



Tri-County Schools Bullying Prevention and Intervention Plan M.G.I. c.71, 370

Main Office

203 East Street
Easthampton, MA 01027
T: 413.529.7777
F: 413.527.2107

Effective December 31, 2010

Revised April, 2011

Tri-County Schools
Residential Services (MA)
Foster Care Services
Therapeutic Group Homes (CT)
Family Support Services
After School Program
Expressive Arts Therapy Program

A safe learning environment is one in which every student is provided with the opportunity to develop emotionally, academically, and physically in a supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in our schools. Tri-County Schools expects that all members of the school community will treat each other in a civil manner and with respect for differences.

Tri-County Schools (TCS) is committed to working toward providing all students with a safe learning environment that is free from bullying, cyberbullying, and retaliation. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate harmful and disruptive behaviors that can impede the educational process in our schools. While any student could be subject to bullying and harassment, TCS recognizes that certain students, such as students with disabilities, students of differing ethnicities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying. Tri-County Schools will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and to provide all students with the skills, knowledge, and strategies to avoid and respond to bullying.

Tri-County Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation in our school buildings, on school grounds, in school-related activities, or that occurs outside of school and creates a hostile school environment for the targeted student. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation and take prompt action to restore a safe learning environment for students who are bullied and to prevent further bullying or harassment by students who are identified as perpetrators of bullying.

The Tri-County Schools Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying, cyberbullying, and retaliation that may compromise the safe learning environment for any student. TCS is committed to working with students, staff, case workers, families, law enforcement agencies, and the community to address and prevent bullying and harassment within our schools. In consultation with these constituencies, we have established this Bullying Prevention and Intervention Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation.

Tri-County Schools Committee's Anti-Bullying Policy

It is the policy of Tri-County Schools to maintain educational environments that are free from bullying, cyberbullying, and retaliation. It shall be a violation of this policy for any student in Tri-County Schools to bully another student through conduct or communication of a bullying nature and/or to retaliate against any individual for reporting bullying or cooperating within an investigation thereof. Students who

engage in bullying, cyberbullying, or retaliation will be subject to a range of disciplinary sanctions including, but not limited to, reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration. Except where bullying has resulted in the student's permanent expulsion, students who engage in bullying shall also be required to participate in remedial activities designed to develop the skills and proficiencies necessary to avoid engaging in further bullying behavior(s).

For purposes of this policy, bullying is prohibited:

- 1) on schools 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 a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school, and
- 2) 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 a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. This prohibition shall not be construed, however, as requiring district schools to staff or supervise any non-school related activities, functions, or programs

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also strictly prohibited and may result in suspension or expulsion from school.

Definitions

Bullying: The repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his/her property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this policy, bullying shall include cyberbullying.

Cyberbullying: 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 i.e. cell phone camera, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another persona as the author of posted content messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyberbullying shall also include 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 in clauses (i) to (v), inclusive, of the definition of bullying.

Hostile Environment: 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 the target's education.

Target/Victim: A student who has been subject to bullying or retaliation by another student or group of students.

Aggressor/Perpetrator: A student who engages, either individually, or as part of a group, in bullying, cyberbullying, or retaliation.

Local law enforcement agency: local police department.

Director: The administrative leader of Tri-County schools or his/her designee for the purposes of investigating and responding to reports of bullying, cyberbullying, or retaliation.

Retaliation: 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.

I. Complaint and Investigation Procedures

A. Reporting bullying or retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. Reports made by students, parents, guardians, or other individuals who are not school staff members may also be made anonymously, although no student shall be subject to discipline solely on the basis of an anonymous complaint. Tri-County Schools will take a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address. (Use of an Incident Reporting Form is not required as a condition of making a report.)

Tri-County Schools will include a copy of the Incident Reporting Form in the beginning of the year packets for parents and in the Student Handbook in addition to posting a copy of the Incident Reporting Form on the school's website. Incident Reporting Forms can be made available in the school's main office, the counseling offices, the school nurse's office, and other locations determined to be appropriate by the director or designee. The Incident Reporting Form will be made available in the primary language of the student's household.

