



RED OAK ISD

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Red Oak Independent School District

Anti-Bullying

Policies & Procedures Manual

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INTRODUCTION

The purpose of this manual is to provide students, parents and employees with the current Anti-Bullying policies and procedures, which were developed in compliance with federal case law, guidance from the U.S. Department of Education’s Office for Civil Rights, and the definition of bullying contained in section 37.0832 of the Texas Education Code.

The Red Oak Independent School District School Board has adopted a District policy prohibiting “harassment,” which typically addresses many of the behaviors that also constitute bullying. The District’s discrimination, harassment, and retaliation policy is FFH (LOCAL). A bullying policy was also adopted, as demonstrated within this manual and board policy FFI (LOCAL). Both policies are accessible at www.redoakisd.org.

The Red Oak ISD School Board is committed to protecting its students and employees from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, discrimination, or harassment, will not be tolerated and shall be just cause for disciplinary action. The Red Oak ISD School Board has adopted policies and administrative procedures that: (1) prohibit bullying; (2) prohibit retaliation against any person, witness, or another person who in good faith provides information regarding bullying; (3) establish a procedure for providing notice of an incident of bullying to a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported, and a parent or guardian of the alleged bully within a reasonable amount of time after the incident; (4) establish the actions a student should take to obtain assistance and intervention in response to bullying; (5) set out available counseling options for a student who is a victim of, is a witness to, or engages in bullying; (6) establish procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred; (7) prohibit school officials from disciplining a student who is the victim of bullying, for the student’s use of reasonable self-defense in response to bullying; and (8) require that the discipline of a student with disabilities for bullying complies with federal law, including the Individuals with Disabilities Education Act (IDEA). The School Board amended the bullying transfer provisions in current board policy. Currently, the School Board or designee only had authority to transfer the victim of bullying to another classroom or campus. Effective with the 2017-218 school year, the School Board or designee may also transfer a student who engages in bullying to (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or (2) another campus in the District other than the campus to which the victim was assigned at the time the bullying occurred. (3) A student may be removed from class and placed in a disciplinary alternative education program or expelled if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.

To effectively address bullying and cyber-bullying, parents and students must be partners with District administrators. Only by working together will we be able to reduce the incidents of bullying in our schools.

WHAT IS BULLYING?

Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that: (1) 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; (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) materially and student disrupts the educational process or the orderly operation of a classroom or school; (4) or infringes on the rights of the victim at school; and includes cyberbullying.

This applies to: (1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property; (2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and (3) cyberbullying that occurs off school property or outside of a school-sponsored or school related activity if the cyberbullying:

- (A) Interferes with a student's educational opportunities; or
- (B) substantially disrupts the orderly operation of a classroom. Interferes with a student's educational opportunities.

Examples of Bullying:

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

WHAT IS CYBER-BULLYING?

Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, electronic mail, instant messaging, text messaging, a social media application, or any other Internet-based communication tool.

This applies to: (1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property; (2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and (3) cyberbullying that occurs off school property or outside of a school-sponsored or school related activity if the cyberbullying:

- (A) Interferes with a student's educational opportunities; or
- (B) substantially disrupts the orderly operation of a classroom.

BULLYING PROHIBITED

The District prohibits bullying as defined by this policy.

RETALIATION

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of Retaliation:

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

TIMELY REPORTING

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING OF SUSPECTED BULLYING

Student Report:

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, District employee, or complete the on-line Anonymous Bullying Report. When using the on-line Anonymous Bullying Report, print it and turn in the completed form to your campus principal.

Employee Report:

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

REPORT FORMAT

A report may be made orally, electronically or in writing. The principal or designee shall reduce any oral reports to electronic or written form.

Reports of bullying may also be directed to the:

Assistant Superintendent of District Operations
Red Oak ISD Education Service Center
109 W. Red Oak Rd., Red Oak, TX 75154
(972) 617-2941

REPORT TO LAW ENFORCEMENT

The principal of a public primary or secondary school, or a person designated by the principal under Subsection (c), may make a report to any school district police department, if applicable, or the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 or 42.07(a)(7), of the Texas Penal Code.

A person who makes a report under this section may include the name and address of each student the person believes may have participated in the conduct.

The principal of a public primary or secondary school may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report under this section.

A person who is not a school employee but is employed by an entity that contract with a district or school to use school property is not required to make a report under this section and may not be designated by the principal of a public primary or secondary school to make a report. A person who voluntarily makes a report under this section is immune from civil or criminal liability.

A person who takes any action under this section is immune from civil or criminal liability or disciplinary action resulting from that action.

Notwithstanding any other law, this section does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides that basis for a cause of action for an act under this section.

The District, District personnel, and District volunteers are immune from suit resulting from an act under this section.

The District, District personnel, and District volunteers are immune from suit resulting from an act under this section, including an act under related policies and procedures.

An act by school personnel or a school volunteer under this section, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to a ministerial act for purposes of liability of the District or the District's employees.

PROHIBITED CONDUCT

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

INVESTIGATION OF REPORT

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Assistant Superintendent of Operations.

NOTICE TO PARENTS

If an incident of bullying is confirmed, the principal or designee shall promptly notify a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported, and the parent or guardian of the alleged bully within a reasonable amount of time after the incident.

DISTRICT ACTION

Bullying:

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Discipline:

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Placement or Expulsion:

A student may be removed from class and placed in a disciplinary alternative education program as provided by Texas Education Code Section 37.008, or expelled if the student:

1. engages in bullying that encourages a student to commit or attempt to commit suicide;
2. incites violence against a student through group bullying; or
3. releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the students' consent.

“Intimate visual material” means visual material that depicts a person:

- A. with the person's intimate parts exposed; or
- B. engaged in sexual conduct.

CORRECTIVE ACTION

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

TRANSFERS

Students who are Victims of Bullying:

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

Students who Engage in Bullying:

The Board or designee may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004. For more information, see Policy FDB (LEGAL).

COUNSELING

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

IMPROPER CONDUCT

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

A person having lawful control of the student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.

RECORDS RETENTION

Retention of records shall be in accordance with CPC (LOCAL).

ACCESS TO POLICY AND PROCEDURES

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Anonymous Bullying Report

This form may be mailed, faxed, hand delivered or emailed to the campus principal where the bullying is alleged to have occurred.

Campus: _____ Date of Report _____

Completion of this form is necessary for reported instances on the campus of bullying. This form must be completed and a copy delivered to the Campus Principal to complete an investigation.

General Information

Person Bullying: _____ Grade: _____ Date of Incident: _____

Please list the following information:

Name of the victim: _____

Race of the victim: _____ Age of the victim: _____

Did you witness the bullying firsthand? _____

List the names of all possible witnesses:

Step A

Please describe how the victim was bullied.

Step B

Describe where the alleged activity occurred: (Be as specific as possible)

Law Enforcement should be contacted if you are aware of:

- Death threats or threats of other forms of violence to a person or property
- Excessive intimidation or extortion
- Threats or intimidation that involve any form of bias or discrimination
- Any evidence of sexual exploitation or abuse

Office Use Only

Received by:

_____ **Print Name**

_____ **Print Title**

_____ **Date**

_____ **Signature of person accepting report**