

GARDNER PUBLIC SCHOOLS
Bullying Prevention and Intervention Plan

INTRODUCTION

The Gardner Public School District is committed to creating and sustaining a safe, caring, respectful learning environment. The school or district expects that all members of the school community will treat each other in a civil manner with respect for differences. The district is committed to providing all students and staff with an environment that is free from bullying and cyber-bullying. This commitment is an integral part of our comprehensive efforts to promote learning, healthy social development, and to prevent and eliminate all forms of bullying and other harmful, disruptive behavior that can impede the learning process.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyber-bullying, and Gardner Public Schools commitment to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these essential members, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyber-bullying, harassment, intimidation, and retaliation. The Principal in each building is responsible for the implementation and oversight of this plan.

I. LEADERSHIP

Leadership at all levels of the Gardner School District played a critical role in developing and implementing the Bullying Prevention and Intervention Plan in the context of other whole school and community efforts to promote positive school climates. Leaders have a primary role in teaching students to be civil to one another and in promoting understanding of and respect for diversity and difference. Leadership includes Central Office Administrators and Building Based Leadership Teams. Leadership is responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to bullying. It is also the role of leaders to involve representatives from the greater school and local community in developing and implementing the Plan. The locally based School Councils will review the plan and provide feedback from parent and community perspectives.

A. Plan development:

The following plan was developed by educators and other members of the Gardner School District. As required by M.G.L.c.71 § 370, this draft plan is posted on the website and all members of the school and greater community are encouraged to give feedback. This Plan is being shared with stakeholders via meetings, online posting, mailings, and public presentations, which, included teachers, school staff, professional support personnel, administrators, community representatives, local law enforcement agencies, students, parents, and guardians.

B. Assessing needs and resources:

School leaders, with input from staff, assessed the adequacy of current programs; reviewed current policies and procedures; available data on bullying and behavioral incidents; and assessed available resources including curricula, training programs, and behavioral health services. Data on current pro-social programs, bullying prevention initiatives, school wide climate goals, and school based parent and student feedback was reviewed and incorporated into the plan.

The district will carry out periodic needs assessments including: 1) surveying students, staff, parents, and guardians on school climate and school safety issues; and 2) collecting and analyzing building-specific data on the prevalence and characteristics of bullying. The district will annually report bullying incident data to the Department. Currently, climate surveys are provided annually in late fall.

C. Planning and oversight:

School or district leaders identified below will be responsible for the following tasks:

Person(s) Responsible	Task
Superintendent	implementation and oversight of the Plan
Principal or designee	receiving reports on bullying from staff /students/parents/guardians
District Administrators Council	collecting and analyzing building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes
District Administrators Council	creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors
Chief Academic Officer	planning for the ongoing professional development that is required by the law
Director of Pupil Personnel School Counselor Department	planning supports that respond to the needs of targets and aggressors
Chief Academic Officer Director of Pupil Personnel	choosing and implementing the curricula that the school or district will use
School Committee Superintendent	developing new or revising current policies and protocols under the Plan, including an Internet safety policy, and designating key staff to be in charge of implementation of them
Chief Academic Officer Director of Pupil Personnel	amending student and staff handbooks and codes of conduct; leading the parent or family engagement efforts and drafting parent information materials, reviewing and updating the Plan each year

D. Priority statements

The Gardner Public School District expects that all members of the school community will treat each other in a civil manner and with respect for differences.

The Gardner Public School District is committed to providing all individuals with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We understand that members of certain student groups, including; race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived differentiating characteristics; or by associating with a person who has or is perceived to have one or more of the characteristics. The Gardner Public School District will take steps to create a safe environment for vulnerable populations in the school community, and provide these students with the skills and knowledge to prevent or respond to bullying, harassment, or teasing.

