

**MIDDLETON SCHOOL DISTRICT #134
POLICY AND PROCEDURE MANUAL
SECTION 3000 - Students**

PROHIBITION AGAINST HARASSMENT, INTIMIDATION AND BULLYINGPOLICY 3006.50

No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student. Such behaviors foster a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims, create conditions that negatively affect learning, and undermine the ability of students to achieve their full potential.

It is the policy of this District to maintain a safe school environment for all students while attending school, riding the school bus, and attending District-sponsored activities on school premises or at other locations. Harassment, intimidation, and/or bullying, regardless of the specific nature of the students behavior, is disruptive to safe school environment and will not be tolerated.

DEFINITION

“Harassment, intimidation, or bullying” means any intentional gesture or any intentional written, verbal, or physical acts or threats against another student that

1. A reasonable person under the circumstances should know will have the effect of
 - a. Harming a student.
 - b. Damaging a student’s property.
 - c. Placing a student in reasonable fear of harm to his or her person.
 - d. Placing a student in reasonable fear of damage to his or her property.
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a landline, car phone, or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

PROHIBITED BEHAVIOR

The district expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of others.

Students attending any of the District schools are prohibited from engaging in the following behaviors:

1. Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another’s movement; sexual misconduct; causing damage to another’s clothing or possessions; and taking another’s belongings.

2. Verbal abuse against a student, including, but not limited to, name calling, threatening, sexual misconduct, taunting, malicious teasing, or making rude gestures.
3. Psychological abuse against a student, including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, and intentionally excluding another from groups, stalking, or similar activities.
4. Cyberbullying, including, but not limited to, using any electronic communication device to convey a message in any format (audio or video, text, graphics, photographs, or any combination thereof) that intimidates, harasses, or is otherwise intended to harm another individual.
5. Harassment, intimidation, and/or bullying, including any intentional gesture or any intentional written, verbal, or physical acts or threats, against another student that:
 - a. A reasonable person under the circumstances should know will have the effect of:
 - (1) Harming a student; or
 - (2) Damaging a student's property; or
 - (3) Placing a student in reasonable fear of harm to his or her person; or
 - (4) Placing a student in reasonable fear of damage to his or her property; or
 - b. Is sufficiently severe, persistent, or pervasive that it creates an intimidating threatening or abusive educational environment for a student.

Harassment, intimidation, and/or bullying is defined as misconduct by a student(s), which is characterized by the aggressor(s) repeatedly engaging in negative actions against another student(s) in an attempt to exercise control over the victim.

6. Harassment, intimidation or bullying conduct based on a student's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, or socio-economic status; or a student's association with a person or group with one or more of these actual or perceived characteristics.
7. Conspiring with another individual to commit any act of harassment, intimidation, or bullying against another student; or perpetuating such conduct by spreading hurtful or demeaning material created by another person (e.g., forwarding offensive e-mails or text messages).
8. Retaliatory actions against another for reporting an act of harassment, intimidation, or bullying.

The discipline rules related to harassment, intimidation, and bullying apply when a student is (1) on school grounds before, during, or after school hours; or at any other time when the school is being used by a school group; (2) off school grounds at any school activity, function or event; or (3) traveling to or from school or a school activity, function, or event.

The prohibition extends not only to actions taking place on school grounds but also actions originating at a remote location and carried out via any technology, including but not limited to, the use of a landline, car phone, or wireless telephone, or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

REPORTING

District personnel are required to report, in a timely and responsive manner, any incident of harassment, intimidation, or bullying they witness or are aware of to the school principal or designee. All other persons, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report

The district prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying; or cooperates in an investigation. The consequences for a person who engages in reprisal or retaliation may include, but are not limited to, suspension and expulsion. Annually, the district shall report bullying incidents to the state department of education in a format as set forth in rule by the state board.

INVESTIGATION

The School Administrator or designee will promptly investigate any allegations of misconduct that are reasonably characterized as harassment, intimidation, or bullying. At the discretion of the School Principal and/or Superintendent, the alleged perpetrator(s) may be suspended pending the outcome of the investigation.

If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (1) take appropriate disciplinary action; (2) notify the parent/guardian of the perpetrator; (3) notify the parent/guardian of the victim; and to the extent allowed under state and federal law, (4) notify the parent/guardian of the action taken to prevent any further acts of bullying or retaliation

DISCIPLINARY ACTION

Students who engage in harassment, intimidation or bullying will be disciplined through the use of consequences that may include but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, as determined appropriate, up to and including in school suspension, out-of-school suspension and expulsion. Consequences for school employees who engage in such conduct may include suspension and/or termination.

Each school will take prompt and effective steps reasonably calculated to end the harassment, intimidation, or bullying; eliminate any hostile environment and its effects; and prevent the

harassment from recurring. Appropriate steps to end harassment may include separating the victim and the perpetrator, or providing counseling for the victim and perpetrator.

TRAINING

Ongoing professional development: The district will provide ongoing professional development to build skills of all school staff members to prevent, identify, and respond to harassment, intimidation, and bullying.

The district recognizes that in order to have the maximum impact, it is important to train school employees who have significant contact with students on school policies and procedures regarding harassment, intimidation, and bullying. Training will provide staff members with a clear understanding of their roles and responsibilities and the necessary skills to prevent, identify, and respond to bullying.

The district encourages the implementation of school and community wide bullying education and prevention programs.

REPORT TO LAW ENFORCEMENT

The School Administrator will refer allegations of harassment, intimidation, or bullying to law enforcement if he/she reasonably believes that the student has engaged in conduct in violation of Idaho Code Section 18-917A.

NOTICE

The district will provide each student and parent/guardian with written annual notice of this policy in a manner consistent with students' age, grade and level of academic achievement through publication in the student handbook.

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LEGAL REFERENCE:

Idaho Code Section
18-917A
33-512

ADOPTED: 12/13/05 REVISED: 02/13/07 REVISED: 05/11/10
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