

# McDade ISD Bullying Protocol

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## McDade ISD Anti-Bullying Policy and Investigation Procedures

McDade ISD Policy prohibits the bullying of a student. Policy also prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying.

### **BULLYING: DEFINITION**

"Bullying" means engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

MISD Policy [FFI(Legal)]

### **EXAMPLES OF BULLYING**

Physical: hitting, punching, pushing, scratching, tripping, assault, demands for money, confinement, hazing if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and interferes with a student's education or substantially disrupts the operation of a school.

Verbal: name calling, teasing, putdowns, sarcasm, threats, taunting, hazing if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and interferes with a student's education or substantially disrupts the operation of a school.

Textual (including by electronic devices "Cyberbullying") passing notes, writing on desks, SMS, MMS, email, chat rooms, website, social networks if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and interferes with a student's education or substantially disrupts the operation of a school.

Social: ignoring, excluding, mimicking, ostracism, spreading rumors, psychological defaming, dirty looks, intimidation, extortion, theft of valued possessions or destruction of property if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and interferes with a student's education or substantially disrupts the operation of a school.

## **STUDENT REPORTING PROCEDURES**

Any student who believes that he or she is being bullied or believes that another student is being bullied should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

## **TEACHERS, COUNSELORS AND SCHOOL STAFF WHO RECEIVE A REPORT OF BULLYING FROM A STUDENT**

Listen to the student's report, without judgment, and let the student know that you report what you have heard to an administrator. Immediately contact a school administrator or counselor that you have received a report of bullying. Do not try to investigate the situation yourself. Complete a written statement for the administrator with your name and the date before the end of the day.

## **OBSERVE POTENTIALLY BULLYING BEHAVIORS**

When adults respond quickly and consistently to bullying behavior they send the message that it is not acceptable. Research shows this can stop bullying behavior over time. There are simple steps adults can take to stop bullying on the spot and keep kids safe.

Do:

- Intervene immediately. Get another adult to help if possible.
- Separate the kids involved.

- Make sure everyone is safe.
- Send or call for medical assistance if required.
- Stay calm. Reassure the kids involved, including bystanders.
- Model respectful behavior when you intervene.
- Record as much detailed information that you observed as possible including a list of those present. Ask an adult responder to record names and information for you if you are managing students.
- Immediately contact a school administrator or counselor
- Complete a written statement for the administrator with your name and the date within 24 hours

Avoid these common mistakes:

- Don't ignore it.
- Don't think students can work it out without adult help.
- Don't immediately try to sort out the facts.
- Don't ask bystanders to say publicly what they saw.
- Don't question the students involved in front of others.
- Don't talk to the students involved together, only separately.
- Don't make the students involved apologize or patch up relations on the spot.

### **CAMPUS ADMINISTRATORS: INVESTIGATION OF THE REPORT**

- Upon receipt or notice of a report, determine if the behaviors constitute further investigation of bullying as defined by policy
- If further investigation is required, promptly take interim action to prohibit potential bullying during the course of an investigation. This may consist of:
  - Increased supervision as needed for alleged victim and alleged perpetrator
  - Stay away agreement (FORM) between parties involved.

The investigation shall proceed:

Complete interviews and incident documentation form in the following order:

- with the alleged victim,
- witnesses or bystanders,
- person accused of the bullying behavior
- Analyze other information or documents related to the allegations.
- Offer counseling services to students. Counseling must be offered as a mandate of HB 1942.

## **NOTIFICATION**

- Assistant Principals shall notify the Campus Principal once the investigation has commenced.
- Notify parents/guardians of the alleged perpetrator and alleged victim within 24 hours of the report.

## **CONCLUDING THE INVESTIGATION**

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigating administrator shall take additional time if necessary to complete a thorough investigation. The investigating administrator shall prepare a written report of the investigation. The report shall include a determination of whether or not bullying occurred.

The report shall be filed with the Campus Principal's office at the conclusion of the investigation. Parents of the victim and perpetrator are to be contacted upon completion of the investigation. Investigating administrator will notify the victim, the bully and their parents about available counseling services.

## **FOLLOW UP ACTION**

PROHIBITED CONDUCT: If the results of an investigation indicate that prohibited conduct occurred, the Administrator shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

The District may transfer the student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred, or a campus other than that campus--after consulting with the parent of the student who engaged in bullying.

IMPROPER CONDUCT: If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

NOTE: Texas Law HB 1942 "prohibits the imposition of a disciplinary measure on a student who is a victim of bullying on the basis of that student's use of reasonable self-defense in response to the bullying," and "requires that discipline for bullying of a student with disabilities comply with Federal law including section 504 and IDEA (2004)."

