

MODEL POLICY ON BULLYING FOR SCHOOLS IN DUPAGE COUNTY

Preamble

An Anti-Bullying Task Force was convened in DuPage County under the Chairmanship of the Honorable James E. Ryan and co-chaired by Dr. Darlene Ruscitti, DuPage Regional Superintendent of Schools and the Honorable Robert Berlin, DuPage County State's Attorney. The purpose of this Task Force includes the creation of a model policy on Bullying to be used by all schools in DuPage County.

The purpose of such a Model Policy is to ensure, to the greatest extent possible, that no student will be subject to any bullying and to otherwise secure a safe, orderly and respectful environment that promotes teaching and learning. This Model Policy also includes a definition of Bullying that was developed by the DuPage County Anti-Bullying Task Force and that will ensure consistency in the enforcement of the Bullying Policy in all educational environments in the County.

All Task Force participants, including the school districts, the State's Attorney and the Regional Office of Education, agree to cooperate with each other in the implementation of this Policy and continued review of this Policy as may be needed. The partners further agree that system-wide education regarding the issue of Bullying, its behaviors and consequences is an essential component to protecting our children.

A feature of this Policy is the Committee Comments to each section. The purpose of these Comments is to provide practical examples to assist in the interpretation and application of the Policy.

I. The Illinois School Code

The Illinois General Assembly finds that "a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities....Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district personnel about what behaviors constitute prohibited bullying." 105 ILCS 5/27-23.7

Bullying is contrary to state law and the policy of this district. 105 ILCS 5/27-23.7(b). "This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law. Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.. (105 ILCS 5/27-23.7 (e).

Each school district and non-public, non-sectarian elementary or secondary school shall create and maintain a policy on bullying, which policy must be filed with the State Board of Education. 105 ILCS 5/27-23.7(d). The policy must be updated every 2 years and filed with the State Board of Education after being updated. 105 ILCS 5/27-23.7(d) (eff. 1/1/15)

and

“Every school district shall create and maintain a policy on bullying and must communicate its policy to students and their parents on an annual basis.” Id.

and

“The school board, in consultation with the parent-teacher advisory committees on student discipline and other community based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based on available community based and district resources.” 105 ILCS 5/10-20.14(d).

II. Bullying Defined

Bullying is any type of conduct that may:

1. Reflect a coercive **imbalance of power**; AND
2. Is **severe, pervasive** and often **purposeful** and **repeated**; AND
3. Places an individual in (a) **reasonable** fear of **substantial** detrimental effect to his or her person or property; or (b) to otherwise substantially interfere in a student’s academic performance or ability to participate in any school related activity.

Committee Comments

The Illinois legislature defines “Bullying” as meaning:

“Any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

- (1) placing the student or students in reasonable fear of harm to the student’s or students’ person or property;
- (2) causing a substantially detrimental effect on the student’s or students’

physical or mental health;

(3) Substantially interfering with the student's or students' academic performance; or

(4) Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school."

105 ILCS 5/27-23.7(b)

Beginning on 1/1/15, bullying includes "cyber bullying":

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including without limitation 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 system, photoelectronic system, or photooptical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes 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 effects enumerated in the definition of bullying in this Section.

105 ILCS 5/27-23.7(b) (eff. 1/1/15).

The Illinois legislature also authorizes school boards and their discipline advisory committees broad discretion to establish appropriate behavioral standards for their respective schools, which take into consideration but are not limited to conduct prohibited by State and federal laws. See, 105 ILCS 5/10-20.14(d). The statutory definition of bullying set forth in the School Code is intended to be incorporated into the Model Policy definition of bullying, but is not intended to limit conduct that otherwise falls within the Model Policy definition from being classified as bullying conduct if that conduct does not also fall within the School Code's definition.

For purposes of this Model Policy "Conduct" may include:

- Physical acts, such as inappropriate, unwanted, uninvited, or injurious physical contact with another; harassment, threats, intimidation, theft, public humiliation, retaliation for asserting or alleging an act of bullying, stalking; sexual assault; and destruction or damage to property of another. 105 ILCS 5/27-23.7(b).
- Written and electronic communication of any type that incorporates language or depictions that would constitute bullying, using any medium

(including, but not limited to, cell phones, computers, websites, electronic networks, instant messages, text messages and emails);

- Verbal threats made to another, blackmail, or demands for protection money;
- Non-verbal threats or intimidation such as aggressive or menacing gestures;
- Direct or indirect, relationally aggressive behavior such as social isolation, rumor spreading, or damaging someone's reputation;
- Any of the above conduct which occurs off school grounds when such conduct creates, or reasonably can be expected to create, a substantial disruption in the school setting and/or at school sponsored activities and events.
 - Cyber bullying includes “through the transmission from a computer that is accessed at a non-school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the education process or orderly operation of a school. 105 ILCS 5/27-23.7(a)(4) (eff. 1/1/15)

In addition to that conduct described above, *examples* of conduct that may constitute bullying include the following:

- Blocking access to school property or facilities;
- Stealing or hiding or otherwise defacing books, backpacks or other personal possessions;
- Repeated or pervasive taunting, name-calling, belittling, mocking putdowns, or demeaning humor relating to a student's race, color, age, gender, marital status, military status, sexual orientation, gender-related identity or expression, ancestry, religion, disability, or other personal characteristics, whether or not the student actually possesses them, that could reasonably be expected to result in the disruption of school activities or that results in a hostile educational environment for the student.

