

Administrative Procedures for Bullying/Cyberbullying (Attachment for Policy No. 249)

Purpose

The purpose of these procedures is to maintain a healthy, safe, and positive school environment that is conducive to learning; to ensure that school administrators, teachers, and staff take appropriate measures to prevent and intervene in incidents of bullying and harassment; and to prohibit the reprisal or retaliation against individuals who report these acts.

Definitions

The following words and phrases, when used in these procedures, shall have the meaning given to them in this section:

Bullying: An intentional electronic, written, verbal, nonverbal, psychological or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering with a student's education;
2. Creating of a threatening school environment; or
3. Substantially disrupting the orderly operation of the school.

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

1. It is aggressive behavior or intentional harm doing.
2. It is carried out repeatedly over time.
3. It occurs within between people where there is an imbalance of power (e.g. physical strength, mental capacity, popularity, or social skills

Bullying can take many forms and can include a variety of behavior. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;
2. Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;
4. Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and
5. Cyberbullying – any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: The school-based staff person who receives reports of incidents of alleged bullying, conducts investigations, and determines whether an allegation is substantiated.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Online reporting process: The process for reporting or submitting complaints of alleged bullying/cyberbullying behavior and documenting investigations, accessible on the District's website at: <https://www.philasd.org/bullying/>

School setting: In the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

Procedures

Reporting

A student or his/her parent/guardian or third party who believes the student has been subjected to bullying and harassment is encouraged to immediately report the incident in one of three ways:

1. Using the online reporting process available at <https://www.philasd.org/bullying/>;
2. Orally reporting the incident to the building principal or bullying designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators; or
3. Calling the Bully Hotline at: (215) 400-SAFE.

The person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of this policy. The principal or designee, or reporting staff member, shall enter the complaint by using the online reporting process as soon as possible, if the complainant chooses to make an oral report.

Complaints will be promptly and appropriately investigated by the principal or bullying designee, consistent with the student's due process rights. All complaints and investigations shall be documented using the online reporting process.

NOTE: It is critical when receiving a complaint to determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Investigation

Principals or the bullying designee will determine whether bullying/cyberbullying occurred by taking the following steps:

1. All investigation shall be completed within seven (7) school days from the date of the complaint of bullying/cyberbullying.
2. If the complaint alleges sex or gender based discrimination or harassment or behavior that can be interpreted to fall within the provisions of Board policies or laws against other forms of discrimination, including race, disability, national origin, sex, gender identity, and sexual orientation, the investigation should be completed in accordance with Policies 103 or 103.1 regarding nondiscrimination or Policy 248, Harassment and Discrimination of Students, including notification to the Title IX Coordinator in the Office of Student Support Services, if applicable.
3. The investigation should consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.
4. The investigator shall attempt to secure statements from all participants in, and witnesses to, the incident(s). The complainant shall not be required to meet face-to-face with the accused.
5. When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The limited English proficiency of a complainant, witness, or the accused is not an acceptable reason for failure to secure a statement from him or her.
6. Ensure that complainants are notified of available resources, such as counseling, health, and mental health services, and, if applicable, their right to file a complaint with local law enforcement.
7. Notify the complainant and the accused of the progress at appropriate stages of the investigation.
8. In cases involving potential criminal conduct, determine whether appropriate law enforcement authorities should be notified.[1]
9. Document findings from the investigation and actions taken within the online reporting process system.

10. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.
11. The obligation to conduct this investigation shall not be negated by the fact that the complainant cannot identify the accused.
12. If the investigation determines that the accused engaged in conduct that constitutes a violation of this policy, the principal or the bullying designee shall take prompt and effective steps reasonably calculated to end the bullying/cyberbullying eliminate any hostile environment and its effects, and prevent the bullying/cyberbullying from recurring.

IEP Team/Section 504 Team Notification

If a complaint of bullying/cyberbullying is substantiated and either the offender or the victim is a student with a disability who has an Individualized Education Plan (IEP) or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team (refers to Section 504 of the Rehabilitation Act of 1973).

