

# 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

October 20, 2014

December 19, 2016

<b>249. BULLYING/CYBERBULLYING</b>	
<p><b>1. Purpose</b></p> <p>24 P.S. §13-1303.1-A(e)</p>	<p>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.</p>
<p><b>2. Definitions</b></p> <p>24 P.S. § 13-1303.1-A(e)</p>	<p><b>Bullying/Cyberbullying</b> – 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) that is severe, persistent or pervasive, and (c) that has the effect of doing any of the following:</p> <ol style="list-style-type: none"> <li>1. Substantially interfering with a student’s education;</li> <li>2. Creating a threatening environment; or</li> <li>3. Substantially disrupting of the orderly operation of the school.</li> </ol>
<p>24 P.S. § 13-1303.1-A(d)</p>	<p>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.</p>
<p>ESASD Policies <a href="#">103, 103.1, 104</a></p>	<p>For example, bullying could be cyberbullying, and/or a form of <u>discrimination/</u>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/<del>and</del> harassment policies.</p>
<p>24 P.S. § 13-1303.1-A</p>	<p>The term bullying/cyberbullying shall not be interpreted to infringe upon a student’s right to engage in legally protected speech or conduct.</p>

249. BULLYING/CYBERBULLYING - Pg. 2

<p>Pol. 815</p>	<p>Additional information regarding the misuse of technology and/or cyberbullying may be found in Board Policy No. 815.</p>
<p><b>3. Authority</b> 24 P.S. § 510 24 P.S. § 13-1303.1-A</p>	<p><b>School setting</b> - 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 School District.</p> <p>The Board prohibits all forms of bullying/cyberbullying by district students.</p> <p>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.</p>
<p>ESASD Policies</p>	<p>The Board encourages students who have been bullied/cyberbullied to promptly report such incidents as <del>outlined provided</del> in the Complaint Procedure section of <del>this Policy</del> <u>103, 103.1, 104</u>.</p> <p>All School District personnel <del>discovering bullying/cyberbullying shall report the incident(s) as provided in the Complaint Procedure section of this Policy. All</del> and students discovering bullying/cyberbullying are also encouraged to immediately report <u>bullying/cyberbullying such incidents</u>.</p>
<p><b>4. Delegation of Responsibility</b> 24 P.S. § 13-1303.1-A</p>	<p>All personnel 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/cyberbullying.</p>
<p>Pol. 103</p>	<p>In order to maintain an educational environment that discourages and prohibits bullying/cyberbullying, the Board designates the Assistant Superintendent(s) for Curriculum and Instruction as the school district’s Compliance Officer.</p> <p>The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Information relative to special accommodation and or grievance procedure may be obtained by contacting the Compliance Officer, in writing, at the Administration Office, East Stroudsburg Area School District, 50 Vine Street, East Stroudsburg, Pennsylvania 18301 or call (570) 424-8500.</p>
<p>24 P.S. § 13-1303.1-A</p>	<p>If needed, the Superintendent, or designee(s), may create and enforce administrative regulations necessary to implement this Policy.</p>

<p>24 P.S. § 13-1303.1-A</p>	<p>The Superintendent, or designee(s) must ensure that this Policy and administrative regulation(s), if any, are reviewed annually with students.</p>
<p>24 P.S. § 13-1303.1-A</p>	<p>The Superintendent, or designee(s), in cooperation with other appropriate School District administrators, shall review this Policy every three (3) years, then, if applicable, recommend necessary revisions to the Board.</p>
<p>24 P.S. § 13-1303.1-A and § 13-1303-A</p>	<p>District administration must annually provide the following information with the Safe School Report:</p> <ol style="list-style-type: none"> <li>1. Board of School Director’s Bullying/cyberbullying Policy.</li> <li>2. A report of the School District’s bullying/cyberbullying incidents.</li> <li>3. Information on the development and implementation of the bullying/cyberbullying prevention, intervention, and education programs.</li> </ol>
<p><b>5. Guidelines</b></p>	<p><u>Notices</u></p>
<p>24 P.S. § 13-1303.1-A; 22 Pa. Code § 12.3; Policy 218</p>	<p>The Code of Student Conduct, which shall contain this Policy, must 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 where notices are usually posted, and posted on the School District’s web site.</p>
<p>47 U.S.C. §254(h)(5)(B)(iii); Policy 815</p>	<p><u>Bullying/Cyberbullying Prevention, Intervention, and Education Programs</u></p> <p>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.</p>
<p>24 P.S. § 13-1303.1-A; 24 P.S. § 1202.1-A; Policy 236</p>	<p>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.</p> <p>a. <i>School-wide actions</i> include, but are not limited to, training for school staff and students and adoption of the following district-wide anti-bullying rules:</p> <ol style="list-style-type: none"> <li>1. We do not bully/cyberbully others.</li> <li>2. We help students who are bullied/cyberbullied.</li> <li>3. We include students who are left out.</li> </ol>

<p>SC 1303.1-A Title 22 Sec. 12.3 Pol. 218</p>	<p>4. We tell an adult at school and an adult at home when somebody is being bullied/cyberbullied.</p> <p>b. <i>Classroom level activities</i> include, but are not limited to, consistent interventions, use of rules, and reinforcement of pro-social behavior and incorporation of bullying/cyberbullying themes.</p> <p>c. <i>Individual interventions</i> 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.</p> <p>d. <i>Community involvement</i> encourages partnerships with families, community organizations and agencies to implement the School District's bullying/cyberbullying prevention, intervention, and education programs.</p> <p><u>Complaint Procedure</u></p> <p><u>Guidelines/forms for filing a complaint can be found in Policies 103, 103.1 and 104 and associated attachments.</u></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>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:</del></p> <ol style="list-style-type: none"><li><del>1. Inform the student or third party of the right to file a complaint and the complaint procedure.</del></li><li><del>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</del></li><li><del>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</del></li></ol>
--	--

~~20 U.S.C. § 1232g~~

~~4. Refer the complainant to the Compliance Officer if the school principal is the subject of the complaint.~~

~~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.~~

~~The building principal/principal's designee or Superintendent/Superintendent's designee will contact the parent/guardian of both the bully/cyberbully and the victim.~~

24 P.S. § 1303.1-A  
Policies 218, 233

Consequences For Violations

A founded charge against School District personnel shall subject such person to disciplinary action, up to and including discharge.

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, referral to law enforcement officials, and/or legal proceedings.

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.

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.

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~~ Director of Human Resources 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 discrimination/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 discrimination/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. § 1303-A, and 24 P.S. §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 103, 103.1, 104