

# FLLAC EDUCATIONAL COLLABORATIVE

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## FLLAC Educational Collaborative: Bullying Plan

*An Act Relative to Bullying in Schools*, Chapter 92 of the Acts of 2010 requires school leaders to create and implement strategies to prevent bullying and to address bullying promptly and effectively when it occurs. As a result of this legislation (M.G.L c71 370), the following is intended as the FLLAC Educational Collaborative Bullying Prevention and Intervention Plan for use in preventing and/or addressing bullying within the FLLAC Collaborative. FLLAC values an emotionally supportive and physically safe school learning environment as well as a respect for and tolerance of individual differences. Our commitment is to provide a positive and safe learning environment for all students from bullying and cyber bullying. This commitment is an integral part of our comprehensive efforts 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 groups may be more vulnerable to become targets of bullying, harassment, or teasing. It is expected that all members of the school community will treat each other in a civil manner with respect for differences.

Towards this end FLLAC will take specific steps to create a safe, supportive environment for all populations in the school community, and will provide all students with the developmentally and age appropriate skills, knowledge and strategies to prevent or respond to bullying and/or retaliation. We 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. We will support this commitment through curricula, instructional programs, staff development and parent/guardian involvement.

The following outlined comprehensive approach to addressing bullying and cyber bullying, speaks to FLLAC's commitment to working with students, staff, families, law enforcement agencies, and the community to prevent issues of bullying in the schools. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyber bullying, and retaliation.

### Bullying Policy and Definition

The FLLAC Collaborative is committed to providing a safe and secure environment for all FLLAC students. A safe and secure environment means an environment free from any form of bullying or harassment. FLLAC will work together with district staff, parents and outside agencies to identify, investigate and respond to instances of bullying in any of our programs.

Bullying is defined as and contains two key components;

*Repeated harmful acts involving an imbalance of power. Bullying involves severe or repeated physical, verbal or psychological attacks or intimidation directed against a victim who cannot properly defend him/herself because of size or strength or because the victim is outnumbered or less psychologically resilient.*

*Bullying includes severe or repeated assault, tripping, intimidation, rumor spreading, demands for money, destruction of property, theft of valued possessions, destruction of another's work and name-calling. Other school*

*behaviors are also recognized as bullying including sexual harassment, ostracism based on perceived sexual orientation, hazing and cyber-bullying.*

*Any severe or repeated use by one or more students or by a member of the 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 any written, verbal or electronic expression or a physical act or gesture, or any combination thereof, directed at another student or staff person that has the effect of:*

- *Causing physical or emotional harm or property damage*
- *Placing the student or staff person in reasonable fear of harm or damage to property*
- *Creating a hostile environment at the program*
- *Infringing on the rights of others in the program*
- *Materially disrupting the education process or the orderly operation of the school*

*can constitute bullying and should be reported.*

*While it is important to remember that not all taunting, teasing and fighting constitute bullying, any instance in which there are repeated behaviors such as those identified above by someone perceived as being physically or psychologically more powerful will be viewed as bullying.*

Bullying will not be tolerated and is prohibited in any FLLAC program or at any FLLAC function including field trips, transportation to and from school or school related functions, social functions and related off campus activities **or** through the use of technology or electronic devices.

FLLAC will maintain and update a bullying prevention plan appropriate to each FLLAC program. This plan shall apply to students and members of the 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.

FLLAC recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, 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 or by association with a person who has or is perceived to have 1 or more of these characteristics.

### **Leadership**

The FLLAC Collaborative provides educational and related services to a range of students with special education needs and does so in a variety of educational settings including public schools and public day programs. FLLAC will work with members of a variety of constituencies including parents of FLLAC students, district staff, the FLLAC Advisory Board (Special Education Administrators), the FLLAC Executive Board (Superintendents or designees), FLLAC staff and Administrators and representatives from community and state agencies serving our students to assess needs, form working groups and hold public meetings. Needs assessments, working groups and public meetings will be designed to gather input from all

constituencies that will help FLLAC to prevent, identify and respond to instances of bullying involving any FLLAC student.

