

STATE OF RHODE ISLAND

Department of Elementary and Secondary Education

SAFE SCHOOL ACT

STATEWIDE BULLYING POLICY



Effective: June 30, 2012

RHODE ISLAND STATEWIDE BULLYING POLICY

INTRODUCTION

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in §16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes **that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.**

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1. DEFINITIONS

BULLYING means the 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 student that:

- Causes physical or emotional harm to the student or damage to the student's property;
- Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- Infringes on the rights of the student to participate in school activities; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).

CYBER-BULLYING means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author of posted content or messages; or
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

AT SCHOOL means:

- a. on school premises,
- b. at any school-sponsored activity or event whether or not it is held on school premises,
- c. on a school-transportation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

2. SCHOOL CLIMATE

Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute (§§16-19-1 and 16-19-2). School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted. Additionally, students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

3. POLICY OVERSIGHT and RESPONSIBILITY

The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.

The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

For public schools, the prevention of bullying shall be part of the school district strategic plan (§ 16-7.1-2(e)) and school safety plan (§16-21-24).

4. INFORMATION DISSEMINATION

The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians
- b. Included in student codes of conduct, disciplinary policies, and student handbooks
- c. A prominently posted link on the home page of the school /district website

5. REPORTING

The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample *Report Form*).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents / Guardians of the victim of bullying and parents/ guardians of the alleged perpetrator of the bullying shall be notified within twenty-four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/ guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made **anonymously**, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an **anonymous report**.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/ legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

6. INVESTIGATION/RESPONSE

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, his or her parent/ guardian, and staff.
- c. The parents/ guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

7. DISCIPLINARY ACTION

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/ Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

8. SOCIAL SERVICES/COUNSELING

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

9. SOCIAL NETWORKING

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

10. OTHER REDRESS

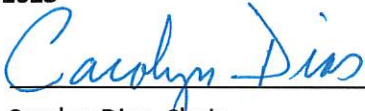
This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

11. ADOPTION OF POLICY

The governing bodies of all schools approved for the purpose of §§16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

Policy Adopted: June 5, 2012

Policy Amended with 2015 Guidance (First Reading): October 3, 2023, (Second Reading) November 7, 2023; Approval November 7, 2023



Carolyn Dias, Chair
Scituate School Committee



Date

REPORT FORM (SAMPLE)
(Bullying and/or Cyberbullying)

Name: _____ Student ID: _____ Grade: _____

Date: _____ Time: _____ School: _____

Please answer the following questions about this reporting incident:

List the name of the alleged bully, and/or cyberbully. If name is not known, provide any other identifiable information:

Relationship between you and the alleged bully, and/or cyberbully:

Describe the incident: _____

When and where did it happen? _____

Were there any witnesses? ☐ yes ☐ no If yes, who? _____

Other information, including previous incidents or threats:

Student or parent declines to complete this form: Initial: _____ Date: _____

I certify that all statements made in the complaint are true and complete. Any intentional false statement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signatures:

Student: _____ Date: _____

School official receiving complaint: _____ Date: _____

School official conducting follow-up: _____ Date: _____

This document shall remain confidential

GUIDANCE ON STATEWIDE BULLYING POLICY

As you may recall, in 2011 the General Assembly directed the Department of Education to prescribe by regulation a statewide bullying policy to ensure a consistent and unified statewide approach to the prohibition of bullying at school. This law is known as the “Safe Schools Act” and can be found at R.I.G.L. 16-21-33 and 34. The Statewide Bullying Policy was promulgated by RIDE effective June 30, 2012. Since then, the state’s public and private schools have been utilizing this Policy to address and prevent the bullying of students. Local oversight of schools’ implementation of the Statewide Bullying Policy is placed with school committees and school governing boards. The Policy requires that a summary report of incidents, responses and other bullying-related issues be provided by the school principal, director or head of school to the governing body at least twice annually. Pursuant to my obligation under R.I.G.L. 16-60-6(9)(vii) to require the observance of all education laws, I am charged with ensuring that the Safe Schools Act and the Statewide Bullying Policy are effectively implemented. In this capacity, as well as in my capacity to hear and decide disputes arising in our public schools or involving students with disabilities, I have dealt with bullying issues. Members of my staff have also worked with local school staff to resolve complaints from parents and advocates. In some instances, it has been shown that procedures required by the Statewide Bullying Policy have not been followed and that protections set forth in the Policy have not been provided. Also, on October 21, 2014, the United States Department of Education Office for Civil Rights issued additional guidance with regard to disability-based harassment and encouraged SEAs and LEAs “to reevaluate their policies and practices in light of this letter, as well as OCR’s and OSERS’s prior guidance.” In

