

# MARLBOROUGH PUBLIC SCHOOLS BULLYING PREVENTION & INTERVENTION PLAN

## TABLE OF CONTENTS

I.	LEADERSHIP.....	2
II.	TRAINING AND PROFESSIONAL DEVELOPMENT.....	5
III.	ACCESS TO RESOURCES AND SERVICES.....	6
IV.	ACADEMIC AND NON-ACADEMIC ACTIVITIES.....	7
V.	POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION.....	8
VI.	COLLABORATION WITH FAMILIES.....	13
VII.	PROHIBITION AGAINST BULLYING AND RETALIATION.....	14
VIII.	PROBLEM RESOLUTION SYSTEM.....	15
IX.	DEFINITIONS.....	15
X.	RELATIONSHIP TO OTHER LAWS.....	16

APPENDIX A: BULLYING PREVENTION AND INTERVENTION INCIDENT REPORTING FORM

The Marlborough Public Schools Bullying Prevention and Intervention Plan meets the requirements of M.G.L. c. 71, S370 and is modeled after the Massachusetts Department of Elementary and Secondary Education’s Model Plan for dealing with bullying behaviors in our schools. The Plan includes strategies for identifying, reporting, and responding to bullying behaviors. Please note the use of the words “target” instead of “victim” and “aggressor” instead of “perpetrator” are used throughout this document to be consistent with language used by the Massachusetts Department of Elementary and Secondary Education.

## **I. LEADERSHIP**

School leaders have a primary role in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference. Schools partner with various representatives of community leadership in promoting a positive school climate that is safe for all student learners.

- A. Public involvement in developing the Plan: As required by M.G.L. c. 71, § 370, the Marlborough Public Schools Bullying Prevention and Intervention Plan was developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. Community members were invited to provide public comment relative to the proposed plan before the original plan was adopted by the Marlborough School Committee in December 2010.
- B. Assessing needs and resources: The Plan is district’s blueprint for enhancing capacity to prevent and respond to issues of bullying within the context of other healthy school climate initiatives. As part of the planning process, school leaders, with input from families and staff, will assess the adequacy of current programs; review current policies and procedures; review available data on bullying and behavioral incidents; and assess available resources including curricula, training programs, and behavioral health services. This “mapping” process will assist our schools in identifying resource gaps and the most significant areas of need. Based on these findings, our schools will revise or develop policies and procedures as needed; establish partnerships with community agencies, including law enforcement; and set priorities. The district conducts annual surveys (currently using Metrowest survey) to obtain input on school climate and school safety issues. Data from each school will be collected and analyzed by the principal and building administrative team on the prevalence and characteristics of bullying (e.g., focusing on identifying vulnerable populations and “hot spots” in school buildings, on school grounds, or on school buses). At least once every four years, the district will administer a Department of Elementary and Secondary-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools (when survey is made available to districts from DESE). Additionally, the schools and district will annually report bullying incident data to the Department. This information will help to identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate curricula, and in-school support services.
- C. Planning and oversight: The Marlborough Public Schools Bullying Prevention and Intervention Plan has identified that the building principal or their designee as the individual who is responsible for receiving all reports on bullying. The building principal or their designee is responsible for collecting and analyzing building data on bullying to assess the present problem and to measure whether or not there are improved outcomes. This same individual is also responsible for creating a process for

recording and tracking incident reports, and for accessing information related to targets and aggressors. The Marlborough Public Schools Professional Development Committee, under the supervision of the Assistant Superintendent of Teaching and Learning, as well as building principals are responsible for planning for the ongoing professional development that is required by the law. The building principal or their designee is responsible for planning supports that respond to the needs of targets and aggressors, as well as for choosing and implementing the curricula that the school will use to instruct students about issues of bullying, including cyber bullying. Each building principal or their designee is responsible for implementing the Marlborough Public Schools Bullying Prevention and Intervention Plan; for amending student and staff handbooks and codes of conduct; leading the parent or family engagement efforts and drafting parent information materials; and reviewing and updating these materials each year, or more frequently, if necessary.

- D. Priority statement: The district expects that all members of the school community will treat each other in a civil manner and with respect for differences.

The district is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

The district recognizes that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

The district will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyberbullying, and the district is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principal is responsible for the implementation and oversight of the Plan except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target. If the Superintendent is the alleged aggressor, the School Committee, or its designee shall be responsible for investigating the report,

and other steps necessary to implement the Plan, including addressing the safety of the alleged target.

