

***CHAPEL HILL
INDEPENDENT SCHOOL
DISTRICT***



BULLYING PREVENTION

GUIDANCE MANUAL

This manual will provide policy and guidance on HB 1942, Prohibition of harassment, intimidation, bullying/cyber-bullying and dating violence for the District of Chapel Hill.

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Chapel Hill ISD
District Procedures on HB 1942

I. Prohibition of Harassment, Intimidation, Bullying/Cyber-bullying or Dating Violence

A. Introduction

Chapel Hill ISD is committed to providing all student with a safe and civil school environment in which all member of the school community are treated with dignity and respect.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

II. Definitions

A. Texas Education Code:

The Legislature of The State of Texas in 2011 enacted amendments to Section 21.451 (d), Section 25.0342 (b-1) (b-2), Section 28.002 and Section 37 of the Education Code relating to “bullying” in public schools.

1. Title II subtitle G, Chapter 37 subchapter A. Sect. 37.0832

Subsection (a) "Bullying" means, subject to section (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

- a. 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; or
- b. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

2. Conduct described by Subsection (a) is considered bullying if those conduct:

- a. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
- b. Interferes with a student's education or substantially disrupts the operation of a school.

B. Chapel Hill ISD:

1. Any repeated offense threatening to cause harm or bodily injury to another student, engaging in sexually intimidation conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health.
2. Any repetitive verbal abuse or bullying of others, including slurs, name calling, or derogatory statements to another person, any language that subjects a person to indignity, humiliation, intimidation, physical abuse, or threats of physical abuse, social or other isolation, shame, or disgrace.
3. Cyber-bullying is defined as the use of the internet, cell phone, or other devices to send, post, or text message images and materials intended to hurt or embarrass another person. This may include, but is not limited to, continuing to send e-mail to someone who has said he or she wants no further contact with the sender; sending or posting threats; sexual remarks, or pejorative labels, ganging up on victims by making them the subject of ridicule in forums and postings false statements as fact intended to humiliate the victim; disclosure of personal data such as the victim's real name,

address, or school on web sites or forums' posing as the victim, posting rumors or sending gossip to instigate others.

4. Harassment/ Sexual Harassment/ Sexual Abuse/ Dating Violence, includes repeated, unwelcome, and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, or disability that creates an intimidating, hostile, or offensive educational environment.

C. Other definitions:

1. Aggressor – is a student, staff member, or other member of the school community who engages in the harassment, intimidation, or bullying of a student.
2. Retaliation – when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.
3. Staff – includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).
 - a. Targeted Student – is a student against whom harassment, intimidation, or bullying has allegedly been perpetrated.
 - b. Incident Reporting Form – may be used by students, families, or staff to report incidents of harassment, intimidation, or bullying.
 - c. Harassment, intimidation, or bullying – is an intentional electronic, written, verbal, or physical act that:
 - i. Physically harms a student or damages the student's property.
 - ii. Has the effect of substantially interfering with a student's education.
 - iii. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.
 - iv. Has the effect of substantially disrupting the orderly operation of the school.

Conduct that may rise to the level of harassment, intimidation, and bullying may take many forms, including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

III. Relationship with other laws

A. There are other laws and procedures to address related issues such as sexual harassment or discrimination.

1. DIA (LEGAL) EMPLOYEE WELFARE
2. DIA (LOCAL) EMPLOYEE WELFARE
3. FFH (LEGAL) STUDENT WELFARE
4. FFH (LOCAL) STUDENT WELFARE
5. FNC (LOCAL) STUDENT RIGHT AND RESPONSIBILITIES
6. FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY
7. DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT
8. FO (LEGAL) STUDENT CODE OF CONDUCT
9. FOC (EXHIBIT) STUDENT DISCIPLINE
10. DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS
11. FFI (LOCAL) STUDENT WELFARE - FREEDOM FROM BULLYING
12. FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES
13. FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY
14. DAA (LEGAL) EMPLOYMENT OBJECTIVES
15. FOF (LEGAL) STUDENT DISCIPLINE - STUDENTS WITH DISABILITIES

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

IV. Prevention

A. Dissemination

1. Chapel Hill Independent School District will prominently post information on reporting harassment, intimidation, and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.
2. Chapel Hill Independent School District's Superintendent will ensure that bullying policies and procedures are reviewed annually and implemented according to all legal requirements.

