



# Chelsea Public Schools

## Office of the Superintendent

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### CHELSEA PUBLIC SCHOOLS

### POLICY PROHIBITING BULLYING

The Chelsea Public School System is committed to maintaining a school environment where students are free from bullying and cyber-bullying and the effects thereof. The Chelsea Public School System recognizes that certain students may be more vulnerable to becoming a target of bullying and will take steps to support these vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying and harassment. Acts of bullying and cyber-bullying are prohibited:

- (i) on school grounds, 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 the school district; or through the use of technology or an electronic device owned, leased, or used by the school district and
- (ii) at a location, activity, function, or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by the school district, if the act s create 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.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying also is prohibited.

#### A. DEFINITIONS

**Aggressor** is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

**Bullying**, as defined in M.G.L. c.71, s. 370, is the repeated use by one or more students or by a member of a school staff including but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal, electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- (i) causes physical or emotional harm to the target or damage to the target's property;
- (ii) places the target in reasonable fear of harm to himself or of damage to his property;
- (iii) creates hostile environment at school for the target;
- (iv) infringes on the rights of the target at school; or

- (v) materially and substantially disrupts the education process or the orderly operation of a school.

Bullying may include conduct such physical intimidation or assault, including intimidating an individual into taking action against his/her will; oral or written threats; teasing; putdowns; name-calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

**Cyber-bullying**, as defined in M.G.L. c.71, s.370 is bullying through the use of technology or any electronic communication, which shall include, but 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. Cyber-bullying shall also include:

- (i) the creation of a web page or blog in which the creator assumes the identity another person;
- (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated above in clauses (i) to (v), inclusive, of the definition of bullying; and
- (iii) the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated above in clauses (i) to (v), inclusive, of the definition of bullying.

Cyber-bullying may include conduct such as sending derogatory, harassing, or threatening email messages, instant messages, or text messages; creating websites that ridicule, humiliate, or intimidate others; and posting on websites or disseminating embarrassing or inappropriate pictures or images of others.

**Hostile Environment**, as defined in M.G.L. c.71, s.370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

**Target** is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

**Vulnerable Students**: students who have actual or perceived differentiating characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics.

## **B. Bullying and Retaliation Are Prohibited and Will Lead to Discipline**

The Chelsea Public School System absolutely prohibits bullying, cyber-bullying and retaliation as defined above. Students who engage in bullying or retaliation will be subject to disciplinary action, however, disciplinary action taken must balance the need for accountability with the need to teach appropriate behavior. The range of disciplinary action for students includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short-term or long-term suspensions, or expulsions from school as determined by the school administration and/or school committee. Disciplinary action for staff who have committed an act of bullying or retaliation shall be in accordance with expectations and standards appropriate to their roles and responsibilities. All discipline is subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration and/or school committee from taking disciplinary action against a student for conduct that does not meet the definition of bullying or cyber-bullying, as defined above, but nevertheless is inappropriate for the school environment.

## **C. Reporting Obligations**

**Reporting by Staff:** A member of school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation s/he has witnessed or become aware of to the school principal or designee.

**Reporting by Students, Parent/Guardians, and Others:** The district expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the school principal or designee. An individual may make an anonymous report of bullying or retaliation, however, no disciplinary action may be taken against a student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

**Reporting to Parents/Guardians:** The principal or designee will promptly notify the parents or guardian of the target and aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. In addition the principal will provide victim's parents with the following information: Any parent or guardian wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Problem Resolution System. The parent or guardian can send an email to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu), call 781 338-2700, or find additional information at <http://www.doe.mass.edu/pqa/prs>. Hard copies of information about the Problem Resolution System are also available from the Superintendent's Office.

There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. If the alleged target and alleged aggressor attend different schools, the principal receiving the report shall inform the principal of the other student's school, who shall notify the student's parents of the report and procedures. All notices to parents will be consistent with the state regulations at 603 CMR 49.00.

**Reporting to Local Law Enforcement:** Subject to state regulations, at any point after receipt of a report of bullying or retaliation, or during or after an investigation, if the school principal or designee has a reasonable basis to believe that the incident may involve criminal conduct, the school principal or designee will notify the local law enforcement agency. In addition, if an incident of bullying or retaliation occurs on school grounds and involves a former student under

the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the Superintendent of the Chelsea Public Schools or designee will notify local law enforcement if s/he believes that criminal charges may be pursued.

