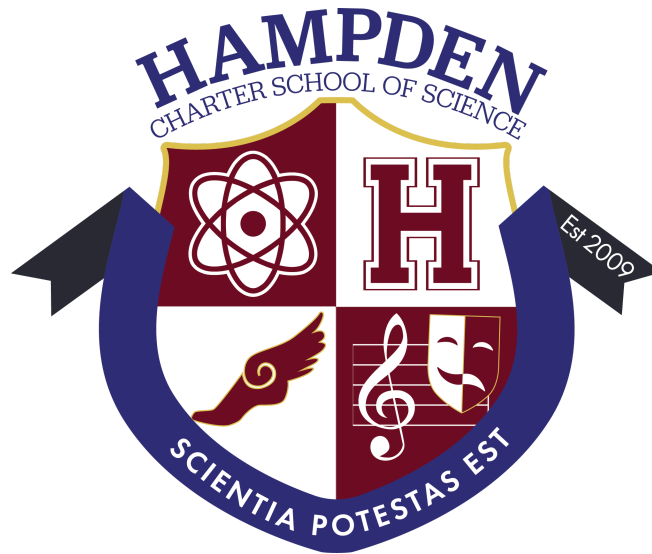


# Hampden Charter School of Science



## Bullying Plan 2021-2022

Updated: 12/2021

In accordance with M.G.L. c. 76, s. 5, Hampden Charter School of Science shall not discriminate nor tolerates harassment or bullying based on race, color, national origin, creed, sex, ethnicity, gender identity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement. HCSS has a zero tolerance for harassment or bullying based on these areas.

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# I. GUIDING PRINCIPLE

The Hampden Charter School of Science Committee/School Board believes that preventing bullying and/or harassment is critical for creating and maintaining a safe, secure and positive school climate and culture, which in turn supports academic achievement, increases school engagement, respects the rights of all individuals and groups, and purposefully builds community. HCSS also acknowledges that not all bullying can be stopped.

## A. GOALS:

The Hampden Charter School of Science district will not tolerate bullying or harassment of/by any student, teacher, administrator, staff member, and parent or community partner participating in any sanctioned school activity.

This policy will:

- comply with state law
- clearly define what constitutes actions of bullying and/or harassment
- reinforce the district's commitment to respond to bullying and harassing behaviors through the development of a prevention and intervention plan and procedures
- clarify the response of the district to reports of such behaviors
- clarify the extent to which the administrators of the Hampden Charter School of Science are directed to apply disciplinary actions, as specified in the following Hampden Charter School of Science Committee policies and school district procedures: Student Handbook, Code of Conduct, Student Discipline, and the School Safety Plan

## B. DEFINITIONS:

**Bullying:** as defined in M.G.L. c. 71, § 37O, 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.

**Peer Conflict:** refers to mutual disagreement or hostility between peers or peer groups.

It is characterized as conflict between people of equal or similar power (friends); it occurs occasionally; it is unplanned; and it does not involve violence or result in serious harm.

Perpetrators of peer conflict do not seek power or attention. However, peer conflict can escalate into violence. Those involved in violence and aggression usually have comparable emotional reactions, demonstrate some remorse, and actively try to resolve the problem.

**Harassment:** is defined as unwelcome, intentional, unprovoked discriminatory behavior, toward an individual or individuals, motivated by membership (real or perceived) in a protected category including: race, color, religion, ethnicity/natural origin, disability, gender, gender identity, sexual orientation and age. Harassment includes **cyber harassment** (see definition below).

**Sexual harassment:** is defined in Massachusetts as: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or decisions regarding student evaluation or participation in school programs or activities (**quid pro quo** sexual harassment); or,
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or school performance by creating an intimidating, hostile, humiliating or sexually offensive environment (**hostile environment** sexual harassment).

Sexual harassment may occur student to student, adult to student, student to adult, adult to adult, male to female, female to male, female to female, and/or male to male.