1. Reporting by Staff

A staff member will promptly report to the director any instances of bullying or retaliation witnessed by the staff member or that is reported to the staff member by a student, parent or other individual. The requirement to notify the director shall not, however, limit the authority of

the staff member to respond to behavioral or disciplinary incidents consistent with school policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents, or Guardians, and Others

Tri-County Schools 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 director. Any individual who wishes to file such a complaint may request, and shall be provided with assistance from a school staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the director. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. The filling of a false or fabricated complaint of bullying, cyberbullying, or retaliation is strictly prohibited and shall result in disciplinary action

B. Procedures for Responding to a Report of Bullying or Retaliation

1. Preliminary Determinations

Upon receiving a complaint, the director or designee will confer with the complainant to obtain an understanding and statement of the alleged facts. If, based on the facts alleged, the director determines that the conduct complained of would not constitute bullying as defined by M.G.L. c.71 370, the director shall document that determination on the Incident Reporting Form and shall take no further action with regard to the complaint. If the director determines that such facts, if true, would constitute bullying, as defined above, the director will promptly commence an investigation of the complaint.

Upon commencing an investigation, the director will make a preliminary determination as to the need for immediate interventions to protect the safety of the alleged target. Such interventions may include, but are not limited to, creating a safety plan for the target; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule to access the target. The director may take additional steps deemed necessary by the school administration to protect the safety of the target and any witnesses while the investigation is ongoing.

2. Notice to Law Enforcement

At any point after receiving a report of bullying, cyberbullying, or retaliation, the director will notify the appropriate law enforcement agency if the director has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice to law enforcement agencies will be consistent with the requirements of 603 CMR 49.00 and other applicable state and federal laws and regulations pertaining to student records and privacy. In making this determination, the director may also consult with any other individuals the director or designee deems appropriate.

3. Notice to Another School District

If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the director or designee first informed of the incident will promptly notify by telephone the director or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

4. Notice to Bus Companies

If the reported incident involves students on a school bus, the director or designee first informed of the incident will promptly notify by telephone the manager or designee of the bus company along with the director or designee of the school district responsible for contracting with the bus company of the incident so that each entity may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

C. Investigation Procedures

1. Investigation

Upon receipt of a report or complaint that would, if true, constitute bullying, cyberbullying, or retaliation, the director will promptly commence an investigation. In investigating any such complaint, the director or designee will interview students, staff, and any witnesses to the alleged conduct. To the extent practicable and consistent with the director's obligation to promptly and thoroughly investigate and address the matter, the director or designee will maintain confidentiality during the investigative process and shall not disclose unnecessary or confidential information to interview subjects. During any such interviews, the director will inform the target, aggressor, and all witnesses that retaliatory treatment of any individual for reporting or cooperate with an investigation of bullying will result in disciplinary action that may include suspension or expulsion from school.

2. Determinations

Within five (5) school days of the director's receipt of the complaint of bullying, cyberbullying, or retaliation, the director will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the director will determine what remedial action may be required, if any, and determine what responsive actions and/or disciplinary action is necessary. The director's findings and determinations shall be documented in writing on the Incident Reporting Form.

If the director or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Notice of Investigative Findings

Upon determining that bullying or retaliation has occurred, the director or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. While prior notice of an investigation shall not be required, the director shall not be precluded from notifying the parents of a target or aggressor prior to completion of the director's investigation.

In notifying the parents/guardians of a target or aggressor of an investigation or the director's findings thereon, the director shall maintain the privacy and confidentiality of any individual or child who is not the child of the parents to whom the notice is provided. The director shall ensure that any notice to the parents complies with applicable state regulations including, but not limited to, 603 CMR 49.00, and shall not report specific information to the target's parent(s) about the disciplinary action taken against an aggressor unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

4. Requests for Reconsideration

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation or reconsideration of the investigative findings. The written request shall state the reasons for request and shall be delivered to the executive director of the Northeast Center for Youth and Families within ten (10) school days of the parents/guardians receipt of any such request, the executive director shall decide whether or not to reopen the investigation and shall provide written notification of that determination to the appealing party and to the other party involved.