Unless it is clear from the school's investigation that there was no effect on the student with a disability's receipt of a Free and Appropriate Public Education (FAPE), the appropriate team must convene to make a determination of whether, due to the bullying/cyberbullying, the student's needs have changed. The student's IEP or Section 504 Team must determine the extent to which additional or different services are needed, if any, and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

All complaints

Parents/guardians of both the alleged victim and alleged offender shall be notified of the outcome of the investigation via a letter setting forth whether the complained upon behavior was founded or unfounded.

Founded complaints

If the complaint of bullying/cyberbullying is founded, the principal or bullying designee will communicate with the parents/guardians of the victim and offender(s), and take the following steps:

1. The parent/guardian of the victim will be informed of the specific steps that the school will take to intervene in the reported behaviors, monitor future conduct, and protect the victim from reprisal or retaliation.

2. The parent/guardian of the victim will be invited to participate in the development of an intervention plan for their child—if one is created.
3. The parent/guardian of the offender will be informed of the specific steps that the school will take to intervene in the reported behaviors and monitor future conduct, as well as the proposed consequences as stipulated in the Code of Student Conduct.
4. The parent/guardian of the offender will be invited to participate in the development of an intervention plan for their child, if one is created. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.
5. The parents/guardians of the victim and offender(s) will be provided with a copy of the intervention plan developed for their child if one is created. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.

Unfounded complaints

If the complaint of bullying/cyberbullying is unfounded, the principal or bullying designee will communicate with the parents/guardians of the alleged victim and alleged offender(s), the type of incident that occurred (i.e. mutual conflict or isolated incident) as well as the specific steps that the school will take to intervene in the reported behaviors and monitor future interactions.

Unfounded complaints should also be reviewed for conduct which may not be proven to be bullying under this policy, but merits review and possible action under other Board policies.

Behavioral interventions

Schools must provide intervention and support to victims, offenders, and/or bystanders to address acts of bullying/cyberbullying. Suggested interventions include, but are not limited to, the following actions:

1. Parent/student conferences;
2. One-to-one counseling for the victim, offender, and/or bystander with appropriate professional staff;
3. Positive behavioral supports, such as, functional behavioral assessments and check in/check out;
4. Increased adult supervision in hot spot areas and during transition times (e.g., admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the victim; and
8. Daily report.

Disciplinary action

While all incidents of bullying/cyberbullying require student interventions, some incidents may require disciplinary action/consequences for the offender(s). Appropriate disciplinary action/consequences for persons committing acts of bullying/cyberbullying, for persons engaged in reprisal or retaliation, and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying/cyberbullying. A range of disciplinary actions/consequences may be found in the Code of Student Conduct.

Appeal Procedure

If the complainant or accused is not satisfied with the finding of the investigation, either may submit a written appeal to the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker. Information about the appeal process is available here:

<https://www.philasd.org/studentrights/>

Central office support

1. To request support filing a bullying complaint, the parent/guardian can contact the Family and Community Engagement Office (FACE) by calling 1-215-400-SAFE.
2. In instances where the bullying and harassment incident is reported and a complainant has not received a letter indicating the findings of the investigation within the time frame allotted in these administrative procedures, support may be requested by the parent/guardian from FACE by calling 1-215-400-SAFE. FACE will notify the appropriate person in the Office of Student Rights and Responsibility who will address the concern.
3. In instances where a complainant cannot reach a staff person in FACE for support with either of the two above instances, support can be requested by the parent/guardian from the Office of Student Rights and Responsibilities by emailing bullying@philasd.org.
4. Exceptions to our policy of always prioritizing educational continuity may be considered as a last resort where all other options have been expended.

Data reporting

1. The Office of Student Support Services will post on its website annually the number of bullying complaints filed as well as the number of complaints found to constitute bullying.
2. The Office of Student Support Services will provide the following information for inclusion in the Annual School Safety ~~Safe School~~ Report to the Pennsylvania Department of Education:

- a. This policy and administrative procedures;
- b. Report of bullying incidents; and
- c. Information on the development and implementation of any and all research-based bullying prevention and intervention programs.

Maintenance Schedule

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.