

POLICY PROHIBITNG BULLYING

SECTION 1

Bullying by Montrose School District students of other persons, including other students of the Montrose School District, students of other schools who are at a Montrose School District activity, school employees, and guests and visitors of the Montrose School District is strictly prohibited. This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions.

This policy shall apply to persons on school property and at school activities and events on non-school property, including when the person is in any school vehicle or when in a private vehicle located on school property. The prohibition against bullying shall also apply to Montrose School District students when not on school property or at a school event off school property when the bullying conduct results in substantial interference with the work of the school, causes material and substantial interference with school work and discipline, or reasonably causes school authorities to forecast substantial disruption of or material interference with school activities.

Montrose School District students who violate this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Third persons who violate this policy may be prohibited from being on school property.

SECTION 2

Definitions:

1. Bullying Defined: Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- (A) Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
- (B) Substantially interferes with a student's educational performance; or
- (C) Substantially disrupts the orderly operation of a school.

Bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is pervasive, severe, and objectively offensive; intended to create, or results in producing an intimidating, hostile, or offensive academic environment; or substantially or unreasonably interferes with a student's academic performance depriving the student of access to educational opportunities. Federal law contemplates a single incident of such behavior, of sufficient magnitude, towards a special education student to constitute bullying.

2. Stalking Defined: Stalking is a criminal act, defined in the criminal law as to:

- (A) Willfully, maliciously, and repeatedly follow or harass another person;
- (B) Make a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or
- (C) Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

Stalking includes “harassment.” This too is a criminal act defined in Chapter 22-19A of the criminal code as: a “knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.”

Stalking of a child twelve (12) years of age or younger is a Felony.

If in the course of investigating possible bullying there is, in the judgment of the investigator, reasonable suspicion to believe stalking has occurred, law enforcement will be notified.

SECTION 3

A. REPORTING PROCEDURE: Any individual who believes that he or she has been or is being subjected to bullying or has reason to suspect another person has been or is being subjected to bullying should immediately report it to a school administrator, teacher or counselor. The report initially may be made verbally or in writing. The person receiving the report will make a written incident report and, if not an administrator, provide the incident report to an administrator. The incident report must include the name of the person making the complaint, the names of person(s) alleged to have bullied the complaining party or another person, the date(s) and the specific conduct giving rise to the bullying complaint and the date the report was made. The incident report will be signed by the person making the complaint. The District shall investigate all such instances involving bullying.

B. PROCEDURE FOR ADDRESSING COMPLAINTS: The District strictly prohibits retaliation against any person because he or she has, in good faith, made, reported, testified, assisted, or participated in the investigation of a report of alleged bullying. Any person who believes he or she has or is being subjected to retaliation because of his or her involvement with a bullying complaint should immediately contact a school administrator.

The administrator receiving or preparing an incident report shall institute an investigation or refer the matter to the person designated by the Superintendent to investigate complaints of possible bullying. The District’s investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities of the victim (and if so, in what manner), identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification and from other persons. If the alleged conduct is reasonably believed to constitute stalking, the investigator shall notify local law enforcement or the state’s attorney.

Any person alleged to have bullied another person will be notified in writing that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless the investigation results in a determination that there is reasonable cause to suspect that bullying did occur.

The District will maintain confidentiality to the maximum extent possible under the circumstances. A person reporting bullying conduct must understand that should the administrator investigating the complaint determine there is reasonable cause to suspect that bullying did occur which could result in administrative discipline or a referral to the School Board, the person alleged to have abused the other person has the right to know the identity of the person(s) making the complaint in order that such person may have an opportunity to defend against the complaint.

Any student or other person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond in writing but is not required to submit a written response.

Upon conclusion of the investigation and a determination by the investigator that there is reasonable cause to believe that bullying has occurred, a report of the investigation will be provided to or prepared by the Superintendent. The Superintendent will then provide appropriate due process procedures commensurate with the possible discipline to be imposed. If a long term suspension or expulsion is contemplated, the Superintendent will arrange for a hearing to be conducted by the School Board unless such hearing is waived by the 18 year old student or the minor student's parent or guardian. Should the Superintendent determine that no bullying occurred or that no discipline should be imposed, the alleged victim may appeal the matter to the School Board pursuant to the applicable grievance policy.

If there is reasonable suspicion to believe that a student from another district bullied a Montrose School District student, employee or guest while at school or at a school activity on non-school property in violation of this policy, the administration may prohibit that person from being on school property or at school activities and shall report the complaint to the student's district of attendance with agreement of the alleged victim.

C. BOARD HEARING:

Should a finding of violation of this policy by the Superintendent warrant a long term or expulsion, the matter shall be referred to the Board following the student due process procedures set forth in the administrative rules of this State.

D. BOARD DISCIPLINARY ACTION: If following the Board hearing the Board determines there has been a violation of this policy prohibiting bullying, Board action may include but is not limited to In School Suspension, Long Term Suspension, Expulsion and referral to law enforcement.

Adopted: June 8, 2009

Reviewed _____

Amended 2014