APPEAL: A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL) beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

COUNSELING OPTIONS: The student who is a victim, the student who engaged in bullying behavior and any student witness to bullying behavior shall be informed of all counseling options available to them at the school. Document that the students have been offered counseling options.

MONITOR: Monitor and follow up with the students within 15 school days after the incident to secure that no additional acts of bullying or retaliation have occurred. Additional follow up may be necessary considering the circumstances of the situation. Attach the follow up documentation to the file in the Campus Principal's office.

# McDade Independent School District

## BULLYING INVESTIGATION FLOW CHART

1	<b>Initial Notification</b> of Bullying by student, parent, staff, witness to a staff member.	ASAP
2	<b>Notification to Campus Administration</b> if Step 1 was to other campus personnel.	10 days start
3	Notification Reduced to <b>Written Complaint</b> by campus administration if not already completed in 1 or 2.	1 Day from 1st Notification
4	<b>Parent Contact/Conferences</b> to gather information and to walk through the "Parent/Student Bullying Report" of investigation.	ASAP
5	Interim <b>Safety</b> Plan/Action discussed and implemented if needed with parents and students.	During Conferences
6	<b>Counselor</b> Notification with completed "Bullying Investigation Form".	2 Days from 1st Notification
7	<b>Investigate</b> allegation thoroughly using "Bullying Investigation Form".	
8	Warning given to all parties about <b>Retaliation</b> .	Upon Interview of all parties.
9	<b>Witness</b> names given to an administrator.	
10	Upon completion of investigation, complete <b>Written Report</b> and letter given/sent to parent/guardians.	2 Days
11	<b>Campus Principal</b> given Final "Bullying Investigation Form" and "Written Report Letters".	2 Days from Finalized Investigation

10 District Business Day Timeline

# McDade Independent School District

## Bullying Investigation Form

Alleged Perpetrator \_\_\_\_\_

Alleged Victim \_\_\_\_\_

Parent Contact Info: \_\_\_\_\_

Parent Contact Info: \_\_\_\_\_

Bullying [see FFI] occurs when a student or group of students engages in

I [ ] written or verbal expression, [ ] expression through electronic means, or [ ] physical conduct

**that occurs**

II [ ] on school property, [ ] at a school-sponsored/school-related activity or, [ ] in a vehicle operated by the District

**and that:**

*[Proceed with Bullying Investigation Form below if any box in I and in II above are checked, if no box in I and in box II is checked, Bullying as defined by law, did not occur. Proceed per District Code of Conduct.]*

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[ ] has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;

**or**

III [ ] is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

*[Proceed with Bullying Investigation Form below if either box above is checked, if neither box is checked, Bullying as defined by law, did not occur. Proceed per District Code of Conduct.]*

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This conduct is considered bullying **if it:**

[ ] exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct;

IV **and**

[ ] interferes with a student's education or substantially disrupts the operation of a school.

*[Conduct is Bullying if both boxes above are checked, proceed with "Response to Bullying" as well as District Code of Conduct. Bullying as defined by law did not occur if both boxes are not checked; proceed per District Code of Conduct.]*

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Date of Notification \_\_\_\_\_

Person Investigating \_\_\_\_\_

Date of Incident(s) \_\_\_\_\_

Campus \_\_\_\_\_

Date of Completion \_\_\_\_\_

# McDade ISD

Provide date for each item when completed and attached all  
documentation to the back of this form.