**Cyber bullying:** is defined as any willful and repeated harm inflicted through, but not limited to, Web pages, social networking sites, email, instant messaging or text messaging using computers, cell phones and other electronic devices. The following are examples of cyberbullying, when they are intentional and result in social-emotional harm and/or distress:

- Sending text messages over the Internet or using a cell phone or texting device or medium
- Posting text, images, audio, or video to a Web page
- Sending or posting text, images, audio, or video on or over the Internet or through a cell phone or electronic network, including social networking sites
- Sending a threatening, intimidating, graphic or sexually explicit picture or video via the Internet or using a cell phone or electronic network, including social networking site
- Sending a threatening, intimidating, graphic or sexually explicit or video via the Internet or using a cell phone or electronic network, including social networking sites

**Cyber-harassment:** is defined as any willful and repeated harm inflicted through, but not limited to, Web pages, social networking sites, email, instant messaging or text messaging using computers, cell phones and other electronic devices which is motivated by the target individual or individuals membership in a protected group, whether real or perceived, under [cite legal reference - see Section I pg. 10].

**Retaliation:** is defined as any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

**Reporter:** is defined as a person reporting an incident under this policy who is a third party and not the recipient of the alleged behavior that violates the policy.

**Target:** is defined as any school community member whom one or more forms of the following: bullying, harassing, cyber harassing, cyber-bullying, or retaliation has been perpetrated.

**Bully:** is defined as any school community member who engages in bullying, harassing, cyber harassing, cyber-bullying, or retaliation.

**School Community Member:** is defined as any student, district or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school sponsored function or activity.

**FERPA:** Federal Educational Rights and Privacy Act; that states school records, including discipline are a private matter. The school is prohibited from sharing these records with any third party without parental/guardian consent.

### **C. POLICY SCOPE:**

Any form of bullying, harassment, cyber bullying, and/or cyber-harassment is prohibited, whether in the classroom, on school premises, immediately adjacent to school premises, traveling to or from school, or at school-sponsored events, whether or not held on school premises. "Traveling to or from school" includes on a school bus or other school related vehicle, at official school bus stops, and walking to or from school within a reasonable time before or after school hours. Bullying or harassment, including cyber bullying and/or cyber-harassment, that is not conducted at locations noted above are covered by this policy if the incident results, or could result, in a substantial disruption of the school learning environment for one or more individuals and/or the orderly day to day operations of the school.

### **D. REPORTING AND INVESTIGATIONS:**

Each member of the school community is responsible for reporting any observations of bullying, harassment, retaliation, or credible information that such an act has taken place. Reports of bullying, harassment, or retaliation incidents, including cyber bullying and/or cyber harassment, occurring outside the scope (see above) of the school/district will be investigated to determine if the incident(s) resulted in a potential or actual disruption of the school learning environment for one or more individuals and/or the orderly day to day operations of the school.

Parent(s)/guardian(s) of both targets and alleged perpetrators of bullying, harassment, or retaliation incidents, including cyber bullying and/or cyber-harassment, will be notified of such incidents within a time frame that will be set per the district's procedures. Results of investigations of incidents will be communicated to the parent(s)/guardian(s) of both targets and alleged perpetrators within a timeframe that will be set per the district's procedures, and also within the restrictions of the Federal Educational Rights and Privacy Act. If additional time is required to conduct the investigation, this will be communicated to the parent/guardian (s) and no more than two such extensions shall be permitted under this policy.

## **E. DISTRICT PROCEDURES:**

The School Board and Director, and/or his/her designee, will define the guidelines and procedures to implement this policy in the district's "Bullying and Harassment Prevention and Intervention Plan and Procedures". The written plan and procedures developed by the Director, and/or his/her designee; to enforce this policy shall comply with applicable laws, including without limitation the Federal Educations Rights and Privacy Act, as amended.

The plan shall provide for schools, at each level, appropriate procedures for reporting and investigating incidents of bullying, harassment, and/or retaliation. Specific staff positions responsible for receiving and following up on reports will be identified in these procedures. The procedures will include a standard reporting form that may be used by any school community member for all incidents and types of bullying, harassment, and/or retaliation. The purpose of the reporting form is to trigger an investigation, which protects the safety of the target, bystanders, and/or concerned family/community members. The plan will also specify procedures, in conjunction with the district's memorandum of understanding with the Chicopee Police Department/ West Springfield Police Department and Hampden Charter School of Science Attorney, for notifying local law enforcement where criminal charges may be pursued against the perpetrator. Within the requirements of FERPA, the guidelines and procedures to implement the Bullying and Harassment Policy shall include a specific amount of time within which parents will be informed of a complaint and a specific amount of time for investigations to be completed. Additionally, the plan will include procedures for communicating with parents/guardians, including dissemination of prevention information; a professional development plan for all staff; and instruction for students at all school levels in social-emotional learning and violence prevention.

