

Springfield Public Schools

Anti-Bullying Law Q&A

New regulations that enhance existing laws for the prevention of harassment, intimidation and bullying are in place for the school year. The legal definition and the significant aspects of the law are discussed below. A parent-and student-friendly question and answer section has also been included.

Note: Throughout this document, use of the word “bullying” will refer to all acts of harassment, intimidation and bullying.

Legal Definition

“Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus or off school grounds as provided for in section 16 of P.L 2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

A. A reasonable person should know, under the circumstances, that his/her actions will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in a reasonable fear of physical or emotional harm to his person or damage to his property;

B. Has the effect of insulting or demeaning any student or group of students;

C. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Changes made to meet the requirements of the new regulations:

A District Anti-Bullying Coordinator has been designated. Each school will have an Anti-Bullying Specialist and School Safety Team. Bullying incidents that occur off school grounds will be investigated if they disrupt or interfere with the orderly operation of the school. Any student who

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witnesses or receives information regarding incident of harassment, intimidation, or bullying should report the incident to a faculty member. A faculty member who witnesses a bullying incident or receives information regarding an incident must verbally report any such incident to the principal on the same day. Faculty members must report the incident in writing to the Principal within two (2) days of the verbal report.

At the beginning the investigation, the Principal must inform the parents of all students involved in an incident of harassment, intimidation or bullying. At the completion of the investigation, the school will provide the parents with information regarding the investigation, which should include the nature of the incident, what evidence was found, if consequences were imposed, and if services were provided to address the incident. Parents have the right to appeal any decision made regarding an incident of harassment, intimidation and bullying to the Board of Education. The State will assess how effective Springfield Public Schools have implemented a system to prevent harassment, intimidation and bullying and the results will be posted on the District website.

ALL SCHOOLS WILL HAVE A CULTURE WHERE BULLYING IS NOT TOLERATED

Bullying will not be tolerated in any school, on school buses, during any school activities, on the way to or from school or at any other time that effects the operation of the school. To make this possible, the District has developed a system for reporting and responding to instances of harassment, intimidation and bullying. Below are questions and answers that will help to explain the system put in place to stop harassment, intimidation and bullying in our schools.

Q: How are harassment, intimidation and bullying defined?

A: A new anti-bullying law defines bullying as any act based on race, religion, disability or any other distinguishing characteristic, which disrupts the orderly operation of the school or causes physical and/or emotional harm to the victim.

Bullying involves a difference of power between parties, usually happens repeatedly (yet can be established by one incident), is intentional and can happen in-person or electronically. Bullying can be in the form of taunts, insults, threats, humiliation, exclusion from a group and teasing. It can also be in the physical form of hitting/pushing, tripping or aggressively approaching another student.

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Note: Two students involved in a conflict does not always constitute an act of bullying.

Q: What are the student behavioral expectations in a bullying-free environment?

A: Students are expected to:

1. Tell a person who is bullying him/her to stop.
2. Respect the right of all students to be educated in an environment free of intimidation and bullying.
3. Respect the property of others.
4. If possible, constructively attempt to stop incidents of bullying.
5. Walk away from incidents of bullying and report the incident of bullying to an adult on campus if an attempt to constructively stop an incident of bullying is not successful.
6. Not make any false accusations against other students regarding incidents of bullying.
7. Refrain from participating in any act that a reasonable person would perceive to believe:
 - Is emotionally harmful toward others.
 - Excludes others for the purpose of bullying.
 - A physical activity that would intimidate another student. (i.e., hitting, tripping, pushing, etc.)

Q: How should a student report bullying?

A: If a student is being bullied, he or she must report the incident to any school district staff member immediately. All staff members are trained to know where to bring information regarding the incident. The student reporting the incident will be asked to fill out an incident statement, as will the staff member who either witnessed the incident or received the report from a witness or the victim.

Once the statement is given to the principal/principal's designee and

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anti-bullying specialist in the school, all parents of the students involved will be notified of the incident. An investigation will be initiated no later than the following day and the investigation will be completed within 10 days. Parents will be informed of the results of the investigation by the district within five (5) days of its completion.

Q: Are there immediate actions that I can take if I am bullied?

A: Yes. These actions include:

Tell the bully very firmly to stop. Keep written notes of dates, times, places, witness names and other information. Talk with a staff member, counselor, administrator or parent/legal guardian about the incident immediately

Q: What should I do if the bullying continues?

A: Immediately report the incident to a school administrator or staff member. It is important to tell your parent/legal guardian that the bullying is continuing. Administrators will take disciplinary action up to and including expulsion if the student accused of bullying attempts to retaliate against the victim for reporting his/her bullying behavior.

Q: What is cyber-bullying?

A: Cyber-bullying is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, social networking websites, internet postings, and defamatory websites that:

Deliberately threatens, harasses, intimidates an individual or group of individuals; or places an individual in reasonable fear of personal harm or damage to the individual's property; or has the effect of substantially disrupting the orderly operation of the school.

Q: What are the consequences for acts of bullying?

A: Factors such as the age of a student, the degree of harm, severity of the behaviors, past history and patterns of behavior, and the relationship between parties involved will be taken into account when consequences are administered. If the findings of an investigation result in a student requiring consequences for his/her behavior, the consequences may include one or more of the following:

1. Loss of privileges

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2. Administrative detention
3. In-school suspension
4. Out-of-school suspension
5. Reporting of the incident to law enforcement,
6. Expulsion

Q: What are ways to remediate after an act of bullying has occurred?

A: Efforts to develop strategies to remediate behaviors that lead up to acts of harassment, intimidation or bullying must also be implemented to prevent further incidents. Remedial measures also help the victim of incidents to cope and be able to know what to do in future encounters of harassment, intimidation or bullying. Steps will also be taken to help students who are believed to have harassed, intimidated or bullied other students, so they understand appropriate social interaction and how other students feel when they are harassed, intimidated or bullied. Remedial measures may include one or more of the following:

1. Counseling sessions (individual or group)
2. Peer support group
3. Parent conferences
4. School-wide anti-bullying activities
5. Evaluation for threats to others or oneself
6. Restitution

Q: What are the rights of parents to appeal consequences?

A: Parents have the right to appeal the decision of the building Principal/Superintendent. The appeal may be made to the Board of Education and it shall be heard within 10 days of the request. A decision in writing by the Board will be made at the next scheduled Board of Education meeting. A final appeal can be made to the Commissioner of Education no later than 90 days after the Board of Education's decision. All appeals must be in writing.

Q: How is retaliation viewed in the bullying law?

A: Law prohibits any school district employee, student, parent or member of the Board of Education to retaliate or make false statements against any person who reports an act of bullying.