The Gardner Public School District affords all students the same protection regardless of their status under the law.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our activities, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying, and creates a foundation for working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The Principal in each building is responsible for the implementation and oversight of the Plan.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

A. Annual staff training on the Plan:

Annual training for all school staff on the plan will include:

1. Staff duties under the plan
2. An overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation
3. An overview of the bullying prevention curricula to be offered at all grades throughout the school or district
4. 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

Each year staff members including but not limited to educators, administrators, nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extra-curricular activities and paraprofessionals will receive 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 district-wide professional development will be informed by research and will include information on:

1. developmentally (or age) appropriate strategies to prevent bullying
2. developmentally (or age) appropriate strategies for immediate, effective interventions to stop bullying incidents
3. information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying
4. 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
5. information on the incidence and nature of cyberbullying
6. Internet safety issues as they relate to cyberbullying
7. ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs), with a particular focus on the needs of students with autism or students whose disability affects social skills development

Additional areas identified by the school for professional development include:

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

C. Written notice to staff:

The Gardner Public School 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 district employee handbook and the code of conduct. The district handbook will have written notice of the Bullying Prevention Plan and Policy and relevant sections of the Plan relating to the duties of faculty and staff will be included

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in the District’s employee handbook. The Plan and Policy will be available on the District’s website.

III. ACCESS TO RESOURCES AND SERVICES

A. Identifying resources:

Current staffing and programs that support the creation of positive school environments by focusing on early interventions and intensive services:

Staff
Building Administrators
Instructional Staff
Non-Instructional Staff
School Counselors
School Nurses
School Adjustment Counselors (SAC)
School Psychologists
Care-Coordinators
Speech and Language Pathologists (SLP)
Early Childhood Coordinator
Board Certified Behavior Analysts (BCBA)
Family Engagement Coordinator
Programs/Activities
Building based PBIS programs, Check in/Check out (CiCo)
District School Counselor Curriculum for all students addresses bullying needs
Responsive Classroom
First Six Weeks
Restorative Justice Practices
Paths Curriculum
Life Skills Curriculum
Zones of Regulation
Social Thinking
High School SWAT Program through Shine Initiative
Best Buddies
Student Advisories
Parent Teacher Home Visits (PTHVs)
Monthly Character Education at Elementary Schools
Social Skills/SEL groups by counselors, SACs, psychologists, SLPS, BCBA
Building Based Student Support Teams (SST)
High School Links Program
High School Health Classes
District-Wide BESS (Tier 1 behavior/emotional screener) to identify student needs

B. Counseling and other services:

Each school in the district has access to counseling services by school counselors, adjustment counselors, and psychologists. Counseling opportunities are available to all students. The District has a Director of Guidance position who assists in the coordination of PK-12 prevention practices and curricula in the district. Each school

has a student support team knowledgeable on bullying prevention including recognizing and understanding characteristics of students at risk

1. Availability of culturally and linguistically appropriate resources outside the district. The role of the district Family Engagement Coordinator is to assist families with appropriate services. The district maintains a list of translation services and interpreter services for building administrators to access. (see Appendix A)
2. Linkages with community-based organizations:
3. There is a protocol for referral to outside services for all targets, aggressors, and appropriate family members of the involved students. School counselors and Care Coordinators at the high school level refer students and families to outside resources as needed. Referrals are compliant with state laws and policies. Continuous review of such referral protocols is on-going. The District uses the services from You Inc, LUK, Inc, Community Health Link, New England Counseling, South Bay and local private counselors.
4. In school staff and service providers:
 - a. Social skills programs to prevent bullying:
 - Classroom Teachers
 - School Counselors
 - School Adjustment Counselors
 - School Psychologists
 - Speech and Language Pathologists
 - Board Certified Behavior Analysts
 - b. Intervention services for students exhibiting bullying behaviors:
 - School Counselors
 - School Adjustment Counselors
 - School Psychologists
 - c. Behavioral intervention plans, social skills groups, and individually focused curricula:
 - School Counselors
 - School Adjustment Counselors
 - School Psychologists
 - Speech and Language Pathologists
 - Board Certified Behavior Analysts

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 that a student has a disability that affects social skills development or the student may participate in or be 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

Referral protocol for referring students and families to outside services is carried out by contacting the school counselor. Referrals comply with relevant laws and policies. In addition, identification of outside resources will be identified for families and others through the Care Coordinator and links on the district website.

