

**2014 DRAFT**

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: BULLYING/CYBERBULLYING  
ADOPTED: April 14, 2003  
REVISED: April 16, 2007  
November 17, 2008  
October 15, 2012  
April 14, 2014  
June 16, 2014

1<sup>st</sup> READ: September 15, 2014

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## 249. BULLYING/CYBERBULLYING

### 1. Purpose

24 P.S. § 13-1303.1-A(e)

Creating and maintaining a safe and welcoming learning environment for all students is a high priority in all School District schools. A safe school environment free from bullying is necessary for students to learn and achieve high academic standards. Bullying/Cyberbullying behavior disrupts the educational or learning process, and may present an obstacle to the academic, vocational, social, emotional, and other development of students. Bullying and cyberbullying can also escalate into more serious violent or cyberspace crimes. Therefore, bullying and cyberbullying will not be tolerated.

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~~The Board is committed to providing a safe, positive learning environment for district students. The board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.~~

### 2. Definitions

24 P.S. § SC 13-1303.1-A(e)

**Bullying/Cyberbullying** – For the purposes of this Policy means an intentional electronic, written, verbal or physical act, or series of acts (a) directed at another student or students, (b) which occurs in a school setting that is severe, persistent or pervasive, and (c) that has the effect of doing results in, or is likely to result in, any of the following:

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1. Substantial~~ly~~ interfering~~ence~~ with a student's education;
2. Creating~~on~~ of a threatening environment;~~;~~or
3. ~~Substantial~~Substantial~~ly~~ disrupting~~on~~ of the orderly operation of the school.

24 P.S. § 13-1303.1-A(d)

The School District is not prohibited from defining bullying in such a way as to encompass acts that occur outside of the School Setting if those acts (1) substantially interfere with a student's education; (2) create a threatening environment; or (3) substantially disrupt the orderly operation of the school.

ESASD Policies

For example, bullying could be cyberbullying, and/or a form of harassment in which the behavior is intended, or perceived to intend, to harm or cause distress to another. It may include, but is not limited to, actions such as verbal taunts, physical aggression, extortion of money or possessions, including any discriminatory statements prohibited by and consistent with the School District's nondiscrimination and harassment policies.



