

STATUTORY REQUIREMENTS

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Bullying Prohibition	SR 1.23	Adopted: May 12, 2011 Reviewed: July 14, 2015	Annually

1. Students need a safe and civil environment 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.
2. It is the school district's intent to prevent bullying, however, when it does occur, the district will take action to investigate, respond, remediate, and discipline acts of bullying, intimidation, violence, reprisal, retaliation, or other similar disruptive and detrimental behavior. Such conduct will be addressed to the extent that it affects the educational environment, and the rights and welfare of its students, and is within the control of the school district in its normal operations.
3. An act of bullying, as defined in 11.1.1, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions, as defined in 11.1.5. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place, and with or without the use of school resources, constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees, or materially or 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.
4. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
5. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
6. False accusations or reports of bullying against another student are prohibited.
7. Students who commit prohibited acts of bullying, reprisal, or false reporting of bullying, or condone or support another student's act of bullying, shall be subject to disciplinary action or other remedial responses in accordance with school district policies and procedures, up to and including suspension and/or expulsion.
8. Teachers, administrators, coaches, volunteers or other employees of the school district who commit, permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying shall be subject to disciplinary action up to and including termination.

9. Consequences for contractors or other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.
10. The school district will investigate all reported complaints of bullying and will discipline or take appropriate action against any individual(s) found to have violated this policy.
11. Definitions
 - 11.1. For purposes of this policy, the definitions included in this section apply.
 - 11.1.1. “Bullying” (including “Cyberbullying” as defined in this policy) means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - 11.1.1.1. 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
 - 11.1.1.2. 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.
 - 11.1.2. “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. The term applies to prohibited conduct which occurs on school district property, at school-related functions, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
 - 11.1.3. “Immediately” means as soon as possible but no later than the next school day.
 - 11.1.4. “Intimidating, threatening, abusive, or harmful conduct means, but is not limited to, conduct that does the following:
 - 11.1.4.1. 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;
 - 11.1.4.2. 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
 - 11.1.4.3. 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 characteristic defined in the Minnesota Human Rights Act (MHRA). Prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

- 11.1.5. “On school district property or at school-related functions” means all school district 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 school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district 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 school district does not represent that it will provide supervision or assume liability at these locations and events.
- 11.1.6. “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 make a false report about bullying.
- 11.1.7. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of an individual who is the target or victim of prohibited conduct.
- 11.1.8. “Student” means a student enrolled in a public school or charter school.

12. Reporting Procedures

- 12.1. Any student who believes he or she has been the target or victim of bullying or prohibited conduct under this policy shall report alleged acts to the building principal/supervisor, a teacher, or other trusted adult.
- 12.2. Any person (student or adult) with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to the building principal/supervisor, or designee.
- 12.3. A student or other person may report bullying anonymously, however, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- 12.4. The school district encourages the reporting party or complainant to use the report form available from the principal/supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- 12.5. The building principal/supervisor or designee is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights

officer or the superintendent. If the complaint involves the building principal/supervisor, or designee, the complaint shall be made or filed directly with the school district human rights officer or superintendent by the reporting party or complainant.

- 12.6. The building principal/supervisor or designee will serve as the primary contact and will ensure that this policy and any resulting actions resulting from a report are fairly and fully implemented. The building principal/supervisor or designee will also 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.
- 12.7. A teacher, school administrator, coach, 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, 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 bullying or prohibited conduct and shall inform the building principal/supervisor immediately. School district personnel who fail to make reasonable efforts to address and resolve report conduct that may constitute bullying in a timely manner may be subject to disciplinary action.
- 12.8. Reports and investigative records of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data. The principal/supervisor or designee shall regulate access to such records and will ensure that information is not disclosed except as permitted by law.
- 12.9. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future grades or education environment, or employment, work assignments, or work environment.
- 12.10. The school district 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 school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

13. District Action

- 13.1. Upon receipt of a complaint or report of bullying, the building principal/supervisor or designee shall immediately undertake or authorize an investigation by school district officials or a third party designated by the school district. Such investigation shall include an opportunity for the alleged perpetrator to present a defense prior to the imposition of discipline or other remedial responses.
- 13.2. The building principal/supervisor or designee, or other appropriate school district officials, may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, reporter, students, or others pending completion of an investigation of bullying or other prohibited conduct, consistent with applicable law.
- 13.3. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, positive behavior interventions, warning, suspension,

exclusion, expulsion, transfer, remediation, or termination/discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct.

13.3.1. Remedial responses to the bullying or other prohibited conduct will be tailored to the particular incident, the nature of the conduct, and the student's developmental age and behavior history.

13.3.2. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, school district policies, and applicable regulations.

13.4. The school district 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 school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the disciplinary or remedial action taken, to the extent permitted by law.

13.5. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (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 to engage in bullying or other prohibited conduct.

14. Retaliation or Reprisal

14.1. The school district will discipline or take appropriate action against any student, teacher, administrator, coach, volunteer, contractor, or other employee of the school district who commits an act of reprisal or retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or other prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

15. Training and Education

15.1. On an annual basis, staff will be provided information and applicable training regarding this policy. This policy will also be discussed with volunteers.

15.2. Staff will be provided appropriate training and ongoing staff development, on a cycle not to exceed three years, regarding the prevention and identification of bullying, and response to prohibited conduct. Newly hired staff shall receive such training during their first year of employment in the district.

- 15.3. On an annual basis, students will be provided educational information about bullying and the harmful effects of bullying, as well initiatives to prevent bullying. Information regarding this policy will be included as a part of the education information provided to students.
- 15.4. The school district will implement programs and other initiatives to create a positive school climate, to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

16. Notice

- 16.1. The school district will give annual notice of this policy to students, parents/guardians, and staff. This policy shall appear in the district, staff and student handbooks, and other publications and training materials regarding school rules, procedures and standards of conduct.
- 16.2. This policy, or a summary thereof, will be conspicuously posted in the office of each school building, as well as district offices of the school district.
- 16.3. Each employee, and contractor who regularly interacts with students, will be provided this policy at the time of initial employment with the school district.
- 16.4. Notice of the rights and responsibilities of students and their parents under this policy will be included in the student discipline policy.
- 16.5. The school district will make this policy available to all parents and other school community members in an electronic format on the school district's website.
- 16.6. An electronic copy of this policy shall be provided to the Commissioner of Education each time the policy is amended.

17. Review of Policy

- 17.1. A principal, parent, student, and staff representatives shall confer annually to review this policy for effectiveness and consistency with law. Recommended changes shall be submitted to the Board of Education for consideration.

Legal References: Minn. Stat. Ch. 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. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.0695 121A.031 (School Board Policy; Prohibiting Intimidation and 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. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 124D.10 (Charter School)
Minn. Stat. Ch. 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)