Each FLLAC program has student handbooks with policies and procedures for managing student behavior. The FLLAC staff, with input from all appropriate constituencies, will review current plans, data and procedures, assess current resources including curricula, training programs and behavioral health and identify resources and potential gaps and areas of needs relative to each student population we serve.

FLLAC has long-standing and highly developed relationships with a range of community and law enforcement agencies. Based on the findings of our policy reviews and needs assessments FLLAC will work with these agencies to strengthen these relationship and/or establish new relationships that will help FLLAC to ensure that all of our students are safe.

FLLAC Program Supervisors are responsible for receiving reports of bullying, collecting and analyzing data on bullying within programs and designing measures to improve policies and procedures. They are also responsible for recording and tracking reports and for accessing information related to targeted students and aggressors. FLLAC Program Supervisors take all necessary steps to respond to incidents of bullying quickly and efficiently and will report to the Executive Director on instances of bullying using student incident report forms which will be updated to include information specific to bullying.

Program Supervisors will work with teachers, related service providers and counselors to research, choose and implement curricula that is developmentally and age appropriate to the student population served. Key staff have been identified within FLLAC programs who monitor the internet safety policies of the collaborative.

FLLAC Program Supervisors will be responsible to update policy and procedure manuals and student handbooks and for notifying families and sending districts that;

- FLLAC will take specific steps to create a safe and supportive environment for all students
- Provide all students with the skills, knowledge and strategies needed to respond to bullying, harassment or teasing
- Investigate all reports of bullying, cyber-bullying and retaliation and taking prompt action to end that behavior, protect the targeted student(s) and restore a sense of safety for the student(s) involved
- Notifying families and sending districts of incidents of bullying involving their students
- Notifying and working with district administration and staff in the public school buildings to respond to and end any incidents of bullying of FLLAC students and to prevent any future incidents

### **Training and Professional Development**

FLLAC is committed to ensuring that all FLLAC staff are appropriately trained to identify, respond to, stop, report and prevent bullying, cyber-bullying and other forms of harassment. FLLAC will provide annual training on all aspects of bullying to staff as part of the annual orientation for staff and as part of the orientation procedure for new staff hired during the year. FLLAC policies and procedures will be reviewed and disseminated at this time.

FLLAC will also provide all staff ongoing professional development within each FLLAC program that has been designed for the specific population served by the program. This professional development will be delivered on monthly or weekly full or half day PD days and will consist of at least one annual training of three hours or more specific to identifying, responding to, reporting and recording any instances of bullying,

cyber-bullying, harassment or hazing with the population served by the program. Program Supervisors, teaching staff, program counselors and families will assist in the identification of PD materials that are age and developmentally appropriate to the students in the program. In addition to being age and developmentally appropriate professional development provided will include material that provides information on the interactions that take place within a bullying situation among the aggressor, the target and any witnesses, research on bullying, the incidence and nature of bullying and internet safety and cyber-bullying.

FLLAC Program Supervisors, together with the Educational Team Leaders representing the sending districts and other team members will consider individualized ways to prevent and respond to bullying and to prevent retaliation and include those within each student's IEP. The Executive Director will be responsible for ensuring that program specific trainings are taking place and are periodically updated as appropriate and for ensuring that written notice of FLLAC policies and procedures on bullying are provide to all staff.

### **Resources and Services**

The FLLAC Collaborative has a range of resources and services available to students who have been or may become the targets of bullying. FLLAC staff have a long-standing tradition of working with community and state resources (including DDS DCF, MRC, and DMH), sending districts and families. Resources from the sending district(s) and or the host district will also be utilized as appropriate and in conjunction with FLLAC resources. IEP team resources will also be available to the student(s) as agreed to by the educational team. Appropriate curricula and instructional practices could include social stories, social skills training, anger management groups, peer mediation and support groups, a level system, all with a strong emphasis on strategies of positive behavioral support.