## **F. CONSEQUENCES AND Support Services:**

Consequences and appropriate remedial action for students who commit acts of bullying and/or harassment may range from positive behavioral interventions up to and including suspension or expulsion as outlined in the schools' Codes of Conduct/Student Handbook.

Retaliation or threats of retaliation in any form designed to intimidate the target of bullying and/or harassment, those who are witnesses to such behavior or those who are investigating such behavior will be subject to discipline as outlined in each school's student Code of Conduct/Student Handbook and the Staff Handbook.

Acts of bullying or harassment allegedly committed by adult members (including teachers, administrators, staff members, other school personnel, parents/guardians, community partners, or other visitors to the school) of the school community will be reported to school administrators, for investigation and consequences, in accordance with applicable procedures, including appropriate legal actions.

Retaliation or threats of retaliation by adult members (including teachers, administrators, staff members, other school personnel, parents/guardians, community partners, or other visitors to the school) of the H.C.S.S. community in any form designed to intimidate the victim of bullying or harassment, those who are witnesses or those investigating an incident of bullying or harassment, will be subject to additional consequences, in accordance with appropriate procedures.

Depending upon the circumstances, the director or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development. H.C.S.S. shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, and/or appropriate family members of the involved students who are affected by bullying, as necessary.

When it is determined that a target is in fear or is being threatened, the director will develop a safety plan to immediately take steps to limit and control the behavior of the aggressor(s) who are causing the threat. The safety plan will be developed in collaboration with the appropriate staff and shared with staff to ensure enforcement and follow-up. The director or designee will periodically follow-up with the target(s), and their parents, in an incident to ensure the student believes the situation has improved and that any threat or fear has been significantly reduced or eliminated.

## **G. OVERSIGHT AND ACCOUNTABILITY:**



The CEO or his/her designee will present the district's "Bullying Prevention and Intervention Plan" to the School Board by January, 2021. The plan will be reviewed and revised by the district administrative team every two years and such revisions will subsequently be presented to the School Board.

The CEO or his/her designee, will report on the total number of complaints, investigations, verified acts and any trends of bullying, harassment, cyber bullying and/or cyber-harassment district-wide at least annually to the School Board/ PTO Committee.

## **H. OTHER LEGAL REMEDIES:**

Any school community member may also pursue legal remedies or other avenues of recourse, including, but not limited to, filing a complaint with:

The Massachusetts Commission Against Discrimination (MCAD)

U.S. Department of Health & Human Services, the Office for Civil Rights (OCR)

## **I. LEGAL REFERENCES:**

Chapter 92 of the Acts of 2010

AN ACT RELATIVE TO BULLYING IN SCHOOLS

M.G.L. 71:37H STUDENT CONDUCT M.G.L CH. 269, S.17.

CRIME OF HAZING; DEFINITION; PENALTY M.G.L. Chapter 71, S. 37H and 37L;

M.G.L. Chapter 76, S. 16 and 17;

Chapter 380 of the Acts of 1993 and Chapter 766 Regulations, S. 338.0 also Mass. Dept. Of Education, Advisory Opinion on

STUDENT DISCIPLINE M.G.L. 71:37H

STUDENT HANDBOOKS

M.G.L. 71:55C and Acts of 1985c 614 Sec 1

Board of Education 603 CMR 36:00

SCHOOL SAFETY Title II, ADA of 1992

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education For All Handicapped Children Act of 1975

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972) M.G.L. 76:5; Amended 1993

M.G.L.76:16 (Chapter 622 of the Acts of 1971)

Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78

Board of Education 603 CMR 2600

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

RELATING TO DISCRIMINATION

Title VII, Section 703, Civil Rights Act of 1964 as amended 45

Federal Regulation 74676 issued by EEO Commission

Education Amendments of 1972, 20 U.S.C. 1681 et. seq. (Title IX) Board of Education 603 CMR 26:00

