

MODERN MONTESSORI CHARTER SCHOOL

Board Adopted: April 17, 2024

514 BULLYING PROHIBITION

[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel.

However, to the extent student conduct affects the educational environment of the district and the rights and welfare of its students and is within the control of the district in its normal operations, the district intends to prevent bullying and to take action to investigate, respond to, and remediate and discipline for those acts of bullying which has not been successfully prevented. This policy provides the framework to assist the district in its goal of preventing and responding to acts of bullying, intimidation, violence retaliation, and other similar disruptive behavior.

II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the district or the safety or welfare of the student, or other students or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such an act is committed on or off school district property and/or with or without the use of school district resources.

B. No teacher, administrator, volunteer, contractor, or other employee of the district will permit, condone, or tolerate bullying.

C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

E. False accusations or reports of bullying against another student are prohibited.

F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones or tolerates bullying will be subject to discipline or other remedial responses for that act in accordance with the district's policies and procedures. The district may take into account the following factors:

1. The developmental ages and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension or expulsion. The district will employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, which will apply throughout the district and foster students, parents, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from district property and events or termination of services or contracts.

G. The district will act to investigate all complaints of bullying reported to the district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the district who is found to have violated this policy.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

A. "Bullying" means intimidating, threatening, abusive, or harmful conduct that is objectively offensive and:

1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. The term "bullying" specifically includes cyberbullying as defined in this policy.

B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet website, or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of bullying or

any person with knowledge or belief of conduct that may constitute bullying or other conduct prohibited by this policy will report the alleged acts immediately to an appropriate district official designated by this policy. A student or other person may report bullying anonymously. However, the district may not rely solely on an anonymous report to determine discipline or other remedial responses. Reporting forms are available in the school office or to print at home.

B. The district encourages the reporting party or complainant to use the report form available from the school front office or to print at home.

C. The Executive Director or designee is the person responsible for receiving reports of bullying or other prohibited conduct. Any person may report bullying or other prohibited conduct directly to the Executive Director. If the complaint involves the Executive Director, the complaint will be made or filed directly with Human Resources or the school board by the reporting party or complainant.

D. The report taker will ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and will serve as the primary contact on policy and procedural matters. The report taker or a third party designated by the district will be responsible for the investigation. The building report taker will provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

E. A teacher, school administrator, volunteer, contractor, or other school employee must be particularly alert to possible situations, circumstances, or events that might include bullying. A person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct will make reasonable efforts to address and resolve the bullying or prohibited conduct and will inform the building report taker immediately. A district employee who fails to report bullying or other prohibited conduct in a timely manner may be subject to discipline.

F. Reports of bullying or other prohibited conduct are classified as private, educational, personnel data, and/or confidential investigative data and will be disclosed only as permitted by law. The report taker, in connection with the responsible authority, will be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.

H. The district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

A. Within three school days of the receipt of a complaint or report of bullying or other

prohibited conduct, the district will undertake or authorize an investigation by the report taker or a third party designated by the district.

B. The report taker or other appropriate district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others pending completion of an investigation of the bullying or other prohibited conduct consistent with applicable law.

C. The alleged perpetrator of the bullying or other prohibited conduct will be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the district will take appropriate action. Such action may include but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to bullying or other prohibited conduct will be tailored to the particular incident and the nature of the conduct and will take into account the factors specified in Section III F of this policy. District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy; school district policies; and applicable regulations.

E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parents(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district will, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employees of the school district who commits an act of reprisal or retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such

bullying or prohibited conduct. Retaliation includes but is not limited to, any form of intimidation, harassment, reprisal, or intentional disparate treatment.

Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct will be tailored to the particular incident and nature of the conduct and will take into account the factors specified in Section III.F. of this policy.

VII. TRAINING AND EDUCATION

A. The school district will discuss this policy with school personnel and volunteers and provide appropriate training to district personnel regarding this policy. The district will establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the district. The district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.

B. This policy will be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct. These materials will also be used to publicize this policy.

C. The district will require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
4. The incidence and nature of cyberbullying; and
5. Internet safety and cyberbullying.

D. The district will annually provide education and information to students regarding bullying, including information regarding this district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

E. The district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

F. The district is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school

and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students. The district must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The district is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate special education referrals of students who may engage in bullying or other prohibited conduct; and
7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

G. The district may implement violence prevention and character development education programs to prevent or reduce policy violations. These programs may offer instruction on character education including character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

H. The district will inform affected students and their parents of the rights they may have under state and federal data practice laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The district may accomplish this requirement by including all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

VIII. NOTICE

A. The school district will provide annual notice of this policy to students, parents or guardians, and employees.

B. This policy or a summary thereof must be posted on the school website.

C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the District.

D. Notice of the rights and responsibilities of students and their parents under this

policy must be included in the student discipline policy distributed to parents at the beginning of each school year.

E. This policy will be available to all parents and other school community members in an electronic format in the language appearing on the district's or a school's website.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of a Public School)

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)

Minn. Stat. § 121A.031 (Student Bullying Policy)

Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Student and Parents under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

20 U.S.C. § 1232g et seq.(Family Educational rights and Privacy Act)

34 C.F.R. §§ 91.1-99.67 (Family Educational Rights and Privacy)