BOARD POLICY

249 Bullying/Cyberbullying

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PURPOSE

The Board is committed to providing a safe, positive learning environment for district students and staff. The Board recognizes that bullying and cyberbullying create an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning and may lead to more serious violence. Therefore, the Board prohibits bullying and cyberbullying by district students.

DEFINITIONS

Artificial Intelligence-Generated or Modified Media means text, code, images, audio or video data that has been created or modified from its original source data through the use of artificial intelligence technology, programs or platforms.[1]

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school settingand/or outside a school setting,

that is severe, persistent, or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering with a student's education**; or**
2. Creating a threatening environment**; or**
3. Substantially disrupting the orderly operation of the school.

Examples of **bullying** include, but are not limited to, physically, emotionally or mentally harming a student, teacher or other employee of the district; damaging, extorting or taking a student, teacher or other district employee's personal property; placing a student, teacher, or other employee of other district in reasonable fear of physical, emotional or mental harm; placing a student, teacher, or other employee of the district in reasonable fear of damage to, or loss of, personal property; creating an intimidating or hostile environment that interferes with a student's educational opportunities; or engaging in conduct that is intended to have the effect of, or has the effect of, demeaning, dehumanizing, embarrassing, ridiculing, taunting, teasing, or threatening a student, group of students, teacher(s) or other employee(s) of the district.

Bullying, as defined in this policy, includes cyberbullying.

Cyberbullying means bullying through the use of electronic technology or communication, including data, computer software or online platforms regardless of their origin, using a device, system network, internet service, email, social media or other digital means, including artificial intelligence–generated or modified media.

Cyberbullying includes bullying conduct which occurs in a school setting and/or outside a school setting. [1]

School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

AUTHORITY

The Board prohibits all forms of bullying and cyberbullying by district students and requires that this policy be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.[1]

The Board encourages students, teachers, and other employees who believe they or others have been bullied to promptly report such incidents to the building principal or designee. Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of bullying **and cyberbullying** shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of bullying **or cyberbullying** brought pursuant to this policy **shall** also be reviewed for conduct which may not be proven to be bullying **or cyberbullying** under this policy but merits review and possible action under other Board policies.[1] When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy. [2] [3]

Discrimination/Harassment

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination or harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination or harassment are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination or harassment as well as the incidents of alleged bullying. [4] [5] [6]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be handled in accordance with applicable law, regulations, this policy, and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of bullying **or cyberbullying** or participation in an investigation of allegations of bullying **or cyberbullying** is prohibited and shall be subject to disciplinary action.

DELEGATION OF RESPONSIBILITY

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying and cyberbullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the school safety and security incident report:[1][2]

1. Board's Bullying/Cyberbullying Policy.
2. Report of bullying and cyberbullying incidents.
3. Information on the development and implementation of any bullying and cyberbullying prevention, intervention or education programs.

GUIDELINES

Reports of bullying or cyberbullying may be made orally or in writing and may be anonymous, except where made by district staff. Students are encouraged to use the district's reporting form attached to this policy, or to submit a written complaint; however, oral complaints will be accepted, documented and investigated.

Any individual receiving a complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor any person involved.

District staff who observe bullying/cyberbullying or receive a report of bullying/cyberbullying shall not conduct an independent investigation but shall take appropriate action to protect the safety of involved students and promptly provide a summary of the observed or reported conduct to the building principal or designee.

For purposes of this policy, a reporter is an individual, other than district staff, who reports alleged bullying/cyberbullying directed at one or more students. A complainant is the alleged victim or target of the conduct. In some circumstances, the same individual may serve as both reporter and complainant.

The building principal or designee shall encourage the complainant or reporter to complete the district's designated report form. If, due to age, disability or other incapacity, the complainant or reporter is unable to complete the form, the building principal or designee shall document the report and complete the form on the individual's behalf. If the report is made by someone other than the complainant, the complainant shall be notified promptly, informed of the report, and encouraged to complete the district reporting form.

As soon as practicable after the receipt of a report of bullying or cyberbullying, the district shall notify the parent(s)/guardian(s) of any student involved in the incident.

If the complainant, district staff, or other professionals with knowledge of the complainant's health and well-being indicate that notifying a parent/guardian could place the complainant or another person at risk of abuse, neglect or other imminent harm, the building principal, in consultation with the Superintendent and legal counsel, and as appropriate, law enforcement, child welfare authorities and other qualified professionals, may determine whether parental notification should be delayed as permitted by law. The basis for the delay must be documented, and parent/guardian notification shall occur as soon as legally and safely practicable.[3][4]

Every report of bullying/cyberbullying shall be reviewed and investigated promptly and sufficiently to address the alleged misconduct, even if the report is anonymous or the complainant requests that no action be taken.

