

# NEWBURYPORT PUBLIC SCHOOLS



## **Bullying Prevention and Intervention Plan**

Voted  
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Newburyport School Committee  
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## **I. INTRODUCTION**

During the 2008 - 2009 school year, a group of stakeholders from the Newburyport School Community was formed that worked to develop a comprehensive anti-bullying policy. This group, the Anti-Bullying Policy Working Committee consisted of administrators, teachers, counselors, psychologists, parents, community organization members, and students.

After eight months of work, an Anti-Bullying Policy that is an integrated approach which incorporates disciplinary action, behavior management, preventative education, and restorative justice (a balanced approach to the needs of the victim, wrongdoer and the community through processes that preserve the safety and dignity of all) was implemented. The Policy identifies a hierarchy of bullying behaviors and their possible interventions.

In the development of the Bullying Prevention and Intervention Plan, as required by MGL c. 71 s. 370, we found that the Anti-Bullying Policy Working Committee that had developed the comprehensive Anti-Bullying Policy achieved significant groundwork as required by the Plan. Therefore, we brought together a sample population of that group to facilitate incorporating components of the Anti-Bullying Policy in drafting the Plan and then brought it to the full constituency group. This is the group that will be responsible for the annual review and updating of the Plan as not only required, but as needed.

The principal is responsible for the implementation and oversight of the Plan.

## **II. PHILOSOPHY STATEMENT**

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

The Newburyport Public Schools is committed to providing all students with a safe learning environment that is free from bullying, cyberbullying, and retaliation in our school buildings, on school grounds, or at school-related activities.

The Newburyport Public Schools will take specific steps to create a safe, supportive environment for all students and for vulnerable populations in the school community, and provide education to all students around strategies to prevent or respond to bullying. We will investigate all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and the Newburyport Public Schools is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence.

### III. PROHIBITION AGAINST BULLYING AND RETALIATION

The law requires each Plan to include a statement prohibiting bullying, cyberbullying, and retaliation. The statement must be included in the Plan and included in the student handbook, and the staff handbook. The following statement is incorporated directly from M.G.L. c. 71, § 37O (b), and describes the law's requirements for the prohibitions of bullying.

Acts of bullying, which include cyberbullying, are prohibited:

- (i) 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 of schools; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- (ii) 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 event a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the Newburyport Public Schools to staff any non-school related activities, functions, or programs.

### IV. DEFINITIONS

Aggressor is a student or a member of the school staff who engages in bullying, cyberbullying, or retaliation.

Bystander/Witness a person who observes bullying behavior that he/she has witnessed and may or may not assist in the situation

CMR Code of Massachusetts Regulations

MGL Massachusetts General Law

Bullying as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or a member of the school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

1. causes physical or emotional harm to the target or damage to the target's property;
2. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
3. creates a hostile environment at school for the target;

4. infringes on the rights of the target at school; or
5. materially and substantially disrupts the education process or the orderly operation of a school.

The Newburyport Public Schools also defines bullying as unfair and one-sided and involves an imbalance of power. It happens when someone is repeatedly hurting, frightening, threatening, or leaving someone out on purpose.

Cyberbullying is bullying through the use of technology or electronic devices such as telephones, cell phones, photographs, computers, and the Internet. It includes, but is not limited to, email, text messages, and Internet postings, and social media.

Cyberbullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person; or the knowing impersonation of another person. Cyberbullying shall also include the distribution by electronic means of a communication to more than one persons or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions of bullying.

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 or a member of the school staff.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student or a member of the school staff 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 or a member of the school staff against whom bullying, cyberbullying, or retaliation has been perpetrated.

## **V. REPORTING PROTOCOLS AND RESPONDING TO BULLYING AND RETALIATION**

Reporting bullying or retaliation. The Newburyport Public Schools believe that anyone who becomes aware of bullying or retaliation has an obligation to report. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others and can be made anonymously. It is a requirement that all Newburyport Public School staff immediately report instances of bullying or retaliation when they become aware of or witness.

The Incident Reporting Form will be made available in prevalent areas of all schools and on school websites. Use of an Incident Reporting Form is not required as a condition of making a report. Reporting of incidents can be handwritten and submitted to the principal

or an anonymous drop box. If filled out electronically, the report should be emailed to the principal.