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<p><a href="#">Pol. 815</a></p> <p><b>3. Authority</b>  <a href="#">24 P.S. § 510</a>  <a href="#">24 P.S. § SC 13-1303.1-A</a>  <a href="#">ESASD Policies</a></p> <p><b>4. Delegation of Responsibility</b>  <a href="#">24 P.S. §§ 13-1303.1-A</a>  <a href="#">Pol. 103</a></p>	<p><del>Examples of cyberbullying include sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). All forms of cyberbullying are unacceptable and, to the extent that such actions are disruptive of the educational process of the district, offenders shall be subject to appropriate disciplinary consequences, which may include legal and/or police proceedings.</del></p> <p><a href="#">Additional information regarding the misuse of technology and/or cyberbullying may be found in Board Policy No. 815.</a></p> <p><u>School setting</u> means in the school, on school grounds, in school vehicles, at a designated bus stop, or at any activity sponsored, supervised or sanctioned by the <u>School District</u>.</p> <p>The Board prohibits all forms of bullying/<u>cyberbullying</u> by district students.</p> <p><del>This Policy shall be implemented through the cooperative efforts of the Board of School Directors, Superintendent, the Superintendent's Team, the building administrators, the school employees, the parents/guardians, the students, the school volunteers, law enforcement, and the School District's community.</del></p> <p>The Board encourages students who have been bullied/<u>cyberbullied</u> to promptly report such incidents <u>as provided in the Complaint Procedure section of this Policy.</u> <del>to the building principal or other district employees.</del></p> <p><u>All School District personnel discovering bullying/cyberbullying shall report the incident(s) as provided in the Complaint Procedure section of this Policy. All students discovering bullying/cyberbullying are also encouraged to immediately report bullying/cyberbullying.</u></p> <p><del>The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with and subject to the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.</del></p> <p><del>All personnel</del><del>The Each staff member</del> shall be responsible to maintain an educational environment free of bullying and cyberbullying.</p> <p>Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying/<u>cyberbullying</u>.</p> <p><u>In order to maintain an educational environment that discourages and prohibits bullying/cyberbullying, the Board designates the Superintendent as the school district's Compliance Officer. (Superintendent, 50 Vine Street, East Stroudsburg, PA 18301,</u></p>
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<p><u>24 P.S. § SC 13-1303.1-A</u></p>	<p><u>570-424-8500.)</u></p> <p><del>If needed,</del> The Superintendent, or designee(s), <del>may shall develop create and enforce any</del> administrative regulations necessary to implement this <del>P</del>policy.</p>
<p><u>24 P.S. § SC 13-1303.1-A</u></p>	<p>The Superintendent, or designee(s) <del>must</del>shall ensure that this <del>P</del>policy and administrative regulation(s), <del>if any,</del> -are reviewed annually with students.</p>
<p><u>24 P.S. § 13-1303.1-A</u></p>	<p>The Superintendent, or designee(s), in cooperation with other appropriate <u>School District</u> administrators, shall review this <del>P</del>policy every three (3) years, <del>then, if applicable,</del> <del>and</del> recommend necessary revisions to the Board.</p>
<p><u>24 P.S. § SC 13-1303.1-A and § 13-1303-A</u></p>	<p>District administration <del>must</del>shall annually provide the following information with the Safe School Report:</p> <ol style="list-style-type: none"> <li>1. Board <u>of School Director</u>'s Bullying/<u>cyberbullying</u> Policy.</li> <li>2. <u>A r</u>Report of <u>the School District</u>'s bullying/<u>cyberbullying</u> incidents.</li> <li>3. Information on the development and implementation of <del>the any</del> bullying/<u>cyberbullying</u> prevention, intervention, <del>and</del> education programs.</li> </ol>
<p><b>5. Guidelines</b></p>	<p><u>Notices</u></p>
<p><u>24 P.S. § SC 13-1303.1-A; Title 22 Pa. Code Sec. § 12.3; Policy 218</u></p>	<p>The Code of Student Conduct, which shall contain this Policy, <del>must shall</del> be disseminated annually to students.</p> <p>This Policy must be accessible in every classroom. The Policy must be posted in a prominent location within each school building <u>where notices are usually posted,</u> and <u>posted</u> on the <u>School D</u>istrict's web site.</p>
<p><u>47 U.S.C. §254(h)(5)(B)(iii); Policy 815</u></p>	<p><u>Bullying/Cyberbullying Prevention, Intervention, and Education Programs</u></p> <p><u>The School District must educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.</u></p>
<p><u>24 P.S. § SC-13-1303.1-A; 24 P.S. § 1202.1-A; Policy 236</u></p>	<p><u>Bullying/Cyberbullying prevention, intervention, and education programs must also be provided that consists of school-wide actions, classroom-level activities, individual interventions, and community involvement.</u></p> <p><u>a. School-wide actions include, but are not limited to, training for school staff and students and adoption of the following district-wide anti-bullying rules:</u></p> <ol style="list-style-type: none"> <li>1. <u>We do not bully/cyberbully others.</u></li> </ol>

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2. We help students who are bullied/cyberbullied.

3. We include students who are left out.

4. We tell an adult at school and an adult at home when somebody is being bullied/cyberbullied.

b. Classroom level activities include, but are not limited to, consistent interventions, use of rules, reinforcement of pro-social behavior and incorporation of bullying/cyberbullying themes.

c. Individual interventions include, but are not limited to, follow up with both victims and bullies/cyberbullied that may include consequences, provisions for making restitution, and counseling referrals, as appropriate.

d. Community involvement encourages partnerships with families, community organizations and agencies to implement the School District's bullying/cyberbullying prevention, intervention, and education programs.

~~The district may develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.~~

Complaint Procedure

When a student believes that s/he is a victim of bullying/cyberbullying, the student and/or parent(s) are required to promptly report a complaint of bullying/cyberbullying, orally or in writing, to the building principal, counselor, teacher or other school personnel. If the building principal is the subject of a bullying/cyberbullying complaint, the student and/or parent(s) is required to promptly report the complaint directly to the Superintendent or Superintendent's designee.

All school personnel are required to report alleged violations of this Policy to the building principal or the principal's designee. Personnel shall be subject to disciplinary procedures consistent with the current collective bargaining agreement (if applicable), School District policy, and federal, State, and local laws for failure to report.

The school principal shall be responsible to complete the following duties when receiving a complaint of bullying/cyberbullying in addition to following the Complaint Procedure as outlined in No. 248-249AR:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.

SC 1303.1-A  
Title 22  
Sec. 12.3  
Pol. 218

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<p><u>20 U.S.C. § 1232g</u></p>	<p><u>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</u></p> <p><u>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</u></p> <p><u>4. Refer the complainant to the Compliance Officer if the school principal is the subject of the complaint.</u></p> <p><u>Complaints of bullying/cyberbullying must be investigated by the principal/principal's designee, or Superintendent/Superintendent's designee, as applicable, and immediate interventions provided that are consistent with this Policy, other School District policies, regulations, rules, and procedures. Prompt corrective action must be taken when allegations are verified. Confidentiality of all parties must be maintained, consistent with the School District's legal and investigative obligations. The incident must be maintained as a confidential record in the discipline file of both the victim and the bully/cyberbully.</u></p> <p><u>The building principal/principal's designee or Superintendent/Superintendent's designee will contact the parent/guardian of both the bully/cyberbully and the victim.</u></p> <p><u>Consequences For Violations</u></p> <p><u>A founded charge against School District personnel shall subject such person to disciplinary action, up to and including discharge.</u></p>
<p><u>24 P.S. § SC 1303.1-A Policies-218, 233</u></p>	<p><u>A founded charge against a School District student shall subject such student to disciplinary action. Appropriate consequences and remedial actions range from positive behavioral interventions to and including suspension or expulsion, and may include counseling (within and/or outside of the school), parental conferences, detentions, separating the student(s) being bullied/cyberbullied from the perpetrator(s), warnings, usage restrictions, loss of school privileges, reassignment (including but not limited to another school building, classroom, or school bus), exclusion from school-sponsored activities, oral or written reprimands, detentions, suspensions, expulsions, referrals to law enforcement officials, and/or legal proceedings.</u></p> <p><u>Any violation of this Policy shall be considered an infraction of the Code of Student Conduct and any other applicable School District policy, with discipline implemented accordingly on a case-by-case basis. Any violation of the Pennsylvania Crimes Code will be reported to law enforcement.</u></p> <p><u>Victims and their parents/guardians shall be made aware of appropriate counseling, agency services and safety plan developments described in the School District's victimization procedures.</u></p>

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~~A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:~~

- ~~— 1. Counseling within the school~~
- ~~— 2. Parental conference~~
- ~~— 3. Loss of school privileges~~
- ~~— 4. Transfer to another school building, classroom or school bus~~
- ~~— 5. Exclusion from school-sponsored activities~~
- ~~— 6. Detention~~
- ~~— 7. Suspension~~
- ~~— 8. Expulsion~~
- ~~— 9. Referral to law enforcement officials~~

Retaliation

The School District prohibits reprisal or retaliation against any person who in good faith reports an act of bullying/cyberbullying. The principal/principal's designee, in accordance with the Code of Student Conduct and/or other School District policies, will determine the consequences and remedial actions for students, and the Superintendent/Superintendent's designee for personnel. Any violation of the Pennsylvania Crimes Code will be reported to law enforcement.

False Reports

The principal, in accordance with the Code of Student Conduct and/or other School District policies, will determine the consequences and remedial actions for a student found to have falsely accused another as a means of harassment, intimidation or bullying/cyberbullying. The Superintendent will determine consequences and remedial actions for personnel found to have falsely accused another as a means of harassment, intimidation or bullying. Any violation of the Pennsylvania Crimes Code will be reported to law enforcement.

References:

Pennsylvania School Code – 24 P.S. § 5-510; 24 P.S. § 1302-A, 24 P.S. §~~43~~- 1303-A, and 24 P.S. §~~43~~-1303.1-A

State Board of Education Regulation – 22 Pa. Code § 12.3

Federal Protecting Children Act - 47 U.S.C. §254(h)(5)(B)(iii)

Family Educational Rights and Privacy Act – 20 U.S.C. §1232g

State Board of Education Regulation – 22 Pa. Code §12.3

ESASD Board Policies, Administrative Regulations, Rules, and Procedures

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