



# Merrimack Special Education Collaborative

Dr. Robert J. Calabrese Building • Collaborative Headquarters

## Merrimack Special Education Collaborative Bullying Prevention and Intervention Plan

### PRIORITY STATEMENT:

The Merrimack Special Education Collaborative (hereinafter “MSEC”) Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyber bullying, and each program in the Collaborative is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. The following is a Plan for preventing, intervening, and responding to incidents of bullying, cyber bullying, and retaliation. Each program is responsible for the implementation and oversight of the Plan.

### I. PROHIBITION AGAINST BULLYING AND RETALIATION

MSEC will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber bullying, or retaliation, in our school buildings, on school grounds, on school buses and at school bus stops or in school-related activities. Programs will investigate promptly all reports and complaints of bullying, cyber bullying, and retaliation, and take prompt action to end that behavior and restore the target’s sense of safety. MSEC will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement. Acts of bullying, which include cyber bullying, are prohibited:

- 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 through the use of technology or an electronic device owned, leased, or used by a school district, and
- 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, 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 against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited. As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

### II. DEFINITIONS

Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below.

**Aggressor** is a student who engages in bullying, cyber bullying, or retaliation.

**Bullying**, as defined in M.G.L. c. 71, § 370, is the repeated 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 target that:

- causes physical or emotional harm to the target or damage to the target's property;
- places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

**Cyber bullying** is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 370 for the legal definition of cyber bullying.

**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.

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

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

### **III. TRAINING AND PROFESSIONAL DEVELOPMENT**

MSEC will provide ongoing professional development that will build the skills of all staff members to prevent, identify, and respond to bullying.

#### **A. Annual staff training on the Plan:**

Annual training for all school staff on the MSEC Bullying Prevention and Intervention Plan will include staff responsibilities under the Plan, an overview of the steps that the Program Manager or his/her 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 building. 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 school-wide and professional development will be informed by research and will include information on:

- developmentally (or age-) appropriate strategies to prevent bullying;
- developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- 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;
- information on the incidence and nature of cyber bullying; and
- Internet safety issues as they relate to cyber bullying.

All students attending MSEC have Individual Education Programs (IEPs). Therefore, professional development will emphasize ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' 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 programs for professional development includes:

- 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; and
- Maintaining a safe and caring classroom for all students.

### **C. Written notice to staff:**

Each school will provide all staff with an annual written notice of the MSEC Bullying Prevention and Intervention Plan by publishing information about it, including sections related to staff responsibilities, in the school employee handbook.

## **IV. 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 MSEC Bullying Prevention and Intervention Plan include strategies for providing supports and services necessary to meet these needs. In order to enhance the programs' 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 programs' provide counseling or referral to appropriate services for students who are aggressors, targets, and family members of those students.

### **A. Identifying resources:**

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. MSEC works 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.

## **B. Counseling and other services:**

MSEC administrators, counselors, nurses 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. The students' Team meets with parents and staff 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, BCBAs, and 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' will 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 programs:

- One-on-one and small group counseling
- Crisis intervention
- Facilitating classroom meetings to resolve problems
- School curriculum on issues of respect, sexual harassment and student success skills
- Peer Mediation
- Lunch/friendship groups
- Parent-teacher conferences
- Parent workshops
- Transition planning
- Parent guidance
- Behavioral plan development
- Classroom observations
- Teacher consultation
- Promoting and modeling the use of respectful language
- Fostering an understanding of and respect for diversity and difference
- Building relationships and communicating with families
- Managing classroom behaviors constructively
- 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

### **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:**

MSEC will evaluate its current protocol for referring students and families to outside services to ensure relevance to the MSEC Bullying Prevention and Intervention Plan, and revise as needed. School counselors and other specialists will use this protocol to help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies.

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

MSEC will provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the programs' evidence-based curricula. Effective instruction includes classroom approaches, whole-program 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 engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyber bullying, including the underlying power imbalance;
- emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications;
- engaging students in a safe, supportive school environment that is respectful of diversity and difference; and
- providing parents and guardians with information regarding the schools' bullying prevention curricula

### **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;
- communicating with parents and guardians regarding the schools' goals and expectations for students and students' safety
- 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.

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

To support efforts to respond promptly and effectively to bullying and retaliation, MSEC programs have policies and procedures in place for receiving and responding to reports of bullying or retaliation. These policies and procedures ensure that members of the school community – students, parents, and staff – know what will happen when incidents of bullying occur.

In school systems, harassment may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staff member to student, student to staff member, or student to student.

### **A. REPORTING**

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 must be recorded in writing. All employees required to report immediately to the Program Manager or his/her designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other non-employees may be made anonymously, however, no disciplinary action can be taken against the perpetrator solely on the basis of an anonymous report. The schools will make reporting resources available to the school community including, but not limited to, the MSEC Bullying Prevention and Intervention Incident Reporting Form which is attached in Appendix A.