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

A. Specific bullying prevention approaches.

1. Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:
 - a. using scripts and role plays to develop skills
 - b. 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
 - c. helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance
 - d. emphasizing cyber safety, including safe and appropriate use of electronic communication technologies
 - e. enhancing students' skills for engaging in healthy relationships and respectful communications
 - f. engaging students in a safe, supportive school environment that is respectful of diversity and difference

2. Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan via class meetings, classroom instruction and via the student handbook in an age appropriate manner.

B. General teaching approaches that support bullying prevention efforts:

1. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:
 - a. setting clear expectations for students and establishing school and classroom routines
 - b. creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students
 - c. using appropriate and positive responses and reinforcement, even when students require discipline
 - d. using positive behavioral supports
 - e. encouraging adults to develop positive relationships with students
 - f. modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors
 - g. 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
 - h. using the Internet safely
 - i. supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

A. Reporting bullying or retaliation:

1. 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 shall be recorded in writing by the principal or designee.
2. A school staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. The staff member will report immediately to the superintendent or designee when the assistant principal or principal is the alleged aggressor and to the school committee when the superintendent is the alleged aggressor.
3. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously.
4. For each school, reports will be made to the Assistant Principal (when there is one) or to the Principal when there is no Assistant Principal using that individual's email address, voice mail, or mailing address at the school.
5. For the district, the contact person shall be the Chief Academic Officer via email, voice mail, or mailing address.
6. The district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, mailing and email addresses available on the district website www.gardnerk12.org, a list of telephone numbers (Appendix C)

B. Incident Reporting Form

1. Use of a formal Incident Reporting Form (Appendix B) is not required as a condition of making a report. Anyone may make a report of a behavior or activity that believed to be bullying, including cyberbullying or retaliation to the principal or designee
2. The principal or designee will evaluate whether or not it meets the definition of bullying, including cyberbullying or retaliation and make a formal report using the Incident Reporting Form if he/she applicable
3. The school or district will:
 - a. Include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians
 - b. Make the form available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee
 - c. Post it on the school's website
 - The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

C. Written Notice of Policies For Reporting Acts of Bullying and Retaliation

1. At the beginning of each school year, the district will provide the school community, including but not limited to administrators, staff, students, custodians, cafeteria workers, bus drivers, coaches, extracurricular advisors, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation
2. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school and district website, and information about the Plan that is made available to parents or guardians

3. Reporting

a. Reporting by Staff

- A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation.
- The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.
- Staff may use the Initial Referral Form to report this conduct.

b. Reporting by Students, Parents or Guardians

- The district 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 principal or 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 principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor

D. Responding to a report of bullying or retaliation.

1. Safety

- a. Before fully investigating the allegations of bullying or retaliation, the principal or 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.
- b. Responses to promote safety may include, but not be limited to,
 - creating a personal safety plan
 - pre-determining 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
 - altering the aggressor’s schedule and access to the target
 - The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary
- c. The principal or 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.
- d. Student safety planning procedures will be implemented as per the school protocols.

2. Obligations to Notify Others
 - a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of event, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
 - b. Notice to another school or district. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal 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, and 603 CMR 49.00.
 - c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that the behavior is in violation of the law, the principal 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 principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that the behavior is in violation of the law. In making this determination, the principal will consult with local law enforcement agency, and other individuals the principal or designee deems appropriate, consistent with the Plan and with applicable district policies and procedures.