## II. TRAINING AND PROFESSIONAL DEVELOPMENT

The Marlborough Public Schools ongoing professional development plans reflect the requirements under M.G.L. c. 71, § 370 and provide ongoing professional development for all staff, including but not limited to, teachers, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, behavior technicians, and support staff.

- A. Annual staff training on the Plan: Annual training for all school staff on the Plan will include staff responsibilities/duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.
- B. Ongoing professional development: The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 370, the content of schoolwide and district wide professional development will be informed by research and will include information on:
- (i) developmentally (or age-) appropriate strategies to prevent bullying;
  - (ii) developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
  - (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
  - (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  - (v) information on the incidence and nature of cyberbullying; and
  - (vi) Internet safety issues as they relate to cyberbullying ; and how to recognize various forms of bullying including physical, verbal and posturing.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by the school or district for professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;

- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making;
- maintaining a safe and caring classroom for all students;
- integrating students of differing abilities/buddy/mentoring programs; and
- engaging staff and those responsible for the implementation and oversight of the Plan to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, etc. and bullying behaviors

- C. Written notice to staff: Each school will provide all staff with an annual written notice of the Marlborough Public Schools Bullying Prevention and Intervention Plan by publishing information about it, including sections related to staff responsibilities in the school employee handbook and code of conduct.

### III. ACCESS TO RESOURCES AND SERVICES

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of all students are addressed. These students include targets, aggressors or bystanders of bullying or cyber bullying. Schools will also address the emotional needs of these students' families. The Marlborough Public Schools Bullying Prevention and Intervention Plan includes strategies for providing supports and services necessary to meet these needs. In order to enhance the schools' capacity to prevent, intervene early, and respond effectively to bullying, available services reflect an understanding of the dynamics of bullying and provide approaches to address the needs of targets, aggressors and bystanders. The schools provide counseling or referral to appropriate services for students who are aggressors, targets, and family members of those students.

- A. Identifying resources: School counselors, together with building administrators, will work to identify the school's capacity to provide counseling, case management and other services for these students (targets, aggressors, bystanders) and their families. Schools will conduct an annual review of staffing and programs that support the creation of positive school environments, focusing on early interventions and intensive services, and develop recommendations and action steps to fill resource and service gaps. The Marlborough Public Schools work in collaboration with local and state agencies to adopt evidenced-based curricula and to provide additional preventative services to students, parents and guardians, and faculty and staff.
- C. Counseling and other services: School counselors, nurses, school psychologists and special educators provide a variety of skill- based services to students within the educational setting that include on-going emotional support, risk assessment, crisis intervention, and help with community-based counseling referrals when appropriate. School counselors meet with parents and teachers as needed to help address students' academic, emotional, and behavioral concerns as collaboratively as possible. School counselors work with administrators to provide linguistically appropriate resources to identified families. School counselors maintain up-to-date information on community based mental health referrals as well as Community Service Agencies (CSAs) within the local vicinity,

providing services to Medicaid eligible students. School counselors, school psychologists and intensive special needs educators work collaboratively to develop behavior plans and social thinking groups for students with social skill weaknesses. In addition, school counselors, school psychologists and special education professionals work together to educate and support parents, conduct parent workshops, and apprise parents of outside resources to enhance parenting skills and provide for the needs of children.

Below is a list highlighting activities offered at various schools:

- One-on-one and small group counseling
- Case management services
- Facilitating classroom meetings to resolve problems
- School counseling curriculum on issues of respect, sexual harassment and student success skills
- Assertiveness training workshops
- Social thinking education groups
- Mindfulness groups
- Lunch/friendship groups
- Study skills/time management groups
- Parent-teacher conferences
- Parent workshops
- Transition planning
- Parent guidance
- Behavioral plan development
- Classroom observations
- Teacher consultation

- C. Students with disabilities: As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- D. Referral to outside services: The Marlborough Public Schools will establish a protocol for referring students and families to outside services. School counselors and other specialists will help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies. Current local referral protocols are evaluated to assess their relevance to the Marlborough Public Schools Bullying Prevention and Intervention Plan and revise as needed.

#### **IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES**

The Marlborough Public Schools, through the building principals or their designee, will provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the schools' evidence-based curricula. Effective instruction includes classroom approaches, whole-school initiatives, and focused strategies for bullying prevention and social skills development.

- A. Specific bullying prevention approaches: Bullying prevention curricula is informed by current

research which, among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students or school staff engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference
- providing parents and guardians with information regarding the schools' bullying prevention curricula

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. School will review the Plan with students through school assemblies and/or small group meetings at the beginning of each school year.

