

ST. ANN'S HOME, INC.

Bullying Prevention and Intervention Plan

On May 3, 2010, Governor Patrick signed into law comprehensive legislation to address bullying in public and non-public schools. *An Act Relative to Bullying in Schools*, Chapter 92 of the Acts of 2010 requires school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs. Many of the requirements of this new law are codified in a new statute, M.G.L. c. 71, § 37O. Other provisions amend the state's special education law, M.G.L. c. 71B; the student handbook requirements of M.G.L. c. 71, § 37H; and other state education and criminal laws.

MGL Chapter 86 *An Act Relative to Bullying in Schools* was approved April 24, 2014 and requires all school districts, charter schools, non-public schools, approved private day or residential schools, and collaborative schools in the Commonwealth to amend their Bullying Prevention and Intervention Plans in accordance with the elements and criterion amended or added.

Regardless of a student's status under the law, protection will be extended to all students enrolled in St. Ann's residence and school programs. Nothing in this Plan prevents the school from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

Definitions

Bullying- the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.

For the purposes of this section, bullying shall include cyber-bullying.

Cyber-bullying- bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Hostile environment- a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

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Aggressor (Perpetrator) - is a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.

School grounds- property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

Target (Victim) - a student against whom bullying or retaliation has been perpetrated.

Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation- means any form of intimidation, reprisal or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, acts as a witness, or has reliable information about bullying, shall be prohibited.

Bullying Prevention Instruction

Pursuant to M.G.L. c. 71, § 37O(c), as added by Chapter 92 of the Acts of 2010, St. Ann's school will provide age-appropriate instruction on bullying prevention for students in each grade that is incorporated into the curriculum of the school. The curriculum must be evidence-based, and information about it will be made available to parents and guardians. Currently, St. Ann's uses the following curriculums:

PATHS (Promoting Alternative Thinking Skills -Channing-Bete) for primary and lower intermediate students

Positive Action (Positive Action, Inc.), The Ophelia Project (opheliaproject.org), and The Bully Free Classroom (Free Sprit Publishing) for upper intermediate students

Character Building for Teens and Young Negotiators (Channing-Bete) for adolescent students

Owning Up (Research Press) for adolescent students

Professional Development

St. Ann's Home will implement, for all school and residential staff, ongoing professional development that includes developmentally appropriate strategies for bullying prevention and intervention, research findings on bullying, and information on cyber bullying and internet safety. (M.G.L. c. 71, § 37O (d), as added by Chapter 92 of the Acts of 2010.) The content of the professional development shall include, but not be limited to:

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- developmentally appropriate strategies to prevent bullying incidents;
- developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;
information regarding the complex interaction and power differential that can take place between and among an aggressor, target and witnesses to the bullying;
- research findings on bullying, including information on vulnerable or at risk students for bullying in the school environment;
- information on the incidence and nature of cyberbullying; and
- Internet safety issues as they relate to cyberbullying.

Requirements for Students with Disabilities

- For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.)
- Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.)

Students Considered Vulnerable to Bullying (new 2014)

Some students may be considered more vulnerable to bullying based on actual or perceived differentiating characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have 1 or more of these characteristics. When these students are identified, either during the intake process, in case conferences or in IEP Team meetings, or by staff interacting with the student, steps will be taken to provide heightened protections including but not limited to: notifying teachers, specialists, and others who provide direct services to the student, alerting therapists and other members of the therapeutic and medical staff, and identifying a resource for the student to report to if incidents of bullying or harassment occur. All students participate in anti-bullying programs as part of the psycho-social curriculum in the school, but further opportunities to practice these skills will be provided in a small group setting if deemed necessary.

Parent/Guardian Support and Assistance

St. Ann's recognizes the importance of parental involvement, support, and assistance in the identification, prevention and reporting of bullying. To facilitate this, St. Ann's will inform parents of the curricula used in the school program; provide information to them on the dynamics of bullying, and online safety and cyber bullying. St. Ann's will also encourage parents to assist the program in its efforts to recognize and prevent bullying through family therapy meetings, Open House events, Parent Advisory Group meetings, and ongoing communication with parents and program staff about identified at-risk students.

Reporting (*amended 2014)

In the event of a bullying incident, St. Ann's Home will provide notice to parents and guardians, notice to law enforcement as necessary, and counseling strategies and procedures for staff for creating safety plans for victims. (M.G.L. c. 71, § 37O, added by Chapter 92 of the Acts of 2010.) For incidents in the school

program, the responsibility for notification to all appropriate parties rests with the Director of Education. For incidents in the residential programs, the responsibility for notification to all appropriate parties rests with the Director of the Residential Program or the Director of Adolescent Services. Beginning in 2014, the Director of Education, the Director of the Residential Program, and the Director of Adolescent Services will also be responsible for reporting, in the form and manner determined by the Department, annual bullying data to the Department of Elementary and Secondary Education. Included in the report will be: the number of reported allegations of bullying or retaliation; the number and nature of substantiated incidents of bullying or retaliation; and any other information required by the Department.

In addition, at least once every four years beginning with 2015/16 school year, St. Ann's will administer a Department of Elementary and Secondary-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools. The Director of Education or a designee will also be responsible to oversee the administration of, and then forward, completed DESE student surveys assessing the school climate and the prevalence, nature, and severity of bullying in the school.

POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

To support efforts to respond promptly and effectively to bullying and retaliation, schools or districts must put in place policies and procedures for receiving and responding to reports of bullying or retaliation. These policies and procedures will ensure that St. Ann's students, parents, and staff know what to expect from St. Ann's when incidents of bullying occur.

Reporting bullying or retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or staff member is required to report immediately to their program director (Director of Education, the Director of the Residential Program or Director of Adolescent Services), or their designees, repeated acts of bullying or retaliation as defined in the law that the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or staff members, may be made anonymously. The reporting resources available to the school community include, but are not limited to, a written incident report, a voicemail, mailing address, and email addresses.

At the beginning of each school year, St. Ann's Home will provide administrators, staff, students, and parents or guardians written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the school and residential program directors, will be incorporated in student and staff handbooks, on the school website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the Director of Education, the Director of the Residential Program, Director of Adolescent Services, or their designees, when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the program directors or their designees does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or program policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

St. Ann's Home expects students, parents or guardians, and others who witness or become aware of acts of bullying or retaliation involving a student to report it to the appropriate program director. Reports may be made anonymously, but no disciplinary nor corrective action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the Director of Education, the Director of the Residential Program, Director of Adolescent Services, or their designees.

Responding to a report of bullying or retaliation

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to: creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, in other school settings/rooms, or residential units and settings; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The program director or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The program director or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

2. Obligations to Notify Others

a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the program director or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the program director or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the program director or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, after an investigation, if the program director or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the program director may notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on St. Ann's grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or

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designee may contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the program director or designee will, consistent with the Plan and with applicable agency policies and procedures, consult with other individuals deemed appropriate.

Investigation. The program director or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation, the program director or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The program director or designee will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the program director or designee, other staff members as determined by the program director or designee, and in consultation with clinical staff, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the program director or designee will maintain confidentiality during the investigative process. The program director or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school agency policies and procedures for investigations as described in St. Ann's Home Bullying Policy-students and staff. If necessary, the program director or designee will consult with legal counsel about the investigation.

Determinations. The program director or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the program director or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or on the unit, or in benefiting from school or agency activities. The program director or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the program director or designee may choose to consult with the students' teacher(s) and/or clinical staff, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The program director or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the program director or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

***Problem Resolution System:**

Pursuant to Chapter 86 of the Acts of 2014 amended Section 37O of chapter 71 of the General Laws to include (g) (v) Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System

(PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700.

The program director shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-Building

Upon the program director or designee determining that bullying or retaliation has occurred, the law requires that the programs use a range of responses that balance the need for accountability with the need to teach appropriate behavior. (M.G.L. c. 71, § 37O (d)(v)). Skill-building approaches that the program director or designee may consider include:

- offering individualized skill-building sessions based on the school's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with clinical staff and other appropriate personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

Taking Disciplinary Action

If the program director or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the program director or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the agency's behavioral support policies and procedures.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

*In the event that a teacher or other staff member has been accused of bullying or harassment involving a student and those claims have been substantiated, the program director may impose disciplinary action deemed appropriate up to and including immediate dismissal from the program.

If the program director or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Promoting Safety for the Target and Others

The program director or designee will consider what adjustments, if any, are needed in the school environment or residential program to enhance the target's sense of safety and that of others as well. One

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strategy that the program director or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the program director or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the program director or designee will work with appropriate staff to implement them immediately.

ST. ANN'S HOME BULLYING POLICY

St. Ann's is committed to providing a safe and supportive learning environment for our students. Similar to incidents of harassment, incidents of bullying are taken seriously and will be dealt with promptly.

What is Bullying?

Bullying among children is aggressive behavior that is intentional. A child who is being bullied has a hard time defending him or herself. Usually, bullying is repeated over time. Bullying can take many forms such as: hitting or punching (physical bullying); teasing or name-calling (verbal bullying); intimidation through gestures or social exclusion (nonverbal bullying or emotional bullying); and sending insulting messages by phone or computer email (cyber bullying). (*US Department of Health and Human Services*)

Whether you are being bullied, you have seen kids being bullied, or you have bullied others, there are steps students can take to help make sure it doesn't happen again. No matter how you've been affected by bullying, it's a good idea to talk to an adult. Even though it's hard to talk to adults sometimes, they can help. Adults that can help include parents, teachers, school staff, social workers, unit or residential staff, and therapists.

