

STUDENT DISCIPLINE/ANTI-BULLYING

The School may develop written administrative regulations to ensure the proper conduct of students and the safety of students and school personnel. Such regulations will be made available to parents and guardians. Beyond such regulations, the School may suspend or expel students according to the following procedure.

DEFINITIONS:

Alternative School Instruction. The student is removed from the normal classroom setting but remains in school. Due process procedures are not required.

Short-term Suspension: Exclusion from school for no more than ten consecutive days.

Long-term Suspension: Exclusion from school for ten days or more, but for a specific period of time.

Expulsion: Termination of school services.

Bullying: Bullying is dangerous and disrespectful behaviors that will not be tolerated or permitted and is defined as any overt act or combination of acts directed against a student by another student or group of students and which:

- a) is repeated over time;
- b) is intended to ridicule, humiliate, or intimidate the student; and
- c) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity.

Students may report to teachers or to school administrators acts of bullying. Parents or guardians of students may file written reports with the Principal's office of suspected bullying. Any teachers or other school staff who witness acts of bullying or who receive student reports of bullying shall notify school administrators promptly of such acts. All reports of suspected bullying shall remain confidential.

Upon receipt of any of the foregoing reports, the Principal or designee shall investigate within ten (10) school days of the receipt of such reports. In the event that the Principal or designee believes there is reason to suspect that bullying has occurred, he or she shall follow general student discipline procedures.

The Principal shall devise and implement intervention strategies for school staff to deal with bullying.

To the extent permitted under the Family Educational Rights and Privacy Act of 1974 (P.L. 93-390) and as amended, the school shall notify the parent or guardian of a student who is a victim of bullying of the action taken to prevent any further acts of bullying.

The Principal's office shall collect data on the number of reported incidents of bullying and the number of incidents that have been verified and shall make such data available to the Commissioner and to the public on an annual basis.

In keeping with legal interpretations of the rights of the individual, the following policy will apply to a student suspension which is short-term, as defined above. The student will be notified of the charges of misconduct and of the proposed disciplinary action, and will be given an opportunity to be heard by the Principal.

The parent or guardian will be notified immediately of the suspension and urged to come in for a discussion with the Principal. In short, informal due process will be followed.

If a difference of opinion exists after this meeting, the parent has the right to appeal to the Superintendent. The appeal meeting shall be held in the office of the Superintendent within three days of the initial meeting with the parent. Those present will be the student, his parent or guardian, the Principal, teachers involved, and the Superintendent. At this point, and at any subsequent step, all parties have the right to have legal counsel present if desired. The case will be presented as an appeal to the Superintendent and following the hearing of the evidence, he will render a verdict in writing.

If this adjudication is not acceptable to the student or his representative, a request for a hearing will be forwarded to the Board of Directors. The Board will then expedite the matter within State statutes.

In the event of a long-term suspension or expulsion, the student has the right to a notice in writing, and a hearing before the Board, as set forth in the following sections:

a) A student whose act is determined by the Principal to subject him to long-term suspension or to result in expulsion, shall be given notice by the Principal, in writing, of the charges against him, and of the time and place of his hearing before the Board of Directors. A copy of the notice shall be sent immediately to the student's parents, or parent, if only one is known, or guardian, and to the adult person with whom the student is living, if not a parent or guardian.

b) The Board shall hold a hearing, in executive session, at the next regular or special meeting. The hearing shall be opened to the public only if requested by the student and his parents or guardian. The student, his parents, guardian, or other adult receiving notice of the hearing, and his counsel may attend the hearing. The Board shall hear the persons from whom the charges are derived, and shall allow the student's representative the right to question such persons. A tape transcript shall be taken of the proceeding, which shall be available only to the Board, and to the student and his parents, guardian, and counsel for purposes of judicial review. The Board may adopt, with respect to any hearing, reasonable rules for the conduct thereof and may be represented by counsel.

c) A written finding of the Board of Directors shall be made within five school days from final adjournment of the hearing. In the event that the Board finds in its judgment and discretion, on a preponderance of evidence, that some or all of the charges against the student are valid, it may take such suspension, expulsion, or other administrative disciplinary action with respect to those charges found to be valid as it considers appropriate as in the best interest of the student and other students and teachers. In the event that the Board finds in its judgment and discretion that the charges against the student are not valid, it shall dismiss the charges and shall require that no record of the charges or proceeding be left outstanding.

d) For students participating in special education programs or who otherwise qualify under Section 504 of the Rehabilitation Act of 1973 and amended by the Americans With Disabilities Act, due process requires that a team of professionals (IEP meeting participants) decide if there is a relationship between misconduct and student's qualifying condition (not whether the qualifying condition causes misconduct). If there is no relationship, then the procedures for all other students will be followed. If there is a relationship found, then change in IEP program and placement must be addressed.

Immediate Removal: The procedures outlined above do not infringe upon the right and responsibility of school authorities to ensure a safe school environment. Under Vermont law a Superintendent or Principal has the right to immediately remove from a school "a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school."

Clarification of Other Issues Related to Suspension and Expulsion: If school personnel develop a behavior contract with a special education student, it must be incorporated in the IEP. If a short-term or long-term suspension is written into IEP, due process procedures must still be followed.

ORWELL TOWN SCHOOL BOARD

Date warned: October 27, 2004

Date approved: November 16, 2004

Bullying Prevention Plan

1. Introduction

As a result of Act 117 of 2004 An Act Relating to Bullying Prevention Policies, the following is intended as an insert to the School District's Student Discipline/Anti-Bullying Policy for use in addressing bullying in schools. Bullying is a form of dangerous and disrespectful behavior that will not be permitted or tolerated.

