

Berkshire Arts & Technology Charter Public School

Bullying Prevention and Intervention Plan Commitment to Safety and Respectful Behavior of All Community Members

INTRODUCTION: PRIORITY STATEMENT

The Berkshire Arts & Technology Charter Public School ("BART") is committed to providing all students with a safe, respectful learning environment free from bullying and cyber-bullying. This commitment is a critical aspect of the District's comprehensive efforts to promote learning and to prevent and eliminate all forms of bullying, cyber-bullying, or retaliation, and other harmful and disruptive behaviors that interfere with the learning process.

The District will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation in the school building, on school grounds, or in school-related activities. The district will investigate promptly all reports and complaints of bullying, cyber-bullying, and retaliation, and take prompt action to end that behavior and restore the sense of safety for a student who has been targeted. The District will support this commitment in all aspects of the school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The District expects that all members of the school community, students and adults, will treat each other in a civil, respectful manner and with admiration for differences. Bullying can create unnecessary anxiety that affects the ability or desire of a student to attend school, learn in school, travel on the school bus, feel safe in school areas such as the school grounds or cafeteria, or participate in special or extracurricular activities. The failure to address bullying behavior also gives community members the message that it is permissible to engage in such negative conduct. The Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyber-bullying, and the District is committed to working with students, staff, families, law enforcement agencies, and mental health and community agencies to prevent issues of violence. In consultation with these constituencies, the District has established this Plan for preventing, intervening, and responding to incidents of bullying, cyber-bullying, and retaliation. The school Principal is responsible for the implementation and oversight of the Plan.

DEFINITIONS RELATED TO BULLYING

Aggressor. A student or member of the school staff including but not limited to educators, paraprofessionals, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or volunteers, who engage in bullying, cyber-bullying, or retaliation.

Bullying. As defined in MGL c.71, § 370, bullying is the repeated use by one or more Aggressors of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a Target that:

1. Causes physical or emotional harm to the Target or damage to the Target's property;
2. Places the Target in reasonable fear of harm to self or of damage to his or her property;
3. Creates a hostile environment at school for the Target;
4. Infringes on the rights of the Target at school; or
5. Materially and substantially disrupts the education process or the orderly operation of our school.

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

Cyber-bullying. As defined in MGL c.71, § 37O, cyber-bullying is bullying through the use of technology or any electronic communication, including but not 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 also includes:

- The creation of a web page or blog in which the creator assumes the identity of another person;
- 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 in clauses (1) to (5), inclusive, of the definition of bullying above.
- The distribution by electronic means of 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 the definition of bullying above.

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 other social media, or otherwise disseminating, embarrassing inappropriate pictures or images of others.

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 student's education.

Retaliation. As defined in MGL c.71, § 37O, retaliation against or intimidation of a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying, also is prohibited. Retaliation is unacceptable behavior within the school's Code of Conduct. Such retaliation or intimidation may result in disciplinary action.

Other behaviors which are rude and hurtful but do not meet the criteria to be termed bullying, may not require reporting under the law, but will be addressed within the school's Code of Conduct in the Student Handbook.

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, paraprofessionals, or volunteers.

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

LOCATION OF BULLYING

BART prohibits bullying:

On School Grounds, including 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, or through the use of technology or an electronic device owned, leased, or used by the school.

Off School Grounds, including 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, if the acts create a hostile environment at school for the Target, infringe on the right of the Target at school, or materially and substantially disrupt the education process or the orderly operation of the school.

REPORTING BULLYING

Any Staff Member will report immediately to the Principal or designee upon witnessing or becoming aware of conduct that may be bullying, cyber-bullying, retaliation, or intimidation. This includes bullying, cyber-bullying, retaliation or intimidation against a student by another student or against a student by a staff member. The requirement to report to the Principal or designee does not 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. This requirement applies to any member of the schools staff as defined above.

Any Volunteer will report immediately to the Principal or a designee upon witnessing or becoming aware of conduct that may be bullying, cyber-bullying, retaliation, or intimidation. Volunteers will be notified of and trained in the reporting requirement.

Parents/Guardians. The school expects parents and guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student, to report it to the Principal or designee. This includes bullying, cyber-bullying, retaliation or intimidation against a student by another student or against a student by a staff member. If the Principal is the Aggressor, the report shall be made to the Executive Director; if the Executive Director is the Aggressor, the report shall be made to the Chair of the Board of Trustees. Reports may be made anonymously, but no disciplinary action will be taken against an alleged Aggressor solely on the basis of an anonymous report. Parents, guardians, and others may request assistance from a staff member to complete a written report. This report to the Principal is best done in direct conversation followed by written formal communication.

