

REGIONAL SCHOOL UNIT 19

TO: RSU 19 Board of Directors
FR: Mark Guzzi / Mike Hammer
DT: March 21, 2023
RE: **Policy Committee Meeting Agenda**



DAY: **Tuesday**
DATE: **March 28, 2023**
TIME: 6:30 PM
PLACE: **Superintendent's Office**

AGENDA

I. Public Comment

II. New Policy - None

III. Policy Review

- A. BEDH Memo from MSMA
Public Participation at Board Mts/Committee Mts from MSMA
Public Participation at Board Mts/Committee Mts current RSU 19
- B. JICK Bullying and Cyberbullying Prevention in Schools from MSMA
Bullying current RSU 19
- C. JICK-R Bullying and Cyberbullying Administrative Procedure from MSMA
Bullying - Administrative Procedure current RSU 19
- D. JICK - E1 Bullying Report Form
- E. JICK - E2 Bullying Investigation Form
- F. JICK - E3 Documentation of Disciplinary and Remedial Actions Taken
- G. JICK - E4 Bullying Reporting, Investigation and Intervention/Resolution Process

IV. Other

V. Adjournment

A.D.A. Notice: If you have a special need that must be met to allow you to fully participate in this meeting, please contact the Office of the Superintendent at least two (2) days prior to this meeting.



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TO: Board Chairs and Superintendents of Schools

FROM: Steven Bailey, Executive Director
Charlotte Bates, Director of Policy and Research Services

DATE: March 13, 2023

RE: Public Comment at Board Meetings; Revisions to BEDH, Public Participation at School Board Meetings

As Boards and Superintendents may be aware, public comment policies have recently been tested in some parts of our country. Some public comment policies have been struck down because they are vague, and some have been upheld.

In a limited public forum like a school board meeting, it is entirely proper to have reasonable time, place and manner restrictions to ensure that the business of the Board can be conducted without disruption. Restrictions on expression are proper as long as they are (a) reasonable in light of the nature of the school board meeting setting and (b) viewpoint neutral.

MSMA is pleased to present this revised sample policy, which was developed in cooperation with DrummondWoodsum, who provided updated language based on their research and experience. The modifications are intended to ensure clarity and understanding. The language in the revised sample policy aligns with the policies that have been upheld by the federal courts.

We are aware that some have argued that the First Amendment requires that individuals must be able to comment on personnel matters in public board meetings. However, numerous federal courts have concluded that it is entirely appropriate to limit discussion of personnel matters in this setting. See Pollak v. Wilson, 10th Circuit, Dec. 2022 (school board policy restricting discussion of personnel matters was viewpoint neutral, reasonable and complied with the First Amendment).

It is sensible to have restrictions on the discussion of personnel matters during public comment sessions, for all of the following reasons:

- Personnel matters are confidential under Section 6101 of Title 20-A of the Education Statutes.
- The Freedom of Access Act contemplates that performance matters, discussion of confidential records, and complaints regarding personnel will be heard behind closed doors – in executive session – in a setting where the accused employee has a meaningful chance to rebut the accusations.

- School units all have an alternative channel for personnel matters to be processed – a process that ensures compliance with due process as well as the provisions of any applicable collective bargaining agreements. This alternative channel also ensures that individuals will not be blindsided by allegations that may tarnish their reputation.
- A school board is a policy making body and is not the supervisor for any school employees except the Superintendent. The Superintendent has the statutory responsibility to supervise all school employees and thus it makes sense that the Superintendent will have an opportunity to consider a personnel matter before it ever comes before the school board.
- It is most efficient for personnel matters to be addressed at the lowest level possible. It would be inefficient for a school board to hear a personnel matter in the first instance. The school board would be unable to take any action without affording the accused individual some modicum of due process.

As usual, this policy contains internal explanatory “notes” (shown in bold), which should be deleted prior to adoption.

Because the purpose of this document is to ensure compliance with Federal and Maine law, any proposed changes should be reviewed with the Board’s legal counsel.

**PUBLIC PARTICIPATION AT BOARD MEETINGS/COMMITTEE MEETINGS
AS REVISED BY MSMA**

The primary purpose of School Board meetings is to conduct the business of the Board related to Board policies, programs, and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operations and programs of the schools.

The Board also recognizes the value of public comments on school and educational matters. To permit fair and orderly expression of public comments at Board business meetings while still allowing the Board to conduct its business efficiently, the Board has established the procedure below for regular business meetings.

At special, emergency, or workshop meetings, public comments will be limited to the topic(s) of the particular meeting.

