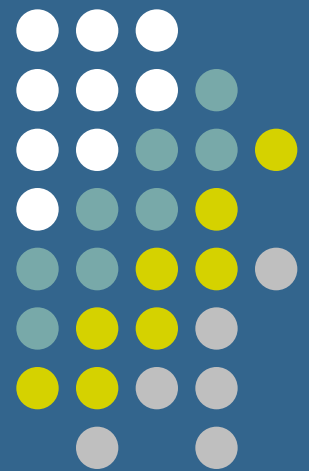
# “Bullying shall be prohibited...”

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*An Act Relative to  
Bullying in Schools*

c. 92 of the Acts of 2010

Codified at M.G.L. c. 71, § 37O(b)



# Bullying is... (classic definition)



The repeated use by one or more students or staff members of a written, verbal or electronic expression or a physical act or gesture, or any combination thereof, directed at a target that:

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

# Cyberbullying is... (classic definition)



- ❖ Bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.
- ❖ Multiple acts required
- ❖ Must cause one of the five consequences:
  - ❖ Physical/emotional harm or property damage
  - ❖ Reasonable fear of harm
  - ❖ Creates hostile environment
  - ❖ Infringes on rights
  - ❖ Disrupts educational environment

# Cyberbullying is also...

(alternative definitions)



- ❖ The creation of a web page or blog in which the creator assumes the identity of another person...
- ❖ The knowing impersonation of another person as the author of posted content or messages...
- ❖ The distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that maybe accessed by one or more persons...
- ❖ IF the creation/distribution/posting creates one of the five consequences.

# Retaliation is...



Any form of intimidation, reprisal or harassment ...  
directed against a person in response to an action  
that person has taken or knowledge that the  
person has.

# Where are Bullying, Cyberbullying and Retaliation Prohibited?

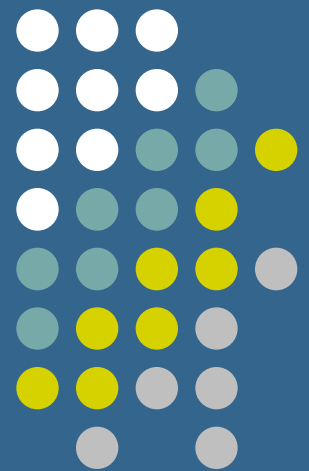


- We can reach behavior when the bullying/cyberbullying/retaliation occurs....
  - On school grounds
  - On property immediately adjacent to school grounds
  - At a school sponsored or school -related activity, function or program whether on or off school grounds
  - At a school bus stop
  - On a school bus or other vehicle owned, leased or used by a school district
  - Through the use of technology or an electronic device owned, leased or used by a school district or school
- We can also reach behavior that occurs outside of a school connection described above IF the bullying/cyberbullying/retaliation...
  - Creates a hostile environment at school for the target
  - Infringes on their rights at school
  - Materially and substantially disrupts the education process or the orderly operation of a school

# BULLYING PREVENTION AND INTERVENTION PLANS

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Considerations  
For  
Biennial Review





# Intervention/Remediation



The revised Plan shall include:

- types of support services available to the student bully, victim, witnesses, and any bystanders
- clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
- strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying
- a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students

# Support services



The revised Plan shall include:

- information regarding support services available to the student bully, target, witnesses, and any bystanders
- clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection
- strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying
- a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students

# Reporting Acts of Bullying and Retaliation



## ALL INCIDENTS MUST BE REPORTED

### The revised Plan shall include:

- clear procedures for students, staff, parents, guardians, and others to report bullying or retaliation
- a provision that reports of bullying or retaliation may be made anonymously; provided however that no disciplinary action shall be taken against a student solely on the basis of an anonymous report
- information regarding the availability and use of the bullying, reporting form

# Reporting Acts of Bullying and Retaliation



The revised Plan shall include:

- procedures for promptly notifying the parents or guardians of a victim and a perpetrator (or the adult if staff member is perpetrator)
- the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation
- procedures that provide for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator

# Prompt Investigation of Acts of Bullying



- The revised Plan shall include clear procedures for promptly responding to and investigating reports of bullying or retaliation
- If you have been experiencing issues with delayed investigations, specific timeframes may be considered

# INVESTIGATION



- ❖ **FIRST STEP**: Principal or designee will take steps to restore a sense of safety for alleged victim
  - ❖ May include: personal safety plan, pre-determined seating plans, naming a “safe person” for alleged victim, altering schedules of victim and aggressor
  - ❖ Safety planning does not pre-determine results of investigation
- ❖ **SECOND STEP**: Notification of parents/guardians of aggressor and target, other affected schools, and law enforcement
  - ❖ Include procedures for notification and investigation of complaints involving staff as aggressor

# INVESTIGATION



- ❖ **THIRD STEP**: Principal or designee will investigate all reports of bullying or retaliation promptly
  - ❖ Tools include: interviewing students, witnesses and parents/guardians
  - ❖ Confidential investigation
  - ❖ Procedures consistent with school or district policies and procedures