### Responding to a report of bullying or retaliation.

#### Safety

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student or a member of the school staff who has reported bullying or retaliation, a student or a member of the school staff who has witnessed bullying or retaliation, a student or a member of the school staff who provides information during an investigation, or a student or a member of the school staff who has reliable information about a reported act of bullying or retaliation.

The principal or designee will take steps to assess the need to restore a sense of safety to any student or a member of the school staff involved in a bullying incident and protect them from possible further incidents. Such strategies 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; and altering the aggressor’s schedule and access to the target; empower bystanders to part of the safety network; adjust “travel groups” when developing student schedules for class transitions throughout the day; and to promote, educate, and ensure that all students or a member of the school staff are aware of our coping strategies through anti-bullying curriculum and Peer Mediation programs.

#### Obligations to Notify Others

Notice to parents or guardians. Once an investigation is completed and 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 the determination, and of the procedures for responding to it. At that time, parents will be notified of what actions have been taken to prevent any further acts of bullying or retaliation.

The principal or designee shall inform the parent or guardian, or a member of the school staff of the target, inform them about the Department of Elementary and Secondary Education’s problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination. Any parent or a member of the school staff wishing to file a claim/concern or seeking assistance outside of the district may do so with the Dept. of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, e-mails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of the information is also available at the Superintendent’s Office.

There may be circumstances in which the principal or designee contacts parents or guardians, or a member of the school staff, prior to or during any investigation. Notice will be consistent with state and federal privacy laws and regulations, and 603 CMR 49.00.

b. Notice to Another School or District. If the reported incident involves students or a member of the school staff from another 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 criminal charges may be pursued against the aggressor, 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 criminal charges may be pursued against the aggressor.

Investigation. The principal or designee will investigate promptly all reports of bullying or retaliation. In doing so, the principal or designee will consider all available information known, including the nature of the allegation(s), the ages of the students or a member of the school staff involved and the level of bullying behavior as identified by the school tiered bullying behavior and intervention model.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. 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.

If the principal or designee determines that a student or a member of the school staff knowingly made a false allegation of bullying or retaliation, that student or a member of the school staff may be subject to disciplinary action.

The principal shall inform the Superintendent or Assistant Superintendent in writing of all confirmed instances of bullying and the action taken.

Determinations. The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the appropriate level of intervention(s) that are identified in each school's handbook under Anti-Bullying Policy will be issued.

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.

## **VI. ACCESS TO RESOURCES AND SERVICES**

Students with disabilities. As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

At least once every four years beginning in 2015/16 school year, the district will administer a Dept. of Elementary and Secondary developed student survey to assess school climate and the prevalence, nature and severity of bullying in our schools. Additionally, the school or district will annually report bullying incident data to the Department.

Referral to outside services. When a principal determines a bullying situation requires responsive services for either the target or the aggressor, school counseling staff, in consultation with other staff members, are responsible for the initial assessment of students' academic progress as well as personal/social concerns. Where necessary, the counselor will make available to the target or the aggressor and appropriate family members responsive services including individual and small group counseling, crisis counseling, referral to other agencies or professional resources. The counselor will cooperate and assist other agencies with the diagnosis and treatment of students referred for responsive services. Student information will not be provided to outside agencies until the student's parent(s)/guardian(s) have signed a release of information form. All staff will comply with the state and federal child protection laws in reporting to appropriate protective service agencies.

## **VII. TRAINING AND PROFESSIONAL DEVELOPMENT**

Newburyport's Plan reflects the requirements under M.G.L. c. 71, § 37O to provide ongoing professional development for all staff, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, and paraprofessionals.

M.G.L. 71, § 37O lists six topics that must be included in professional development. The law defines two levels of professional development that school systems must provide for all staff:

- A. 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 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. The principal of the building is responsible to ensure this training occurs for any new staff member. The annual training will be conducted at the beginning of the school year. Most training will occur under the direction of the principal at each school. Any Newburyport

Public School employee with training in recognized training programs may also lead trainings in each school building. Use of law enforcement to assist in training components of M.G.L. 71, § 37O will also be utilized.