In addition to speaking during the designated public comment portion of the agenda at Board meetings, members of the public are welcome to submit written comments on school and educational matters to the Board and Superintendent, or to submit requests to have items placed on a Board agenda, in accordance with applicable Board policies.

1. The Board will include a public comment period, not to exceed 30 minutes **[Or: __ minutes]** on the agenda of its regular business meetings. Comments by individuals are limited to a maximum of three (3) minutes **[OR: __ minutes]** at a meeting. Individuals may not relinquish a portion of their allotted time to another speaker. The time limits in this paragraph may be modified at a particular meeting at the discretion of the Board.
2. **[OPTION 1]** Individuals who wish to speak during the public comment period are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and to review a copy of this policy. Each individual will be required to state their name and town/city of residence before beginning their remarks.

[OPTION 2] The Board will hear public comments from residents of the school unit first. If there is time remaining in the public comment period once all residents have had the opportunity to speak, the Board will permit comments from non-residents. Individuals who wish to speak are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and review a copy of this policy

Each individual will be required to state their name and town/city of residence before beginning their remarks.

3. The Board Chair is responsible for ensuring the orderly conduct of Board meetings and for ensuring compliance with this policy, including the following rules of order:
 - a. Speakers will be recognized by the Board Chair, and comments should be addressed to the Board Chair. Requests for information or concerns that require further research may be referred to the Superintendent for further action, if necessary;
 - b. Speakers are expected to follow rules of common etiquette and decorum, including refraining from using vulgar and/or obscene language, yelling, threatening others using words or by other actions, making defamatory comments, or otherwise engaging in any activity that disrupts orderly meeting progress. Examples of disruptive conduct include, but are not limited to, exceeding the allotted time limits, talking over or interrupting others, offering repetitive comments, and offering comment on matters unrelated to the school unit's programs, policies, or operations.
 - c. Discussion of personnel matters is not permitted during the public comment period due to the privacy, confidentiality and due process rights of school unit employees. For purposes of this policy, "discussion of a personnel matter" means any discussion of job performance or conduct of a school unit employee, including complaints about them.
 - d. Discussion of matters involving individual students are also not permitted during the public comment period due to the privacy, confidentiality, and due process rights of the school unit's students.
 - e. Any concerns about personnel matters and/or student matters should be directed to the Superintendent or another appropriate administrator outside of Board meetings so that they can be addressed through an alternative channel and in a manner consistent with privacy, confidentiality, and due process rights of the individuals involved.
 - f. The Board Chair will stop any public comment that is contrary to these rules.

- g. Individuals who disrupt a Board meeting may be asked to leave in order to allow the Board to conduct its business in an orderly manner. The Boar Chair may request the assistance of law enforcement if necessary to address disruptions or safety concerns.

Legal Reference: 20-A MRSA § 1001(20)
20-A MRSA § 6101
1 MRSA § 405

Cross Reference: BE School Board Meetings
BEDB Agenda
BEDB-R Agenda Format
BEC Executive Sessions
KE Public Concerns and Complaints

PUBLIC PARTICIPATION AT BOARD MEETINGS/COMMITTEE MEETINGS

All regular and special meetings of the Board shall be open to the public and the media. Only those executive meetings where the Board discusses personnel, discipline of individual students, labor negotiations, or other matters where private sessions are required or permitted by law, shall be closed to the public and the media. However, all decisions reached during such executive sessions require public action at a regular or special Board Meeting.

Because the Board desires to hear the viewpoints of citizens throughout the school district, and also needs to conduct its business in an orderly and efficient manner, it shall schedule one or more periods during each meeting for public participation. It may set a time limit on the length of this period and/or a time limit for individual speakers.

If a presentation requires more than such time limit allows, the Superintendent shall be notified in advance so that the presentation may be considered for inclusion as a formal agenda item. For regular meetings, such requests should reach the Superintendent no later than Thursday noon preceding the meeting.

Comments and questions at a regular meeting be subjected to reasonable standards set by the Board. Comments at special meetings must be related to the call of the meeting.

Ordinarily, the Board shall accept comments and questions from the public during a short period at the beginning of the meeting. The length of time scheduled for public discussion may be stated in the agenda, or determined by the chair, together with any time limit proposed for individual speakers.

The Board Chair shall be responsible for recognizing all speakers, who shall properly identify themselves and state the town in which they live, for maintaining proper order, and for adherence to any time limits set. Any member of the public who refuses to yield the floor shall be asked by the Chair to yield; any member of the public who continues to refuse to yield shall be asked to leave. No member of the public may speak unless recognized by the Chair. Any member of the public who speaks out of turn, speaks over another member of the public, or speaks over a Board member, shall be reminded once to remain quiet. Any member of the public who refuses to remain quiet while others are speaking shall be asked to leave.