B. Education

1. Annually students will receive research based age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a Web-based form.

- a. District Bullying Powerpoint (Staff)
- b. Bullying Policy Student Information/Code of Conduct

c. Age Appropriate “Bullying/Harassment/Intimidation/Dating Violence and Character Building Program,” as recommended by the Bullying Intervention Committee (BIC) Members and reviewed annually by the Superintendent, School Board, District Education Improvement Committee (DEIC) and approved by the School Health Advisory Council (SHAC).

d. For the 2017-2018 the BIC has recommended the following programs;

1. High School: “Rachel’s Challenge,”
2. Middle School: “Second Step,”
3. Kissam Intermediate: “Second Step,”
4. Jackson Elementary: “Second Step,” and
5. Wise Elementary: “Second Step.”

2. Training

1. Staff will receive annual training on the school district’s policy and procedure, including staff roles and responsibilities, how to monitor common area, and the use of the district’s Incident Reporting Forms.

- a. Affidavit of District/Campus Staff Training (TEC. Mandate)
- b. District reporting form (English)
- c. District reporting form (Spanish)
- d. District Transfer form (English)
- e. District Transfer form (Spanish)
- f. Notification of Threats of Violence or Harm
- g. Stay Away Agreement
- h. Student Reflection Log

3. Prevention Strategies

1. The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. The district will implement evidence-based prevention programs designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

a. Any student that is a victim of any form of harassment/Intimidation/bullying and dating violence will be and is encouraged to visit with their campus counselor.

b. All district staff will be encouraged to attend trainings and workshops that will help identify physical or emotional “Child Abuse” in the school.

V. Compliance

1. Campus Counselors will do an annual “Campus Climate Need Assessment Survey.” The survey is to be used as part of the district’s program evaluation.
2. Police officer will provide support and assistance to the principal or designee in resolving complaints.
3. Campus Principal or designee will receive and maintain copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
4. Campus Principals or designee will ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
5. Campus Principals will assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staffs receive annual fall training. Documentation of training is required; campus is to send original copy to the Office of Special Programs and a copy maintained at the campus office.
6. In cases, where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student’s health and safety, the Campus Principal or assignee will facilitate a meeting between the Special Programs Director and the child’s Parents/guardians to develop a safety plan to protect the student.

VI. Staff Intervention

All staff members shall intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff is able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, or bullying, may require no further action under this procedure.

VII. Filing an Incident Report

Any student who believes he or she has been the target of repetitive unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, may report incidents verbally or in writing to any staff member.

VIII. Addressing Bullying Report

1. Filing an Incident Reporting Form

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

a. Status of Reporter

1. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

2. Confidential

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

3. Non-confidential

Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

2. Receiving an Incident Reporting Form

All staff is responsible for receiving oral and written reports. Whenever possible, staff members who initially receive an oral or written report of harassment, intimidation, or bullying shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the designee is the subject of the complaint.

