

Burleson Independent School District

Anti-Bullying

Policies & Procedures Manual

Student Services Department

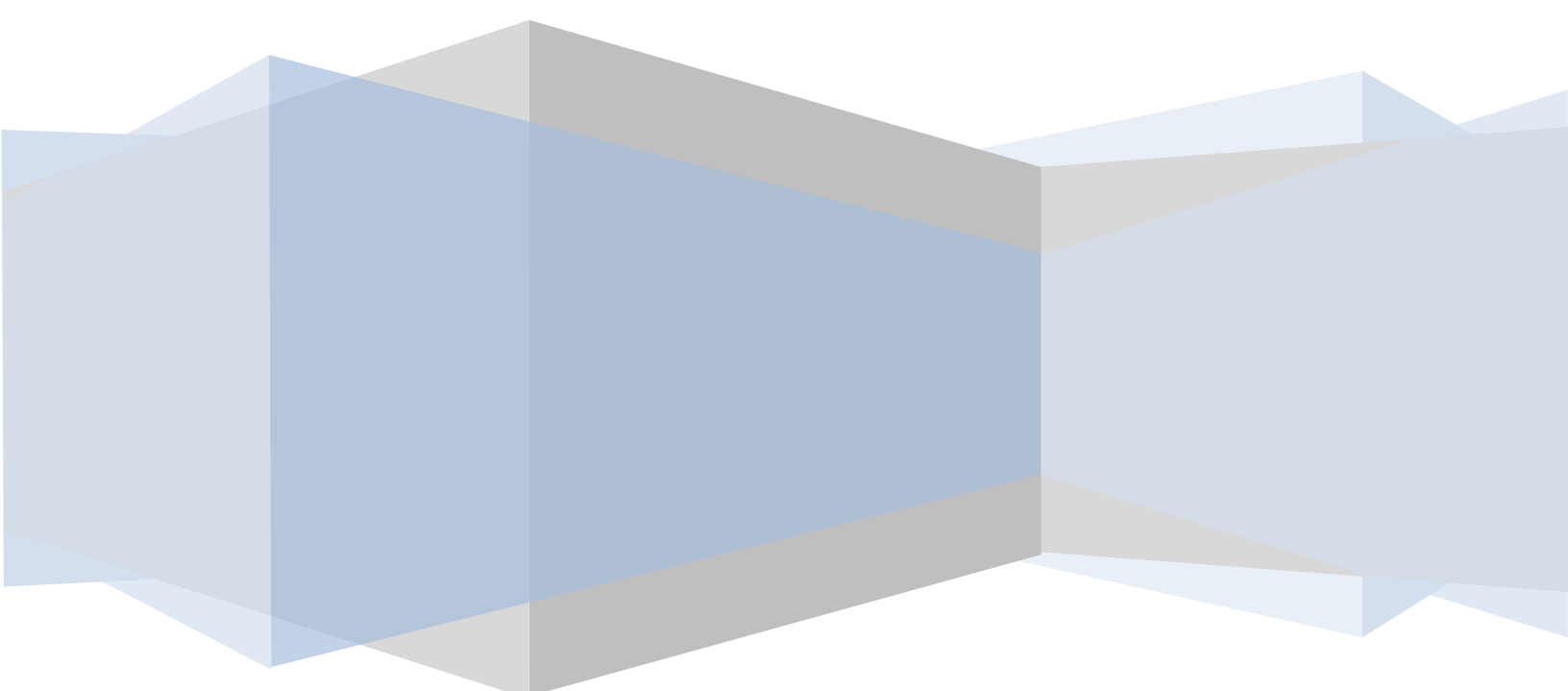


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INTRODUCTION

The purpose of this manual is to provide students, parents and employees with the current Anti-Bullying policies and procedures, which were developed in compliance with federal case law, guidance from the U.S. Department of Education's Office for Civil Rights, and the definition of bullying contained in section §25.0342 of the Texas Education Code.

The Burleson Independent School District School Board has adopted a district policy prohibiting "harassment," which typically addresses many of the behaviors that also constitute bullying. The district's discrimination, harassment, and retaliation policy is FFH (LOCAL). A bullying policy was also adopted, as demonstrated within this manual and board policy FFI (LOCAL). Both policies are accessible at www.burlesonisd.net.

