

OFFICE OF THE ~~SUPERINTENDENT~~DIRECTOR

STUDENTS

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REVISED GUIDELINE – VOL. 26, NO. 1

BULLYING

The following procedures shall be used for reporting, investigating and resolving complaints of bullying.

~~Complaint Procedures~~Staff Responsibilities

All staff members are responsible for implementation of Policy 5517.01. Employees are prohibited from engaging in bullying behavior. Additionally, employees must intervene when they observe bullying behavior, unless it is unsafe for the employee to intervene. Employees also must report all incidents of bullying behavior. An employee who fails to comply with these duties is subject to disciplinary action, ranging from training to discharge, based on the severity of the noncompliance, any history of noncompliance, and the effect of noncompliance on the targeted student.

~~Building principals and assistant principals and the Superintendent have responsibility for conducting investigations concerning claims of bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.~~ Building principals, assistant principals and the ~~Superintendent~~Director are responsible for conducting investigations concerning claims of bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented. An administrator responsible for conducting an investigation who fails to initiate or complete an investigation according to the timelines below is subject to disciplinary action, ranging from training to discharge, based on the degree of noncompliance, any history of noncompliance, and the effect of a failure or delay in the investigation on the targeted student.

Complaint Procedures

~~Any student, employee or third party who has knowledge of conduct in violation of Policy 5517.01 or feels s/he has been a victim of bullying in violation of Policy 5517.01 [shall] [is encouraged to] immediately report his/her concerns.~~ Any student or third party who has knowledge of conduct in violation of Policy 5517.01 or feels s/he has been a victim of bullying in violation of Policy 5517.01 is encouraged to immediately report his/her concerns. A parent may file a complaint on behalf of a student. All employees are required to report any situation that they believe to be bullying behavior directed toward a student. Complaints may be made as indicated in Step I below.

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All complaints will be investigated promptly in accordance with the following procedure:

Step I

Any complaints, allegations or rumors of bullying may be presented to the building principal or assistant principal or to the Superintendent Director. Students also may report their concerns to teachers or counselors, who will be responsible for notifying the appropriate administrator or Board official on the same day that the teacher or counselor receives the complaint or, if the teacher or counselor receives the complaint after the end of the instructional day, no later than the next instructional day. This report may be made anonymously. Complaints against the building principal shall be filed with the Superintendent Director. Complaints against the Superintendent Director shall be filed with the Board President. Complaints submitted anonymously also shall be investigated. All such information will be reduced to writing and will include the specific nature of the offense, corresponding dates, location of the offense, the identity of the reported bully, and the identity of any witnesses. If the person filing the complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the complaint is a minor, s/he may either sign the charge or affirm its veracity before two (2) administrators. If a student refuses to complete the written complaint form or sign a complaint, the staff member taking the complaint will complete the written complaint using the information the student has provided verbally.~~Any complaints, allegations or rumors of bullying shall be presented to the building principal or assistant principal or the Superintendent. Students also may report their concerns to teachers or counselors who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board President. Complaints submitted anonymously also shall be investigated. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates. If the person filing the complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the complaint is a minor, s/he may either sign the charge or affirm its veracity before two (2) administrators.~~

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Step II

The administrator/Board official receiving the complaint shall promptly investigate. Parents of the targeted student and the reported bully will be notified of the nature of any complaint involving their child within one (1) instructional day of the administrator's or Board official's receipt of the complaint. The administrator/Board official will arrange such meetings as may be necessary with the targeted student and reported bully within two (2) instructional days after receipt of the complaint. The targeted student and reported bully will have an opportunity to submit evidence and a list of witnesses, if not already included in the complaint, at those meetings. The entire investigation, including interviews of the targeted student, the reported bully, and all witnesses, shall be completed within five (5) instructional days after receipt of the information or complaint. All findings related to the complaint will be reduced to writing, including any discipline to be imposed or other remedial action to be taken. The written findings must be reduced to writing within seven (7) instructional days after receipt of the complaint. ~~The administrator/Board official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their child. The administrator/Board official will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator/Board official conducting the investigation shall notify the complainant and parents in writing when the investigation is concluded and disciplinary action, if warranted, or other remedial action is decided.~~

Consequences for the bully may range from positive behavioral interventions to expulsion. Consequences will depend on the severity of the offense and consider the developmental ages of the targeted student and the bully, the bully's disciplinary history, and any other relevant factors. Remedial action may include but is not limited to counseling for the targeted student and/or the bully, training of the bully and/or school staff, assignment of a contact person who will provide support to the targeted student, academic assistance or support for the targeted student such as tutoring, an opportunity to retake tests, or additional time to complete classwork, the development of a behavioral intervention plan for the bully, and a change of placement, as appropriate for the targeted student and/or the bully. No change of placement will be imposed on the targeted student unless that remedy has been requested by the targeted student. The development of a behavioral intervention plan and any consideration of a change of placement for a student who has been identified as a student with a disability protected by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals with Disabilities Education Act (IDEA) will be made by the student's Section 504 or IEP Team, respectively. In all cases where counseling is deemed appropriate for the targeted student to remediate past harassment, arrangements will be made with an appropriately qualified provider of such services to provide the counseling.

