

200-RICR-30-10-2

## **TITLE 200 - BOARD OF EDUCATION**

### **CHAPTER 30 - RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **SUBCHAPTER 10 - CIVIL RIGHTS**

##### **PART 2 - Safe School Act - Statewide Bullying Policy**

## **2.1 Introduction**

### **2.1.1 Authority and purpose**

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in R.I. Gen. Laws § 16-21-34. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

## **2.2 Definitions**

### **A. "Bullying" means:**

1. The use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:
  - a. Causes physical or emotional harm to the student or damage to the student's property;
  - b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
  - c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
  - d. Infringes on the rights of the student to participate in school activities; or,
  - e. Materially and substantially disrupts the education process or the orderly operation of a school.

2. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:
  - a. Race;
  - b. Color;
  - c. Religion;
  - d. Ancestry;
  - e. National origin;
  - f. Gender;
  - g. Sexual orientation;
  - h. Gender identity and expression;
  - i. Mental, physical, or sensory disability, intellectual ability; or,
  - j. By any other distinguishing characteristic.
3. Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).

B. "Cyber-bullying" means:

1. Bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.
2. Forms of cyber-bullying may include but are not limited to:
  - a. The creation of a web page or blog in which the creator assumes the identity of another person;
  - b. The knowing impersonation of another person as the author of posted content or messages; or,
  - c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the

creation, impersonation, or distribution results in any of the conditions enumerated in §§ 2.2(A)(1)(a) through (e) of this Part.

C. “At school” means:

1. On school premises;
2. At any school-sponsored activity or event whether or not it is held on school premises;
3. On a school-transportation vehicle;
4. At an official school bus stop;
5. Using property or equipment provided by the school; or,
6. Acts which create a material and substantial disruption of the education process or the orderly operation of the school.

### **2.3 School climate**

- A. Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute. R.I. Gen. Laws §§ 16-19-1 and 16-19-2.
- B. School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies.
- C. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted.
- D. Students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

### **2.4 Policy oversight and responsibility**

- A. The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.
- B. The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

- C. For public schools, the prevention of bullying shall be part of the school district strategic plan and school safety plan. R.I. Gen. Laws §§ 16-7.1-2(e); 16-21-24.

## **2.5 Information dissemination**

- A. The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.
- B. This Policy shall be:
  - 1. Distributed annually to students, staff, volunteers, and parents/legal guardians;
  - 2. Included in student codes of conduct, disciplinary policies, and student handbooks;
  - 3. A prominently posted link on the home page of the school /district website.

## **2.6 Reporting**

- A. The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon. (See § 2.13 of this Part for sample Report Form).
- B. The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.
- C. Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.
- D. Parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying shall be notified within twenty-four hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/ guardians of the child will be notified immediately by the principal, director or head of school.
- E. Responsibility of Staff:
  - 1. School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.

2. Failure to do so may result in disciplinary action.

F. Responsibility of Students:

1. Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
2. Failure to do so may result in disciplinary action.
3. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

G. Prohibition against Retaliation:

1. Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated.
2. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

H. False Reporting/Accusations:

1. A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

I. Reports in Good Faith:

1. A school employee, school volunteer, student, parent/ legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

## **2.7 Investigation**

- A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.
- B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on

the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

C. Police Notification:

1. Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

D. Protection:

1. If a student is the victim of serious or persistent bullying:
  - a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
  - b. The interventions will be developed, if possible, with input from the student, his or her parent or guardian, and staff.
  - c. The parents/ guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

## **2.8 Disciplinary action**

A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

1. Admonitions and warnings;
2. Parental/ Guardian notification and meetings;
3. Detention;
4. In-school suspension;
5. Loss of school-provided transportation or loss of student parking pass;
6. Loss of the opportunity to participate in extracurricular activities;
7. Loss of the opportunity to participate in school social activities;

8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
9. Police contact; or,
10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

## **2.9 Social services or counseling**

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

## **2.10 Social networking**

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

## **2.11 Other redress**

This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

## **2.12 Adoption of policy**

The governing bodies of all schools approved for the purpose of R.I. Gen. Laws §§ 16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

## **2.13 Report Form (Sample)**

### **REPORT FORM (SAMPLE)**

(Bullying and/or Cyberbullying)

Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Grade: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

School: \_\_\_\_\_

Please answer the following questions about this reporting incident:

List the name of the alleged bully, and/or cyberbully. If name is not known, provide any other identifiable information:

Relationship between you and the alleged bully, and/or cyberbully:

Describe the incident:

When and where did it happen?

Were there any witnesses?  yes  no If yes, who?

Other information, including previous incidents or threats:

Student or parent declines to complete this form:

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

I certify that all statements made in the complaint are true and complete. Any

intentional false statement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signatures:

Student: \_\_\_\_\_ Date: \_\_\_\_\_

School official receiving complaint: \_\_\_\_\_ Date: \_\_\_\_\_

School official conducting follow-up: \_\_\_\_\_ Date: \_\_\_\_\_

This document shall remain confidential

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