The Burleson ISD School Board is committed to protecting its students and employees from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, discrimination, or harassment, will not be tolerated and shall be just cause for disciplinary action. The Burleson ISD school board has adopted policies and administrative procedures that: (1) prohibit bullying; (2) prohibit retaliation against any person, witness, or another person who in good faith provides information regarding bullying; (3) establish a procedure for providing notice of an incident of bullying to a parent or guardian within a reasonable period; (4) establish the actions a student should take to obtain assistance and intervention in response to bullying; (5) set out available counseling options for a student who is a victim of, is a witness to, or engages in bullying; (6) establish reporting and investigation procedures; (7) prohibit school officials from disciplining a student who is the victim of bullying, for the student's use of reasonable self-defense in response to bullying; and (8) require that the discipline of a student with disabilities for bullying complies with federal law, including the Individuals with Disabilities Education Act (IDEA). The School board amended the bullying transfer provisions in current board policy. Currently, the school board or designee only had authority to transfer the *victim* of bullying to another classroom or campus. The school board or designee may also transfer *a student who engages in bullying* to (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or (2) another campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

To effectively address bullying and cyber-bullying, parents and students must be partners with district administrators. Only by working together will we be able to reduce the incidents of bullying in our schools.

WHAT IS BULLYING?

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that: (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student.

This conduct is considered bullying if it (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a school.

Examples of Bullying:

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

WHAT IS CYBER-BULLYING?

Cyber-bullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others. "Cyber-bullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyber-harassment or cyber-stalking. Adult cyber-harassment or cyber-stalking is never called cyber-bullying.

BULLYING PROHIBITED

The District prohibits bullying as defined by this policy.

RETALIATION

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of Retaliation:

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

TIMELY REPORTING

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING OF SUSPECTED BULLYING

Student Report:

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, District employee or complete the on-line Anonymous Bullying Report.

Employee Report:

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

REPORT FORMAT

A report may be made orally, electronically or in writing. The principal or designee shall reduce any oral reports to electronic or written form.

Reports of bullying may also be directed to the:

Student Services Department

Burleson ISD Administration Building

1160 SW Wilshire Boulevard, Burleson, TX 76028

(817) 245-1056

PROHIBITED CONDUCT

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

INVESTIGATION OF REPORT

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the assistant superintendent of administration and student services.

NOTICE TO PARENTS

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

DISTRICT ACTION

Bullying:

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Discipline:

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

CORRECTIVE ACTION

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

TRANSFERS

Students who are Victims of Bullying

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

Students who Engage in Bullying

The Board or designee may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004. For more information, see Policy FDB (LEGAL).

COUNSELING

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

IMPROPER CONDUCT

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

A person having lawful control of the student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.

RECORDS RETENTION

Retention of records shall be in accordance with CPC (LOCAL).

ACCESS TO POLICY AND PROCEDURES

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

**Burleson Independent School District
Bullying, Discrimination & Harassment
ORDER TO CEASE AND DESIST FORM**

_____, a current BISD Student, is hereby directed to cease and desist all bullying, discrimination and/or harassment behaviors against a student(s) in the Burleson Independent School District. ANY action that causes a student to feel threatened, belittled, afraid, ashamed, angry, hurt, or upset in any other way must cease. The academic environment is intended to promote the free exchange of ideas where students can help each other learn. The Student Code of Conduct, however, specifically forbids the use of language that is destructive to the learning environment. Students are prohibited from using menacing or fighting words, profane or obscene language, and any other bullying, discriminating and/or bullying language.

Verbal Aggression:

- Name calling
- Mocking, teasing, or using sarcasm
- Intimidating phone calls
- Spreading rumors
- Threats
- Making noises at someone

Intimidation:

- Publically challenging someone to do something that they do not want to do
- Playing a dirty trick
- Taking things from others without permission
- Demanding money or things

Emotional:

- Tormenting
- Hiding or taking things
- Threatening gestures
- Ridicule
- Staring
- Excluding

Physical Aggression:

- Pushing
- Kicking
- Punching
- Slapping
- Tripping
- Pinching
- Spitting

Sexual Inappropriate Behavior:

- Touching
- Dirty jokes or sexual language
- Unwanted flirting
- Talking about a relationship without consent or interest
- Nick names that are unwanted

Racial or Religious:

- Derogatory comments or nicknames about physical, behavioral, cultural differences or sexual orientation
- Forcing unwanted beliefs or opinions assumed universal

Written:

- Threatening or inappropriate drawings, paintings, notes, electronic posts or texts

I acknowledge I am aware of this order and that I have been told I may face more serious consequences if these actions continue.

Student Signature: _____ Date: _____

Parent Signature: _____ Date: _____

School Representative Signature: _____ Date: _____

**Burleson Independent School District
Department of Student Services
BULLYING, DISCRIMINATION OR HARASSMENT STUDENT REPORT FORM**

Note to Person Reporting: This form will be confidentially maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) and will not be shared with anyone except those working to assist in this important matter.		
Name of Person Reporting (Complainant):		Grade:
Name of Alleged Victim:		Grade:
Name of Alleged Accused:		Grade:
Date of incident:	Time:	Location:
What happened?	Describe what happened:	
Please tell us if physical force or threats were used?	Please Describe:	
What did the alleged victim do?		
Was anyone else involved? If so, who?		
Were there any witnesses? If so, who?		
How often has this happened?		
Describe what happened immediately before the incident?		
You may attach any documentation to this report.		

