

Minnesota Department of Education
Model Student Bullying Prohibition Policy

November 2014

PURPOSE

The _____ strives to provide safe, secure, and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student's ability to learn and a teacher's ability to educate.

This policy protects students against bullying and retaliation by other students. This policy also protects any student who voluntarily participates in any district function or activity from prohibited conduct, whether the student is enrolled in the district or not.

This policy can be found in the school's student handbook, within the school and district administrative offices, and electronically at _____. The policy is also provided to all school employees, independent contractors, and volunteers who interact with students.

DEFINITIONS

"Bullying" is objectively offensive intimidating, threatening, abusive or harmful conduct directed by a student toward one or more students: when either (1) there is a real or perceived imbalance of power between those involved and the conduct reoccurs or forms a pattern; or, (2) the conduct materially and substantially interferes with the student's educational opportunities, performance, or ability to participate in school functions, activities or programs.

Bullying can be, but need not be, based on an individual'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, status with regard to public assistance, age, or any additional characteristic defined in Minnesota Statutes, Chapter 363A (commonly referred to as the Minnesota Human Rights Act). Bullying in this policy includes "cyberbullying," as defined below.

"Cyberbullying" is bullying that occurs when an electronic device, including, but not limited to, a computer or cell phone, is used to transfer a sign, signal, writing, image, sound or data and includes a post to a social network, Internet website or forum.

"Intimidating, threatening, abusive, or harming conduct" may involve, but is not limited to, conduct that causes physical harm or reasonable fear of harm to a student or a student's

property, violates a student's reasonable expectation of privacy under Minnesota common law, defames a student, or constitutes intentional infliction of emotional distress against a student or retaliation for, or knowingly making a false report.

“Prohibited conduct” means bullying or cyberbullying as defined under this subdivision or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

“Remedial response” is appropriately prompt action taken to intervene, investigate, correct and prevent bullying from recurring, including protecting and supporting a student subjected to bullying and those who provided aid and support to the student.

“School” means a public or public charter school.

“Student” means a student enrolled in a public or charter school.

PROHIBITED CONDUCT

Bullying is prohibited:

1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
2. During any school-sponsored or school-sanctioned program, activity, event or trip.
3. Using school computers, electronic technology, networks, forums or mailing lists.
4. Using electronic technology off the school premises that materially and substantially disrupts a student’s learning or school environment.

Apparent permission or consent by a student does not mean that bullying should be tolerated or allowed.

Retaliation is prohibited by any student or district employee against anyone who in good faith asserts, alleges, reports, or provides information pertaining to an alleged incident of prohibited conduct. The school district will take appropriate action against any student or district employee who engages in retaliation. Filing a false accusation of bullying is also prohibited.

INITIAL RESPONSE AND REPORTING

School Principal: School principal or designee (“principal/designee”) is the person responsible for receiving reports of bullying at the school level. The principal/designee will ensure this policy and its procedures are fairly and fully implemented and serve as the primary person to address policy and procedural matters. If the complaint involves the principal/designee, the complaint shall be made to the superintendent.

Students: Students who believe that they have been bullied or have witnessed bullying are strongly encouraged to bring their concerns to the principal/designee but may bring their concerns to any school employee.

School Employees: Any employee who witnesses an incident or who possesses reliable information that would lead a reasonable person to believe that bullying has occurred shall:

1. Immediately intervene to protect the safety of the student subjected to the incident and other students involved, as appropriate to the context.
2. Make reasonable efforts to address and resolve the incident, including reporting the incident to the principal/designee, as deemed appropriate.
3. Cooperate fully in any investigation and resolution of the bullying incident.

Independent Contractors/Volunteers: Any independent contractor or volunteer who witnesses bullying or who possesses reliable information that would lead a reasonable person to believe that bullying has occurred is strongly encouraged to report the bullying incident to the principal/designee or any school employee and cooperate fully in any investigation and resolution of the bullying incident.

Anonymous reports will be accepted by the principal/designee. However, no disciplinary action will be determined solely on the basis of an anonymous report.

INVESTIGATION

Information Pertaining to Bullying Incidents:

The use of, access to, and disclosure of information pertaining to reports and investigations of prohibited conduct are subject to state and federal data practices laws. The school will notify affected individuals, including students and parents, of their rights related to information provided to and obtained by the school, in accordance with the school's legal obligations.

Information you provide to the district or school is subject to the [Minnesota Government Data Practices Act](#). This law classifies certain information as available to the public on request.

Procedure:

Investigation of an alleged bullying incident shall be initiated as soon as possible, but in no instance after more than three school days of receipt of a report, and completed in a timely manner. Investigative records shall be maintained and regulated by the principal/designee.

The investigation should determine whether the reported incident constitutes a case of bullying. The determination should take into consideration the totality of the facts and circumstances surrounding the incident, including, but not limited to:

1. The developmental ages and maturity levels of the parties involved.
2. The level of harm, surrounding circumstances, and nature of the behavior.
3. Past incidences or past or continuing patterns of behavior.
4. The relationship between the parties involved.
5. The context in which the alleged incidents occurred.

In all cases, the alleged actor will be entitled to raise a defense and any other recourse in the district discipline policy.

REMEDIAL RESPONSE

The principal/designee shall design and implement remedial measures to correct and prevent further prohibited conduct, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying.

Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report. Schools must respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of prohibited conduct and performance.

When a student engages in bullying, a school should use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate, and should match the severity of the student's behavior and developmental age.

When appropriate, the school district shall provide the target, actor, and other affected individuals with information about available community resources to aid in the remedial process.

PROFESSIONAL DEVELOPMENT AND EDUCATION

School Employees: The school district shall require employees to receive ongoing professional development training to build their skills to implement this policy. Training will be required for new employees and on a training cycle that does not exceed once every three years for all employees who regularly interact with students. The content of the training will include, but not be limited to:

1. Strategies to prevent, intervene and effectively stop bullying in a manner developmentally appropriate to the context of an incident.
2. Information about the complex interaction and power differential that can take place between and among an actor, target, and witness to bullying.
3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions that may be particularly effective for addressing bias-based bullying.
4. Information about Internet safety issues as they relate to bullying.
5. A review of the district's reporting requirements related to bullying.

Students: The school will encourage character development and other developmentally appropriate programmatic instruction to help students identify, prevent, and reduce bullying and create a safe learning environment. The superintendent or designee shall determine the scope and duration of the units of instruction and topics covered but the training shall include evidence-based, social-emotional learning to prevent and reduce discrimination and other improper conduct and to engage all students in creating a safe and supportive school environment.

Where appropriate for a child with a disability, as determined by the child's 504 or Individualized Education Program (IEP) team, the school district shall allow the child's IEP or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in bullying.