# TRIO Wolf Creek Distance Learning Charter School #4095

## 514 BULLYING PROHIBITION POLICY

## I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The charter school cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the charter school and the rights and welfare of its students and is within the control of the charter school in its normal operations, it is the charter school's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the charter school in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

## II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on charter school property, charter school curriculum, or charter school social media areas, or at school-related functions. This policy applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the charter school or the safety or welfare of the student, other students, or employees.

B. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

C. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

D. Intentional false accusations or reports of bullying against another student are prohibited.

E. A student who engages in an act of bullying, or any person who engages in an act of reprisal, retaliation, or knowingly makes a false report of bullying shall be subject to discipline or other remedial responses in accordance with charter school's policies and procedures. The charter school may take into account the following factors:

1. The developmental and maturity levels of the parties involved;

2. The levels of harm, surrounding circumstances, and nature of the behavior;

3. Past incidences or past or continuing patterns of behavior;

4. The relationship between the parties involved; and

5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from charter school property and events.

F. The charter school will act to investigate all complaints of bullying within three school days of receipt of the complaint and will discipline or take appropriate action against any student or other individual who is found to have violated this policy.

## III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. An actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or

2. Materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term "bullying" specifically includes cyberbullying as defined in this policy.

B. "Cyberbullying" means bullying using technology or other electronic communication, including but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. This term applies to prohibited conduct which occurs on school premises, on charter school property, at charter school functions or activities, on school transportation, or on charter school computers, networks, forums, and mailing lists, or off charter school premises to the extent that it substantially and materially disrupts student learning or the school environment.

C. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;

2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristics defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

D. "On charter school property, while using charter school curriculum options, or at school-related functions" means all charter school buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for charter school purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Charter school property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the charter school does not represent that it will provide supervision or assume liability at these locations and events.

E. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

F. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

G. "Student" means a student enrolled in a public school or a charter school, or a school-aged child who voluntarily participates in charter school activity.

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## IV. REPORTING PROCEDURE

A. Any student who believes he or she has been the victim of bullying or any school employee with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate charter school official designated by this policy. A student may report bullying anonymously. However, the charter school may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The charter school encourages the reporting party or complainant to use the report form available from the Director, but oral reports shall be considered complaints as well. The charter school does employ a reporting mechanism on their website that allows for anonymously reporting as well.

C. The charter school Director or the Director's designee (hereinafter the "report taker") is the person responsible for receiving reports of bullying or other prohibited conduct. If the complaint involves the report taker, the complaint shall be made or filed directly with the Dean of Students by the reporting party or complainant. The report taker shall ensure that this policy and its procedures, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The report taker or a third-party designated by the charter school shall be responsible for the investigation. The report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, witnesses, observes, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the prohibited conduct and shall inform the Director immediately. Charter school personnel who fail to inform the report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.

G. The charter school will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the charter school's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations, including but not limited the Minnesota Government Data Practices Act ("MGDPA") and the Family Educational Rights and Privacy Act ("FERPA").

## V. CHARTER SCHOOL ACTION

A. Upon receipt of a complaint or report of bullying or other prohibited conduct, the Director shall undertake or authorize an investigation by charter school officials or a third party designated by the charter school.

B. The charter school may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying or other prohibited conduct, consistent with applicable law.

C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of the investigation that determines that bullying or other prohibited conduct has occurred, the charter school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account factors specified in Section II.E of this Policy. Charter school action taken for violations of this Policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, charter school policies, and applicable regulations.

E. The charter school is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the charter school. It is presumed that the report taker will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) and guardian(s) of perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident. The report taker, however, has the discretion not to provide such notification if he or she deems it inappropriate to do so.

F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the charter school shall, when determined appropriate by the child's individual education plan (IEP) team or

Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not engage in bullying or other prohibited conduct.

## VI. REPRISAL

The charter school will discipline or take appropriate action against any person who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment. Disciplinary consequences shall be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct shall take into account the factors specified in Section II.E of this Policy.

## VII. TRAINING AND EDUCATION

A. The charter school shall discuss this policy with school personnel and volunteers and provide appropriate training to charter school personnel regarding this policy. The charter school shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the charter school. The charter school may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

B. The charter school shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;

3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;

4. The incidence and nature of cyberbullying; and

5. Internet safety and cyberbullying.

C. The charter school annually will provide education and information to students regarding bullying, including information regarding this charter school policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

D. The administration of the charter school is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to targets or victims of bullying.

E. The charter school is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;

2. Partner with parents and other community members to develop and implement prevention and intervention programs;

3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;

4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;

5. Teach students to advocate for themselves and others;

6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and

7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

F. The charter school may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

G. Data related to actual and alleged instances of bullying are subject to Policy 515. The rights of parents and eligible students described in Policy 515 shall apply to all such data.

## VIII. NOTICE

A. The charter school will give annual notice of this policy to students, parents and guardians, and staff, and this policy shall appear in the student handbook.

B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.

C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.

D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See Policy 506) distributed to parents at the beginning of each school year.

E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school's website, consistent with charter school policies and practices.

F. The charter school shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

## IX. POLICY REVIEW

To the extent practicable, the charter school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

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***Legal References:*** Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Chapter 124E (Charter School)
Minn. Stat. Chapter 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. Chapter 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act) 34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

***Cross References:*** Policy 403 (Discipline, Suspension, and Dismissal of Charter school Employees)
Policy 413 (Harassment and Violence) Policy 414 (Mandated Reporting of child Neglect or Physical or Sexual Abuse)
Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA Policy 423 (Employee-Student Relationships)
Policy 501 (School Weapons Policy)
Policy 506 (Student Discipline)
Policy 507 (Corporal Punishment)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 521 (Student Disability Nondiscrimination)
Policy 522 (Student Sex Nondiscrimination)
Policy 525 (Violence Prevention)
Policy 526 (Hazing Prohibition)
Policy 529 (Staff Notification of Violent Behavior by Students)
Policy 709 (Student Transportation Safety Policy)
MSBA Policy 711 (Videotaping on School Buses)
Policy 712 (Video Surveillance Other Than on Buses)

**TRIO Wolf Creek Distance Learning Charter School #4095**

**TRIO Wolf Creek Distance Learning Charter School #4095**

**Bullying Prohibition Policy #514**

# Incident Reporting Form

"A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment." (Section IA)

"Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate charter school official . . ." (Section IVA)

Please complete this form with as many details as possible and return it to any Wolf Creek Online School staff member.

Your Name _____ Today's Date_____

Your Parent's Name_____

Date of the incident you are reporting_____

Where did the incident take place?_____

The name of the person who was bullied_____

The name of the person who did the bullying_____

Describe the incident as accurately as you can: