

# POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

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<b>Related Entries:</b>	ACA, ACF, COB-RA, COG-RA, IGT-RA, IRB-RA, JFA-RA, JGA, JHC, JHC-RA, JHF-RA
<b>Responsible Office:</b>	Chief of Teaching, Learning, and Schools; Chief of Districtwide Services and Supports; Chief of Strategic Initiatives

## Bullying, Harassment, or Intimidation

### A. PURPOSE

To affirm that all students have a right to be free of bullying, harassment, or intimidation

To prohibit bullying, harassment, and intimidation on Montgomery County Public Schools (MCPS) property

To establish the framework for effective procedures to maintain a relationship-focused, welcoming, supportive school environment, fostering academic and personal growth for every student

### B. ISSUE

The Montgomery County Board of Education is committed to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

### C. POSITION

1. The Board prohibits verbal, physical, or written (including electronic) bullying, including cyberbullying, harassment (including sexual harassment), hazing, intimidation, or incidents of hate-bias of any person on MCPS property, which includes schools, grounds owned or operated by MCPS, MCPS buses, the facility and/or the grounds of any MCPS-sponsored activities involving students; or by the use of electronic technology.
2. For the purposes of this policy and in accordance with Maryland law, prohibited conduct means bullying, harassment, or intimidation that is –

- a) intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication that either occurs on MCPS property, which includes schools, grounds owned or operated by MCPS, MCPS buses, the facility and/or the grounds of any MCPS-sponsored activities involving students, or substantially disrupts the orderly operations of a school; and
  - b) creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is either –
    - (1) motivated by actual or perceived personal characteristics identified in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*;
    - (2) sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
    - (3) threatening or seriously intimidating.
      - (a) *Intimate parts*, are defined in Annotated Code of Maryland, Education Article, §7-424, and means the naked genitals, pubic area, buttocks, or female nipple.
      - (b) *Sexual contact*, as defined in Annotated Code of Maryland, Education Article, §7-424, means sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.
3. For the purposes of this policy and in accordance with the Maryland State Department of Education (MSDE) guidance, the following definitions are used to address harm caused by bullying (including cyberbullying), harassment, or intimidation of any person on MCPS property:
- a) *Bullying* means unwanted, demeaning behavior among students that meets the criteria for prohibited conduct in section C.2 and includes –
    - (1) an imbalance of power (individuals who bully use their physical, emotional, social, or academic power to control, exclude, or harm others); and
    - (2) repetition (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).

- b) *Cyberbullying* means bullying that meets the criteria for prohibited conduct in sections C.2 and C.3.a and is transmitted by means of a portable communication device through electronic communication that allows individuals to view or share content.
    - (1) Cyberbullying includes sending, posting, or sharing personal or private information about someone, causing embarrassment or humiliation.
    - (2) Cyberbullying may be subject to disciplinary action when there is a connection back to the school setting; it creates risk of harm to other students while they are at school; or it interferes with the educational environment, regardless of whether the instructional environment is in person or virtual.
  - c) *Electronic communication* means a communication transmitted by means of an electronic device, including a telephone, computer, or portable communication device.
  - d) *Harassment* means actual or perceived negative actions that meet the criteria for prohibited conduct in section C.2 and offend, ridicule, or demean another individual with regard to an individual's actual or perceived personal characteristics, as defined in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, or are sexual in nature, as set forth in Board Policy ACF, *Sexual Misconduct and Sexual Harassment of Students*, or Board Policy ACI, *Sexual Harassment of Employees*, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact.
  - e) *Intimidation* means any communication or action directed against another individual that meets the criteria for prohibited conduct in section C.2 and threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.
- 4. The Board is further committed to prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation; students who are alleged to have been harmed by bullying, harassment, or intimidation; or witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.
  - 5. As used in this policy, bullying may include but not be limited to physical (hitting, pushing, shoving); verbal (being teased, threatened, coerced, made fun of, called derogatory names); or relational (spreading rumors, being left out or ostracized).

