

514 Bullying Prohibition Policy

Adopted: 6/7/2005

Revised: 2006, April 2009, December 2010, 12/17/2013

Reviewed: 10/28/ 2014, 12/31/2015

1 Purpose

2 Minnesota Online High School (MNOHS) strives to provide safe, secure and respectful learning
3 environments for all students using the learning management system, or in school buildings, on school
4 grounds, school buses and at school-sponsored activities. Bullying, like other disruptive or violent
5 behavior, is conduct that interferes with a student's ability to learn and a teacher's ability to educate.

6 This policy protects students against bullying and harassment on the basis of actual or perceived race,
7 ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status,
8 socioeconomic status, physical appearance, sexual orientation, including gender identity and expression,
9 academic status related to student performance, disability, status with regard to public assistance, age,
10 military status, unfavorable discharge from military service, association with a person or group with one
11 or more of the aforementioned actual or perceived characteristics, or any other distinguishing
12 characteristic defined in Chapter 363A. This policy also protects any student who voluntarily participates
13 in any MNOHS function or activity, whether the student is enrolled in MNOHS or not.

14 Definitions

15 **Prohibited conduct (“bullying”)** means any severe or pervasive physical or verbal act or conduct,
16 including communications made in writing or electronically, directed toward a student or students
17 creating an actual or perceived imbalance of power between the student engaging in bullying and the
18 target of bullying that has or can be reasonably predicted by repeated forms or pattern to have one or
19 more of the following effects:

- 20 • Placing the student in reasonable fear of harm to the student's person or property.
- 21 • Causing a substantially detrimental effect on the student's physical or mental health.
- 22 • Substantially interfering with the student's educational opportunities and performance.
- 23 • Substantially interfering with the student's ability to participate in or benefit from the services,
24 activities, or privileges provided by a school.

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26 Bullying may take various forms, including without limitation, one or more of the following: harassment,
27 threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public
28 humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is
29 meant to be illustrative and non-exhaustive.

30 **"Cyberbullying"** means using electronic information and communication technologies to bully. This
31 may include, but is not limited to a transfer of a sign, signal, writing, image, sound, or data, including a
32 post on a social network, Internet, website or forum, transmitted through a computer, cell phone, or other
33 electronic device.

34 **"Remedial response"** means a measure to stop and correct prohibited conduct, prevent prohibited
35 conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of
36 the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for
37 asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or
38 knowingly making a false report about prohibited conduct (false report), prevent retaliation or false
39 reports from recurring and protect, support and intervene on behalf of the student who is the target of the
40 prohibited conduct.

41 **"Immediately"** means as soon as possible but in no event longer than 24 hours.

42 **"District employee"** includes school board members, administrators, educators, aids, school counselors,
43 social workers, psychologists, other school mental health professionals, nurses and other school-
44 based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic
45 coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers,
46 contractors, or persons subject to the supervision and control of MNOHS and its students.

47 **Prohibitions**

48 Bullying of a student or group of students is prohibited:

- 49 1. In the school Learning Management System, webinar software, or other software systems provided to
50 MNOHS students.
- 51 2. During any school-sponsored or school-sanctioned programs, activities, events or trips.
- 52 3. In school buildings, school property, on school buses or other school district-provided transportation,
53 and at designated locations for students to wait for buses and other school district-provided
54 transportation.
- 55 4. Through the transmission of information from a school district computer or computer network, or other
56 electronic school equipment.

57 5. When communicated through any electronic technology or personal electronic device while on school
58 property, on school buses or other school-provided transportation, at bus stops, and at school-sponsored
59 or school-sanctioned events or activities.

60 5. Through off campus communication and use of electronic technology which seriously disrupts any
61 student's education.

62 Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in
63 this policy. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited. False
64 accusations or reports of bullying against another student are also prohibited.

65 **Response**

66 Any member of the Student Intervention Team (SIT) may receive reports of bullying. The SIT member
67 who receives the report will ensure this policy and relevant procedures are fairly and fully implemented
68 and serve as the primary contact on policy and procedural matters implicating both the district or school
69 and department. If the complaint involves a SIT member, the complaint shall be made or filed directly
70 with the executive director who will replace that member on SIT for the purposes of investigating the
71 complaint.