The administrator/Board official conducting the investigation shall notify the complainant, targeted student, reported bully, and the parents of the targeted student and reported bully in writing of a summary of the investigation findings upon conclusion of the investigation and, if the investigator finds that bullying has occurred, an explanation of what remedial action will be taken, including the decision to impose discipline on the bully. When permitted by law, the disciplinary action taken against a student found to have engaged in bullying will be reported to the parents of the targeted student. The written summary of the investigation must be provided to the complainant, targeted student, reported bully and the parents of the targeted student and reported bully on the same day that the written findings are reduced to writing if possible but no later than the next instructional day.

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A copy of the written notification, including notes detailing the date and circumstances of notification, together with any other documentation related to the incident, including the written findings, any disciplinary action, and any other remedial action taken or recommended, shall be forwarded to the ~~Superintendent~~Director or to the School Board, if the investigator is a Board official. ~~A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action or other remedial action taken or recommended, shall be forwarded to the Superintendent.~~

Step III

If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the ~~Superintendent~~Director or designee. Such appeal must be filed within five (5) instructional days after receipt of the Step II decision. The ~~Superintendent~~Director or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The ~~Superintendent~~Director or designee shall provide a written decision to the complainant's appeal within five (5) instructional days after receipt of the appeal. Step III is inapplicable in cases where the investigator is a Board official. In such cases, the complainant may proceed directly to Step IV to appeal the decision. ~~If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten (10) work days of the appeal being filed.~~

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Step IV

If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within five (5) instructional days after receipt of the Step III decision or within five (5) instructional days after receipt of the Board official's decision when Step III is inapplicable. The Board shall, within twenty (20) instructional days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within ten (10) instructional days following completion of the hearing. ~~If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) work days after receipt of the Step III decision. The Board shall, within twenty (20) work days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within ten (10) work days following completion of the hearing.~~

Remediation

The administrator/Board official who investigates the complaint ~~will~~ **shall** be responsible for working with the school counselors and other community resources to provide information and/or follow-up services to support the targeted student and to educate the student engaging in bullying behavior on the effects of bullying and the prevention of bullying. In addition, the school administrator and school counselors ~~will~~ **shall** be responsible for determining if the bullying behavior is a violation of law required to be reported to law enforcement under Indiana law based upon their reasonable belief. ~~Such determination should be made as soon as possible and once this determination is made, the report should be made immediately to law enforcement.~~ **Such determination should be made as soon as possible, and once this determination is made, the report shall be made immediately to law enforcement. A staff person, who may be a school counselor, will be assigned to serve as the contact person for the targeted student. The contact person shall follow up with the targeted student by checking in with the targeted student at least monthly for the nine (9) week period following the completion of the investigation to determine if any further incidents of harassment have occurred or if there have been any acts of retaliation. The contact person also will meet with the targeted student on request to discuss any concerns and address any allegations of retaliation.**

Recordkeeping

Documentation related to the incident, other than any discipline imposed or other remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of bullying is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges also shall be regarded as a serious offense and, **if intentionally made**, will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as bullying.

Prevention and Instruction

Not later than October 15 of each school year, the Corporation shall provide age appropriate, research based instruction at the building level which is focused on bullying prevention for all students in grades 1 through 12. The instruction will utilize outlines or materials prepared by the Indiana Department of Education, in consultation with school safety specialists and school counselors. Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

Discipline Rules

Discipline rules adopted by the Corporation must prohibit bullying and include provisions concerning education, parental involvement, and intervention, a detailed procedure for the expedited investigation of incidents of bullying that incorporates these guidelines, and a detailed procedure outlining the use of follow-up services that includes support services for the victim and bullying education for the bully. The definitions and parameters contained in Policy 5517.01 shall be incorporated into the discipline rules for students.

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Annual Reports

By July 1 of each year, the Corporation must submit a report to the Indiana Department of Education that details information for the current school year for each school building in the Corporation and for the entire Corporation, including the number of reported bullying incidents in the following categories: verbal bullying, physical bullying, social/relational bullying and electronic or written communication bullying. All assistant principals shall report the results of their investigations to the building principal upon completion of the investigation, and all building principals shall report the data for each category listed above in their building to the ~~Superintendent~~Director no later than the end of each school year so that these reports can be generated. The ~~Superintendent~~Director will gather the data from each building principal and prepare and file the Corporation's report with the State.

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