### **Policies and Procedures**

#### **Reporting**

Reports of bullying or retaliation may be made by staff, students, parents, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A FLLAC staff member is required to report immediately to the Program Supervisor or his/her designees any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents/guardians, or other individuals who are not school staff members may be made anonymously. The Program Supervisor or his/her designees will investigate promptly all reported incidents using the FLLAC Incident Reporting Form and determine whether bullying or retaliation actually occurred. Other related complaints, if any, will be reviewed in making this determination.

#### **Reporting Procedures**

If a staff member or other adult witnesses or reports an incident:

- Reports incident to designated Program Supervisor or immediate supervisor
- Program Supervisor or immediate supervisor determines if there are safety issues that must be addressed immediately
- Immediate supervisor reports incident to Program Supervisor
- Incident Report Forms are filled out

If a student reports an incident to a staff member:

- Acknowledge student's feelings/Immediately report incident to immediate supervisor or Program Supervisor
- Determine if there are safety issues that must be addressed immediately
- Staff member completes incident report and gives to Program Supervisor or immediate supervisor

## **Responding**

Before fully investigating the allegations of bullying or retaliation, the Program Supervisor 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 further incidents. Responses to promote safety may include, but not limited to, creating a personal safety plan; pre-determined seating arrangements for the target and/or aggressor in the classroom, at lunch, on the bus; communicating with all appropriate teaching staff, related service providers and bus drivers/monitors, 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 will take additional steps to promote safety during the course of and after the investigation, as necessary.

## **Investigating**

During the investigation the Program Supervisor or his/her designees will, among other things, interview students, staff, witnesses, parents/guardians, and others as necessary. The Program Supervisor will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Interviews may be conducted by other staff members as determined by the Program Supervisor and in consultation with teaching staff, school counselors and social worker as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the Program Supervisor will maintain a written record of the investigation.

## **Investigating Procedures**

- Interview alleged target of bullying:
- Interview the alleged Target first, then the alleged Aggressor
- Interview any staff who may have information bearing on the incident, especially in the case of a non-verbal student
- Alleged Target and alleged Aggressor should be separated
- Do not speak to the alleged Target in presence of alleged Aggressor
- Encourage the alleged Target to report any additional incidents involving the alleged Aggressor
- Interview the student accused of bullying
- Identify the problem and ask for input from relevant staff who may have knowledge of the situation
- Try to focus more on the alleged Aggressor’s behavior
- Protecting the alleged Target’s confidentiality is extremely important
- In case of denial or if further information is needed, interview witnesses
- Document the witness account
- Make the alleged Aggressor aware of consequences of retaliation against alleged Target and Reporter
- After speaking with both the alleged Target and alleged Aggressor, communicate with parents/guardians and sending district(s) or host district and document conversations.

Procedures for investigating reports of bullying and retaliation will be consistent with FLLAC procedures for investigating incidents. If necessary the Program Supervisor will consult with the Executive Director and/or legal counsel about the investigation.

## **Making Determinations**

Upon investigation and determination that bullying or retaliation has occurred, the Program Supervisor shall promptly notify the student’s teacher, parents/guardians of the target and the aggressor, the sending district and the host district administration (if appropriate) of the determination and the Collaboratives procedures for responding to the bullying or retaliation. The Program Supervisor will inform the target’s parents/guardians of actions FLLAC will take to prevent further acts of bullying or retaliation.

If the reported incident involves students from districts who are not in FLLAC programs, the Program

Supervisor will promptly notify by telephone or in person the Principal or appropriate administrator of the other school district of the incident so that each school may take appropriate action. All communication will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

The Program Supervisor's notification to a parent/guardian about an incident or a report of bullying or retaliation must comply 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

The Program Supervisor may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.

