

Administrative Procedures for Bullying/Cyberbullying
FOR THE SCHOOL DISTRICT OF PHILADELPHIA
(Attachment for Policy No. 249) ~~Effective September 9, 2013~~

PURPOSE:

The purpose of these procedures is to maintain a healthy, safe, and positive school environment that is conducive to learning; to ensure that school administrators, teachers, and staff take appropriate measures to prevent and intervene in incidents of bullying and harassment; and to prohibit the reprisal or retaliation against individuals who report these acts.

~~In accordance with the provisions of the Pennsylvania Public School Code, 24 P.S. Sec. 1301-A et seq 1303.1-A, and State Board of Education Regulations, 22 PA Code Sec. 12.3, The School District of Philadelphia (“the District”) adopted SRC Policies 248 and 249 to address bullying and harassment.~~

BOARD POLICY:

~~It is the intent of the District to maintain safe environments for all District students. Therefore, it is the District’s policy to prohibit all forms of bullying and harassment.~~

DEFINITIONS:

The following words and phrases, when used in these procedures, shall have the meaning given to them in this section:

Bullying: ~~Bullying means a~~An intentional electronic, written, verbal, nonverbal, psychological or physical act or series of acts directed at another student or students, which occurs in and/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~~ence~~ with a student’s education;-
2. Creating~~on~~ of a threatening **school** environment;- **or**
3. Substantially disrupting~~on~~ of the orderly operation of the school.

Bullying is characterized by the following three (3) criteria:

1. It is aggressive behavior or intentional harm doing.
2. It is carried out repeatedly over time.
3. It occurs within **an interpersonal relationship between people** where there is an imbalance of power (e.g. **physical strength, mental capacity, popularity, or social skills** ~~one (1) person is physically larger, stronger, mentally quicker or socially more powerful~~).

Bullying can take many forms and can include a variety of behavior. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;:-
2. Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping; ~~spreading rumors.~~
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking; ~~cyberbullying (bullying that occurs by use of electronic communication devices through means of social networking, email, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites).~~
4. **Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and**
5. **Cyberbullying - any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.**

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: The school-based staff person who receives reports of incidents of alleged bullying, conducts investigations, and determines whether an allegation is substantiated.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Online reporting process: The process for reporting or submitting complaints of alleged bullying/cyberbullying behavior and documenting investigations, accessible on the District's website at: <https://www.philasd.org/bullying/>

School setting: ~~School setting means in~~ 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.[]

~~“Bullying” can be exhibited by an intentional physical, psychological, verbal, nonverbal, written, or electronic act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent or pervasive, and has the effect of doing any of the following:~~

- ~~1. Substantial interference with a student's education.~~

- ~~2. Creation of a threatening and hostile learning environment.~~
- ~~3. Substantial disruption of the orderly operation of the school.~~

~~Bullying is characterized by the following three (3) criteria:~~

- ~~1. It is intentional or deliberate aggressive behavior or harm doing;~~
- ~~2. It is carried out repeatedly over time; and~~
- ~~3. It occurs within an interpersonal relationship where there is an imbalance of power (e.g. one (1) person is physically larger, stronger, mentally quicker, or socially more powerful).~~

~~Bullying takes many forms and can include a variety of behaviors. As defined in SRC Policy 249, bullying refers to direct or indirect action, which may include but is not limited to:~~

- ~~1. Physical – touching, hitting, kicking, pushing, shoving, getting another person to hurt someone.~~
- ~~2. Verbal – name-calling, teasing, taunting, gossiping, and spreading rumors.~~
- ~~3. Nonverbal – threatening, intimidation, obscene gestures, isolation, exclusion, stalking, cyber bullying (bullying that occurs by use of electronic or communication devices through means of social networking, e-mail, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, bash boards, or web sites).~~

~~“Intimidation” is intentional behavior that would cause fear of injury or harm in a person of ordinary, reasonable sensibilities.~~

~~“School setting” means in the school, on school grounds, in school vehicles, at a designated bus stop, in transit to and from school or at any off-site activity sponsored, supervised or sanctioned by the school.~~

~~“Electronic communication” means a communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computer.~~

~~**“Harassment”** is unwelcome verbal, written, graphic or physical conduct relating to an individual's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of his race and sexual orientation.~~

