

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACA, ACF, ACF-RA, COG-RA, IGT-RA, JFA, JFA-RA, JGA, JGA-RA, JGA-RB, JGA-RC, JHF, JOA-RA

Responsible Office: Chief Academic Officer
Deputy Superintendent of School Support and Improvement

Student Bullying, Harassment, or Intimidation

I. PURPOSE

Montgomery County Public Schools (MCPS) believes that academic achievement and social growth occur when students and staff feel safe. Bullying, harassment, or intimidation interferes with the safe operation of schools. Students who are bullied, students who bully, and students who are bystanders are at risk of experiencing a range of negative health, safety, and educational outcomes. This regulation provides procedures that address the prohibition of bullying in schools by implementing prevention, early intervention, remedial activities, and specific consequences as needed, and guard against reprisal or retaliation against individuals who report acts of bullying.

II. DEFINITIONS

A. *Bullying, harassment, or intimidation* means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that 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:

1. Either—
 - a) motivated by an actual or perceived personal characteristic as defined in Board of Education Policy ACA, *Nondiscrimination, Equity and Cultural Proficiency*; or
 - b) 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,
 - c) Threatening or seriously intimidating; and,

2. Either—
 - a) occurs on a school property, at a school-sponsored activity or event, or on a school bus; or,
 - b) Substantially disrupts the orderly operation of a school.
- B. Cyberbullying is a form of bullying, harassment, and intimidation. “Cyberbullying” means a communication transmitted by means of an electronic device and includes the use of social media sites. Cyberbullying shall include any future applications that fall under “electronic communication.”
- C. “*Electronic communication*” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or tablet.
- D. Intervention activities are individual or small group approaches directed at specific occurrences and range in intensity, duration, and frequency based on the severity of the incident.
- E. *Intimate parts*, as defined in Annotated Code of Maryland, Education Article, §7-424, means the naked genitals, pubic area, buttocks, or female nipple.
- F. *Prevention activities* are those schoolwide activities that provide awareness of the prevalence, causes, and consequences of bullying, harassment, or intimidation for students who are bullied, bullies, and bystanders, and are part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- G. *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.

III. PROCEDURES

A. Prevention

All schools implement prevention and intervention strategies and/or activities that teach and reinforce responsible prosocial behavior. Included are:

1. Implementation and analysis of school climate surveys to guide local decision making related to prevention, intervention, and professional development.

2. Annual professional development activities for all staff members that focus on the prevalence and causes of bullying, harassment, or intimidation, social skill development, positive school climate, tolerance of differences, age-appropriate behavioral expectations, and strategies to prevent instances of bullying and interventions when instances of bullying occur.
3. Professional development provided to staff members hired during the school year.
4. Schoolwide bullying, harassment, or intimidation prevention programs implemented as part of a system of positive behavioral supports, character education, violence prevention, and school improvement at all grade levels.

B. Intervention

1. Collaboration with families and community stakeholders about the prevalence, causes, and the consequences of bullying, and the means to prevent it.
2. Education, counseling, or other direct interventions for students exhibiting bullying behaviors. Interventions may include, but will not be limited to, teaching replacement behaviors and social skills, increasing self-awareness, development of empathy and tolerance, and sensitivity to and appreciation of diversity.
3. Restorative practices and remedial approaches planned through collaboration with families and other community stakeholders that are designed to correct bullying behavior, implement skill building that targets self-advocacy and self-esteem, prevent future occurrences, and protect victims from retaliation and/or further episodes of bullying.
4. A range of interventions proven to be effective in addressing the social-emotional, behavioral, and academic needs of students who bully in order to prevent further incidents.
5. Information for staff members, students, and parents/guardians on social services, health, and behavioral health resources for those students who persist in engaging in bullying, harassment, or intimidation after the implementation of school interventions and for those students involved in bullying, harassment, or intimidation as perpetrators, students who are bullied, or bystanders whose mental or physical health, safety, or academic performance has been seriously impacted.

C. Consequences

1. Recognition of positive behavioral changes by students who previously exhibited bullying behaviors, students who were bullied who are implementing strategies to offset the trauma of the bullying incident, and for students who were bystanders who have taken an active role in preventing future occurrences of bullying.
2. Consequences implemented for students committing acts of bullying, harassment, or intimidation, for students engaged in reprisal or retaliation, and/or students found to have made intentional false accusations, in alignment with the *MCPS Student Code of Conduct*.
3. Each school will include a list with a range of consequences for acts of bullying, harassment, or intimidation, in its School Discipline Plan. The consequences must be consistent with MCPS Regulation JFA-RA, *Student Rights and Responsibilities*, MCPS Regulation JGA-RB, *Suspension and Expulsion*, MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*, and the *MCPS Student Code of Conduct*.

IV. REPORTING PROCEDURES

The following procedures will be used for reporting incidents of bullying, harassment, or intimidation, including acts of sexual harassment as required by Board Policy ACF, *Sexual Harassment*:

- A. MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, may be completed by a student; the parent, guardian, or close relative of a student; or a school staff member. Once completed, the form is submitted to the school principal/designee.
- B. When a student, parent, guardian, or close relative of a student, reports an incident of bullying, harassment, or intimidation that is in process, to a staff member, the staff member will respond quickly to intervene; recommend that MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, be completed; and promptly report the incident to a school administrator. If the student does not or cannot complete the reporting form independently, the staff member will assist the student, parent, guardian, close relative of a student, in completing the form.
- C. At the beginning of each school year, principals will inform students, parents/guardians, and staff members of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*. Each school will have available

MCPS Form 230-35 in the school office, counselor's office, media center, and health room, as well as a link to the form on the local school website.