The Superintendent shall ensure that:

1. Training is provided to all school staff, including teachers and para-educators; secretaries, cafeteria workers, administrators, nurses, guidance counselors; maintenance staff; coaches; advisors, and bus drivers on an annual basis as required by state law.
2. Bullying prevention programs and anti-bullying curriculum is formulated and regularly reviewed, as well as, training provided for staff in implementing the curriculum.
3. The professional development plan is published annually and provided to every staff member.
4. We recognize that certain students or a member of the school staff may be more vulnerable targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic, status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school or district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

B. Ongoing professional development. The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 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
- Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying
- Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- Information on the incidence and nature of cyberbullying
- Internet safety issues as they relate to cyberbullying

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 with autism or students whose disability affects social skills development.

Each school leadership team may design professional development in-service based on a determination of staff needs. Additional objectives of professional development may 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 and maintaining a safe and caring classroom for all students
- maintaining a safe and caring classroom environment for all students

The district will work with the bus company that serves the Newburyport Public Schools to ensure that professional development provided to bus drivers on an annual basis and meets the district's expectations for quality professional development.

C. Written notice to staff. The Newburyport Public Schools will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff responsibilities in each school's Staff Handbook.

## VIII. COLLABORATION WITH FAMILIES

The law requires the district or school Plan to include provisions for informing parents or guardians about the bullying prevention and intervention curricula used by the school district or school including: (i) how parents and guardians can reinforce the curricula at home and support the school or district plan; (ii) the dynamics of bullying; and (iii) online safety and cyberbullying. Parents and guardians must also be notified in writing each year about the student-related sections of the Bullying Prevention and Intervention Plan, in the language(s) most prevalent among the parents or guardians. School- or district-specific approaches to collaboration should take into account age, climate, socio-economic factors, linguistic, and cultural make-up of students and the parents.

A. Parent education and resources. The school or district offers education programs for parents and guardians that are focused on the parental components of the bullying prevention curricula, anti-bullying curricula and any social competency curricula used by the district or school. The programs may be offered in collaboration with the home and school organizations, School Councils, Special Education Parent Advisory Council, athletics, Guidance Departments at the middle and high schools, Beacon Coalition and

Youth Services organizations. Newburyport will host speakers, conduct parent forums on bullying and cyberbullying prevention on an ongoing basis. We provide parents with opportunities to participate in workshops held by agencies such as the Essex County District Attorney's Office and, the Massachusetts Department of Elementary and Secondary Education, and the Massachusetts Aggression Reduction Center (MARC).

- B. Notification requirements. Every year, the Newburyport Public Schools inform parents or guardians of enrolled students about the bullying prevention and anti-bullying curricula that are being used. This notice includes information about the dynamics of bullying, including cyberbullying and online safety. The school or district provides parents information about the student-related sections of the Plan and the school's or district's Internet safety policy through the schools' student handbooks. All notices and information made available to parents or guardians will be in hard copy and electronic format. The school or district posts the Plan and related information on its website.

## **IX. RELATIONSHIP TO OTHER LAWS OR DISTRICT POLICIES**

Consistent with state and federal laws, and the policies of the Newburyport Public Schools no person shall be discriminated against in obtaining the advantages, privilege and courses of study on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the Newburyport Public Schools from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the Newburyport Public Schools 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.

## **ADDENDUM**

The Newburyport Public Schools has developed a comprehensive anti-bullying curriculum most appropriate for each school and grade in which they are implemented. The curriculum incorporates bullying prevention, conflict resolution and asset building. Collaborative decisions were made about the curricula taking into account students' developmental stages, school culture, community contexts, and district goals.

**REFERENCES:**

United State Department of Education Office for Civil Rights Letter on Harassment and Bullying - October 26, 2010

Massachusetts Department of Elementary and Secondary Education’s Model Bullying Prevention and Intervention Plan

**LEGAL REFERENCES:**

Title VII, Section 703, Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

603 CMR 26.00           Mandatory Reporting

MGL 37H, 37H1/2       Policies relative to conduct of teachers or students; student handbook

MGL 71:370             School bullying prohibited; bullying prevention plans

MGL 265:43, 43A       Crimes against a person

MGL 268:13B           Intimidation of witnesses and jurors

MGL 269:14A           Annoying telephone calls

**CROSS REFERENCE POLICIES**

JICD     Anti-Bullying Policy and Hierarchy of Interventions

ACAB    Policy Against Harassment