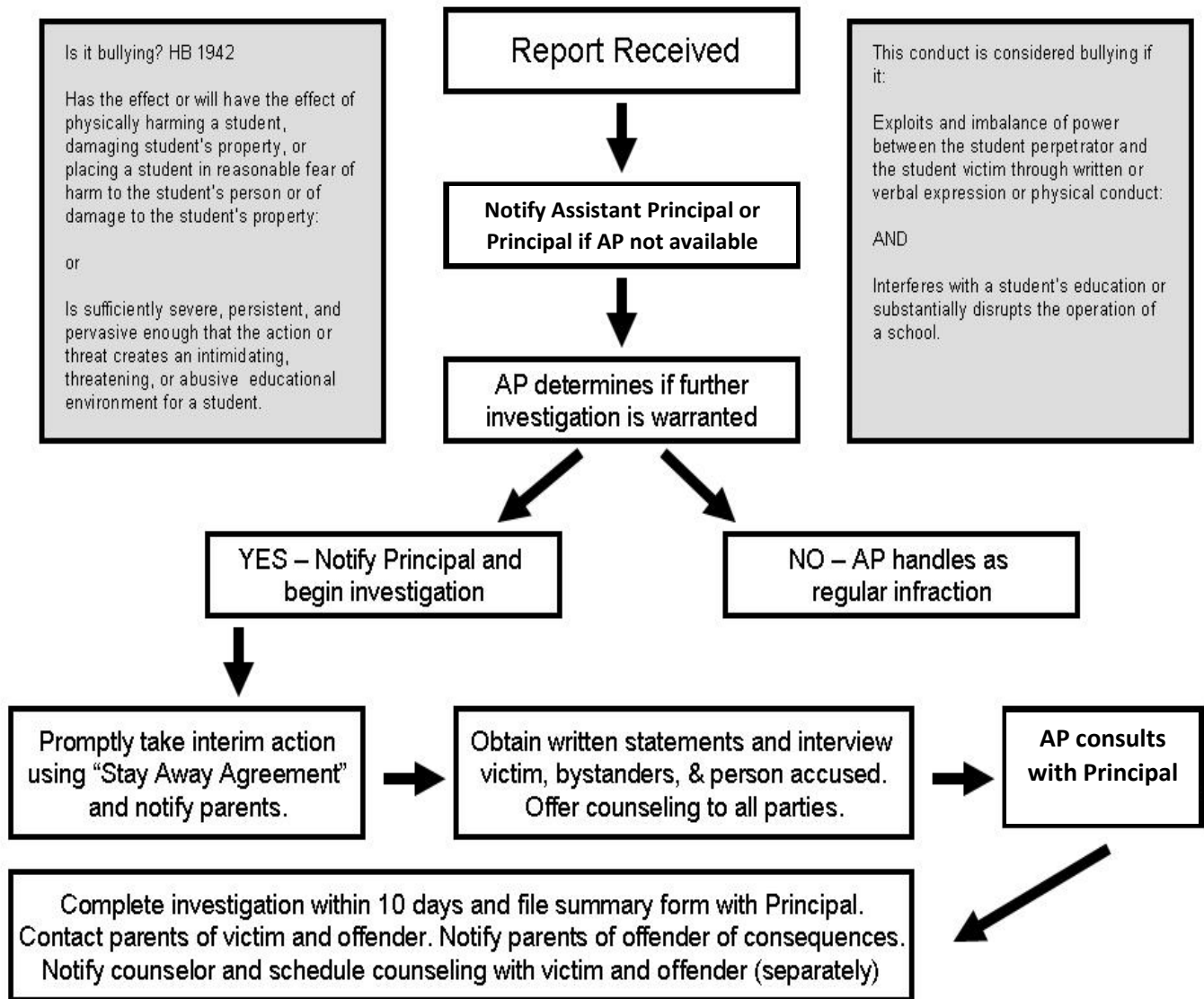
- [ ] Written Verbal complaint in place. McDade ISD INCIDENT REPORT
- [ ] A.S.V. Parent contacted/conferenced and completed Parent/Student Bullying Report Form
- [ ] Interim safety actions discussed/taken
- [ ] A.S.P. Parent contacted/conferenced and completed Parent/Student Bullying Report Form
- [ ] Counselor Notified (victim, perpetrator, and witness)
- [ ] A.S.V. Interviewed/Provided Witnesses (W.S.)
- [ ] A.S.P. Interviewed/Provided Witnesses (W.S.)
- [ ] Informed and warned against retaliation (all parties)
- [ ] Get written statements from all when possible
- [ ] Campus principal notified
- [ ] Final Written Report completed and give/mailed
- [ ] A.S.P. parent contacted/debriefed/actions
- [ ] A.S.V. parent contacted debriefed
- [ ] Final Written Report sent to Assistant Superintendent of Student Services

Defined: A.S.P. – Alleged Student Perpetrator

A.S.V. - Alleged Student Victim

W.S.- Written Statements Taken





# McDade ISD

## STAY AWAY AGREEMENT

For: \_\_\_\_\_ Grade \_\_\_\_\_

Issued on behalf of: \_\_\_\_\_ Grade \_\_\_\_\_

On \_\_\_\_\_ a complaint of intimidating/bullying was filed against you and has been investigated. This behavior is a violation of MISD policy and Student Code of Conduct. In order to protect the rights and safety of all members of our school community, you are required to stay away from \_\_\_\_\_ and stop all communication.

If you continue to engage in these behaviors, encourage others to engage, or retaliate against \_\_\_\_\_ in any way for making this complaint, additional disciplinary actions may result. Your compliance will be monitored by school administration and staff.

This agreement will be reviewed on \_\_\_\_\_.

Please be advised that any further infraction can result in suspension and/or removal from campus in addition to possible legal consequences.