All public comments and questions shall be addressed to the Board Chair. Any member of the public who addresses individual Board members or other members of the public shall be reminded to address the Chair. Any member of the public who refuses to address the Chair after being reminded shall be asked to leave.

The Board shall give due attention to comments and contributions from the audience, but shall not be expected to respond or take actions immediately. Audience inquiries, other than simple questions, shall be referred to the Superintendent who shall investigate or

consider the matter and report to the citizen and to the Board. If Board action is indicated, the item may be included in the agenda for a subsequent meeting.

Members of the public may not expect to be recognized by the Board or a sub-committee Chairman as official business is being conducted. However, the Board or Committees may schedule interim public discussion periods on particular items. Exceptions may be made when a simple majority of the members present agree to hear public comment, questions or testimony.

Other business is periodically necessary for the Board to consider. When this is necessary and these items can't be placed on the regular agenda, the Chairman will need to determine if public forum is necessary for discussion on these items.

Bullying and Cyberbullying Prevention in Schools
AS REVISED BY MSMA

I. Introduction

It is our goal for our schools to be a safe and secure learning environment for all students. It is the intent of the RSU 19 Board to provide all students with an equitable opportunity to learn. To that end, the Board has a significant interest in providing a safe, orderly and respectful school environment that is conducive to teaching and learning.

Bullying and other forms of peer mistreatment are detrimental to the school environment as well as student learning, achievement and well-being. Peer mistreatment interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying and other forms of peer mistreatment affect not only students who are targets but also those who participate in and witness such behavior. These behaviors must be addressed to ensure student safety and an inclusive learning environment.

It is not the Board's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that interferes with students' opportunity to learn, the educational mission of the RSU 19 schools, and the operation of the schools.

II. Prohibited Behavior

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined in board policy ACAA);
4. Retaliation against those reporting such defined behaviors; and
5. Making knowingly false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to appropriate disciplinary actions.

III. Bullying and Cyberbullying Defined

"Bullying" and "Cyberbullying" have the same meaning in this policy as in Maine law:

A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- (1) Has, or a reasonable person would expect it to have, the effect of:
- (a) Physically harming a student or damaging a student's property; or
 - (b) Placing a student in reasonable fear of physical harm or damage to the student's property;

OR

- (2) Interferes with the rights of a student by:
- (a) Creating an intimidating or hostile educational environment for the student; or
 - (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school;

OR

- (3) Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, sexual orientation, or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in board policy ACAA: Harassment and Sexual Harassment of Students.)

Examples of conduct that may constitute bullying include, but are not limited to:

1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
2. Behavior that is likely to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
4. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
6. Blocking access to school property or facilities;
7. Stealing or hiding books, backpacks, or other possessions;
8. Stalking; and
9. Physical contact or injury to another person or his/her property.

B. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to the

following actions on any electronic medium:

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a student on a website, an app, in social media, or any other electronic platform;
2. Posting misleading or fake photographs or digital video footage of a student on websites or creating fake websites or social networking profiles in the guise of posing as the targeted student;
3. Impersonating or representing another student through the use of that other student's electronic device or account to send e-mail, text messages, instant messages (IM), phone calls or other messages on a social media website;
4. Sending e-mail, text messages, IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target's e-mail account, IM account, or cell phone; and
5. Using a camera phone or digital video camera to take and/or send embarrassing or "sexting" photographs of other students.

C. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes knowingly falsely reporting an act of bullying.

D. "Substantiated" means that the outcomes of the investigation on the Responding Form (JICK-E2) provide clear evidence to prove that bullying or cyberbullying, as defined in policy, did occur.

E. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

IV. Application of Policy

A. This policy applies to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.

B. This policy applies to bullying that:

1. Takes place at school or on school grounds, meaning: a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.
2. Takes place while students are being transported to or from schools or school-sponsored events;
3. Takes place at any school-sponsored event, activity, function, program, instruction or training; or

4. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in this policy's definition of bullying.

V. Reporting

Refer to the Reporting Form - JICK-E1

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel.

A. School staff, coaches and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying to the school principal or other school personnel designated by the superintendent. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent.

B. Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or school administrator.

C. Parents and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

D. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

VI. Responding

Refer to the Responding Form -JICK-E2

A. Promptly [OR: within __ days] investigate and respond to allegations of bullying behavior;

B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the superintendent;

C. Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;

D. Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;

E. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;

F. Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

VII. Remediation

Refer to the Remediation Form -JICK-E3

The school principal or a superintendent's designee will:

A. Identify the specific nature(s) of the incident.

B. Apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and/or pattern of behaviors, and other relevant circumstances. Alternative discipline includes, but is not limited to:

1. Meeting with the student and the student's parents/guardian;
2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
4. Counseling;
5. Anger management;
6. Health counseling or intervention;
7. Mental health counseling;
8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
9. Community service; and
10. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

C. Remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services.

VIII. Appeal

Notification shall be provided to parent(s), guardian(s) and students of the right to appeal a decision of a school principal or a superintendent's designee related to taking or not

taking remedial action in accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent.

IX. Assignment of Responsibility

A. The School Board is responsible for:

1. Annually providing written versions of this policy and related procedures to students, parent(s) and guardian(s), volunteers, administrators, teachers and school staff;
2. Posting this policy and related procedures on the school administrative unit's publicly accessible website; and
3. Including in student handbooks a section that addresses in detail this policy and related procedures.

B. The superintendent is responsible for:

1. Oversight, implementation, and enforcement of this policy and its procedures;
2. Designating a school principal or other school personnel to administer the policies at the school level;
3. Developing a procedure for publicly identifying the superintendent's designee or designees for administering the policies at the school level;
4. Ensuring that the prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation;
5. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from school grounds until the superintendent is assured that the person will comply with the policies of the RSU 19 School Board;
6. Ensuring that any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;
7. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;

[NOTE: The law requires "training and instructional materials related to the policy" be posted on the Maine Department of Education's website. See "Bullying Prevention Resources" at <http://www.maine.gov/doe/bullying/resources/> for further information]

8. Filing the RSU policy that addresses bullying and cyberbullying with the Maine Department of Education; and
9. Ensuring that substantiated incidents of bullying and cyberbullying are reported to the Maine Department of Education on at least an annual basis.

Legal Reference: 20-A M.R.S.A. § 254 (11-A)
20-A M.R.S.A. § 1001(15), 6554
Maine Public Law, Chapter 659

Cross Reference: AC - Nondiscrimination, Equal Opportunity
ACAA - Harassment and Sexual Harassment of Students
ACAA-R - Student Discrimination and Harassment Complaint
Procedure
ACAD - Hazing
AD - Educational Philosophy/Mission
ADAA - School System Commitment to Standards for Ethical and
Responsible Behavior
CHCAA - Student Handbooks
GCI - Professional Staff Development
IJNDB - Student Computer and Internet Use and Internet Safety
JI - Student Rights and Responsibilities
JIC - Student Code of Conduct
JICC - Student Conduct on Buses
JICIA - Weapons, Violence and School Safety
JK - Student Discipline
JKD - Suspension of Students
JKE - Expulsion of Students
JRA-R- Student Education Records and Information Administrative
Procedures
KLG - Relations with Law Enforcement Authorities

BULLYING

The Board believes that bullying, including cyberbullying, is detrimental to student well-being and to student learning and achievement. It interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying affects not only students who are targets but also those who participate in and witness such behavior.

Bullying Prohibited

Bullying, including “cyberbullying,” is not acceptable conduct in RSU 19 and is prohibited.

Retaliation for the reporting of incidents of such behavior is also prohibited.

In adopting this policy, it is not the Board’s intent to prohibit students from expressing their ideas, including religious, political and philosophical views that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that directly interferes with students’ rights at school under applicable laws or with the educational mission, operations, discipline or general welfare of the schools.

Definition of Bullying

“Bullying” and “cyberbullying” have the same meaning in this policy as in Maine law:

Bullying

“Bullying” includes, but is not limited to a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- A. Has, or a reasonable person would expect it to have, the effect of:
 - 1. Physically harming a student or damaging a student’s property; or
 - 2. Placing a student in reasonable fear of physical harm or damage to his/her property;

- B. Interferes with the rights of a student by:

1. Creating an intimidating or hostile educational environment for the student; or
 2. Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; or
- C. Is based on:
- a. A student's actual or perceived characteristics identified in 5 MRSA § 4602 or 4684-A (including race; color; ancestry; national origin; sex; sexual orientation; gender identity or expression; religion; physical or mental disability) or other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight; or family status); or
 - b. A student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics, and that has the effect described in subparagraph A. or B. above.

Cyberbullying

“Cyberbullying” means bullying through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device including, but not limited to, a computer, telephone, cellular telephone, text messaging device or personal digital assistant.

Application of Policy

This policy applies to bullying that:

- A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or
- B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in the definition of “bullying.”

Consequences for Policy Violations

Students

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion or a series of graduated consequences including alternative discipline or other behavioral interventions.

The Board retains the right to impose disciplinary consequences for bullying and other conduct that occurs at any time or place that substantially disrupts the instructional program, operations of the schools or welfare of students.

Any student violating this policy may also be subject to civil or criminal penalties.

School Employees and Others

Administrators, professional staff and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal, and in accordance with any applicable collective bargaining agreements.

Volunteers, contractors and visitors who violate this policy will be barred from school property until the Superintendent is satisfied that the person will comply with Maine's bullying law and this policy.

Any person violating this policy may also be subject to civil or criminal penalties.

Any school-affiliated organization that authorizes or engages in bullying or retaliation is subject to forfeiture of Board approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.

Staff and Student Training

RSU 19 will provide professional development, staff, and student training in bullying prevention and response.

Delegation of Responsibility

The Superintendent will designate the school principal and/or other school personnel to be responsible for implementation/enforcement of this policy and associated procedures on the school level.

The Superintendent/designee will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.

Dissemination of Policy

This policy, any associated administrative procedures and the names of the person(s) responsible for implementing the policy/procedure at the school level will be provided, in writing to students, parents, school employees and volunteers in handbooks, and on the school unit's website and by such other means (if any) as may be determined by the Superintendent.

Legal Reference: 20-A M.R.S.A. § 1001(15), 6554

Cross Reference: AC - Nondiscrimination, Equal Opportunity
ACAA-R - Harassment and Sexual Harassment of Students
ACAD - Hazing
ADF - School District Commitment to Learning Results
CHCAA - Student Handbooks
JI - Student Rights and Responsibilities
JIC - Student Code of Conduct
JICC - Student Conduct on Buses
JICIA - Weapons, Violence and School Safety

Bullying and Cyberbullying Administrative Procedure
AS REVISED BY MSMA

This procedure is intended as guidance for the school principal or superintendent's designee to address an alleged bullying incident. Definitions, as well as steps for reporting, responding to, and remediating allegations of bullying, are provided.

Behavior alleged to be based on a targeted student's actual or perceived race, color, sex, sexual orientation (including gender identity and expression), religion, ancestry or national origin, or disability should be addressed under the Student Harassment and Sexual Harassment procedure (ACAA).

Definitions

The following terms are defined in Maine Public law, Chapter 659 and 20-A M.R.S.A. §6554:

A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- (1) Has, or a reasonable person would expect it to have, the effect of:
 - (a) Physically harming a student or damaging a student's property; or
 - (b) Placing a student in reasonable fear of physical harm or damage to the student's property;

OR

- (2) Interferes with the rights of a student by:
 - (a) Creating an intimidating or hostile educational environment for the student; or
 - (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school;

OR

- (3) Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, sexual orientation, or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above.

"Bullying" includes cyberbullying.

B. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

C. "Retaliation means" an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" can also include knowingly false reporting of bullying.

D. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.

E. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

Reports of Bullying

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel using the school unit's Reporting Form (JICK-E1).

School staff, coaches and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying to the school principal or other school personnel designated by the superintendent. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent.

Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or school administrator.

Parents and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

Acts of reprisal or retaliation against any person who reports an incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

Reports of alleged bullying may be made anonymously, except by school staff, coaches and advisors, but in no instance will disciplinary action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report. The school principal or superintendent's designee will forward a copy of the completed

Reporting Form to the superintendent.

Safety Measures

The school principal or superintendent's designee will communicate to the parent(s) or guardian(s) of the student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student who was believed to have been bullied and to prevent further acts of bullying.

These measures are documented on the Responding Form (JICK-E2)

[NOTE: School personnel should be careful to respect the confidentiality of student information when communicating with the parent(s) or guardian(s) of a student who was believed to have been bullied. It should be sufficient to inform the parents of what the school is doing to protect the student from further alleged bullying behaviors and to convey that the incident will be investigated and appropriate actions will be taken, without providing details that would be considered a violation of FERPA or an invasion of privacy.]

Responding/Investigation

The school principal or superintendent's designee will:

- Ensure that all reports of alleged bullying are investigated and responded to promptly [OR: within ___ days] and that documentation of the investigation is provided to the superintendent within a reasonable period of time using the Responding Form (JICK-E2).
- Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;
- Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;
- Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;
- Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

Remediation

If it is determined that there is a substantiated incident of bullying, the school principal or superintendent's designee will:

- Determine the specific nature(s) of the incident, alternative discipline actions, and appropriate consequences;
- Complete the Remediation Form (JICK-E3);
- Provide a copy of the Remediation Form to the superintendent; and
- Assure that the substantiated incident of bullying is reported to the Maine Department of Education.