Use of the MSEC Bullying Prevention and Intervention Incident Reporting Form Report is not required as a condition of making a report. Programs 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 program's main office, the counseling office, and other locations determined by the Program Manager or his/her designee;
3. At the beginning of each school year, programs will provide the school community, including administrators, staff, 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 Program Manager or his/her designee, will be incorporated in student and staff handbooks.

#### **1. Reporting by Staff**

A staff member will report immediately to the Program Manager or his/her designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the Program Manager or his/her designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with each school's policies and procedures for behavior management and discipline.

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

The school system 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 Program Manager or his/her designee. 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 Program Manager or his/her designee.

### **B. RESPONDING**

Before fully investigating the allegations of bullying or retaliation, the Program Manager or his/her 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. There may be circumstances in which the Program Manager or his/her designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00. Responses to promote safety may include, but not be limited to, creating a personal safety plan; predetermining 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 Program Manager or his/her designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Program Manager or his/her 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.

#### **1. Obligations to Notify Others**

##### **a. Notice to parents or guardians:**

Upon determining that bullying or retaliation has occurred, the Program Manager or his/her designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. Notice will be provided in the primary language of the home and in compliance with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

##### **b. Notice to Another School/District:**

If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or collaborative school, the Program Manager or his/her designee first informed of the incident will promptly notify by telephone the Program Manager or his/her 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.

##### **c. Notice to Law Enforcement:**

At any point after receiving a report of bullying or retaliation, including after an investigation, if the Program Manager or his/her designee has a reasonable basis to believe that criminal charges may be

pursued against the aggressor, the Program Manager or his/her designee will notify the local law enforcement agency. 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 Program Manager or his/her designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the Program Manager will, consistent with the Plan and with applicable program policies and procedures, consult with local law enforcement and other individuals the Program Manager or his/her designee deems appropriate.

## **2. Investigation**

The Program Manager or his/her designee will investigate promptly (within 24 hours) all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. During the investigation the Program Manager or his/her designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Program Manager or his/her designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Interviews will be conducted by the Program Manager or his/her designee, other staff members as determined by the Program Manager or his/her 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 Program Manager or his/her designee will maintain confidentiality during the investigative process. The Program Manager or his/her designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with Collaborative policies and procedures for investigations and for possible disciplinary action. If necessary, the Program Manager or his/her designee will consult with the Executive Director regarding consultation with legal counsel pertaining to the investigation of the alleged report.

## **3. Determinations:**

The Program Manager or his/her designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Program Manager or his/her designee will take steps reasonable steps to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Program Manager or his/her designee will:

- 1) Determine what remedial action is required, if any, and
- 2) Determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Program Manager or his/her 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.

The Program Manager or his/her designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Program Manager or his/her designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless

it involves a “stay away” order or other directive that the target must be aware of in order to report violations.

#### **4. Responses to Bullying:**

MSEC has 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.

##### **a. Teaching Appropriate Behavior through Skills-Building**

Upon the Program Manager or his/her 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, § 37O(d)(v). Skill building approaches that the Program Manager or his/her 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 school 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; and making a referral for evaluation.

##### **b. Taking Disciplinary Action**

If the Program Manager or his/her designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Program Manager or his/her 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 MSEC Bullying Prevention and Intervention Plan and with the program’s student handbook.

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 Program Manager or his/her designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action consistent with the program’s student handbook.

##### **c. Promoting Safety for the Target and Others**

The Program Manager or his/her designee(s) 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. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Program Manager or his/her 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 Program Manager or his/her designee will work with appropriate school staff to implement them immediately.

## **VI. COLLABORATION WITH FAMILIES**

The MSEC Bullying Prevention and Intervention Plan includes strategies to engage and collaborate with students' families in order to increase the capacity of each of our programs to prevent and respond to bullying. Resources for families and communication with them are essential aspects of effective collaboration. Provisions for informing parents or guardians about the bullying prevention and intervention curricula used by the schools include:

- 1) How parents and guardians can reinforce the curricula at home and support the school or district plan;
- 2) The dynamics of bullying, online safety and cyber bullying.
- 3) Parents and guardians will also be notified in writing each year about the student-related sections of the MSEC Bullying Prevention and Intervention Plan.