Students. The school expects students who believe they have been subjected to bullying, cyber-bullying, or retaliation, or who witness or become aware of an instance of bullying, cyber-bullying, or retaliation involving a student, to report it to the Principal or designee. This report may also be made to the student's teacher, counselor, or any adult staff member. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with the Principal or designee, or with a staff member. This report is best done in direct conversation with the staff member, but may also be done by other means or through the student's parent or guardian. The report may also be submitted anonymously.

Anonymous reports of bullying, cyber-bullying, or retaliation may be submitted to teachers and school administrators and will be investigated, but no disciplinary action will be taken based solely on an unverified anonymous report.

A Reporting Form will be made available in the Student Office and in the Student Support Center. Reporting forms will also be located on the school's website. This form may be submitted directly to the Principal or left anonymously at the Student Office.

False Reports. Reports alleging bullying, cyber-bullying, or retaliation are a serious matter. Students who submit such reports that they know to be false will subject themselves to disciplinary action.

INVESTIGATING AND RESPONDING TO REPORTS OF BULLYING

Upon receipt of a report of possible bullying, cyber-bullying, retaliation, or intimidation, the Principal or designee will, before fully investigating the allegations, take steps to assess the need to restore a sense of safety to the alleged Target and/or to protect the alleged Target from possible further incidents. In taking any such steps, however, the rights of both the alleged Target and alleged Aggressor must be considered. Responses to promote safety may include, but are not limited to:

- Creating a personal safety plan;
- 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 and access to the Target.

The Principal or designee will take additional steps to promote safety during the course of and after the investigation as necessary. In conducting an investigation, the Principal or designee will consider how the bullying behavior might impact the general learning environment of the school or the impact it may have on bystanders or other students in the school. Consequences may be necessary even if the Target indicates the Aggressor(s) behavior is permissible.

The Principal or designee will promptly conduct an investigation. During the investigation the Principal or designee will, among other things, interview as necessary students, staff, witnesses, parents or guardians, and others as appropriate. The Principal or designee (or whoever is conducting the investigation) will remind the alleged Aggressor, Target, and witnesses of the importance of the investigation, their obligation to be truthful, and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

The Principal or designee is required to investigate all reports of potential acts of bullying, cyber-bullying, retaliation, or intimidation. This obligation exists regardless of requests from reporters to not investigate or talk with certain students or individuals. We encourage reporting, but reporting on the condition that no action be taken or that limits be placed on the investigation cannot be accepted. The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school’s obligation to fairly and thoroughly investigate and address the matter.

Steps of the Investigation:

1. Report is received. Reports should include 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.
2. Interview the Target and assess the level of threat present.
3. Interview the reporter, if other than Target, and note and interview other witnesses or people involved with any online interactions.
4. Interview the alleged Aggressor(s).
5. Determine the merit and plausibility of the report.
6. Determine the circumstances and establish disciplinary or other consequences, if necessary.
7. Establish the need and the path for all involved to receive counseling supports.

8. Report to the Police Department of the town in which the Target/Aggressor resides, if necessary.

CONSEQUENCES AND RESPONSES TO BULLYING

If the school Principal or designee determines that bullying, retaliation, or intimidation has occurred and consequences are necessary, the school Principal or designee will:

1. Promptly notify the parents or guardians of the Target and the Aggressor about the results of the investigation and what action is being taken to prevent further acts of bullying or retaliation. Note that all notices to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Principal or designee cannot report specific information to the Target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order and/or other directive that the Target must be aware of in order to report violations.
2. Notify the Director of Special Education if any of the students are on an IEP.
3. Take appropriate disciplinary action.
4. Notify the local law enforcement agency if the Principal or designee has a reasonable basis to believe that the incident meets the definition of bullying or may result in criminal charges against the alleged Aggressor.
 - a. If the local law enforcement is notified, the Principal or designee shall document the reasons for the decision.
 - b. If the local law enforcement agency is not notified or if it determines that its involvement is not necessary, the Principal or designee shall respond to the behavior as is appropriate within the school's Code of Conduct in the Student Handbook.
 - c. A Memorandum of Understanding between the District, the local Police Departments from which the student population resides, and the Berkshire County District Attorney's Office will outline the nature of this reporting.
5. If an incident of bullying, retaliation, or intimidation involves students from another school district, the Principal or designee will promptly notify the appropriate administrator of the school district so that both may take appropriate action.

