

Trinity Basin Preparatory

Anti-Bullying

Purpose: A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. The purpose of this policy is to assist Trinity Basin Preparatory in its goal of preventing and responding to acts of bullying, intimidation, violence, harassment, and other similar disruptive behavior.

Policy Intent: Pursuant to Texas Education Code §37.0832(c), the board of directors adopts the following policy and procedures concerning bullying. Bullying typically involves an imbalance of power between the bully and the victim. When the basis of bullying is a protected characteristic such as sex, gender, race, color, national origin or disability, it may be considered discriminatory harassment and subject to applicable anti-discrimination laws.

TBP will take all bullying complaints seriously, promptly investigate all complaints, follow up with students when harassment or bullying is suspected, take appropriate corrective and disciplinary action, and ensure students have a safe environment in which they can report harassment.

Statement of Policy:

Overview of Policy and Procedure

Pursuant to Texas Education Code §37.0832(c), this policy and procedure will:

1. Prohibit the bullying of a student;
2. Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
3. Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
4. Establish the actions a student should take to obtain assistance and intervention in response to bullying;
5. Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
6. Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

7. Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and
8. Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Bullying

The act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying.

Pursuant to Texas Education Code §37.0832(a), bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by subsection (a-1), and that:

1. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
3. materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. infringes on the rights of the victim at school;

and includes cyberbullying.

Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

(a-1) This section applies to:

1. bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

- A. interferes with a student's educational opportunities; or
- B. substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

- (b) Conduct described by Subsection (a) is considered bullying if that conduct:
1. exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
 2. interferes with a student's education or substantially disrupts the operation of a school.

Bullying of a student may include, but is not limited to:

1. Verbal: Hurtful name calling, teasing, taunting, gossiping, making threats, making rude noises, demands for money, or spreading hurtful rumors.
2. Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
3. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, hazing, confining, theft of valued possessions, or destroying property.
4. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.
5. Cyberbullying: willful harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter), chat rooms, "sexting", instant messaging, or video voyeurism by accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network.
6. Cyberstalking: engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

TBP prohibits the bullying of any student:

1. during any educational program or activity conducted by TBP;
2. during any school-related or school-sponsored program or activity;
3. through the use of any electronic device or data, computer software that is accessed through a computer, computer system, or computer network. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
4. through threats using the above to be carried out on school grounds or at a school function or in situations where a school administrator can reasonably forecast a material and substantial disruption of school. This includes threats made outside of school

hours, which are intended to be carried out during any school-related or school-sponsored program or activity.

Discriminatory Harassment

If bullying is based on a protected characteristic, it may fall under one of the federal anti-discrimination laws, including:

- Title IX of the Education Amendments of 1972, which prohibits discrimination and harassment on the basis of sex and gender;
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination and harassment on the basis of race, color, or national origin; and
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination and harassment on the basis of disability.

Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Counseling

TBP provides age-appropriate preventative education regarding bullying in the form of classroom lessons under the guidance of the school counselor.

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options and when appropriate, refer the students to the counselor.

After meeting with the student, the counselor will recommend whether the student may benefit from additional services which may include individual sessions, group sessions, class sessions, pairing with an adult or peer mentor. If the counselor believes that the student would benefit from repeated sessions, the counselor will notify the student's parent or guardian and get permission to have these sessions.

Retaliation Prohibited

TBP prohibits retaliation by a student or employee against any person who is the victim of bullying, who in good faith makes a report of bullying, serves as a witness, or participates in an investigation. Such actions will be subject to TBP's Student Code of Conduct.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction or property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Confidentiality

To the greatest extent possible, the school will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Access to Policy and Procedures

This policy and procedure will be distributed annually in the employee and student handbooks. Copies of the policy and procedure will be posted on the school's website, to the extent practicable, and will be readily available at each campus and the school's administrative offices.

Training

TBP will provide bullying awareness training and instruction on this policy to all campus-based staff at least annually.

In addition, instructional staff will receive further guidance and training from the counselor and administrative staff on an ongoing basis.

Campus administrators will also be trained to ensure that discipline is consistent and fair.

Bullying of a Student with Disabilities

Bullying based on disability may constitute peer-on-peer harassment prohibited by Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990.

Bullying may also trigger obligations to provide a free, appropriate public education (FAPE) to eligible students with disabilities under the Individuals with Disabilities Education Act.

Standard Operating Procedure:

Making Reports regarding Bullying

Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other school employee. A report may be made orally or in writing. Parents are also encouraged to inform campus administration of any knowledge of bullying.

Students may also anonymously report an incident of bullying through the Trinity Basin Preparatory website (www.trinitybasin.net).

Any school employee who has any knowledge of a student being bullied or may have experienced bullying shall immediately notify the campus principal or designee. Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the school's ability to investigate and address the prohibited conduct.

If a report is made orally, the campus principal or designee shall reduce the report to a written form.

The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate. Not later than the third school day after the principal acquires knowledge of an alleged incident of bullying, the principal will provide notice of the incident to the parent or guardian of the victim of the alleged bullying and the parent or guardian of the student who allegedly engaged in bullying.

Investigating Complaints

All investigations concerning allegations of bullying will be prompt, thorough, and impartial.

The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. Every step of the investigation, including every action taken by the school, will be put in writing, giving dates and times and identifying all persons contacted. All statements should be reduced to writing and should have sufficient detail relating the events of the conversation.

The principal may use their judgment in conducting the investigation including, but not limited to, interviewing students and staff and taking written statements, notifying Child Protective Services or law enforcement when necessary, and meeting with parents to get or share information as needed.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however with permission from the Chief Academic Officer, the campus principal or designee may take additional time to complete a thorough investigation.

The campus principal or designee will prepare a written report of the investigation. The report will include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense.

The investigation should be documented in the district's student information management system pursuant to the guidelines outlined in the district's Progressive Discipline System. A copy of the report shall be sent to the Superintendent or designee.

Notification of Parents

At the conclusion of the investigation, the principal or designee shall promptly notify the parents of the victim and the student who engaged in bullying. The notification shall occur in a parent conference and be documented on the district's parent conference form within 3 days of the conclusion of the investigation.

In this conference, the principal will explain the district's bullying policy, explain the consequences for violating the policy and give clear directives that this conduct will not be permitted at the school and will be dealt with swiftly and decisively if this conduct were to ever occur.

Follow-Up Actions based on Results of Investigation

If the results of an investigation indicate that bullying occurred, the school will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the school's Student Code of Conduct. The school may take action based on the results of the investigation, even if the school concludes that the conduct did not rise to the level of bullying under school policy.

Campus administrators will take bullying into account when disciplining a student who is a victim of bullying and who used reasonable self-defense in response to the bullying.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Other actions that may be taken to prevent further bullying include separation of the victim from the bully, additional monitoring of victims, assignment of a safe place and a responsible contact person for the student victim to go to whenever the victim feels threatened or frightened, written directives to students and parents on expected conduct and response to allegations of bullying, and the notification of law enforcement where necessary.

Appeal of Decision

A student who is dissatisfied with the outcome of the investigation may appeal to the Chief Academic Officer, Superintendent, and then Board of Directors, in that order.

Revision History:

<u>Effective Date</u>	<u>Version</u>	<u>Modification</u>
8/20/12	1	New document
11/6/17	2	Revisions pursuant to SB179 "David's Law"