Appeal

The parent(s) or guardian(s) and student must be notified of the right to appeal the school principal's or superintendent's designees' decision related to taking or not taking remedial action as identified in the appeals procedure established by the school board.

BULLYING – ADMINISTRATIVE PROCEDURE

This procedure is intended as guidance for school administrators in carrying out their responsibilities when bullying is alleged to have occurred. It provides important steps for reporting, investigating and responding to allegations of bullying.

Bullying behavior alleged to be based on race, color, ancestry, national origin, sex, sexual orientation, religion or disability should be addressed under the procedures set forth in the Student Harassment and Sexual Harassment procedure, ACAA-R, rather than under this procedure.

For the purpose of this policy, bullying does not mean mere teasing, put-downs, “talking trash,” trading of insults, or similar interactions among friends, nor does it include expression of ideas or beliefs so long as such expression is not lewd, profane or does not interfere with students’ opportunity to learn, the instructional program or the operations of the schools. This does not preclude teachers or school administrators from setting and enforcing rules for civility, courtesy and/or responsible behavior in the classroom and the school environment.

The determination whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

Retaliation

“Retaliation means” an act or gesture against a student for asserting or alleging an act of bullying. “Retaliation” also includes reporting that is not made in good faith on an act of bullying (i.e., the making of false allegations or reports of bullying).

School Grounds

“School grounds” means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. “School grounds” also includes school-related transportation vehicles.

Alternative Discipline

“Alternative discipline” means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student’s specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student’s misbehavior.

Bullying Reports

Students and Parents/Guardians

Students who believe they have been bullied, or who have witnessed or learned about an act of bullying should report this behavior to an adult school employee.

Parents/guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.

Reports of bullying may be made anonymously, but no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Any student who has been determined to have made a false report of bullying will be subject to disciplinary consequences.

School Employees

For the purposes of this procedure, “school employees” includes coaches, advisors for co-curricular or extracurricular activities and volunteers.

All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building administrator as soon as practicable.

School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

Others

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building administrator.

Form of Reports

Complaints or reports of bullying may be made orally or in writing, but all reports will be documented in writing by school personnel authorized to receive complaints or reports, using the school unit's reporting form (JICK-E1).

School employees are required to make reports of bullying to the building administrator in writing. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

Bullying reports may be made anonymously, but in no instance will action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

Interim Measures

The building principal may take such interim measures as he/she deems appropriate to ensure the safety of the targeted student and prevent further bullying and will inform the parents of the targeted student of measures taken.

Investigation

The principal will ensure that all reports of bullying and retaliation are investigated promptly and that documentation of the investigation, including the substance of the complaint or report and the outcome of the investigation is prepared and forwarded to the Superintendent within a reasonable period of time.

Response to Bullying by Students

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention.

Alternative discipline includes but is not limited to:

- A. Meeting with the student and the student's parents;

- B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- D. Counseling;
- E. Anger management;
- F. Health counseling or intervention;
- G. Mental health counseling;
- H. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- I. Community service; and
- J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

If the bullying behavior appears to be a criminal violation, the building principal will notify local law enforcement authorities.

If bullying has been substantiated, the building principal will provide written notification to:

- A. The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety; and to
- B. The parents/guardians of the student found to have engaged in bullying, including the process for appeal.

All communications to parents must respect the confidentiality of student and employee information as provided by federal and Maine law and regulations.

Appeals

Any appeal of the building principal's decisions in regard to consequences for bullying must be submitted, in writing, within 14 calendar days of the parental notification. The Superintendent will review the investigation report and actions

CODE: JICK-R

taken and decide whether to sustain or deny the appeal. The Superintendent's decision shall be final.

Cross Reference: ACAA-R – Student Harassment and Sexual Harassment Procedure
 JICK – Bullying
 JRA-R – Student Education Records and Student Information

First Reading: 2/21/17
Adopted: 3/21/17

RSU 19 BULLYING REPORT FORM

Name of complainant/reporter (by law, reports may be anonymous): _____

Status of reporter: _____ Student _____ Parent _____ School employee/coach/advisor
_____ Other _____ (please identify)

Contact information for reporter (if reporter is student, contact information for parent/guardian): Phone: _____ Cell phone: _____
Email: _____
Address: _____

Name of alleged target(s): _____

Name of alleged bully(ies): _____

Relationship between alleged target/bully(ies): _____

Time(s) and location(s) of alleged incident(s): _____

Names of witnesses: _____

Description of incident(s) (attached additional pages if more space is needed):

I agree that the information on this form is accurate and true to the best of my knowledge and belief.

Signature of complainant/reporter Date: _____

Received by: _____ Date: _____
Position/title: _____

Copy to Building Principal: Date: _____

Copy to Superintendent: Date: _____

RSU 19 BULLYING INVESTIGATION FORM

Date: _____

- 1. Name of person investigating alleged incident(s): _____
 Position/title of investigator: _____
 Name of complainant/person reporting bullying: _____

Name(s) of alleged target(s): _____

Complainant/reporter is (circle one): Student Parent School employee
Coach/advisor Volunteer Other _____

Name(s) of alleged bully(ies): _____

- 2. Relationship between alleged target(s)/bully(ies): _____

- 3. Did the alleged incident(s) occur (check one or more):
 on school property (including a school bus)
 at a school sponsored activity
 through use of technology
 elsewhere

Time and location(s) of incident(s): _____

- 4. Is this a first time occurrence or has the same or similar occurred previously?

- 5. Interview of complainant/reporter's, description of alleged incident(s):

- 6. Interview of alleged bully(ies): _____

7. Name(s) of potential witnesses, if any: _____

8. Witnesses interviewed and summary of witness information provided:

9. Further evidence of bullying (videos, photos, email, letters, etc.):

10. Is the alleged bullying substantiated, i.e., does the alleged conduct meet the definition of bullying as articulated in Board policy? _____ Yes _____ No

11. Nature of harm incurred:
____ Physical harm to student or damage to student's property
____ Student's reasonable fear of physical harm or damage to property
____ Infringement of student's rights at school

12. Conduct resulting in harm (in item 11 above) is on the basis of:
____ National origin/ancestry/ethnicity
____ Religion
____ Physical, mental, emotional or learning disability
____ Sexual orientation
____ Gender/gender identity/expression
____ Age
____ Socioeconomic status
____ Family status
____ Physical appearance
____ Weight
____ Other distinguishing personal characteristics

12. Summary of investigation/Explanation of findings:

13. Recommended disposition and/or recommended disciplinary action (including alternative discipline, support for targeted student, other intervention/referral)

14. Recommendation of report to law enforcement? Yes No

Potential criminal violation
 Potential civil rights violation

Signature of investigator: _____

If investigator is not building principal, copy to principal on [_____]
Date

Copy to Superintendent on [_____]
Date

**RSU 19 DOCUMENTATION OF DISCIPLINARY AND
REMEDIAL ACTIONS TAKEN**

___ Notification of law enforcement authorities, if warranted (if any question, principal should consult with Superintendent first)

Date: _____ Reported to: _____

___ In school suspension

___ Out of school suspension

___ Recommendation for expulsion

___ Alternative discipline/restorative justice (describe): _____

___ Other intervention: _____

___ Support for targeted student: _____

___ Counseling/referral to services (targeted student), if suitable

___ Counseling/referral to services (bully), if suitable

___ If bully is school employee or administrator, recommendation for action to be taken by Superintendent (any action must be consistent with collective bargaining agreement or individual contract). _____

___ If bullying by other person (e.g., volunteer, visitor, contractor), action taken: _____

___ If bullying by school-affiliated organization, action taken: _____

WRITTEN NOTIFICATION TO PARENTS/GUARDIANS OF TARGETED STUDENT, INCLUDING MEASURES BEING TAKEN TO ENSURE STUDENT'S SAFETY:

Date: _____
(Attach copy of notification here)

By: _____

WRITTEN NOTIFICATION TO PARENTS/GUARDIANS OF STUDENT FOUND TO HAVE ENGAGED IN BULLYING BEHAVIOR, INCLUDING PROCESS FOR APPEAL:

Date: _____ By: _____
(Attach copy of notification here)

[IMPORTANT: ALL NOTIFICATIONS MUST RESPECT CONFIDENTIALITY OF STUDENT AND EMPLOYEE INFORMATION AS PROVIDED BY FEDERAL AND MAINE LAW AND REGULATIONS.]