E. Investigation.

1. Investigation
 - a. The principal or designee will investigate promptly 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.
 - b. During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary.
 - c. The principal or 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.
2. Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate.
3. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the

investigative process.

4. The principal or designee will maintain a written record of the investigation.
5. Procedures for investigating reports of bullying and retaliation will be consistent with district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

F. Determinations.

1. The principal or designee will make a determination based upon all of the facts and circumstances.
2. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities.
3. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.
4. Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s), 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.
5. The principal or 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.
6. 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 principal or 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.

G. Responses to Bullying.

1. Teaching Appropriate Behavior Through Skills-building
 - a. Upon the principal or designee determining that bullying or retaliation has occurred, the law c. 71, § 370 (d)(v) requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. Skill- building approaches that the principal or 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

2. Taking Disciplinary Action

- a. If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or 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 Plan and with the district's code of conduct.
- b. Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in conjunction with state laws regarding student discipline.
- c. If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others

- a. The principal or designee 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. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.
- b. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or 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 principal or designee will work with appropriate school staff to implement them immediately.

VI. COLLABORATION WITH FAMILIES

A. Parent education and resources.

1. The district will 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 district or school.
2. The programs will be offered in collaboration with the PTO, School Councils, Special Education Parent Advisory Council, or similar organizations.

B. Notification requirements.

1. Each year the school or district will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used.
2. This notice will include information about the dynamics of bullying, including cyberbullying and online safety.

3. The school will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy.
4. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians.
5. The school or district will post the Plan and related information on its website.

VII. PROHIBITION AGAINST BULLYING AND RETALIATION

A. Acts of bullying, which include cyberbullying, are prohibited:

1. 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 school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, 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 or school, 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.

B. 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.

C. 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.

VIII. PROBLEM RESOLUTION SYSTEM

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to complince@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information is also available at the Superintendent's office.

IX. DEFINITIONS

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

Bullying is the repeated use by one or more students, or a member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional, 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 him/herself, or of

- damage to his/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.

Cyberbullying 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, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, 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, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

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

X. RELATIONSHIP TO OTHER LAWS

- A. 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 Plan prevents the school or district 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.
- B. In addition, nothing in the 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 school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.
- C. The statutes and regulations infer that the administrators will have basic knowledge of the possible criminal statutes that may be in play in a case of bullying. Principals are encouraged to seek advice from local law enforcement officials if there is a question regarding an infraction of a law.
- D. Below is a list of possible criminal statutes that could be implicated in a bullying situation. This list is not exhaustive.
 1. Criminal Harassment – MGL Ch. 265.sec. 43A:
 - a. Whoever willfully and maliciously engages in a knowing pattern of

conduct or series of acts over a period of time directed at a specific person which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress shall be guilty of the crime of criminal harassment.

- b. Such acts also include acts by mail, or use of a telephone telecommunication device such as email internet communication and fax.
2. Violation of Constitutional Rights – MGL Ch.265, sec. 37
 - a. No person shall by force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution of the United States.
 - b. If bodily injury results, the person shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.
 3. Threat to commit a crime – MGL Ch. 275, sec.2
 - a. If complaint is made to any such court or justice that a person has threatened to commit a crime against the person or property of another, such court or justice shall examine the complainant and any witnesses who may be produced, on oath, reduce the complaint to writing and cause it to be subscribed by the complainant.
 4. Hazing – MGL Ch. 26, sec. 17
 - a. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.
 - b. The term hazing as used in this section and in sections 18 and 19 shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.
 5. Assault and Battery – MGL Ch. 265 sec.13A
 - a. Assault is an act of placing another in reasonable fear that force may be used
 - b. Battery is the intentional and unjustified use of force upon a person,

however slight, or the intentional doing of a wanton or grossly negligent act of causing personal injury to another.

6. Identity Fraud – MGL Ch. 266, sec. 37E
 - a. Whoever, with intent to defraud, poses (i.e. falsely represents oneself as another) as another person without express authorization, shall be guilty of identity fraud.

