

Students

Prevention of and Response to Bullying, Intimidation, and Harassment 4

Bullying, intimidation, and harassment diminish a student's ability to learn and a ~~school~~Cooperative's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important ~~District~~Cooperative goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:²

1. During any ~~school~~Cooperative-sponsored education program or activity.
2. While in school, on ~~school~~Cooperative property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at ~~school~~Cooperative-sponsored or ~~school~~Cooperative-sanctioned events or activities.
3. Through the transmission of information from a ~~school~~Cooperative computer, a ~~school~~Cooperative computer network, or other similar electronic ~~school~~Cooperative equipment.
4. Through the transmission of information from a computer that is accessed at a non-~~school~~Cooperative-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the ~~School~~ Cooperative~~District~~ or school if the bullying causes a substantial disruption to the educational process or orderly operation of a ~~school~~Cooperative. This paragraph (item #4) applies only when a ~~school~~Cooperative administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any non-~~school~~Cooperative-related activity, function, or program.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹All districts must have a policy on bullying, monitor it, review and re-evaluate it, and file it with the Ill. State Board of Education (ISBE) every two years (see f/n 16, below). 105 ILCS 5/27-23.7. This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student behavior. 105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1-280. Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student behavior policy. See 7:190, *Student Behavior*; 7:190-EL, *Aggressive Behavior Reporting Letter and Form*.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. See f/n 10, below.

²This paragraph and its subparts 1-4 are from the bullying prevention statute. 105 ILCS 5/27-23.7(a); see also 775 ILCS 5/4-103 and 23 Ill.Admin.Code §1-240. The protected statuses are mandated by the bullying prevention statute; the list of protected statuses is identical to the list in 7:20, *Harassment of Students Prohibited*.

Definitions from 105 ILCS 5/27-23.7³

Bullying includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a ~~school~~Cooperative.

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Cyberbullying means bullying through the use of technology or any electronic communication, including without limitation 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 system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person 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 effects enumerated in the definition of *bullying*.

Restorative measures means a continuum of ~~school~~Cooperative-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the ~~school~~Cooperative and community, (ii) contribute to maintaining ~~school~~Cooperative safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in ~~school~~Cooperative and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.⁴

SchoolCooperative personnel means persons employed by, on contract with, or who volunteer in a ~~school-district~~Cooperative, including without limitation school and ~~school-district~~Cooperative administrators, teachers, school counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.⁵

Bullying Prevention and Response Plan

The ~~Superintendent~~Director or designee shall develop and maintain a bullying prevention and response plan that advances the ~~District~~Cooperative's goal of providing all students with a safe learning

environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12. ⁶

1. The ~~District~~Cooperative uses the definition of *bullying* as provided in this policy. ⁷
2. Bullying is contrary to State law and the policy of this ~~District~~Cooperative. However, nothing in the ~~District~~Cooperative's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. ⁸ Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the ~~District~~Cooperative named officials or any staff member. The ~~District~~Cooperative named officials and all staff members are available for help with a bully or to make a report about bullying. ⁹ Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

~~3.~~

Nondiscrimination Coordinator: ¹⁰

Dr. Jeff Daugherty

Name

2411 Pathways Crossing, Belleville, IL. 62221

Address

Jeff.daugherty@bassc-sped.org

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⁶ As each numbered requirement, 1-12, corresponds with the same number in 5/27-23.7(b)1-12, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

⁷ 105 ILCS 5/27-23.7(b), para. 3(1). See f/n 4, above and ISBE's *School Policies for Bullying Prevention* at: www.isbe.net/Documents/Bullying_Prev_Policy_Req.pdf.

A board may augment the School Code requirement by using this alternative:

Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying, and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

⁸ The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

⁹ 105 ILCS 5/27-23.7(d), requires that "[s]chool personnel available for help with a bully or to make a report about bullying" be made known to parents/guardians, students, and school personnel.