light of the above, I would like to take this opportunity to offer the following clarifications of the Statewide Bullying Policy.

First, in its October 26, 2010 “Dear Colleague Letter: Harassment and Bullying,” the United States Department of Education, Office for Civil Rights, stated:

When responding to a bullying allegation, “a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school’s investigation will vary depending on the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.” [Emphasis added].

In order to demonstrate that a school’s investigation has met these requirements, it is imperative that the steps taken to investigate an allegation, the determination of whether or not bullying occurred, and the response/intervention measures taken by the school are documented. RIDE has received complaints from parents and advocates that allegations of bullying have been ignored or not adequately addressed at the school level. Creating documentation that describes the steps taken in the investigation, the finding made with regard to the credibility of the allegation of bullying, and the response/ intervention by the school will enable the school to establish compliance with the Statewide Bullying Policy. The attached Investigation/Response Form can serve as a blueprint for compliance that will better ensure that an allegation of bullying was addressed promptly, thoroughly and impartially. The Form also complements the Report Form that accompanies the Statewide Bullying Policy.

Second, it is permissible for the principal, director or head of school to designate another member of the school staff to investigate an allegation of bullying and recommend an appropriate response/intervention when found to be needed. This designation is consistent with

the Safe Schools Act and consistent with current practice in the field. We have learned that, given the practical constraints on a school leader's time, it is not necessarily the school principal, director or head of school who follows up on every allegation of bullying. It is often more efficient to designate an assistant principal/director, school social worker, or other member of the school staff to address an allegation.

In addition to these clarifications, I also would like to offer my appreciation and gratitude for the hard work that I know has been expended in implementing the Safe Schools Act and the Statewide Bullying Policy. It is my hope that, with this guidance, the implementation of these measures will be more efficient and effective.

U.S. Department of Education Dear Colleague Letters:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

SAMPLE

INVESTIGATION/RESPONSE FORM

Investigation start date _____

Witness Interviews:

Name	Brief Summary of Information Provided	Date

Documentation Reviewed:

Item	Brief Summary of Information Provided	Date

Other Facts:

Finding: Bullying* ☐ did ☐ did not occur. Date _____

*(Finding to be based upon all of the facts and circumstances and whether it is more likely than not that bullying occurred)

RESPONSE:

_____ measures to provide the student with a safe educational environment; describe in detail here: _____

- _____ disciplinary action against the perpetrator(s) proposed to school authorities;
- _____ assessment by school psychologist and/or social worker (for both the victim and the perpetrator);
- _____ referral for appropriate counseling and/or social services;
- _____ notification to local law enforcement agency (when circumstances warrant criminal charges;
- _____ notification to student's IEP team (when victim is a student with a disability);
- _____ notification to parents/guardians of the victim and the perpetrator of finding and response, if finding is that bullying occurred (specific information about discipline imposed on the perpetrator may not be disclosed to the parents of the victim);

Investigation/Response completion date _____

Follow up to ensure that Response(s) to bullying are adequate on _____ (date)

Signature of School official designated to conduct investigation
and determine Response (if someone other than the Principal)

Date

Signature of the Principal

Date

***Bullying, Cyberbullying and Retaliation are prohibited under the RI Safe Schools Act**