7. Disturbance of a school assembly – MGL Ch. 272, sec. 40
 - a. Whoever willfully interrupts or disturbs a school or other assembly of people met for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

8. Stalking – MGL Ch. 265, sec 43
 - a. Whoever will fully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury is guilty of stalking.

9. Annoying telephone calls – MGL Ch. 269, Sec 14A
 - a. Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such a fine and imprisonment.
 - b. For purposes of this section, "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

10. Destruction of Property – MGL Ch. 266, sec 127
 - a. Whoever destroys or injures the personal property, dwelling house or building of another in any manner or by any means not particularly described or mentioned in this chapter shall, if such destruction or injury is willful and malicious, be punished by imprisonment in the state prison for not more than ten years or by a fine of three thousand dollars or three times the value of the property so destroyed or injured, whichever is greater and imprisonment in jail for not more than two

and one-half years; or if such destruction or injury is wanton, shall be punished by a fine of fifteen hundred dollars or three times the value of the property so destroyed or injured, whichever is greater, or by imprisonment for not more than two and one-half years; if the value of the property so destroyed or injured is not alleged to exceed two hundred and fifty dollars, the punishment shall be by a fine of three times the value of the damage or injury to such property or by imprisonment for not more than two and one-half months; provided, however, that where a fine is levied pursuant to the value of the property destroyed or injured, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so destroyed or injured. The words “personal property”, as used in this section, shall also include electronically processed or stored data, either tangible or intangible, and data while in transit.

11. Civil Rights Violations

Some student misconduct that falls under the district's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws that prohibit harassment on the basis of race, color, religion, national origin, disability, sex or sexual orientation. Harassment on the basis of these enumerated categories is discrimination, and a federal civil rights violation that schools are obligated to address. Therefore, when an incident is reported, schools must look beyond how it is labeled (i.e., bullying) and consider whether the reported conduct may be a violation of federal civil rights law. For example, when students are bullied on the basis of their lesbian, gay, bisexual or transgender status, creating a hostile environment at school, the conduct also may be considered sexual harassment or gender-based harassment that violates Title IX. Other federal laws include: Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II).

APPENDIX A

TRANSLATION SERVICES CONTACT LIST

Erica Corral/Family Engagement Coordinator- Gardner Public Schools

Spanish Translation

978-632-1000

corraller@gardnerk12.org

Baystate Interpreters

55 Lake Street, Gardner, MA

888-663-8000

www.BaystateInterpreters.com

Henry Heywood Memorial Hospital Multicultural Services Center

242 Green Street Gardner, MA

978-630-6166

Fax: 978-669-5604

DESE – Office of Language Acquisition and Academic Achievement Paul Aquiar

Tel. 781 338-3538

Fax. 781 338-3318

Language School Int., Inc.

179 Great Road

Acton, MA

Tel. 978 263-0328

Fax 978 264-9552

Translation Center, University of Massachusetts at Amherst

Offers translation and interpretation services in more than 60 languages. Many translators are full-time language teachers. Services also include web page translation, video voice-overs, multi-lingual word processing, and design. Site includes rates. Documents up to five pages can usually be returned within 48 hours. Documents up to twenty pages can be returned within five working days. www.umass.edu/transcen/

Catholic Charitable Bureau of the Archdiocese of Boston, Inc.

Provides interpreting services to state and private agencies. No translation services provided. 270 Washington St.

Somerville, MA 02143

617 625-1920 ext. 204

Cambridge Translation Resources, Inc.

A unit of Language for Industry, a provider of web-based services primarily for the business community.

186 South St.

Boston, MA 02111

617 451-1233 www.LFIww.com

Cross Cultural Communication Systems, Inc.

Provides translation and interpreting services in more than 40 languages in the areas of health, education, legal, business and human services. Other services include language classes and consultation to promote cultural competency.

www.crossculturalcomsystem.com

P.O. Box 860 Winchester, MA 01890 781 729-3736

Latino Health Institute, Inc.