B. General teaching approaches that support bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the Internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

## **V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION**

The Marlborough Public Schools has developed procedures to receive and respond to reports of bullying or retaliation. These procedures will ensure that members of the school community – students, parents, and staff – know what will happen when incidents of bullying occur. All reporting forms and procedures will be shared with all school staff members and parents and guardians at the beginning of school each year, included in new student packets throughout the year, and posted on each school's and the district

websites. An anonymous reporting procedure will also be available to families. Anyone who files a report will be informed of the next steps in the investigatory process. Specific follow through from report will be communicated in a manner consistent with the Marlborough Public Schools' legal obligations regarding confidentiality. The following procedures are based on the requirements of M.G.L. c. 71, § 37O. In addition to the requirements of M.G.L. c. 71, § 37O, where the alleged conduct is on the basis of race, color, national origin, age, gender, gender identity or expression, sexual orientation, disability or religion, the district should also consider whether the conduct constitutes a hostile environment based on those protected classes, consistent with its Discrimination and Harassment Grievance Procedures.

Bullying is prohibited and the Marlborough Public Schools will intervene when prohibited actions occur

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Marlborough Public Schools.

The Marlborough Public Schools will take appropriate action when the conduct occurs at a location, activity, function, or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Marlborough school district only if the act or acts in question:

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or
- materially and substantially disrupts the education process or the orderly operation of a school.

- A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee or to the superintendent or designee when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,<sup>1</sup> that can be mailed, hand delivered to their child's school, or emailed to [Bullying-Report@mps-edu.org](mailto:Bullying-Report@mps-edu.org). Parents can also call their child's school to make a verbal report.
- B. Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. The Incident Reporting Form will be made available in the most

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<sup>1</sup> See Appendix A for Incident Reporting Form.



prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, and the superintendent or designee when the principal or the assistant principal is the alleged aggressor, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the principal or designee, or to the superintendent or designee when the principal or the assistant principal is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

Please note: \*Nothing in this Plan shall be construed to limit personnel's ability to call 911 where a threat to safety of the student and/or other individuals is present. If there is concern about anyone's immediate physical safety, please call 911 first, then notify an administrator.

- C. Responding to a report of bullying or retaliation – Allegations of Bullying by a Student

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will

act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary. Interventions will consider the rights of both the target and the aggressor, including both the consideration of remedial and disciplinary measures for the aggressor as appropriate.

In determining the steps necessary to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents, the principal or designee shall consider that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The confidentiality of students and witnesses reporting alleged acts of bullying will be maintained to the extent possible given the school’s obligation to investigate the matter.

## 2. Obligations to Notify Others

- a. Notice to parents or guardians: Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District: If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement: At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Marlborough Police Department. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or

designee shall contact the Marlborough Police Department if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

- D. Investigation: Upon receipt of a report or complaint that would, if true, constitute bullying, cyber bullying, or retaliation, the principal or designee will promptly commence an investigation. If there is concern for physical harm of a student or student, the principal shall take interim measures reasonably calculated to ensure the safety of the student or students during the pendency of the investigation. In investigating any such complaint, the principal or designee will interview students, staff, and any witnesses to the alleged conduct. To the extent practicable and consistent with the principal's obligation to act promptly and to thoroughly investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process and shall not disclose unnecessary or confidential information to interview subjects. During any such interviews, the principal or designee will inform the target, aggressor, and all witnesses that retaliatory treatment of any individual for reporting or lack of cooperation with an investigation of bullying will result in disciplinary action may include suspension or expulsion from school.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for bullying investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the Marlborough Police Department and School Resource Officer if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in this section shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

- E. Determinations: After the principal's receipt of the complaint of bullying, cyber bullying, or retaliation, the principal or designee will promptly make a determination based upon all the facts and circumstances. If, after the investigation, bullying or retaliation is substantiated, the principal or designee will determine what remedial action may be required, if any, and determine what responsive actions and/or disciplinary action is necessary. The principal or designee will also consider what disciplinary and/or remedial measures are reasonably calculated to eliminate the bullying and to prevent its reoccurrence.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

- F. Notice of Investigative Findings: Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify parents or guardians of the target and aggressor of this, and of the procedures for responding to it. While prior notice of an investigation shall not be required, the principal shall not be precluded from notifying the parents of a target or aggressor prior to completion of the principal's investigation. This communication will be done in the primary language of the home.