Staff who believe they may have witnessed a bullying incident must report it to their program director immediately.

Procedures

This section of the Bullying Policy has been adapted from the MA Attorney General's *Safe Schools Initiative Sample School Handbook Language*.

Disciplinary Policy regarding Bullying Issues

St. Ann's Home prohibits all forms of harassment, discrimination, hazing, and hate crimes based on the following protected categories: race, color, religion, national origin, ethnicity, gender, sexual orientation, age, or disability.

St. Ann's Home also prohibits bullying as defined in their *Bullying Prevention and Intervention Plan*. St. Ann's Home will also not tolerate retaliation against persons who take action consistent with this disciplinary policy or the Civil Rights Policy.

The prohibition against harassment, discrimination, hate crimes, bullying, hazing, and retaliation applies to all students on all sites and activities that St. Ann's Home supervises, controls, or where it has jurisdiction under the law, including on agency premises and agency and school sponsored functions, events or activities, including field trips, athletic activities and agency-related transportation.

Reports or complaints of harassment, bullying, hazing, discrimination, retaliation, or a hate crime may be filed, and will be investigated, as outlined in St Ann's **Bullying Prevention and Intervention Plan**.

Permissible Disciplinary Sanctions and Corrective Actions in Response to Bullying, Discrimination, Hazing, Harassment or Hate Crimes

Disciplinary sanctions and corrective actions may include, but are not limited to, one or more of the following:

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- A written warning;
- Parent conferences;
- Classroom transfer;
- Limiting or denying a student/resident access to a part or area of the school or residence;
- Enhanced adult supervision on premises;
- Exclusion from participation in school or agency-sponsored functions, after-school programs, and/or extracurricular activities;
- Short-term or long-term suspension as indicated as indicated by and pursuant to 34 CFR 300.530 – 537 and 603 CMR 18.05(6)
- Exclusion, suspension, or termination from the school or program as indicated by and pursuant to 34 CFR 300.530 – 537 and 603 CMR 18.05(6) and 18.05(7)
- An apology to the victim;
- Awareness training (to help students understand the impact of their behavior);
- Participation in empathy development, cultural diversity, anti-harassment, anti-bullying or intergroup relations programs;
- Additional mandatory counseling; or
- Any other action authorized by and consistent with St. Ann's, state and federal policies, regulations, and laws

False Charges

Any student who knowingly makes false charges or brings a malicious complaint may be subject to any of the disciplinary and/or corrective action(s) detailed above. Any staff person who knowingly makes false charges or brings a malicious complaint may be subject to any of the disciplinary and/or corrective action(s) detailed above or as indicated in St. Ann's Home Civil Rights Policy.

St. Ann's will pursue all available legal actions involving a third party that knowingly makes a malicious complaint, false charges, threats, or acts of retaliation.

Student Responsibilities

Each student is responsible for:

- 1.) Complying with St. Ann's Home Bullying and Civil Rights Policies;
- 2.) Ensuring that (s)he does not harass or discriminate against another person on school or agency grounds or in a school or agency-related function, event or activity because of that person's race, color, religion, national origin, ethnicity, gender, sexual orientation, age, or disability;
- 3.) Ensuring that (s)he does not bully another person on school or agency grounds or in a school or agency-related function, event or activity;
- 4.) Ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, hazing, or a hate crime; and

- 5.) Cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, hazing, retaliation, or a hate crime.

Protection Against Retaliation

St. Ann's Home will take appropriate steps to protect students from retaliation when they report, file a complaint of, or cooperate in an investigation of a violation of St. Ann's Bullying / Civil Rights Policies. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action, including short or long-term suspension, exclusion, or termination from the program.

Reporting

In the event of a bullying incident in the school program, the Director of Education will provide notice to parents and guardians, and notice to law enforcement as necessary, of all students involved in the incident. For incidents in the residential programs, the responsibility for notification to all appropriate parties rests with the Director of the Residential Program or the Director of Adolescent Services.

The program director or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation, the program director or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The program director or designee will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the program director or designee, other staff members as determined by the program director or designee, and in consultation with clinical staff, as appropriate. To the extent legally permissible and wherever possible, and given his/her obligation to investigate and address the matter, the program director or designee will maintain confidentiality during the investigative process. The program director or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school and agency policies and procedures for investigations. If necessary, the program director or designee will consult with legal counsel about the investigation.