# INVESTIGATION



- ❖ **FOURTH STEP:** Principal/designee will make a determination based on all facts and circumstances
  - ❖ If bullying is substantiated, Principal/designee will take steps reasonably calculated to prevent recurrence and to ensure the victim is not restricted from participating in school
  - ❖ Principal/designee will determine necessary remedial action and discipline
  - ❖ Principal/designee may consult with teachers/counselors
  - ❖ Principal/designee will notify parents/guardians of victim and aggressor re: result of investigation



# Disciplinary Actions for Acts of Bullying, Retaliation, and False Accusations



The revised Plan shall include:

- the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation
- the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior
- a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action

# Prevention



- Develop, adhere to and update a Plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians
- Student handbooks shall include an age appropriate summary of the student related sections of the bullying prevention and intervention plan
- Age appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school and; the curriculum shall be evidence based

# Prevention



- Plans must include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to the following provisions:
  - how parents and guardians can reinforce the curriculum at home and support the school district or school plan
  - the dynamics of bullying; and online safety and cyberbullying

# Professional Development and Training



- The Plan shall include a provision for ongoing professional development to build the skills of all staff members, to prevent, identify and respond to bullying
- The Plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school, including:
  - how parents and guardians can reinforce the curriculum at home and support the Plan
  - the dynamics of bullying; and
  - online safety and cyberbullying

# LEADERSHIP



- ❖ Leadership responsible for setting priorities and implementing the Plan
- ❖ Plan must be developed and reviewed biennially in consultation with stakeholders – public notice and comment
- ❖ Assess needs by surveying staff and community and collecting data

# LEADERSHIP

## Identify leaders responsible for...



- ❖ Receiving reports of bullying and retaliation
- ❖ Collecting and analyzing data
- ❖ Recording and tracking incident reports
- ❖ Planning professional development
- ❖ Planning supports
- ❖ Choosing and implementing curricula
- ❖ Policy development
- ❖ Amending student and staff handbooks
- ❖ Annual review of Plan
- ❖ Parental and family engagement efforts

# TRAINING AND PROFESSIONAL DEVELOPMENT



- ❖ Ongoing PD for all staff
  - ❖ Strategies to prevent and respond
  - ❖ Dynamics of power differentials
  - ❖ Research on bullying and vulnerable groups
  - ❖ Nature of cyberbullying and internet safety
- ❖ Annual training on the Plan to include:
  - ❖ Overview of reporting requirements
  - ❖ Overview of bullying prevention curricula
- ❖ New hires to complete training within first year
- ❖ Strategies for students with disabilities

# TRAINING AND PROFESSIONAL DEVELOPMENT



- ❖ Promoting respectful language
- ❖ Fostering respect for diversity
- ❖ Building relationships with families
- ❖ Managing classroom behaviors
- ❖ Using positive behavioral intervention strategies
- ❖ Applying constructive discipline
- ❖ Teaching positive communication, anger management, and empathy for others
- ❖ Engaging students in planning and decision making
- ❖ Maintaining a safe and caring classroom for all



# ACCESS TO RESOURCES AND SERVICES



## ❖ Identifying Services

- ❖ Examine process and capacity for providing counseling to targets, aggressors, and families
- ❖ Identify and remedy gaps in service
- ❖ Plan should identify available counseling resources

## ❖ Students with Disabilities

- ❖ Include items in IEP to develop skill and proficiencies to avoid and respond to bullying

## ❖ Referral to Outside Services

- ❖ Establish referral protocol

# ACADEMIC AND NON-ACADEMIC ACTIVITIES



- ❖ The law requires the district to provide age-appropriate instruction on bullying in each grade
- ❖ DESE has published guidelines for the implementation of curricula
- ❖ Specific Bullying Prevention Approaches
  - ❖ Using scripts and role playing
  - ❖ Empowering students to take action in response to bullying
  - ❖ Emphasizing cyber safety
  - ❖ Promote health relationships and respectful communication
  - ❖ Respect diversity and difference

# General Teaching Approaches that Support Bullying Prevention...



- ❖ Setting clear expectations for students
- ❖ Establishing school and classroom routines
- ❖ Creating safe school and classroom environments for all students
- ❖ Using positive behavioral supports
- ❖ Encouraging adults to develop positive relationships with students
- ❖ Promoting respectful behaviors
- ❖ Promoting safe and appropriate internet behavior
- ❖ Support outside interests and extracurricular activities

# REPORTING AND RESPONSE

## General reporting guidelines...



- ❖ Reports may be made by staff, students, parents, or guardians
- ❖ Written or oral – oral reports should be reduced to writing
- ❖ Staff members are required to immediately report any incident of bullying or retaliation to the principal or his/her designee
- ❖ Reports by those other than staff members may be anonymous
- ❖ Variety of reporting resource options: incident reporting form, voicemail box, dedicated mailing address, and an email address