Burleson ISD
Department of Student Services
BULLYING, DISCRIMINATION OR HARASSMENT STUDENT REPORT FORM

Office Use Only	
Name of first person to receive: _____ Date: _____	
Referred to: _____ Date: _____	
Name of Person Investigating Incident:	Date of Investigation:
Position:	
Campus:	Contact Number:
Name(s) of interviewee(s):	
Date and time of interview(s):	
Details:	
Spoke to (parents/guardians) of:	Details of conversation(s):
I have read this document and agree this summary is a true and accurate record of my interview.	
Signature: _____	Date: / /
Witness present:	Signature: _____
Summary of incident details	
Brief summary of incident/s and facts presented to interviewee:	
Response by interviewee to information provided:	
Background information additional to incident/s	
Was any disciplinary action taken after the incident/s?	
Follow up plan:	To be completed on:
Has the type of incident occurred before or since?	
Any further actions necessary?	

Burleson Independent School District
COMPLAINT OF BULLYING, DISCRIMINATION AND/OR HARASSMENT FORM
OFFICE USE ONLY

Student Name: *Last, First, MI* _____ Date: _____

Campus: _____ Ethnicity: _____

Date of Incident: _____ Gender: Male Female Age: _____

Parent: _____ Home Phone: _____

Cell Phone: _____ Work Phone: _____

Name(s) of Alleged Offender(s) if Known	Age	School (if known)	Is he/she a student?	Disciplinary Action Due to Incident
Total Number of Alleged Offenders				

INVESTIGATION

1. Where did the incident happen (choose all that apply)?

- On school property On a school bus By phone
 Not at school On the way to/from school By Text/E-mail
 At a school-sponsored activity or event off school property Through social network site
 Other (specify) _____

2. What immediate action was taken while the investigation was conducted? (Specify)

3. Mark each statement(s) that best describes what happened. (Choose all that apply.)

- Any bullying or harassment that involves physical aggression
- Getting another person to hit or harm the student
- Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- Demeaning and making the victim the object of jokes
- Making rude and/or threatening gestures
- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Racial Slurs
- Electronic communication (specify) _____
- Other (specify) _____

4. What actions were taken to investigate this incident? (Choose all that apply.)

- Interviewed student victim
- Interviewed alleged offender(s)
- Interviewed witness(es)
- Witness statements collected in writing
- Interviewed school nurse
- Reviewed relevant medical information
- Other specify _____
- Interviewed teachers and/or school staff
- Interviewed student victim's parent/guardian
- Interviewed alleged offender's parent/guardian
- Examine physical evidence
- Conducted student record review
- Obtained copy of police report

5. Why did the bullying or harassment allegedly occur (alleged motives)? (Choose all that apply.)

- Because of race
- Because of sex
- Because of religion
- Gang related
- Other (specify) _____
- Because of national origin
- Because of sexual orientation
- Because of physical appearance
- To impress others
- Reason is unknown
- Because of marital status
- Because of gender identity
- Because of disability
- Just to be mean

➤ **INTERVIEW QUESTIONS for the VICTIM** (Should include, but are not limited to the following):

1. When did this incident happen? _____

2. Where did this incident happen? _____

3. Who was allegedly involved? _____

4. What happened? (Include as many details as possible and attached any statements) _____

5. What actual words or phrases were used by the accused? _____

6. Were there any witnesses to the incident? Yes No If yes, list the names of the witnesses and explain what he/she allegedly witnessed.

7. What did you do or say to respond to the accused and/or others? _____

8. Have the police been contacted about this incident? _____

9. Did you talk to anyone about this incident before bringing it to the attention of the administrators? Yes No If yes, list the individuals that you talked to about the incident.

10. How soon after the incident did you tell someone else what had happened?

11. Was the conduct offensive to you? _____

12. Did you feel embarrassed, intimidated or humiliated by the other person's actions?

13. Did you tell the harasser that the conduct was unwelcome? _____

14. Did the conduct continue? _____

15. Was the student offered benefits in exchange for sexual favor? Yes No

If yes, what was offered? _____

16. What action does the complaining student expect as an outcome of the investigation?

➤ **INTERVIEWING the ACCUSED**

1. Present the charge to the person and explain that you are conducting an investigation. Tell the charged person that he/she will have the opportunity to respond to the allegation(s) made against him/her before any action is taken.

2. Have the person give his/her side of the story. Take notes regarding the student's statements and clearly explain to the student that he/she needs to provide any and all relevant information.