**Reporting to Administrator of Another School District or School:** If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school and the Chelsea Public Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the Chelsea Public Schools or designee must, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

#### **Reporting Of Bullying Incident Data to DESE/Student Surveys**

Incidents of bullying or retaliation and outcomes and resolutions are reported to and kept on file in the Superintendent's office. Every year the district will report annual bullying district data to DESE. The data will include: the number of reported allegations of bullying or retaliation; the number and nature of substantiated incidents; and the number of students disciplined for bullying or retaliation. Beginning in the 2015-2016 school year, a student survey developed by DESE will be administered at least once every four years, to assess the prevalence, nature, and severity of bullying in the district's schools.

### **D. Investigation**

The school principal or designee shall investigate promptly a report of bullying or retaliation, giving consideration to all circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

**Pre-Investigation:** Even before fully investigating allegations of bullying or retaliation, school personnel will consider whether there is a need to take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. In taking any such action, however, the rights of both the alleged target and alleged aggressor must be considered.

**Written Statement of the Complaint:** The investigator will seek to determine the basis of the complaint. Gathering information from the complainant, including such matters as: what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred (date, time of day) and where the events occurred.

It is helpful to have these facts in writing. If age appropriate, the complainant may be asked to put the complaint in writing and to sign and date it. If the complainant cannot or chooses not to write a complaint, the investigator will record the allegations, read them to the complainant to confirm accuracy, and ask the complainant to sign the document. If the complainant cannot or chooses not to sign, the investigator may sign and date the document her/himself.

**Interviews:** Once the allegations of the complainant are established, the investigator will gather other evidence, which often involves interviews of the alleged aggressor and/or other witnesses. If appropriate, the investigator should remind the alleged aggressor and witnesses that retaliation

against persons whom they believe might have reported the incidents or cooperated with the investigation is strictly prohibited and will result in disciplinary action.

**Confidentiality:** The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school's obligation to investigate and address the matter.

## **E. Determination**

School personnel must weigh all of the evidence objectively to determine whether the alleged events occurred and, if they did, whether the events constitute bullying or retaliation. The determination must be based upon all of the facts and circumstances and the perspective of a reasonable person. When applied to children, the "reasonable person" standard is generally "that of a reasonable person of like age, intelligence, and experience under like circumstances." See *Ellison v. Brady*, 924 F.2d 872 (9<sup>th</sup> Cir. 1991).

If bullying or retaliation is substantiated, the school will take steps reasonable calculated to prevent recurrence and ensure that the target is not restricted in participating in school or benefiting from school activities. As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken with students to prevent the recurrence of bullying or retaliation:

Developing a Personalized Action Plan and directives for future conduct, including providing the target with a process for reporting any concerns about future conduct immediately. It is critical to involve the student in creating an action plan that involves a reporting process that works for that particular student;

Meeting with parents and guardians to encourage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;

Providing individualized skill-building sessions based on the school's and district's anti-bullying curricula;

Providing relevant educational activities for individual students or groups of students, in conjunction with guidance counselors and other appropriate school personnel.

Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve goals;

Adapting behavioral plans to include a focus on developing specific social skills;

Making a referral for evaluation;

Engaging adult supervision on school premises.

## **Disciplinary Action/Closure of Complaint**

Students and staff who engage in bullying will be subject to discipline. In addition, if the principal or designee determines that a student knowingly made a false accusation of bullying or retaliation, that

student may be subject to disciplinary action. Decisions regarding discipline will be subject to any procedural requirements set forth in district policy or required by law.

If school staff determines that bullying or retaliation has occurred, the principal or designee will inform the parents of the target and student aggressor. In addition, the principal or designee will inform the parent of the target about what action is being taken to prevent any further acts of bullying or retaliation. Specific information about disciplinary action taken generally will not be released to the target's parents or guardians – unless it involves a “stay away” or other directive that the target must be aware of in order to report violations.

If appropriate, within a reasonable time period following closure of the complaint, the administrative staff or designee will contact the target to determine whether there has been any recurrence of the prohibited contact.

The district will retain a record of the complaint, containing the name of the complainant, the date of the complaint, investigator, school, a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.