Threat Assessment

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community, or others, district staff shall make a referral to the district's threat assessment team in accordance with applicable law and Board policy.[5][6]

Discrimination/Harassment

If, at the time of the report or at any time during the investigation of the alleged bullying/cyberbullying, there is reason to believe that the conduct may fall within the provisions of the district's discrimination/harassment policies, the Title IX Coordinator must be promptly notified. Upon notification, the Title IX Coordinator will immediately initiate steps to comply with appropriate policies and procedures. The investigation will be handled as a joint and concurrent investigation to address all appliable allegations and legal requirements.[7][8]

Investigation Procedures

After determining that the matter does not require handling under Policy 103, the building principal shall determine whether the investigation may be conducted by the principal or designee or whether the matter must be referred to the Superintendent or another appropriate administrator.

If law enforcement has been notified, a law enforcement report has been filed, or substantiated allegations could result in expulsion, the building principal shall consult with the Superintendent or appropriate administrator, who may seek advice from legal counsel.

Investigations shall be timely, impartial, thorough and comprehensive. The investigation may include:

1. Interviewing the complainant.
2. Interviewing the individual(s) accused of the conduct.
3. Interviewing witnesses.
4. Reviewing physical, electronic or documentary evidence.
5. Reviewing any other relevant information provided during the investigation.
6. Conducting any additional inquiry reasonably necessary to determine the facts and address proven misconduct.

Investigative Findings

The investigator shall prepare a written summary of the investigation that includes: a determination of whether bullying and/or cyberbullying has occurred, identification of any violation of Board policy or applicable law, and,when necessary, a recommendation for appropriate corrective action.

As soon as practicable after determining that an incident of bullying or cyberbullying has occurred, the district shall notify the parent(s)/guardian(s) of any student involved in the incident of the determination of the investigation.

The complainant/reporter and the accused shall be informed of the outcome of the investigation within a reasonable period of time, consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be informed of any individual remedies provided to the complainant.[9]

District Response and Corrective Action

If an investigation results in a finding that bullying or cyberbullying or other misconduct occurred, the district shall take prompt and appropriate corrective action designed to stop the conduct, prevent its recurrence, protect affected students, eliminate any hostile or disruptive environment, and prevent retaliation.[1]

The district shall document corrective actions taken and, when permitted by law, inform the complainant or reporter of responsive measures. District administrators shall monitor the effectiveness of corrective actions and take additional measures when necessary.[1]

If an investigation reveals violations of other Board policies or circumstances requiring additional review, referral, discipline or intervention, the district shall address those matters through the appropriate disciplinary, administrative or support processes.

Any disciplinary action imposed shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, applicable collective bargaining agreements, and state and federal law, and may include:[1][2][13]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][2][10]

Education

The district may develop, implement, and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][11][12]

School Safety and Security Incidents Report

Annually, by July 31, the Superintendent shall report on the designated form, to the PA Department of Education, all new incidents as required by state law. The report must include the total number of bullying and cyberbullying incidents that occurred during the school year, including the number of cyberbullying incidents suspected to involve artificial intelligence-generated or modified media.[2][14]

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Legal Footnotes

[1] **24 P.S. 1303.1-A**
LEGAL REFERENCE

[2] **Pol. 805.1 — Relations With Law Enforcement Agencies**
POLICY REFERENCE

[3] 23 Pa. C.S.A. 6301
LEGAL REFERENCE

[4] Pol. 806 — Child Abuse
POLICY REFERENCE

[5] 24 P.S. 1302-E
LEGAL REFERENCE

[6] Pol. 236.1 — Threat Assessment
POLICY REFERENCE

[7] Pol. 103 — Discrimination/Title IX Sexual Harassment Affecting Students
POLICY REFERENCE

[8] Pol. 103.1 — Nondiscrimination — Qualified Students with Disabilities
POLICY REFERENCE

[9] Pol. 216 — Student Records
POLICY REFERENCE

[10] 22 PA Code 12.3
LEGAL REFERENCE

[11] 20 U.S.C. 7118
LEGAL REFERENCE

[12] 24 P.S. 1302-A
LEGAL REFERENCE

[13] Pol. 236 — Student Assistance Program
POLICY REFERENCE

[14] 24 P.S. 1319-B
LEGAL REFERENCE