Signature of building principal: _____ Date: _____

Copy sent to Superintendent on [_____]
Date

DOCUMENTATION OF APPEALS OF PRINCIPAL'S DECISION

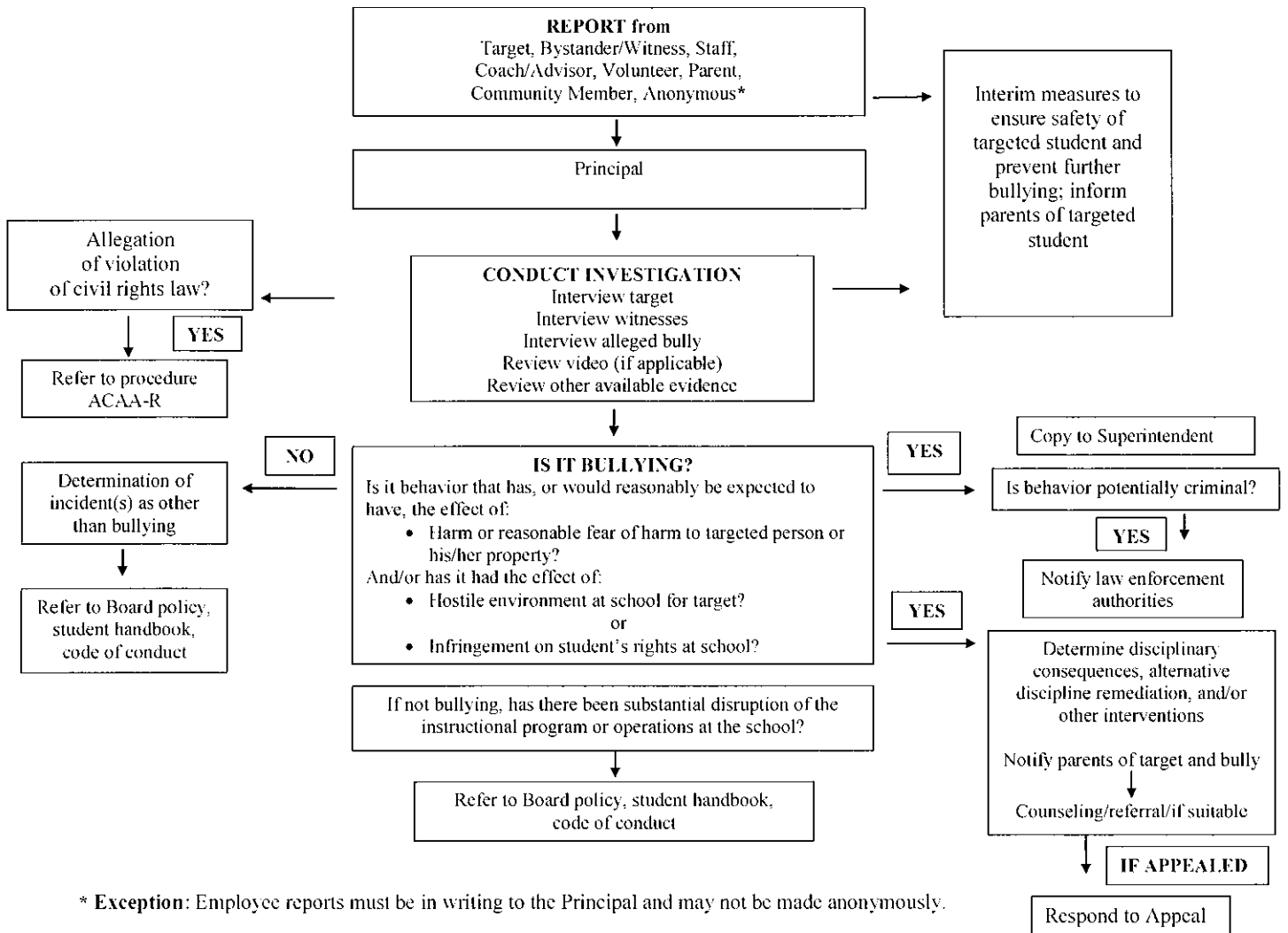
Date appeal submitted: _____

All appeals to the Superintendent must be submitted, in writing, within 14 calendar days of the building principal's decision, to the Central Office.

ACTION TAKEN BY SUPERINTENDENT

- ___ Recommendation to Board for student expulsion
- ___ Action taken against employee: (If confidential employment action, in personnel file)
- ___ Recommendation to Board for suspension/revocation of sanctioning/approval of school-affiliated organization
- ___ Action on appeal of principal's decision: _____
- _____
- Other: _____
- _____
- _____

BULLYING REPORTING, INVESTIGATION AND INTERVENTION/RESOLUTION PROCESS



* **Exception:** Employee reports must be in writing to the Principal and may not be made anonymously.