The filing of a request for reconsideration or a reopening of the investigation shall not stay the imposition of disciplinary sanctions or the implementation of any safety interventions determined to be appropriate by the director.

D. Responses to Bullying

1. Education and Skill Building

In determining the appropriate response to an incident of bullying, cyberbullying, or retaliation, the director shall consider a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c.71 370 (d)(v). Skill-building approaches that the director or designee may consider include, but are not limited to:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with school 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 their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities.

2. Disciplinary Action

If the director determines that disciplinary action is warranted, the disciplinary sanction will be determined on the basis of facts found by the director, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior.

Students found to have engaged in bullying, cyberbullying, or retaliation may be subject to a range of disciplinary consequences including, but not limited to, reprimand, detention, suspension, expulsion of other students as determined by the director. Any such disciplinary sanctions shall be imposed in accordance with the due process requirements of applicable laws, regulations, and school policies.

3. Promoting Safety for the Target and Others

Upon determining that bullying or retaliation has occurred, the director shall, in conjunction with relevant school personnel, consider what adjustments or interventions, if any, are needed in the school environment to enhance the target's sense of safety and that of any witnesses. Any such adjustments or interventions to be provided for the target shall be documented in writing in an Individual Safety Plan.

Individuals Safety Plans shall include, but are not limited to: designating a "safe person" (a staff member whom has regular contact with the target(s), whom the target feels comfortable with, and has direct access to); enhanced vigilance of staff member(s) who have direct contact with the target(s) and perpetrator(s); drop in status level for the perpetrator(s); and the appropriation of information on the course of events on a need-to-know basis with Tri-County Schools staff. Individual Safety Plans will be in writing and added to the student's file.

4. Access to Resources

Counseling services are available to all students. Students may request to speak with their counselor; teachers, instructional aides, parents/guardians, and agency personnel may also request counseling services for students.

Counseling assignments for students are based on their wing assignments: high school students will meet with the high school counselor; middle school students will meet with the middle school counselor; and elementary students will meet with the elementary counselor. The Clinical Director, school psychologist, and school outreach liaison are also available to provide counseling and clinical services to students.

5. Monitoring of Interventions

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the director or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the director or designee will work with appropriate school staff to implement them immediately.

II. Professional Development

A. Annual Staff Training on the Plan

Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the director or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

B. **Ongoing Professional Development**

The goal of professional development is to establish a common understanding to tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c.71 370, the content of school-wide and district-wide professional development will be informed by research and will include information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;
- (ii) developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to bullying;
- (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) internet safety issues as they relate to cyberbullying.

Professional development will address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Plans (IEPs). This will include a particular focus on the needs of students whose disability affects social skills development.

III. Anti-Bullying Curriculum

The Tri-County Schools shall implement age and grade appropriate anti-bullying curricula in each grade, inclusive of grades K-12. Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students engage in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan.

IV. Collaboration with Families

Parent Education and Resources. The school will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the school. The programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organizations.

Each year the school will inform parents/guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school will send parents written notices each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The school will post the Plan and related information on its website.

V. Publication of Policies, Procedures, and Information on Bullying

All student handbooks will now refer to, and include age appropriate summaries of, the Tri-County Schools Bullying Prevention and Intervention Plan and policy on bullying. In addition to the information provided in each student handbook, copies of the Plan will be available on the school's website, in the school's administrative office, Counseling Offices, Nurse's Office, and in other locations determined to be appropriate by the school administration.

In addition, the Tri-County Schools Anti-Bullying Committee will review the policy annually, and provide all staff with written notice of the Plan or by publishing information about it, including sections related to staff duties, in the annual Orientation Packet.