The Program Supervisor may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his/her parent/guardian. The Program Supervisor shall communicate with law enforcement officials in a manner that protects the privacy of the target, student witnesses, and aggressors to the extent practicable under the circumstances.

At any point after receipt of a report of bullying or retaliation, including after an investigation the Program Supervisor and/or the Executive Director shall notify the local law enforcement agency if the Program Supervisor or Executive Director has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the Appropriate Law Enforcement agency in the town/city in which the incident took place. The Program Supervisor or Executive Director shall document the reasons for her/his decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to the appropriate law enforcement agency in situations in which bullying or retaliation can be handled appropriately by the Program Supervisor.

Nothing in 603 CMR 49.06 shall prevent the Program Supervisor or Executive Director from taking appropriate disciplinary or other action pursuant to FLLAC policy and state law, provided that disciplinary actions balance the need for accountability with the need to teach appropriate behavior.

### **Assign Consequences**

- Assign appropriate consequence per FLLAC policies and/or in conjunction with host district policies (Contact appropriate law enforcement if criminal behavior is uncovered)
- Contact parents/guardians of alleged Target and alleged Aggressor to explain actions/if any
- If the alleged Aggressor denies the incident and there is insufficient evidence, tell the alleged Aggressor that you will continue to monitor behavior
- Assign FLLAC Staff to monitor safety of the alleged Target
- Counselor made available to meet with student(s) if appropriate
- Consequences involving students with a disability shall comply with IDEA, Section 504 and MA Special Education Regulations

### **Document Incident and Consequences/Follow-up**

- Document outcome of investigation on the Incident Report Form
- Follow up: provide update to appropriate staff member(s)
- School Staff monitors students' behavior
- Notify teachers, teacher assistants, related service providers and others who have contact with the alleged Target and alleged Aggressor
- Notify appropriate IEP Team Members and sending district

## Prohibitions

### **Bullying and Cyber-Bullying**

Bullying and Cyber-Bullying will not be tolerated and is **prohibited** in any FLLAC program or at any FLLAC function including field trips, transportation to and from school or school related functions, social functions and related off campus activities **or** through the use of technology or electronic devices.

### **Retaliation**

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

## Collaborating with Families

### **Parent Education**

FLLAC will offer education programs for parents/guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the school. The programs will be offered in collaboration with the Program Parent Advisory Groups and the Sending Districts and through publication on the FLLAC website and in Program Student Handbooks.

### **Parent Notification**

FLLAC will include a copy of the Bullying Prevention and Intervention Incident Reporting Form in the beginning of the year packets for all new students entering the collaborative. This will also occur as new students are enrolled in FLLAC programs. In addition the Bullying Plan and forms will be posted on the FLLAC Website, [www.fllac.org](http://www.fllac.org)

Make the Incident reporting Form available in the program offices, the FLLAC Central office, nurse's office and other locations as determined by the Program Supervisors

Make the Incident Form available as an interactive form and as a downloadable document on the FLLAC website.

If needed and working in conjunction with the sending district the FLLAC Incident Reporting Form will be made available in the most prevalent language(s), of origin of students and parents/guardians.

## Definitions

In addition to the definition included in the FLLAC Policy on Bullying above this plan incorporates several of the following definitions which are copied directly from M.G.L. c. 71, § 370, 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.
- 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, athletic coaches, advisors to extracurricular activities, support staff, and paraprofessionals.

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

### **Relationship to other laws**

Consistent with state and federal laws and the policies of the FLLAC Collaborative, no person shall be discriminated against in admissions to any FLLAC program on account of race, color, sex, religion, national origin or sexual orientation. Nothing in this plan prevents FLLAC 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.

Nothing in this Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other such action under M.G.L. c71 37H or 37h 1/2 , 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.

### **Appendix A: Sample Bullying Prevention and Intervention Reporting Form**