Bullying may involve a range of misconduct that, based on the severity, will warrant a measured response of corrective action and/or discipline. Behaviors that do not rise to the level of bullying, as defined below, still may be subject to intervention and/or discipline under another section of the discipline plan or a discipline policy.

2. Definition

Bullying means any overt act or combination of such acts directed against a student by another student or group of students and which:

- a. Occurs during the school day on school property, on a school bus, or at a school-sponsored activity;
- b. Is intended to ridicule, humiliate, or intimidate the student; and
- c. Is repeated over time (see *1.)

3. Notice of Prohibition Against Bullying and Anti-Bullying Interventions

The Orwell Village School District (referred to as School District) recognizes that students should have a safe, orderly, civil and positive learning environment and that bullying has no place and will not be tolerated in its schools. The School District shall:

- a. Include the prohibition against bullying in the student or school handbook and in other ways make students aware of the prohibition against bullying, the penalties for engaging in bullying, and the procedures for reporting bullying.
- b. Develop strategies for school staff to prevent and intervene in bullying. See Appendix A, as well as the Vermont Department of Education Web site, for prevention and intervention strategies.

4. Reporting, Investigating, and Notifying Parents of Bullying Reports

To address bullying, the School District:

- a. Encourages students to report personally or anonymously to teachers and school administrators acts of bullying (see *2.). The School District has established the following methods for such reporting:

Anonymous Reporting: Guidance Office or Teacher's Classroom, and

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Personal Reporting: Susan DeCarolis, Principal
494 Main St.
Orwell, Vt. 05760
Telephone: (802) 948-2871

- b. Encourages parents or guardians of students to file written reports of suspected bullying. See (a) above.
- c. Requires teachers and other school staff who witness acts of bullying or receive student reports of bullying to promptly notify the Principal.
- d. Requires the Principal to accept and review all reports of bullying, including anonymous reports. If after initial inquiry, and anonymous or oral report appears to warrant further investigation, school districts shall promptly continue with an investigation. School administrators shall investigate any written reports.
- e. As with any other disciplinary action, requires school staff to notify the parent or guardian of a student who commits a verified act of bullying of the response of the school staff and consequences that may result from further acts of bullying.
- f. To the extent permitted under the Family Educational Rights and Privacy Act, (FERPA), requires school staff to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying (see *3.).

5. Data Gathering

The School District delegates the responsibility of data collection to: the Principal. He/she shall collect data on the number of reported incidents of bullying and the number of incidents that have been verified and to make such data available to the Commissioner of the Vermont Department of Education and to the public. See the Department's Safe and Healthy Schools www.state.vt.us/educ/new/html/pgm_safeschools.html for further information on data gathering.

*1. Conduct that might otherwise be considered bullying but does not occur during the school day, on school property, on a school bus, or at a school-sponsored event still may be subject to disciplinary action pursuant to 16 V.S.A. §§1161(a) and 1162; however, such misconduct would not meet the definition of bullying.

*2. Any student, who knowingly makes false accusations regarding bullying, may be subject to disciplinary action.

*3. FERPA is a federal law designed to protect the confidentiality of student records and the school district must comply with this law, as well as a similar state law. When the school administrator contacts a parent about the school district's response to a bullying incident, he/she may discuss information about an investigation and corrective action taken, but only to the extent that it may be done without disclosing information about any students other than the student subjected to the bullying.

Appendix A: Quick Reference on Bullying Prevention & Intervention

Possible Strategies for Prevention

- Assess the school environment.
- Adopt a comprehensive approach that considers the bully, the target and bystanders.
- Provide bullying prevention and intervention training to all faculty and staff.
- Closely supervise all areas of the school.
- Update discipline plan and procedures; adopt all legally required related policies.
- Utilize multiple means for publicizing clear behavioral standards/rules.
- Consistently and fairly enforce standards/rules.
- Establish an anonymous reporting system.
- Encourage parent and community involvement in bullying prevention.
- Use classroom management techniques for response to classroom behavior and when needed, use appropriate discipline.
- As warranted, refer victims and bullies to school counselors or mental health professionals

Possible Steps for Intervening in Bullying Situations

- Intervene immediately to stop the bullying.
- Talk to the bully and the victim separately. If more than one student is involved in bullying behavior, talk to each separately, in quick succession. (Expect bullies to minimize [or] deny their actions.)
- Remind the bully about school and classroom rules, reiterate what behavior is expected, and discuss sanctions that will be imposed for future bullying behavior.
- Reassure the victim that everything possible will be done to prevent a recurrence.
- Make other students aware of the consequences of the bullying behavior. Reiterate the schools' policy of zero tolerance toward bullying.
- Phone the parents of both the bully and the victim as soon as possible. If possible, involve the parents in designing a plan of action.
- Continue to monitor the behavior of the bully and the safety of the victim.
- Consult administrators, teachers, and staff members to alert them to the problem and to get a better understanding of it.
- If the situation doesn't change, remove the bully – not the victim – from the classroom.

Education World citing The Centre for Children and Families in the Justice System of the London Family Court Clinic. www.education-world.com/a_issues/issues_103.shtml

For bullying prevention and intervention, see also:

1. BEST: Building Effective Supports for Teaching Students with Behavioral Challenges. Call Anne Dubie, 656-5775 or visit <http://www.uvm.edu/~cdci/best/>
2. Bullying Strategies That Work, Education World. www.education-world.com/a_issues/issues_103.shtml
3. Blueprints for Violence prevention. www.colorado.edu/cspv/blueprints/
4. Think You Know What A Bully Looks Like? Think Again...National PTA. www.pta.org/bullying/
5. Project on Teasing and Bullying, Wellsley Centers for Women. www.wcwoonline.org/bullying/
6. A World of Difference Institute. www.adl.org/education/edu_awod/awod_classroom.asp