Conduct that would *not ordinarily* be considered bullying for purposes of this policy include:

- Mere teasing
- “talking trash”
- Trading of insults

- The expression of ideas or beliefs (expressions protected by the First Amendment), so long as such expression is not lewd, profane, or intended to intimidate or harass another.

Each school district may set rules or policies for civility, courtesy and responsible behavior to address conduct of this type.

The examples set out in these Comments are meant to be illustrative and are not exhaustive of conduct that may or may not be considered “Bullying.” Nor are they intended to limit the exercise of discretion granted to school administrators under Sections 5/10-20.12(d) or 5/10-22.6 of the School Code for addressing instances of student misconduct.

III. Bullying is prohibited

Bullying is NOT acceptable and is strictly prohibited. Bullying conduct that is covered by this Policy is conduct that occurs on school property, at school sponsored activities or events, or “cyber-bullying” conduct from outside of school; while students are being transported or walking to or from school or school sponsored activities or events; while students are waiting at school bus stops, or when the conduct otherwise would substantially impede the educational environment, regardless of where the conduct occurs.

Any student who engages in bullying will be subject to appropriate discipline, up to and including suspension or expulsion and referral to local law enforcement. A student’s bullying conduct also may be addressed through any other behavioral interventions, including but not limited to restorative measures.

Any student who is a bystander to any bullying conduct and who fails to take any action to discourage the bullying conduct also may be subject to appropriate discipline.

No student shall be retaliated against for reporting bullying conduct. Any student who is determined to intentionally have falsely accused another of bullying shall be subject to appropriate discipline.

Committee Comments

The highest risk location for bullying occurs:

On the school bus

Walking to and from school

On school playgrounds

In school cafeterias, locker rooms, and in bathrooms

Through use of the Internet and cellular phones, even from off-campus

This Policy applies to bullying that may occur at any of these locations, but is not limited to these locations.

For purposes of this Policy, a **bystander** to bullying is a witness to bullying conduct and may be considered to be aiding or abetting the bully. This aiding and abetting includes, but may not be limited to, standing idly by or otherwise actively encouraging the bully.

IV. Responding to Bullying

It is the responsibility of the school staff to use violations of the school rules as opportunities to help students improve their social and emotional skills, accept personal responsibility for their learning environment and understand consequences for poor choices and behaviors. In determining the appropriate response to or discipline of students who engage in bullying behavior, the school's administration should consider the following:

- The ages and maturity of the students involved;
- The type, frequency, severity and patterns of behaviors;
- The context in which the incidents occurred;
- Any other relevant circumstances.

In this regard, this Policy recognizes the sound principles of remediation measures and restorative justice and encourages application of these principles in any response or discipline that may be imposed.

V. Report and Investigation

The School shall develop a reporting procedure which shall include, to the extent possible, a written report and provide the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports. 105 ILCS 5/27-23.7(b) Anyone who witnesses any conduct that could constitute bullying shall make such report as soon as possible to any school staff member. This report then shall be submitted to the principal or designee(s) responsible for student discipline who as soon as practicable shall conduct or cause to be conducted a thorough investigation of the alleged incident, and make all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received. 105 ILCS 5/27-23.7 (b). Discipline and/or other intervention appropriate to the outcome of the investigation shall be imposed consistent with the School District's adopted discipline code. This procedure will promptly inform parents or guardians of all students involved in the alleged incident of bullying, while staying consistent with federal and State laws and rules governing student privacy rights. 105 ILCS 5/27-23.7 (b). The procedure will discuss with parents or guardians as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. 105 ILCS 5/27-23.7(b). . The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction and shall require that the district or school provide the victim with information regarding services

that are available within the district and community, such as counseling, support services, and other programs.105 ILCS 5/27-23.7 (d). (eff. 1/1/15).

The police and State's Attorney shall be notified immediately of all incidents involving bodily harm, property damage or any conduct which reasonably is believed by the school administrator(s) to be a violation of the criminal laws. The investigation of any such bullying conduct shall proceed in cooperation with the police and other applicable law enforcement authorities. The School District always retains its' right to investigate and impose any discipline for violation of this Policy, whether or not criminal charges are pursued.

The Superintendent or designee periodically shall review disciplinary incidents involving bullying conduct or conduct placing students at risk of bullying for purposes of monitoring: 1) the effectiveness of the District's programs and interventions in creating a climate of mutual respect and civility in the school community, and 2) the application of this policy in a non-discriminatory manner. A report of the Superintendent's findings shall be made to the Board of Education at least once a year.

VI. Notification / Training

Students and Parents/legal guardians will be notified of this Policy annually through receipt of the school's Handbook. The Policy is also posted on the school's website. The school shall utilize a framework to incorporate the social and emotional learning standards for all grade levels as required by State law.

All partners to this agreement understand the importance of the most current and up-to-date information on issues relating to bullying and agree to utilize their best efforts in participating in training and sharing information on this important topic. Any training in the schools will include training for all staff members including teachers, administrators, paraprofessionals, coaches, support staff, sponsors of student groups and any volunteer who is engaged in interacting with students on a regular basis.

Committee Comments

The Committee recommends that the Task Force develop an "Anti-Bullying Pledge" that all students, parents and all school personnel shall sign at the beginning of each school year.