3. Have the student retell his/her account of the incident and stop the student and ask questions for clarification; take notes; record all information pertaining to the allegation(s). Evaluate using questions from the interviews noted above.

4. Ask the student to write out a complaint and sign it; review it before accepting the statement to make sure the student recorded all information in writing relayed during the course of the interview.

5. If the student is unable to provide a written statement due to age of the student, disability, and/or other situation preventing a written statement, read your notes to the student and ask him/her to confirm the accuracy of the information recorded. Both the note taker and a witness should acknowledge this step at the end of the investigation notes.

6. Admonish the person charged, in writing, regarding retaliation. Make sure the person charged understands the seriousness of the situation and that if the charges are valid, the necessary consequence(s) will be administered.

INTERVIEWING the WITNESSES NAMED by the COMPLAINING STUDENT and ACCUSED (To the extent appropriate, use the same questions for each witness.) Prepare a list of questions prior to interviewing witnesses. Attach further documentation if needed.

Witness #1 _____

Witness #2 _____

Witness #3 _____

Witness #4 _____

➤ **FACTS to DETERMINE**

1. Did the conduct constitute sexual harassment under Board Policy? Yes No

2. Did the conduct constitute bullying under Board Policy? Yes No

3. Did the conduct constitute harassment under Board Policy? Yes No

4. Did the conduct create a hostile environment under Board Policy? Yes No

5. Was the conduct unwelcome? Yes No

6. Did the conduct interfere with the complaining student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities? Yes No

7. Did the conduct create an intimidating, threatening, hostile, or abusive educational environment? Yes No

8. Did the conduct constitute written or verbal expression or physical conduct that had the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property?
 Yes No

9. Did the conduct constitute written or verbal expression or physical contact that was sufficiently severe, persistent, or pervasive that the action or threat created an intimidating, threatening, or abusive educational environment for a student? Yes No

ADMINISTRATOR'S SUMMARY of INVESTIGATION

ADMINISTRATOR'S SUMMARY of EVENTS

What corrective action was taken in this case? Choose all that apply.

- None were required; the evidence did not support the allegation.
- None – the incident did not warrant any corrective action.
- Student conference
- Student warning
- Letter of apology
- Mediation
- Counseling
- Parent Letter
- Parent phone call
- Other (specify) _____
- Parent conference
- Detention
- In-school suspension
- Out-of-school suspension
- DAEP
- Expulsion
- Law enforcement referral

Administrator's Signature _____

Date _____

Time Investigation Started _____

Date _____

Time Investigation Completed _____

➤ **ASSURANCES**

1. An administrator of the same gender will conduct investigations of sexual harassment.
2. All complaints regarding sexual harassment, bullying and/or harassment will be taken seriously and handled in a consistent manner.
3. During the investigation, the administration will take measures to provide a safe environment for the student filing the complaint and for all students.
4. Every effort will be made to ensure that there is no retaliation against the student filing the complaint and/or other student(s) involved in the investigation.
5. At no time will the complaining student be forced or coerced to face the accused student.

➤ **GIVEN**

1. Involve the parent(s) early. Call and inform the parent(s) of the student filing the complaint that an investigation of the allegation(s) is being conducted by campus administration.
2. Explain to the parent(s) that you will interview, or have interviewed their child. Parent(s) may be present, but are not required to be present, during the interview.
3. Continue to provide written updates to the parent(s) of the status of the investigation.
4. Provide factual information to parent(s), but do not attempt to answer legal questions.
5. Avoid disclosure of student identifiable information in violation of FERPA.
6. Regarding witnesses: when applicable, advise the parent(s) of witnesses of the student's participation in the investigation and possible use of the information from their child.
7. Never guarantee confidentiality.

➤ **GOAL**

1. The goal is to get all of the facts.
2. Remember the 5 W's. . . WHO, WHAT, WHERE, WHEN, and WHY?
3. Assure the administration takes appropriate action to thoroughly investigate the allegation(s).
4. Assure the administration takes prompt remedial action before, during and/or after the investigation to correct the behavior subject to the allegation(s) and prevent retaliation.

➤ **STEPS in the INTERVIEW**

1. Have the student tell you what happened – listen carefully. If appropriate, take notes regarding the student’s statements and clearly explain to the student that he/she needs to provide any and all relevant information.
2. Have the student retell his/her account of the incident and stop the student and ask questions for clarification; take notes; record all information pertaining to the allegation(s).
3. Ask the student to write out a complaint and sign it; review it before accepting the statement to make sure the student recorded all information in writing relayed during the course of the interview.
4. If the student is unable to provide a written statement due to age of the student, disability, and/or other situation preventing a written statement, read your notes to the student and ask him/her to confirm the accuracy of the information recorded. Both the note taker and a witness should acknowledge this step at the end of the investigation notes.