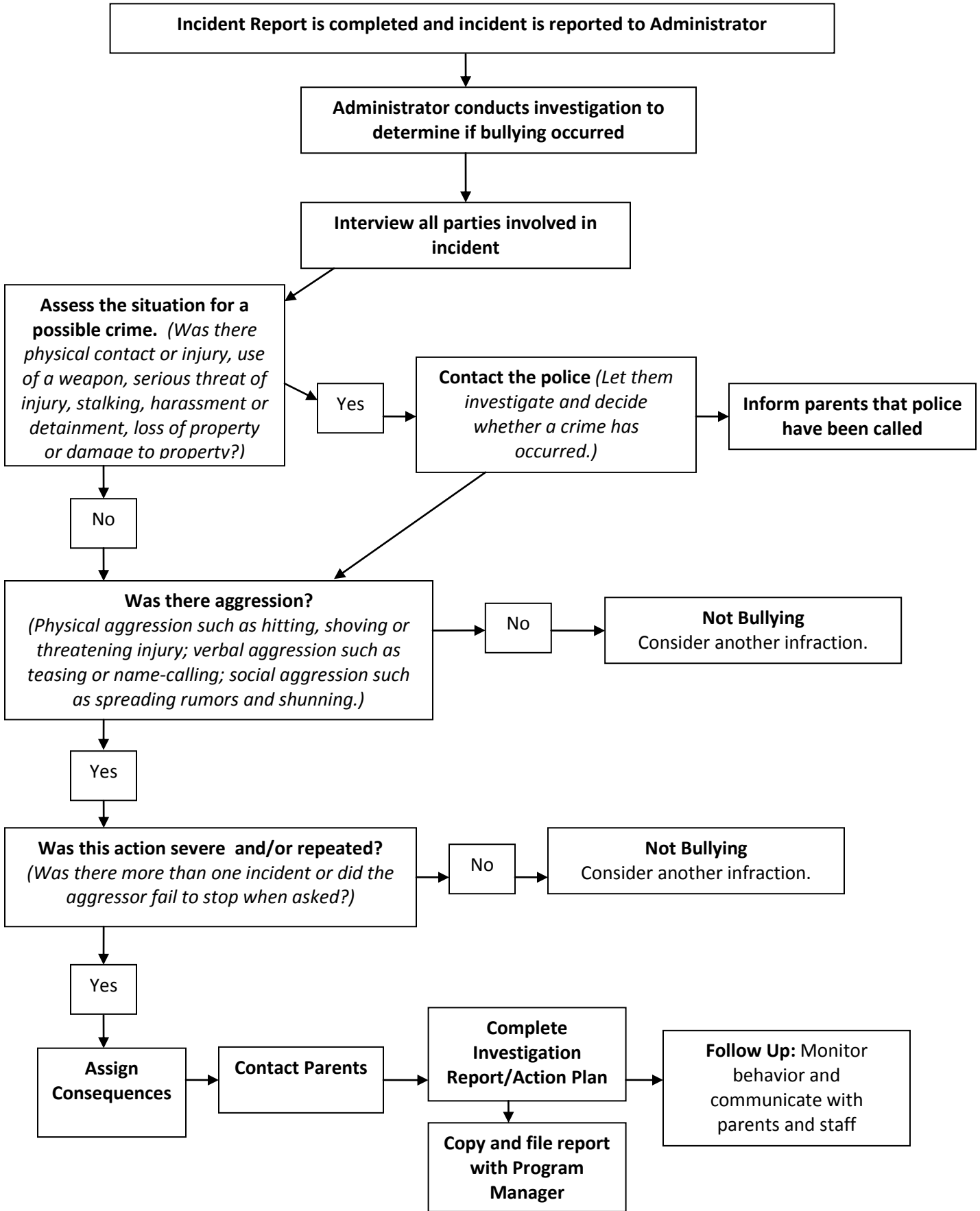
Programs will collaborate with the PAC and/or parent volunteers to create parent resource and information networks. Programs will join with these parent groups to offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the program(s).

Programs will annually 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 cyber bullying and online safety. The schools will send parents written notice each year about the student related sections of the MSEC Bullying Prevention and Intervention Plan and the MSEC Internet Acceptable Use Policy. All notices and information made available to parents or guardians will be in hard copy and/or electronic formats.

## **VI. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the MSEC Bullying Prevention and Intervention Plan prevents the programs or Collaborative 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. In addition, nothing in the MSEC Bullying Prevention and Intervention 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 or 37H½, other applicable laws, or local program or collaborative policies in response to violent, harmful, or disruptive behavior, regardless of whether this Plan covers the behavior.

**MSEC RESPONSE FLOW CHART**





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*For Administrative Use Only*

**C. Investigation:**

Interviewed:

Aggressor Name: \_\_\_\_\_ Date: \_\_\_\_\_

Target Name: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Date: \_\_\_\_\_

Any prior documented incidents by the aggressor Yes/No

If yes, have incidents involved same target Yes/No

**Summary of Investigation:**

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**D. Conclusions from Investigation**

**1. Finding of bullying or retaliation:**

Yes  No

**2. Does the conduct constitute discrimination or harassment in violation of other applicable state and/or federal laws. (Is the target a member of a protected class?)**

Yes  No

**3. Contacts:**

Parent/Legal Guardian of target notified? Yes/No Name: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Legal Guardian of aggressor notified? Yes/No Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Other agencies notified (specify):**

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

**3. Disciplinary Action taken**

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**4. Further action/plan required**

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