V. INVESTIGATION PROCEDURES

The following procedures will be used when investigating acts of bullying, harassment, or intimidation:

- A. Within two days of receipt of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, the school principal and/or designee must promptly conduct an adequate, reliable and impartial investigation, including the opportunity for the parties to present evidence.
 1. The investigation must be documented by completing MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*.
 2. The school principal and/or designee will contact the parents/guardians of all students involved in the incident of bullying, harassment, or intimidation within three days of receiving MCPS Form 230-35.
- B. The MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, and the accompanying MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*, will be maintained in a confidential file in the school office in accordance with confidentiality requirements for student records. These documents are not included in a student's cumulative file. Information from Forms 230-35 and 230-36 shall be entered into OASIS in accordance with established procedures.
- C. School administrators and/or designee will implement interventions and/or apply remedial actions and/or consequences appropriate for the incident and consistent with system and school discipline plans and procedures. Upon completing the investigation, the principal or designee shall implement remedial measures and consequences as appropriate and take steps to prevent the recurrence of bullying, harassment, or intimidation or correct its discriminatory effects on the student who was bullied and others, if necessary.
- D. The school principal and/or designee will contact the parents/guardians of all students involved in the incident of bullying, harassment, or intimidation, as well as any other parties involved, within 24 hours of completing the investigation.
- E. The student who bullied will be informed that reprisal or retaliation against a student who has been bullied or a student who was a bystander is prohibited and that further disciplinary action will occur if instances of bullying continue.

- F. Within two weeks after the investigation, designated school staff members will conduct separate conferences with the student who was bullied and the student who bullied to verify the bullying, harassment, or intimidation has ceased. These conferences may occur as part of counseling interventions. Another follow-up conference or conversation will be held with the student who was bullied and the student who bullied four weeks after the investigation to verify that the bullying, harassment, or intimidation has ceased.
- G. Some acts of bullying, harassment, or intimidation also could be considered serious incidents as defined by MCPS Regulation COB-RA, *Reporting a Serious Incident*. In these cases, the procedures outlined in MCPS Regulation COB-RA must be followed by the school administrator/designee.

Should the act of bullying, harassment, or intimidation necessitate a request for police assistance, including Student Resource Officer action, timelines and community notification procedures may need to be adjusted to accommodate police investigation.
- H. The Office of School Administration, Office of Student and Family Support and Engagement, and the Office of School Support and Improvement will monitor reporting and investigations and serve as a resource to schools on these issues.
- I. The appeal of a decision regarding bullying, harassment, or intimidation may be filed in accordance with the procedures of MCPS Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*.

VI. PROCEDURES FOR STUDENTS WITH DISABILITIES

- A. If it is believed that incidents or a pattern of bullying may be affecting a student's receipt of a Free and Appropriate Public Education (FAPE) under either *Section 504 of the Rehabilitation Act*, or the *Individuals with Disabilities Education Act (IDEA)*, staff members shall initiate an Individualized Education Program (IEP) team or Section 504 committee meeting.
- B. The IEP team or Section 504 committee shall review the student's IEP or Section 504 plan and determine if any change should be made to these plans in response to the effects of the bullying, if any, on the student's receipt of FAPE.

VII. AVAILABILITY OF REPORTING FORM

- A. MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, should be available in all schools in the administrative office, counselor's office, media center, and health room.
- B. MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, is available on the MCPS website.
- C. School administrators will inform staff members about the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, at the start of each school year, and provide reminders periodically throughout the school year.
- D. School administrators will inform students about the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, during orientation sessions in classes during the first week of school, and with reminders periodically throughout the year.
- E. School administrators will inform parents/guardians about the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, and MCPS' *Community Resources and Internet Sites Regarding Bullying* in the beginning-of-the-year information sent to students and their parents/guardians, in school newsletters, system e-mail, and at the first Parent Teacher Association (PTA) and school meeting of the school year.
- F. If the school has a student or parent/guardian handbook, information about the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, should be included.
- G. Students will be informed that they may submit the bullying report form to any staff member (to deliver to the principal). A secure box may be placed in a location or locations selected by school administrators so that students may submit a completed reporting form if they feel uncomfortable submitting the form in person. If a school sets up a secure box, the principal must make sure students, parents/guardians, and staff members are aware of its location and make sure the box is checked/emptied each school day.

VIII. SUPPORT SERVICES

The following supports are available to the student who is bullied, the student who bullies, and the student who is a bystander. The list is not exhaustive, and schools are not restricted from other approaches or community resources known to be effective and consistent with Montgomery County Board of Education policies and MCPS regulations.

A. School/System

1. Education
2. Classroom guidance and small group counseling
3. MCPS “School Resources for Harassment, Intimidation and Bullying” handbook
4. Collaborative Problem Solving/Educational Management Team processes
5. Positive Behavioral Interventions and Supports (PBIS)
6. Functional Behavioral Assessments (FBA)
7. Behavioral Intervention Plan (BIP)
8. Comprehensive social skills training
9. Character Education
10. Anger management training
11. Cognitive Behavioral Counseling
12. Parent/guardian involvement
13. Parent/guardian training/workshops
14. Peer support groups
15. Schedule modifications
16. School improvement plan
17. Restorative Practices

B. Community/Family

A resource list, *Community Resources and Internet Sites Regarding Bullying*, is available from school offices and the MCPS website.

IX. MARYLAND STATE DEPARTMENT OF EDUCATION (MSDE) CONTACT:

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X. REVIEW

This regulation will be reviewed every five years, beginning January 1, 2017.

Related Sources: *Annotated Code of Maryland*, Education Article, §7-424, §7-424.1, and §7-424.3.

Regulation History: New regulation June 4, 2010; revised October 27, 2014; non-substantive changes March 15, 2016; revised February 28, 2017, non-substantive revisions July 24, 2017; revised June 26, 2018.