**D. IMPLEMENTATION STRATEGIES**

1. The prevention of bullying, harassment, or intimidation as well as the prevention of retaliation against individuals who report acts of bullying, harassment, or intimidation require a systemwide effort involving prevention and intervention training with students, administration, and school staff. Targeted individuals (hereafter referred to as “complainants”) and those who are alleged to have bullied, harassed, or intimidated others (hereafter referred to as “respondents”) may experience a range of significant health, safety, and educational risks.
2. MCPS will provide professional learning for staff, and educational opportunities for students and volunteers, to identify and report bullying, including cyberbullying, harassment, or intimidation. Staff shall be prepared, as appropriate, to implement prevention programs that are proven to be effective; intervene when bullying, harassment, or intimidation occurs; implement intervention strategies; and provide outside referrals if needed. The prohibition of bullying, harassment, or intimidation in schools and reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation as well as consequences and remedial actions must be included as part of a systemwide prevention and intervention program. Components of such a program must include the following:
  3. Professional Learning  

Annual professional learning for administrators and staff members, using evidence-based practices to increase understanding and awareness of –

    - a) the prevalence, causes, and consequences of bullying, harassment, or intimidation;
    - b) the importance of adult visibility, especially during noninstructional activities such as lunch, recess, and hallway transitions and in spaces such as locker rooms;
    - c) multitiered, restorative approaches to improve school climate and reduce incidents of bullying, harassment, or intimidation;
    - d) safe, supportive, culturally responsive school and classroom practices, integrating social/emotional learning, trauma-informed practices, and restorative approaches to help all students feel welcomed, included, and connected;
    - e) strategies to increase awareness and the ability to –

- (1) identify and respond appropriately to bullying, harassment, and intimidating behaviors and understand their impact on targeted students, respondents, and bystanders;
- (2) use research-based strategies; remedial measures; and consequences for preventing bullying, harassment, or intimidation; and
- (3) identify and provide supportive measures to students who may be vulnerable to bullying, harassment, or intimidation, on the basis of actual or perceived personal characteristics identified in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.

4. Prevention and Education

MCPS will provide schoolwide, evidence-based educational programs as part of a system of positive behavioral supports and school improvement efforts at all grade levels, emphasizing the development of a positive, safe, and restorative school climate in all schools, where students feel physically and emotionally safe, to include –

- a) comprehensive health education for all students, which includes instruction on interpersonal communication and addresses bullying, cyberbullying, harassment, intimidation, and the bullying report form;
- b) providing opportunities for parents, volunteers, and the broader community to develop awareness about the prevalence, causes, and consequences of bullying, harassment, or intimidation; the significance of bullying, harassment, or intimidation as a potential public health hazard; recognition and reporting bullying, harassment, and intimidation; and strategies for supporting their children;
- c) collaboration with community health and mental health resources to communicate that bullying, harassment, or intimidation is a public health hazard and that health resources are available to complainants, respondents, and bystanders; and
- d) a range of behavior interventions, safety, and well-being plans developed to prevent bullying, harassment, or intimidation while ensuring the safety of complainants and respondents, including, but not limited to, student involvement in bullying, harassment, or intimidation prevention efforts, such as programs that foster support of peers who may be targeted or vulnerable to bullying, harassment, or intimidation; mutual respect; and sensitivity to diversity and culture.

5. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation
  - a) MCPS shall provide to schools procedures that are convenient, safe, private, and age-appropriate for reporting acts of bullying, harassment, or intimidation.
  - b) Students, staff, and parents/guardians shall be informed of the reporting procedures at each school, including the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*.
    - (1) Reporting of bullying, harassment, or intimidation incidents shall be encouraged and supported by MCPS. MCPS shall communicate a clear message that reporting will lead to help for complainants, respondents, and bystanders.
    - (2) The principal/director or designee shall contact law enforcement immediately for incidents identified for law enforcement involvement in relevant Memoranda of Understanding and MCPS Regulation COB-RA, *Incident Reporting*.
    - (3) In accordance with Maryland law, a school employee who reports an act of bullying, harassment, or intimidation is not civilly liable for any act of omission in reporting or failing to report an act of bullying, harassment, or intimidation.
6. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation.
  - a) The principal/designee shall promptly conduct an adequate, reliable, and impartial investigation, in compliance with relevant law as appropriate, including the opportunity for the parties to present evidence into all reports of bullying, harassment, or intimidation.
  - b) Upon completing the investigation, the principal/designee shall implement supportive measures and consequences as appropriate and take steps to prevent the recurrence of bullying, harassment, or intimidation of the complainant or correct its discriminatory effects that may occur.
  - c) The principal/designee will contact the parent/guardian of all students identified in a report of bullying, harassment, or intimidation within 48 hours of receiving the report, unless the principal/designee is otherwise directed by law enforcement.

- d) After the investigation has concluded, staff members will conduct individual and private conferences with both the complainant and the respondent to determine if the bullying, harassment, or intimidation has continued.

7. Consequences and Remedial Actions

Behavior intervention strategies and remedial actions for persons who have harmed others; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations of bullying, harassment, or intimidation will be administered fairly, equitably, and consistently applied in accordance with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*; Board Policy JGA, *Behavior Intervention Safety and Well-being Plan*; and MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

8. Interventions and Support Services To Be Made Available to Complainants, Respondents, and Bystanders

- a) MCPS will develop a continuum of culturally responsive social/emotional supports for both complainants and respondents, which utilizes a trauma-informed and restorative approach. These may include supportive measures to potentially vulnerable students and students exhibiting bullying, harassment, or intimidation behaviors as well as individualized, intensive supports for complainants and respondents.
- b) As appropriate, complainants and respondents may be offered supports to build resilience, increase social connections and peer interaction, reduce the possibility of further episodes of bullying, and otherwise increase the student's sense of safety and social connection.
- c) If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.
- d) MCPS shall maintain and make readily available to students and families an array of counseling and mental health supports that are available to complainants, respondents, and bystanders within both the schools and the community.

9. The superintendent of schools will develop regulations for implementing this policy that specify the name and contact information of the MSDE employee who is familiar with the reporting and investigating procedures in MCPS; procedures for reporting and investigating incidents of bullying, harassment, or intimidation,

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including notice to parents/guardians, and law enforcement, as applicable; supportive measures provided for complainants, respondents, and bystanders; consequences or remedial actions; the process for publicizing those procedures; and monitoring data on occurrences.

10. The superintendent of schools will develop educational and professional learning activities for students and staff in the effort to implement this policy and prevent bullying, harassment, or intimidation in schools.
11. All regulations developed in support of Board-adopted policies shall be sent to the Board as items of information.

**E. DESIRED OUTCOME**

Schools will provide prevention, behavior intervention, safety, and well-being strategies as well as consequences and supportive measures to create an educational environment that is free of bullying (including cyberbullying), harassment, and intimidation.

**F. REVIEW AND REPORTING**

This policy will be reviewed in accordance with the Board policy review process.

**Related Source:**

*Annotated Code of Maryland, Education Article, §7-303.1, §7-424, §7-424.1; Code of Maryland Regulations 13A.08.01.15; Maryland State Department of Education Maryland's Model Policy to Address Bullying, Harassment, or Intimidation 2021 Update; A Student's Guide to Rights and Responsibilities in MCPS; Student Code of Conduct in MCPS; Guidelines for Respecting Religious Diversity; Guidelines for Student Gender Identity*

**Policy History:** New policy adopted by Resolution No. 132-10, March 9, 2010; amended by Resolution No. 489-16, November 15, 2016; technical amendments by Resolution No. 319-17, June 26, 2017; technical amendments by Resolution No. 351-18, June 25, 2018; amended by Resolution No. 113-22, March 8, 2022.