# REPORTING AND RESPONSE

## Methods of Reporting...



### ❖ Incident Reporting Form

- ❖ Standardized and distributed to all
- ❖ Available in main office, counseling office, nurse's office, and other central locations
- ❖ Post on school website
- ❖ Available in most prevalent language(s) of students and families

### ❖ Students, Parents, and Guardians

- ❖ Encourage reporting
- ❖ No automatic discipline based solely on anonymous report

# REPORTING AND RESPONSE

## Considerations for Response...



### ❖ Safety

- ❖ Principal or designee will take steps to assess the need to restore a sense of safety to the alleged target
- ❖ Strategies may include
  - ❖ personal safety plan
  - ❖ pre-determined seating arrangements
  - ❖ staff member to act as “safe person” for alleged target
  - ❖ altering alleged aggressor’s schedule and access to target

# REPORTING AND RESPONSE

## Considerations for Response...



### ❖ Notification of others

#### ❖ Parents/Guardians

- ❖ Principal shall notify parents/guardians of both aggressor and target
- ❖ Notify staff member if aggressor

#### ❖ Another School or District

- ❖ When reported incident involves students from more than one district Principal shall notify Principal of other school
- ❖ Staff not added to multi-district portion of statute

#### ❖ Law Enforcement

- ❖ Principal shall notify if s/he has reasonable basis to believe that criminal charges may be pursued

# REPORTING AND RESPONSE

## Investigation...



- ❖ Principal or designee shall investigate all reports promptly, including:
  - ❖ Interview students, staff, parents, witnesses, and others
  - ❖ Remind the aggressor, target, and witnesses that retaliation is strictly prohibited and will result in discipline
  - ❖ Maintain a written record of investigation
- ❖ Interviews may be conducted by staff members as determined by the principal or designee
- ❖ Confidentiality shall be maintained throughout process to the extent practicable



# REPORTING AND RESPONSE

## Determinations...



- ❖ Principal/designee shall make a determination based on investigation
- ❖ If bullying or retaliation is substantiated, take steps to prevent recurrence and to ensure that target is not restricted in participating in or benefitting from school activities
- ❖ Determine necessary responsive, disciplinary, and remedial actions
- ❖ Principal reports results of investigation to parents of target and aggressor
  - ❖ Confidentiality laws regarding student records prohibited disclosure of specific disciplinary action taken against an aggressor to the target's parents unless it involves a court order

# REPORTING AND RESPONSE

## Responses to Bullying...



- ❖ Once a determination is made that bullying or retaliation has occurred, the law requires the use of a range of responses that balance the need for accountability with the need to teach appropriate behavior
- ❖ Responses may include
  - ❖ Teaching appropriate behavior through skills-building
  - ❖ Disciplinary Action
  - ❖ Promoting Safety for the Target and Others

# REPORTING AND RESPONSE

## Responses to Bullying...



- ❖ Skills Building approaches:
  - ❖ Offering individualized sessions based on the school's anti-bullying curricula
  - ❖ Providing relevant educational activities for individuals or groups in consultation with guidance counselors
  - ❖ Implementing a range of positive behavioral supports
  - ❖ Engage parental support to reinforce anti-bullying curricula
  - ❖ Adopt behavioral plans to focus on developing specific social skills
  - ❖ Make referral for evaluation

# REPORTING AND RESPONSE

## Responses to Bullying...



### ❖ Disciplinary Action

- ❖ Level of discipline shall be determined with consideration of
  - ❖ Nature of conduct
  - ❖ Age of students involved
  - ❖ Need to balance accountability with teaching appropriate behavior
  - ❖ Consistent with Plan and Code of Conduct
  - ❖ Discipline of disabled students consistent with IDEA and state law
- ❖ Inconsistency in resolution may lead to discrimination claims

### ❖ Promoting Safety for Target and Others

- ❖ Consider changes in the school environment (example: increase adult supervision at transition times)
- ❖ Follow-up with Target to determine whether supportive measures are effective

# COLLABORATION WITH FAMILIES



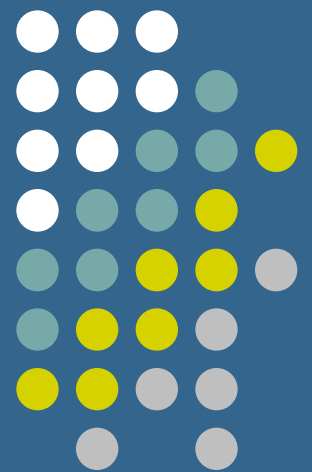
- ❖ Parents/guardians must be informed of bullying prevention and intervention curricula including
  - ❖ How parents/guardians can reinforce curricula at home
  - ❖ Dynamics of bullying
  - ❖ Online safety and cyberbullying
- ❖ Identify information networks and parent resources
  - ❖ Offer education programs for parents focused on parental components of the curricula
  - ❖ Inform parents of Plan annually

# Thank you

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## Questions?

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