In notifying the parents of a target or aggressor of an investigation or the principal's findings thereon, the principal shall maintain the privacy and confidentiality of any individual or child who is not the child of the parents to whom the notice is provided. The principal shall ensure that any notice to the parents complies with applicable state regulations including, but not limited to, 603 CMR 49.00, and shall not report specific information to the target's parent(s) about the disciplinary action taken against an aggressor unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The notice to the parents or guardians of the target shall include information about the Massachusetts Department of Elementary and Secondary Education's ("DESE") Problem Resolution System (PRS) and the process for seeking assistance or filing a claim through the Problem Resolution System, regardless of the outcome of the investigation. The parents of the target should be provided the following contact information: Problem Resolution System, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906, Telephone: 781-338-3700; TTY: N.E.T. Relay: 1-800-439-2370.

G. Responses to Bullying:

The Marlborough Public Schools have incorporated a range of individualized strategies and interventions that may be used in response to remediate a student's skills or to prevent further incidences of bullying and/or retaliation.

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 370 (d) (v). Skill-building approaches that the principal or designee may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;

- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; including offerings, supports and, where appropriate, individual behavior plans addressing the recognition that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics, and
- making a referral for evaluation.

## 2. Taking Disciplinary Action

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct. Possible consequences to serious incidents of bullying include suspension and expulsion from school.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

## 3. Promoting Safety for the Target and Others

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. He/she may also implement a safety plan. In developing a safety plan, the principal or designee shall consider that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are

needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

## **VI. COLLABORATION WITH FAMILIES**

Marlborough Public Schools is committed to promoting a strong home-school partnership regarding bullying prevention. Each school will provide information to families that will support common language across the district as well as sharing prevention and identification strategies. Communication between home and school will be via school notices, school and district web sites, and parent conferences/presentations on a regular basis.

It will also focus on school and district-specific approaches to collaboration which will take into account age, climate, socio-economic factors, linguistic, and cultural make-up of students and the parents.

- A. Parent education and resources. The school or district will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTO, PTA, School Councils, Special Education Parent Advisory Council, or similar organizations.
- B. Notification requirements. Each year the school or district will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Plan and related information on its website.

## **VII. PROHIBITION AGAINST BULLYING AND RETALIATION**

The following information will be included in the Bullying Prevention Plan, all student handbooks, staff handbooks, and in the student code of conduct in accordance with *M.G.L. c. 71, § 370(b)*.

Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or

the orderly operation of a school.

Retaliation means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

As stated in M.G.L. c. 71, § 370, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

#### **VIII. Problem Resolution System:**

*Chapter 86 of the Acts of 2014 amended Section 370 of chapter 71 of the General Laws to include (g) (v): The Plan shall inform parents or guardians of the target about the Department’s problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. This information will be made available in both hard copy and electronic formats:*

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Problem Resolution System (PRS). That information can be found at: <https://www.doe.mass.edu/prs/>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information is also available at the Superintendent’s office.

#### **IX. DEFINITIONS**

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result, no student or employee shall be subjected to harassment, intimidation, bullying, or cyber-bullying in a public educational institute:

Bullying means the repeated use by one or more students or by a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of an unwelcome written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage the target’s property; student or employee, (ii) places the target in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

The behavior must interfere with a student’s academic performance or ability to learn, or interfere with a student’s ability to participate in or benefit from services, activities, or privileges:

- a. that are being offered through the school district; or

- b. During any education program or activity; or
- c. While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

Cyber-bullying means, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communication. Cyber-bullying shall also include (i) knowing impersonation of another person as the author of posted content or messages, if the creator or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or persons.

Cyber-bullying may occur through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute. As used in this Section, “electronic communication” also means any communication through an electronic device including, but not limited to a telephone, cellular phone, computer or pager.

Aggressor is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying, cyber-bullying, or retaliation.

Target is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

Hostile environment, as defined in M.G.L. c. 71, § 370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student’s education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

## **X. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the Marlborough Public Schools, no person shall be discriminated against in admission to a public school in Marlborough or in obtaining the



advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, age, gender identity, disability, or sexual orientation. Nothing in the plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies including the School Committee Non-Discrimination and Harassment Policy and the Discrimination and Harassment Grievance Procedures developed pursuant to that policy.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H, 37H1/2, 37H3/4 other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended  
Federal Regulation 74676 issued by EEO Commission  
Title IX of the Education Amendments of 1972  
603 CMR 26.00  
MGL 71:37O  
MGL 265:43, 43A  
MGL 268:13B  
MGL 269:14A