### Signatures

Student: \_\_\_\_\_ Date: \_\_\_\_\_  
Victim

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_  
Of Student Victim (if required)

Student: \_\_\_\_\_ Date: \_\_\_\_\_  
Accused

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_  
Of Student Accused (if required)

Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

**INCIDENT REPORT**

<b>Student's Name</b>	
<b>Date</b>	

**Incident Statement**

<b>Name:</b>	<b>Date:</b>
<b>Contact Info:</b>	<b>Relationship to Student:</b>

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**McDade ISD  
PARENT/STUDENT BULLYING REPORT**

<b>Student's Name</b>	
<b>Date</b>	

**Parent Statement**

<b>Name:</b>	<b>Date:</b>
<b>Contact Info:</b>	<b>Relationship to Student:</b>

Additional Information

<p>Gesture, written, or verbal expression</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verbal fight</li> <li><input type="checkbox"/> Written or verbal threat</li> <li><input type="checkbox"/> Written note</li> <li><input type="checkbox"/> Written or verbal rumors</li> <li><input type="checkbox"/> Seclusion</li> <li><input type="checkbox"/> Embarrassing the student</li> <li><input type="checkbox"/> Other: _____</li> </ul>
<p>Physical Act</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Physical fight</li> <li><input type="checkbox"/> Physical injuries</li> <li><input type="checkbox"/> Other: _____</li> </ul>
<p>Electronic Communication</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Cell phone</li> <li><input type="checkbox"/> Audio or visual image</li> <li><input type="checkbox"/> Instant message/email</li> <li><input type="checkbox"/> Gaming</li> <li><input type="checkbox"/> Social Networking</li> <li><input type="checkbox"/> Blog</li> <li><input type="checkbox"/> Other: _____</li> </ul>
<p>Damage of student's property</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Property damage</li> <li><input type="checkbox"/> Stolen or missing property</li> <li><input type="checkbox"/> Other: _____</li> </ul>
<p>Reasonable fear of harm to person or property</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fear of harm to person</li> <li><input type="checkbox"/> Fear of harm to property</li> <li><input type="checkbox"/> Other: _____</li> </ul>
<p>Disrupt or interfere with school's educational mission or the education of student</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Changes in attendance: absences, tardies</li> <li><input type="checkbox"/> Missing classes/parts of school day</li> <li><input type="checkbox"/> Changes in grades</li> <li><input type="checkbox"/> Changes in participation of school activities</li> <li><input type="checkbox"/> Avoidance of elements: lunch, bus, recess</li> <li><input type="checkbox"/> Other: _____</li> </ul>

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Phone Conference: Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Interim Safety Actions Discussed/Taken**

<b>Victim</b>	<b>Offender</b>	<b>Action Taken</b>	<b>Notes</b>
		None were warranted	
		Student contract	
		Loss of privileges	
		Counseling interventions	
		School service work	
		Follow up monitoring	
		Loss of bus privileges	
		Detention	
		In-school assignments or intervention program	
		Moved to another class	
		Moved to another campus	
		In-School Suspension	
		Assignment to DAEP	
		Other:	

Student victim's parent notified:

Date of notification: \_\_\_\_\_ Means of notification: Phone Letter Conference

Student perpetrator's parent notified:

Date of notification: \_\_\_\_\_ Means of notification: Phone Letter Conference

Student victim's counselor notified: \_\_\_\_\_ Counselor's Initials \_\_\_\_\_

Student perpetrator's counselor notified: \_\_\_\_\_ Counselor's Initials \_\_\_\_\_

Date Campus Principal Notified: \_\_\_\_\_ Principal's Initials \_\_\_\_\_

Investigator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**WITNESS STATEMENTS**

<b>Student's Name Name</b>	
<b>Date</b>	

**Parent Statement**

<b>Name:</b>	<b>Date:</b>
<b>Contact Info:</b>	<b>Relationship to Student:</b>

**Witness Signature:** \_\_\_\_\_

## COMPLETION OF INVESTIGATION

**Bullying Occurred defined by Law and Policy FFI**      \_\_\_\_\_ **Yes**    \_\_\_\_\_ **NO**

This policy addresses bullying of District students. For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct.

**Prohibited Conduct Occurred defined by FFH**      \_\_\_\_\_ **Yes**    \_\_\_\_\_ **No**

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence and retaliation as defined by his policy, even if he behavior does not rise to the level of unlawful conduct.

**Student victim's parent notification on completion of investigation:**

Date of notification: \_\_\_\_\_      Means of notification: Phone      Letter      Conference

**Student offender's parent notification on completion of investigation:**

Date of notification: \_\_\_\_\_      Means of notification: Phone      Letter      Conference

**Investigator's Signature:** \_\_\_\_\_      **Date:** \_\_\_\_\_

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**Copy of Complete Investigation sent to Principal of McDade ISD.**

**Interoffice mail:** \_\_\_\_\_      **Date:** \_\_\_\_\_

**E-mail scan:** \_\_\_\_\_      **Date:** \_\_\_\_\_