- 3. Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying** All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.
- A. Upon receipt of the Incident Reporting form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
 - B. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include:
 - a. Changing seating arrangements for the complainant and/or the alleged aggressor in the classroom,
 - b. At lunch, or
 - c. On the bus;
 - d. Identifying a staff member who will act as a safe person for the complainant;
 - e. Altering the alleged aggressor's schedule and access to the complainant, and other measures.
 - C. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved and direct the families to the district's policy and procedure on harassment, intimidation, and bullying.
 - D. In a cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian,
 - a. The district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, and bullying.
 - b. **If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.**
 - E. The investigation shall include, at a minimum:
 - a. An interview with the complainant,
 - b. An interview with the alleged aggressor,
 - c. A review of any previous complaints involving either the complainant or the alleged aggressor, and
 - d. Interviews with other students or staff members who may have knowledge of the alleged incident.
 - F. The principal or designee may determine that other steps taken before the investigation is complete.
 - G. Complete the investigation as soon as practicable but generally no later than five (5) school days from the initial complaint or report. When an investigation takes more than five (5) school days, the school principal will provide the parent/guardian and/or the student with weekly updates.
 - H. No later than two (2) school days after the investigation has been completed and submitted, the principal or designee shall respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
 - a. Results of the investigation,
 - b. Determination of the allegations,

- c. Whether there was a violation of policy, and the
- d. Appeal process, if the complainant disagrees with results.

Due to the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States postal service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. **If professional school personnel suspect a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.**

If the incident is unable to be resolved at the school level, the principal or designee shall request assistance from the district.

4. Corrective Measures for the Aggressor

After completion of the investigation, the school or designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to district policy **FO (Legal)** —student discipline. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If during an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation, or bullying, that student may be subject to corrective measures, including discipline.

5. Targeted Student's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal within ten (10) school days of receiving the written decision. The superintendent or his/ her designee will review the investigative report and issue a written decision on the merits of the appeal within ten (10) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on, or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.

3. An appeal before to school board must be heard on, or before the tenth (10) school day following the filing of the written notice of appeal to the school board. The school board will review the record and render a written decision on the merits of the appeal on, or before the fifth (5) school day, following the termination of the hearing, and shall provide a copy to all parties involved. The board or council's decision will be the final district decision.

6. Discipline/Corrective Action

- A. The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation, or bullying. Depending on the severity of the conduct, corrective measures may include:
 - Counseling,
 - Education,
 - Discipline, and/or
 - Referral to law enforcement
- B. Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to:
 1. The nature of the behavior,
 2. The developmental age of the student, or
 3. The student's history of problem behaviors and performance.
- C. Corrective measures that involve student discipline will be implemented according to district policy FO (Legal) —student discipline.
- D. If the conduct was of a public nature or involved groups of students or bystanders:
 1. The district will strongly consider school-wide training or other activities to address the incident.
- E. If staff have been found to be in violation of this policy and procedure:
 1. School districts may impose employment disciplinary action, up to and including termination.
- F. If a certificated educator is found to have committed a violation of DH (Local), commonly called the Code of Conduct for Employees:
 1. The State Board of Educators Certification (SBEC) may propose disciplinary action on a certificate, up to and including revocation.
 2. Contractor violations of this policy may include the loss of contracts.

7. Support for the Targeted Student

Persons found to have been subjected to harassment, intimidation, bullying, or dating violence will have appropriate district support services made available to them, and the adverse impact of the harassment on the student shall be addressed and remedied as appropriate.

8. Immunity/Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation, or bullying. **Retaliation is prohibited and will result in appropriate discipline.**

9. Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation, and bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. A harassment, intimidation, or bullying complaint may also be reported to the following state or federal agencies:

Chapel Hill ISD
Department of Special Programs
11134 CR 2249
Tyler, TX 75707
903-566-2441

Region VII ESC
Department of Federal Programs
www.esc7.net
903-988-6700

The Texas Education Agency (TEA)
Department of State Board Educator Certification (SBEC)
1701 N. Congress, 5th Floor
Austin, Texas 78701
ATTN: Director of Investigations
www.tea.tx.us.org
Complaint must be done in a written letter and signed.

U.S. Office of Civil Rights (OCR)
www.ed.gov/ocr
(800) 421-3481
Complaints must be in written or e-mail form

10. Forms

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation, or bullying as defined herein, but which are, or may be, prohibited by other district or school rules.