RELATING TO SEX DISCRIMINATION AND SEXUAL HARASSMENT

## II. PROCEDURES

### A. REPORTING:

Any member of the school community who wishes to make a complaint regarding bullying, harassment, or retaliatory behavior can find a universal reporting form in each school's main office, guidance office and nurse's office. The form can also be found online for download at

[www.hampdencharter.org](http://www.hampdencharter.org)

<https://east.hampdencharter.org/>

<https://west.hampdencharter.org/>

Forms will be available in Spanish and other languages as needed and a developmentally appropriate form for use with young children is also available. Forms should be returned to the -

Dean of School Culture EAST - Mr. Borelli

20 Johnson Rd, room 211

Chicopee, MA 01022

PHONE: (413)-593-9090 ext. 211

EMAIL: [gborelli@hampdencharter.org](mailto:gborelli@hampdencharter.org)

Dean of School Culture WEST – Mr. Smith

511 Main St, room U18

West Springfield, MA 01089

PHONE: (413)-278-5450 ext. 479

EMAIL: [rsmith@hampdencharter.org](mailto:rsmith@hampdencharter.org)

Anyone who wishes to make a report regarding bullying, harassment, and/or retaliation anonymously may do so by filling out the standard reporting form without including their name. Anonymous information will not be used as evidence for disciplinary proceedings, but may trigger a further investigation into the allegation.

Any school community member who retaliates against another for reporting bullying, harassment, and/or retaliation, or who knowingly makes a false accusation of bullying, harassment, and/or retaliation, shall be subject to disciplinary action.

## **B. INVESTIGATION**

A complaint or incident of bullying, harassment, or retaliatory behavior may be reported to administration either on the reporting form, or on an existing office referral form. If a complaint is verbal in nature, the administrator will ask the complainant/witness to fill out a reporting form.

Investigations are coordinated by the building Equity Officer (EO). The EO is the Dean of School Culture or the Interim Dean of School Culture. Investigations will be carried out by these administrators.

There are several circumstances under which an incident may be referred to the Director for investigation. These include:

- When a parent/guardian/student feels the situation is unresolved at the initial level.
- When the incident involves the administrator or other staff in a building who are responsible for investigations.
- When the situation remains unresolved even after investigation and corrective action (at administrators discretion but generally meaning there are two or more separate and substantiated incidents regarding a single person or group of persons).

- Adult to adult behavior (at the building administrator's discretion).

Investigation of the complaint will be documented on the "Bullying and Harassment Incident Report Tracking Form". This form will help to determine if a civil rights/anti-bullying violation occurred and will document the type of violation. It will also document the corrective actions and/or disciplinary action(s) taken as well as notification of all relevant parties. All completed forms are sent to the Director

Investigation of the complaint will be completed within 1-5 school days whenever possible, and if additional time is required to conduct the investigation, this will be communicated to the parent/guardian(s), and no more than two such extensions shall be permitted under the policy.

If the accusation(s) against the perpetrator (s) prove to be substantiated, the investigator's report shall:

- Provide for reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, bullying, or retaliation and prevent it from recurring, including appropriate disciplinary action as set forth by the Codes of Conduct and Student Handbook of the school
- Document, as needed, reasonable steps to address the effects of the discrimination, harassment, bullying, or retaliation on the complainant
- Document, as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

Other actions to be considered include the following:

- Have an educational discussion with the bully/cyberbully and with bystanders
- Discuss the dangers of such behavior and the fact that everyone is now aware of the situation. If relevant, discuss future legal problems the child may incur if they continue with these behaviors
- Immediately inform bullies/cyberbullies and bystanders about the consequences for bullying or cyberbullying in school. If the alleged perpetrator(s) engage in any bullying or cyber-bullying in school, follow through on consequences immediately

## C. NOTIFICATION

**Parents/guardians of any students involved in a complaint** will be notified by administration of the complaint **within 24 hours** of its receipt.

The Director or designee must immediately notify the **local law enforcement agency**, per the Memorandum of Understanding (between the Chicopee Police Department/ West Springfield Police Department and the school's attorney's office), when criminal charges may be pursued against the aggressor(s).

If the reported incident involves a student from more than one school district, charter school, non-public school, special education day or residential school or collaborative program, the Director or designee first informed of the incident will promptly notify by telephone the **Director/or designee of the other school(s)** of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations.