~~Harassment can create a hostile environment when it:~~

- ~~1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment;~~
- ~~2. Has the purpose or effect of substantially or unreasonably interfering with a student's education; or~~
- ~~3. Otherwise adversely affects an individual's learning opportunities, health, safety or well-being.~~

~~“Sexual harassment” is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.~~

PROCEDURES:

Prevention

~~All schools will implement procedures to prevent and mitigate acts of bullying, harassment, and intimidation.~~

- ~~1. Each school principal will provide an annual review and offer professional development to all teachers and the entire school staff on the prevention, identification, reporting, investigation and resolution of allegations of bullying and harassment.~~
- ~~2. Schools will inform students and parents/guardians that bullying and harassment will not be tolerated. Student training shall include the definitions of bullying and harassment, examples of bullying and harassment, the reporting process, and consequences of participating in bullying and harassment towards students and staff.~~
- ~~3. Schools will inform students and parents/guardians about the availability and use of the *Bullying and Harassment Reporting and Investigation Form* during orientation/open house sessions within the first month of school, and through appropriate school communication (i.e., school web site, parent/student handbook).~~
- ~~4. *Bullying and Harassment Reporting and Investigation Forms (blank forms only)* will be available in the main office and other locations in each school.~~
- ~~5. *Bullying and Harassment Reporting and Investigation Forms (blank forms only)* will be available on the District's website and in the Parent Resource Centers.~~
- ~~6. Schools are required to conduct developmentally appropriate prevention activities such as:~~
 - ~~a. Holding frequent classroom meetings or town hall meetings with students to discuss safety concerns;~~

- ~~b. Establishing, teaching, and reinforcing rules against bullying and harassment;~~
- ~~c. Incorporating social and emotional learning into the curriculum whenever possible;~~
- ~~d. Conducting classroom lessons on relevant topics such as inclusion, sensitivity, empathy, diversity, communication, problem solving, and tolerance;~~
- ~~e. Including bullying and harassment on every agenda for building committee/leadership team, grade group, and/or school-based staff meetings;~~
- ~~f. Celebrating the annual national bullying awareness month (October); and~~
- ~~g. Conducting student and/or parent focus groups or administer school-wide surveys to assess the nature and prevalence of bullying at the school, and identify bullying hot spots in and around the building.~~

Reporting

A student or his/her parent/guardian or third party who believes ~~s/he~~ **the student** has been subjected to bullying and harassment is encouraged to immediately report the incident **in one of three ways:**

- 1. Using the online reporting process available at <https://www.philasd.org/bullying/>;**
- 2. Orally reporting the incident** to the building principal or **bullying** designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators; **or**
- 3. Calling the Bully Hotline at: (215) 400-SAFE.**

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 violation of this policy. ~~The complainant or reporting employee is encouraged to use the *Bullying and Harassment Reporting and Investigation Form*, but oral and electronic complaints shall be acceptable. The principal or designee, or reporting staff member, shall complete the *Form*~~ **enter the complaint by using the online reporting process as soon as possible, if the complainant chooses to make an oral or electronic report.**

~~All reports will be documented using the *Bullying and Harassment Reporting and Investigation Form*. Reports~~ **Complaints** ~~will be promptly and appropriately investigated by the principal or principal's~~ **bullying** ~~designee, consistent with the student's due process rights. All complaints and investigations shall be documented using the online reporting process. using the *Bullying and Harassment Reporting and Investigation Form*, within two (2) school days after receipt of the report.~~

NOTE: It is critical when receiving a ~~report~~ **complaint** to determine whether immediate steps

must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Investigation

Principals or the principal's **bullying** designee will determine whether bullying/cyberbullying or ~~harassment~~ occurred by taking the following steps:

1. All investigation shall be completed within **seven (7) fourteen (14)** school days from the date of the complaint of bullying/cyberbullying.
2. If the complaint alleges sex or gender based discrimination or harassment or behavior that can be interpreted to fall within the provisions of Board policies or laws against other forms of discrimination, **including race, disability, national origin, sex, gender identity, and sexual orientation**, the investigation should be completed in accordance with **Policies 103 or 103.1 regarding nondiscrimination or Policy 248, Harassment and Discrimination of Students, including notification to the Title IX Coordinator in the Office of Student Support Services, if applicable, or Policies 103 or 103.1 regarding nondiscrimination.**
3. The investigation should consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.
4. The investigator shall attempt to secure statements from all participants in, and witnesses to, the incident(s). The complainant shall not be required to meet face-to-face with the accused.
5. When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The limited English proficiency of a complainant, witness, or the accused is not an acceptable reason for failure to secure a statement from him or her.
6. ~~Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.~~
7. Ensure that complainants are notified of available resources, such as counseling, health, and mental health services, and, **if applicable**, their right to file a complaint with local law enforcement.
8. Notify the complainant and the accused of the progress at appropriate stages of the investigation.
9. In cases involving potential criminal conduct, determine whether appropriate law enforcement authorities should be notified. **[1]**
10. Document findings from the investigation and actions taken **within the online reporting**

process system. ~~on the *Bullying and Harassment Reporting and Investigation Form*.~~

11. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.
12. The obligation to conduct this investigation shall not be negated by the fact that the complainant cannot identify the accused.
- ~~13. If the bullying or harassment creates imminent danger or qualifies as a violation of the Code of Student Conduct, complete an EH-31, Serious Incident Report in the Serious Incident Management System (SIMS) and follow the appropriate procedures for Response to Instruction and Intervention (RtII) BHS Level 3 (grades 1-5) or an EH-21 request for disciplinary transfer (grades 6-12).~~
14. If the investigation determines that the accused engaged in conduct that constitutes a violation of this policy, the principal or the principal's **bullying** designee shall take prompt and effective steps reasonably calculated to end the bullying/cyberbullying ~~or harassment~~, eliminate any hostile environment and its effects, and prevent the bullying/cyberbullying ~~harassment~~ from recurring.
- ~~15. Submit a copy of the completed *Bullying and Harassment Reporting and Investigation Form* to the Office of Attendance and Truancy at (215) 400-4223 (fax) or sdpbullyingprevention@philasd.org (email) within five (5) school days of the completion of the investigation.~~
- ~~16. Copies of the forms must be maintained in the principal's confidential file. These forms are not to be filed in the student's pupil pocket.~~

Substantiated/Founded Complaints

IEP Team/Section 504 Team Notification

If a complaint of bullying/cyberbullying is substantiated and either the offender or the victim is a student with a disability who has an Individualized Education Plan (IEP) or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team (refers to Section 504 of the Rehabilitation Act of 1973).

Unless it is clear from the school's investigation that there was no effect on the student with a disability's receipt of a Free and Appropriate Public Education (FAPE), the appropriate team must convene to make a determination of whether, due to the bullying/cyberbullying, the student's needs have changed. The student's IEP or Section 504 Team must determine the extent to which additional or different services are needed, if any, and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

All complaints:

Parents/guardians of both the alleged victim and alleged offender shall be notified of the outcome of the investigation via a letter setting forth whether the complained upon behavior was founded or unfounded.

Founded complaints:

If **the complaint of bullying/cyberbullying or harassment** is substantiated **founded**, the principal or principal's **bullying** designee will communicate with the parents/guardians of the victim and offender(s), and take the following steps:

1. The parent/guardian of the victim will be informed of the specific steps that the school will take to intervene in the reported behaviors, monitor future conduct, and protect the victim from reprisal or retaliation.
2. The parent/guardian of the victim ~~may~~ **will** be invited to participate in the development of an intervention plan for their child ~~if one is created~~.
3. The parent/guardian of the offender will be informed of the specific steps that the school will take to intervene in the reported behaviors and monitor future conduct, as well as the proposed consequences as stipulated in the Code of Student Conduct.
4. The parent/guardian of the offender ~~may~~ **will** be invited to participate in the development of an intervention plan for their child ~~if one is created~~. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.
5. The parents/guardians of the victim and offender(s) will be provided with a copy of the intervention plan developed for their child **if one is created**. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.

Unfounded Complaints:

If **the complaint of bullying/cyberbullying or harassment** is substantiated **unfounded**, the principal or principal's **bullying** designee will communicate with the parents/guardians of the alleged victim and alleged offender(s), the type of incident that occurred (i.e. mutual conflict or isolated incident) as well as the specific steps that the school will take to intervene in the reported behaviors and monitor future interactions.

Unfounded complaints should also be reviewed for conduct which may not be proven to be bullying under this policy, but merits review and possible action under other Board policies.