CONSEQUENCES AND SUPPORT SERVICES

Bullying behavior can take many forms and can vary dramatically in its seriousness and its impact on the Target and other students. Accordingly, there is no one prescribed response to verified acts of bullying and retaliation. Consequences and disciplinary action will be applied in accordance with the school's Code of Conduct in the Student Handbook. The responses will range from redirection of future behavior to suspension or police involvement. These actions will escalate in severity for repeated offenses or with the severity of the implication of the negative conduct. Actions may be accompanied by the referral to counseling or other therapeutic support. The specific action will be age appropriate, concrete, and immediate. The nature and extent of disciplinary action imposed or consequences applied, is a matter within the sound discretion of the Principal or designee. The Principal will balance the need for accountability and safety with the need to teach appropriate behavior. Consequences and discipline for acts of retaliation will be imposed at the same or more severe level as the underlying bullying, cyber-bullying, or inappropriate behavior.

Students or staff members who are not primary participants in the reported act of bullying, cyber-bullying, retaliation, or intimidation, but who join in, may be subject to disciplinary action or consequences as if they were primarily involved. "Joining-in" is a form of endorsing the behavior.

Consequences or disciplinary actions taken in an instance of bullying will be shared with the appropriate school staff members to ensure awareness and follow-through.

When it is determined that a Target is in fear or is being threatened, the Principal will develop a safety plan to immediately take steps to limit and control the behavior of Aggressor(s) who are causing the threat. The safety plan will be developed in collaboration with the appropriate staff and shared with staff to ensure enforcement and follow up. The Principal or designee will periodically follow up with the Target(s) and his/her parents to ensure the Target believes the situation has improved and that any threat or fear has been significantly reduced or eliminated.

PROFESSIONAL DEVELOPMENT ON BULLYING

Annual Staff Training on the Plan. Annual training for all school staff (as defined above) on the Plan will include staff duties under the Plan, an overview of the steps that the Principal or designee will follow upon receipt of a report of bullying, cyber-bullying, retaliation, or intimidation, 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 receive the training during the school year in which they are hired.

Ongoing Professional Development. The goal of professional development is to establish a common understanding of 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 all forms of bullying. As required by MGL c. 71, § 37O, the content of school-wide and district-wide professional development will be informed by research and will include information on:

1. Developmentally (or age) appropriate strategies to prevent bullying;
2. Developmentally (or age) appropriate strategies for immediate, effective interventions to stop bullying incidents;
3. The complex interaction and power differential that can take place between and among an Aggressor, Target, and witnesses to the bullying;
4. 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;
5. The incidence and nature of cyber-bullying; and
6. Internet safety issues as they relate to cyber-bullying.

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

Additional areas identified by BART for professional development may include:

- Promoting and modeling the use of respectful language;
- Fostering an understanding of and respect for diversity and difference;
- Building relationships and communicating with families;
- Constructively managing classroom behaviors;
- Using positive behavioral intervention strategies;
- Applying constructive disciplinary practices;
- Teaching students skills including positive communication, anger management, and empathy for others;
- Engaging students in school or classroom planning and decision-making; and
- Maintaining a safe and caring classroom for all students.

Written Notice to Staff. The school will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and the school's Code of Conduct in the Student Handbook.

PARENTAL EDUCATION AND NOTIFICATION ON THE BULLYING PREVENTION PLAN

The school will offer to parents and guardians education programs 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 parent groups.

Each year the school will inform parents and guardians about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber-bullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the District's Internet Safety Policy. All notices and information will be made available to parents and guardians in hard copy and electronic formats. The District will post the Plan and related information on its website.

CURRICULUM AND INSTRUCTION ON THE BULLYING PREVENTION PLAN

The school will provide to each grade age-appropriate instruction on bullying prevention that is incorporated into the curriculum. The curriculum will be evidence based. The Plan will describe the curriculum to help parents and others understand the district's bullying prevention efforts.

Bullying prevention curricula will be informed by current research, which, among other things, emphasizes:

- Using scripts and role playing to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber-bullying, 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 student-related sections of the Bullying Prevention and Intervention Plan.

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom behavior expectations;
- Creating safe school and classroom environments for all students, regardless of race, color, religion, national origin, sex, disability, sexual orientation, homelessness, or age;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;

- Using positive approaches to behavioral health, including collaborative problem solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

APPLICATION TO STUDENTS ON INDIVIDUALIZED EDUCATION PROGRAMS (IEPS)

As required by MGL c. 71, § 37O, and as amended by Chapter 92 of the Acts of 2010, when a student's IEP Team determines the student has a disability that affects social skills development or that the student may participate in, or is vulnerable to, bullying, harassment, or teasing because of his or her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing. This will include a particular focus on the needs of students whose disability affects social skills development.

DATA COLLECTION AND REPORTING

In order to monitor the success of the Bullying Prevention and Intervention Plan, and to help determine the effectiveness of interventions, curricula, and actions, the school will collect and review student and staff survey data, parent survey data, and the number and nature of bullying, cyber-bullying, and retaliation instances. Reports will be forwarded to the Executive Director's office at the end of each school year. Reports of the data will be presented to the Board of Trustees and made available to the public on the District website.