The Director or designee will notify the **parent/guardian of the aggressor(s)** of the disciplinary action taken.

The Director or designee will notify the **parent/guardian of the target**, to the extent consistent with the state and federal law, of the actions taken to prevent any further acts of bullying or retaliation. Note that this last element does NOT permit the school to release information that is protected by existing confidentiality laws.

The Director or designee will develop a mechanism for communicating to the **original reporter of the behavior**, when not directly involved, and within the confines of confidentiality, that his or her complaint has been investigated and action has been taken.

## **D. SAFETY PLANS**

Each school building administrator, in conjunction with the building Student Support Teams (Administrators, Nurse and Guidance Counselor), will establish a safety plan for target(s) of bullying/harassment. The plan should include the following elements:

Selection of a “safe zone”; an area identified by the target where he or she can go to get help from a trusted adult.

- A mechanism for informing all relevant adults (teachers, coaches, bus drivers, counselors and other support staff) of the situation between the aggressor(s) and target (s)
- A plan for monitoring of areas where bullying is occurring and of less structured areas of the school environment, such as buses, cafeteria, and playground
- Follow up with parents/guardians of all involved to inform them of actions being taken.
- Assessment of effectiveness of the above interventions on a regular basis with the target to determine if there is a recurrence of prohibited behaviors and if more supportive measures are needed.

## **E. REQUIREMENTS FOR STUDENTS WITH DISABILITIES**

For students identified with a disability, the IEP/504 Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71 B, § 3, as amended by chapter 92 of the acts of 2010.)

Whenever an IEP/504 Teams' evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP/504 Team(s) must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71 B, § 3, as amended by chapter 92 of the acts of 2010.)

### III. PREVENTION

#### A. NEEDS ASSESSMENT

Initial and periodic needs assessments will be conducted via the following methods:

- Surveying students/staff/families on school climate and bullying issues
- Collecting and analyzing building specific data on bullying and harassment behavior.

#### B. PROFESSIONAL DEVELOPMENT

**Annual Staff Training on the Plan.** Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to receive the training during the school year in which they are hired.

**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, § 37O, the content of school wide and district wide 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
- 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
- the incidence and nature of cyberbullying
- Internet safety issues as they relate to cyberbullying.

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

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

- promoting and modeling the use of respectful language
- fostering an understanding of and respect for diversity and difference
- building relationships and communicating with families
- constructively managing classroom behaviors
- using positive behavioral intervention strategies
- applying constructive disciplinary practices
- teaching students skills including positive communication, anger management, and empathy for others
- engaging students in school or classroom planning and decision-making
- maintaining a safe and caring classroom for all students

**Written notice to staff.** The school or district will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and the school's Code of Conduct in the Student Handbook.

## **C. STUDENT EDUCATION**

Activities, programming and curricula that support a safe and respectful school culture:

- Research Based Curriculum delivered in the Character Education classes by the Middle School Adjustment Counselor and Character Education teacher.
- Research Based Curriculum delivered by the High School Adjustment Counselor.

Internet education:

- Acceptable use policy in place.
- Internet Safety training offered to parents/guardians, staff, and students in grades 6-12. (See video below)
  - Internet Safety <https://youtu.be/boFW0dCJMpl>

## **D. COLLABORATION WITH FAMILIES**

**Notification Requirements \*events/dates subject to change:**

HCSS holds events throughout the school year that highlight positive school culture.

- Plan posted on website January 2021
- Reporting Form posted on website January 2021
- Notice home in all school newsletters regarding updated plan January 2021

## **E. PARENT AND STUDENT EDUCATION OF THIS PLAN**

**Parent education and resources.**

- Student and Family Support (SFS) - <https://www.doe.mass.edu/sfs/bullying/>
- Stop Bullying <https://www.stopbullying.gov/resources/get-help-now>
- EdTopia - Bullying Prevention <https://www.edutopia.org/article/bullying-prevention-resources>
- Integrating Bullying Prevention Efforts into Emergency Management Planning [https://rems.ed.gov/docs/Resources/Bullying\\_Resource\\_List\\_508C.pdf](https://rems.ed.gov/docs/Resources/Bullying_Resource_List_508C.pdf)

**Notification requirements.**

Each year the school will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the school's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats. The school will post the Plan and related information on its website.