Behavioral interventions

Schools must provide intervention and support to victims, offenders, and/or bystanders to address acts of bullying/**cyberbullying**and harassment. Suggested interventions include, but are not limited to, the following actions:

1. Parent/student conferences;
2. One-to-one counseling for the victim, offender, and/or bystander with appropriate professional staff;
3. Positive behavioral supports, such as, functional behavioral assessments and check in/check out;
4. Increased adult supervision in hot spot areas and during transition times (e.g., admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the victim; and
8. Daily report.

~~A comprehensive list of interventions may be found in Schoolnet — Response to Instruction and Intervention (RtII) BHS domain. The intervention plan and progress monitoring must be documented in Schoolnet.~~

Disciplinary action

While all incidents of bullying/**cyberbullying** and harassment require student interventions, some incidents may require disciplinary action/consequences for the offender(s). Appropriate disciplinary action/consequences for persons committing acts of bullying/**cyberbullying** harassment, for persons engaged in reprisal or retaliation, and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying/**cyberbullying** and harassment. A range of disciplinary actions/consequences may be found in the Code of Student Conduct.

Appeal Procedure

If the complainant or accused is not satisfied with the finding of the investigation, either may submit a written appeal to the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker. Information about the appeal process is available here:

<https://www.philasd.org/studentrights/>

Follow-up

- ~~1. Separate conferences for the victim and offender(s) will occur within ten (10) school days after the conclusion of the investigation to ensure that the bullying and harassment has ceased, and to determine whether there is a need for additional intervention or support. Individual conferences may occur as part of the progress monitoring of the intervention plan.~~
- ~~2. A second conference will be held with the victim four (4) weeks after the initial conference to ensure that the bullying and harassment has ceased.~~

Central office support

- 1. To request support filing a bullying complaint, the parent/guardian can contact the Family and Community Engagement Office (FACE) by calling 1-215-400-SAFE.**
- 2. In instances where the bullying and harassment incident is reported and a complainant has not received a letter indicating the findings of the investigation within the time frame allotted in these administrative procedures, unresolved, and/or parents/guardians are not satisfied with the investigation or findings; support may be requested by the school or parent/guardian from FACE from the Office of Student Support Services by calling 1-215-400-SAFE. FACE will notify the appropriate person in the Office of Student Rights and Responsibility who will address the concern.**
- 3. In instances where a complainant cannot reach a staff person in FACE for support with either of the two above instances, support can be requested by the parent/guardian from the Office of Student Rights and Responsibilities by emailing bullying@philasd.org.**
- 4. Exceptions to our policy of always prioritizing educational continuity may be considered as a last resort where all other options have been expended.**

Data Reporting

- 1. The Office of Student Support Services will post on its website annually the number of bullying complaints filed as well as the number of complaints found to constitute bullying.**
- 2. The Office of Student Support Services will provide the following information for inclusion in the **Annual School Safety Safe-School Report to the Pennsylvania Department of Education:****
- a. This policy and administrative procedures;**
- b. Report of bullying incidents; and**

c. Information on the development and implementation of any and all research-based bullying prevention and intervention programs.

~~5. Support may be inclusive of, but not limited to, the following:~~

~~a. Independent review of the bullying and harassment report and investigation;~~

~~b. Interview of parties involved in data collection and disposition;~~

~~c. Review of disciplinary action as deemed appropriate, under the Code of Student Conduct related to the incident(s);~~

~~d. Consultation with the parent/guardian and school-based personnel on alternative strategies and supports; and~~

~~e. Consultation with other relevant offices regarding findings and recommended actions.~~

~~6. The Office of Student Support Services will work with the school to ensure that the allegations/incident is reported, investigated, and that the resolution is sufficient. The Office of Student Support Services may amend the findings and recommendations of the school pursuant to review.~~

~~7. Appropriate professional development will be provided to all stakeholders annually to support the implementation of this procedure. Professional development includes trainings for administrators, teachers, staff, students, parents/guardians, and community stakeholders (e.g., community-based organizations, faith-based partners, city partners and contracted providers). Resources and materials are available on The School District of Philadelphia's website.~~

MAINTENANCE AND UPDATE OF THESE PROCEDURES:

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.

ATTACHMENT:

Bullying and Harassment Reporting and Investigation Form

Legal References:

- ~~1. 18 Pa. C.S. 2709~~