A major Latino public health organization, which provides translation of documents from, English to Spanish and vice versa. Has experience with health, social service, and education agencies. 95 Berkeley St.
Boston, MA 02116
617 350-6900
www.lhi.org

Peritus Precision Translations, Inc.

Offers translation services in more than 30 languages using certified, native speakers who are selected for assignments based on direct experience within a subject area.
201 Center Hill Road, Suite A Plymouth, MA 02360
508 224-8361 www.peritustranslations.com

Multicultural Community Service of the Pioneer Valley

1000 Wilbraham Road
Springfield, MA 01109
413 782-2500

Somali Development Centre, Inc.

205 Green St.
Jamaica Plain, MA 02180 617 522-0700

MAPA Translations & Language School Drita Protopapa, MA, MPH

302 Union Ave, Ste. 100
Framingham, MA 01702
508 309-6309
www.mapatranslation.com drita@mapatranslation.com

Client Services Administrator Pacific Interpreters Kristin Tryba

520 SW Yamhill STE 320
Portland, OR 97204
503 445.5652 direct
503 296.5626 fax

APPENDIX B

BULLYING INCIDENT REPORTING FORM

1. **Name of Reporter/Person Filing the Report:** _____

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. **Check whether you are the:** **Target of the behavior** **Reporter (not the target)**

3. **Check whether you are a:** **Student** **Staff member (specify role)** _____

Parent **Administrator** **Other** _____

Your contact information/telephone number: _____

4. **If student, state your school:** _____ **Grade:** _____

5. **If staff member, state your school or work site:** _____

6. Information about the incident:

Name of Target (of behavior): _____

Name of Aggressor (Person who engaged in the behavior): _____

Date(s) of Incident(s): _____

Time when Incident(s) Occurred: _____

Location of Incident(s) (Be as specific as possible): _____

7. Witnesses (List people who saw the incident or have information about it):

Name: _____ Student Staff Other _____

Name: _____ Student Staff Other _____

Name: _____ Student Staff Other _____

8. **Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.**

FOR ADMINISTRATIVE USE ONLY

9. **Signature of Person Filing this Report:** _____ **Date:** _____

10: **Form Given to:** _____ **Position:** _____ **Date:** _____

Signature: _____ **Date Received:** _____

APPENDIX C

LISTS OF SCHOOLS AND TELEPHONE NUMBERS

SCHOOL	ADDRESS	PHONE	PRINCIPAL
Waterford Street School	62 Waterford Street	(978)-633-1605	Mr. Earl Martin
Elm Street School	160 Elm Street	(978) 632-1673	Mr. David Fredette
Gardner Middle School	297 Catherine Street	(978) 632-1603	Mr. Arthur Murphy
Gardner High School	200 Catherine Street	(978) 632-1600	Ms. Paula Bolger
Gardner Public School District	70 Waterford Street	(978) 632-1000	Mr. Mark Pellegrino, Superintendent of School

APPENDIX D

LINKS TO OTHER RESOURCES ON BULLYING

<http://www.antibullying.net/>

<http://www.bullying.co.uk>

<http://www.bullying.org>

<http://www.stopbullyingnow.hrsa.gov>

<http://www.clemson.edu/olweus/>

<http://www.cutthebull.org/>

<http://kbpp.org/>

<http://www.kidscape.org.uk>

<http://lincoln.midcost.com/-wps/against/bullying.html>

<http://www.no-bullying.com>

<http://www.police.govt.nz/service/yes/nobully/>

<http://fcsn.org/newsline/v30n3/bullying.php>

<http://www.glsen.org/cgi-bin/iowa/all/antibullying/index.html>

<http://www.janedoe.org/safety.htm>

<http://www.nmha.org/index.cfm?objectid=CA866DCF-1372-4D20-C8EB26EEB30B9982>