¹⁰ Sample policy 2:260, *Uniform Grievance Procedure*, states that a district's Nondiscrimination Coordinator also serves as its Title IX Coordinator. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, list the Title IX and Nondiscrimination Coordinators' names separately in this policy. Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

Email
618-355-4422
Telephone

Complaint Managers:

Ms. Diane Warfield
Name
2411 Pathways Crossing, Belleville, IL. 62221
Address
Diane.warfield@bassc-sped.org
Email
618-355-4746
Telephone

Mr. Dave Workman
Name
2411 Pathways Crossing, Belleville, IL. 62221
Address
Dave.workman@bassc-sped.org
Email
618-355-4714
Telephone

4. Consistent with federal and State laws and rules governing student privacy rights, the ~~Superintendent~~Director or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. ~~H~~
5. The ~~Superintendent~~Director or designee shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
 - b. Involving appropriate ~~school~~Cooperative support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the Building Principal or ~~school~~Cooperative administrator or designee of the reported incident of bullying as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or ~~school~~Cooperative administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The ~~Superintendent~~Director or designee shall investigate whether a reported incident of bullying is within the permissible scope of the ~~District~~Cooperative's jurisdiction and shall require that the ~~District~~Cooperative provide the victim with information regarding services that

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~~H~~ 105 ILCS 5/10-20.14 contains a similar requirement. See 7-190-E1, *Aggressive Behavior Reporting Letter and Form*.

are available within the ~~District~~Cooperative and community, such as counseling, support services, and other programs. ¹²

6. The ~~Superintendent~~Director or designee shall use interventions to address bullying, that may include, but are not limited to, ~~school~~Cooperative social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. ¹³
7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion¹⁴ with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if the ~~District~~Cooperative's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. The ~~District~~Cooperative's bullying prevention and response plan is based on the engagement of a range of ~~school~~Cooperative stakeholders, including students and parents/guardians.
10. The ~~Superintendent~~Director or designee shall post this policy on the ~~District~~Cooperative's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and ~~school~~Cooperative personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty. ¹⁵
11. Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The ~~Superintendent~~Director or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation: ¹⁶
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the ~~District~~Cooperative already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

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¹²~~This sentence contains requirements found in 105 ILCS 5/27-23.7(d).~~

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary, or a signed statement from the board; or
- 3) A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The ~~Superintendent~~Director or designee must post the information developed as a result of the policy re-evaluation on the ~~District~~Cooperative's website, or if a website is not available, the information must be provided to ~~school~~Cooperative administrators, Board members, ~~school~~Cooperative personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The ~~Superintendent~~Director or designee shall fully implement the Board policies, including without limitation, the following: ¹⁷
 - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
 - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
 - c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
 - d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the ~~District~~Cooperative's educational program as required by State law.
 - e. 6:235, *Access to Electronic Networks*. This policy states that the use of the ~~District~~Cooperative's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
 - f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
 - g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on ~~school~~Cooperative property, at ~~school~~Cooperative sponsored activities, and in vehicles used for ~~school~~Cooperative-provided transportation.
 - h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
 - i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the ~~school~~Cooperative or

~~school~~Cooperative activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to ~~school~~Cooperative operations or interferes with the rights of other students or staff members. ¹⁸

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/24-24, and 5/27-23.7.
405 ILCS 49/, Children's Mental Health Act.
775 ILCS 5/1-103, Ill. Human Rights Act.
23 Ill.Admin.Code §1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

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¹⁸For elementary districts, delete: and 7:315, *Restrictions on Publications; High Schools* and delete the Cross Reference to 7:315, *Restrictions on Publications; High Schools*. For high school districts, delete 7:310, *Restrictions on Publications; Elementary Schools*, and delete the Cross Reference to 7:310, *Restrictions on Publications; Elementary Schools*. In both cases, revise the beginning of the sentence to read: "This policy prohibits students from and provides:"