72 When investigating a complaint, the SIT may take into account the following factors:

- 73 • The developmental ages and maturity levels of the parties involved.
- 74 • The levels of harm, surrounding circumstances, and nature of the behavior.
- 75 • Past incidences or past or continuing patterns of behavior.
- 76 • The relationship between the parties involved.
- 77 • The context in which the alleged incidents occurred.

78 Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be
79 completed within 10 school days, unless the executive director/designee grants in writing an additional
80 five-day extension to the SIT due to extenuating circumstances. The executive director/designee will
81 develop procedures for investigating an incidence of bullying.

82 **Consequences** - Many student conflicts can be resolved immediately and do not require reporting or
83 creation of an incident report. Schools must respond to bullying in a manner tailored to the individual
84 incident, considering the nature of the behavior, the developmental age of the student, and the student's
85 history of problem behaviors and performance. The executive director/designee will work with the SIT to
86 develop appropriate responses and consequences.

87 **Appeal** - Any party who is not satisfied with the outcome of the investigation may appeal to the
88 executive director and the board president within 10 school days of notification of SIT's decision. The

89 executive director and board president will conduct a joint review of the appeal and, within 10 school
90 days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The executive
91 director and board president shall notify the party requesting the appeal and the SIT that its decision is
92 final and shall document that notification in the incident report.

93 **District Employees** - When it is determined that a district employee was aware prohibited conduct was
94 taking place but failed to report it, the employee will be considered to have violated this policy. The
95 executive director/designee shall work with the Professional Development Committee to determine
96 employee discipline for such violations.

97 **Reprisal** - The school district will take appropriate action against any student or district employee who
98 retaliates against any person who reports alleged bullying or against any person who testifies, assists or
99 participates in an investigation, or against any person who testifies, assists or participates in a proceeding
100 or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation,
101 reprisal, harassment or intentional disparate treatment.

102 **Notice and Dissemination of Requirements**

103 The school district will give annual notice of this policy to students, parents or guardians, and district
104 employees, and this policy shall appear in the student handbook and posted in an electronic format in the
105 languages appearing on its district/school website. This policy should also be:

- 106 1. Posted in the district and school building, administrative offices, and throughout each school building
107 in areas accessible to students and district employees.
- 108 2. Included in each school's student handbook on school policies.
- 109 3. Be given to each school district employee and independent contractor at the time of entering into the
110 person's employment contract.

111 **Professional Development and Education**

112 **Staff** - Professional development will be offered annually to build the skills of all district employees to
113 implement this policy. The content of such professional development shall include, but not be limited to:

- 114 1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately
115 and effectively to stop them in a manner that does not stigmatize the victim.
- 116 2. Information about the complex interaction and power differential that can take place between and
117 among an actor, target and witness to the bullying.

118 3. Research findings on bullying, including information about specific categories of students who have
119 been shown to be particularly at risk, and any specific interventions that may be particularly effective for
120 addressing bias-based bullying.

121 4. Recognizing, responding to and reporting bullying.

122 5. Information about the incidence and nature of cyberbullying.

123 6. Information about Internet safety issues as they relate to cyberbullying.

124 7. A review of the district's reporting requirements related to bullying and cyberbullying.

125 **Student Education** - Each school shall incorporate into the school curriculum developmentally
126 appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a
127 safe learning environment. The executive director or designee shall determine the scope and duration of
128 the units of instruction and topics covered but should include evidence-based social-emotional learning to
129 prevent and reduce discrimination and other improper conduct to engage all students in creating a safe
130 and supportive school environment.

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132 **Legal References:**

133 Minn. Stat. § 120B.232 (Character Development Education)

134 Minn. Stat. § 120B.233 (Character Development Education Revenue; Pilot Program)

135 Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)

136 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)

137 Minn. Stat. §§ 121A.40-121A.56 (Student Fair Dismissal Act)

138 Minn. Stat. § 121A.69 (Hazing Policy)