

HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

	Students/Families	SF21-1001
	ANTI-BULLYING & ANTI-HAZING	ADOPTED DATE: October 19, 2021 REVIEWED DATE: REVISED DATE:

The Board of Trustees (“Board”) of the Howard Gardner Multiple Intelligence Charter School (“Charter School”) recognizes the importance of providing all students and employees with a safe school and learning environment in order to promote the educational process. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards as well as to promote positive interaction among students through participation in Charter School sponsored groups or organizations. Bullying, cyberbullying and hazing like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and participate in the School community and the Charter School’s ability to educate its students in a safe environment. Therefore, in order to ensure and promote a safe learning environment, it shall be the policy of the Charter School to maintain an educational environment that is intolerant of bullying, cyberbullying or hazing in any form.

Since students learn by example, school administrators, faculty, staff and volunteers are directed to demonstrate appropriate behavior, treat others with civility and respect and to refuse to tolerate bullying, cyberbullying or hazing. This policy pertains to all students and staff, regardless of their status. This policy also applies to all students and staff whose conduct out of school materially and substantially interferes with the educational process at the Charter School.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion. Training will be provided to teachers, administrators, and staff on an annual basis during pre-service training. Trainings will also reinforce the Positive Behavior Intervention Support (PBIS) program, which is in alignment with this policy.

Definitions

Bullying and **Cyber-bullying** are defined as an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or students;
2. which occurs in a “school setting”, or occurs outside of school and the Charter School reasonably forecasted that the outside-of-school conduct would materially interfere with or substantially disrupt the educational process or program in the school, and the outside-of-school conduct does in fact materially interfere with or substantially disrupt the educational process or program in the school;
3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
 - substantially interfering with a student’s education;
 - creating a threatening environment; or
 - substantially disrupting the orderly operation of the school.

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Bullying and cyber-bullying shall encompass acts that occur outside a school setting if those acts meet the requirements found in (1), (3) and (4) listed above.

School Setting shall mean in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on a Charter School server or electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student whose out of school conduct materially interferes with or substantially disrupts the educational process in the school is also subject to this policy.

Cyberbullying

Cyber-bullying is often seen by sending harmful or cruel material, text messages and/or images or engaging in other forms of social aggression and bullying using the Internet, cell phones, social media or other technology resources.

All students, staff, volunteers and contractors shall comply with the Charter School's Acceptable Use and Internet Safety Policy, which is required under the Children's Internet Protection Act ("CIPA"), and review the Charter School's Social Media and Networking Guidelines Policy when using any technology resources.

Cyber-bullying via the Internet is seen through the use of any one or more of a number of methods, including, but not limited to:

- Email sent to the intended victim;
- Blog entries regarding the intended victim;
- Posts on social networking websites;
- Posting victim's pictures on the Internet or networking websites with derogatory phrases or questions attached to them;
- Using instant messaging tools to harass victims;
- Creating an Internet parody of the intended victim;
- Creating fake Internet profiles for the victim on a public website;
- Creating or accessing an unauthorized website which harasses or bullies the victim;
- Using camera phones and/or digital cameras to take embarrassing photographs of students and/or staff and posting them online;
- Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Cell phones are also often used for cyber-bullying for things such as calling or text messaging the victim and/or using a victims' cell phone to text or call another victim using harassing language.

The use of the Internet or Charter School email does not necessarily have to involve the creation of the offensive materials. Rather, the person creating the offensive material may do it on a home computer and then use the Charter School's computers to take such actions as accessing it, viewing it, displaying it for others to see, disseminating copies of it to others or otherwise publicizing the contents.

Hazing

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Title 18 - Chapter 28 was added October 19, 2018, P.L.535, No.80, also known as the "Timothy J. Piazza Antihazing Law." Chapter 28 defines the following:

- **§ 2802. Hazing.**

(a) Offense defined.--A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

(1) Violate Federal or State criminal law.

(2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.

(3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.

(4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.

(5) Endure brutality of a sexual nature.

(6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

(b) Grading.--

(1) Except as provided under paragraph (2), hazing is a summary offense.

(2) Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.

(c) Limitation.--Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

Guidelines

Students shall conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and service providers.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the Charter School, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

Since bystander support of bullying, cyberbullying and hazing can bolster these types of behaviors, the Charter School prohibits both active and passive support for acts of bullying, cyberbullying and hazing. The staff should encourage all students to refuse to engage in these acts and to report them immediately to the CEO or Principal of the Charter School.

Reporting Procedures

Any student who feels he or she has been bullied or cyber-bullied shall have the right to file a complaint of such bullying. Complaints should be reported to the school principal. Complaints may also be reported directly to a teacher, guidance counselor, or other administrator who shall immediately report the incident to the school principal in order to protect the alleged victim and for prompt investigation.

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Any staff member who sees any incidents of bullying or cyber-bullying must immediately report the incident(s) to the CEO or school principal. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. It shall be the responsibility of the school principal or his/her designee to investigate promptly and thoroughly any and all bullying and cyber-bullying complaints received or referred by other individuals and to make recommendations based upon the investigation. The investigation is to be commenced within three (3) school days after a report of any bullying is received.

The Board of Trustees requires the CEO or school principal to be responsible for determining whether an alleged act constitutes a violation of this policy. In determining whether alleged conduct constitutes bullying or cyber-bullying, the totality of circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated. If the investigation results in a substantiated charge of the bullying, the Charter School shall take prompt corrective action to ensure the bullying and/or cyber-bullying ceases and will not reoccur.

Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The CEO or school principal or his/her designee shall immediately notify the parent or guardian of the perpetrator of the bullying and the parent or guardian of the victim of the bullying of the alleged incident.

Consequences for Violations

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or cyber-bullying are within the range of positive behavioral interventions up to and including in school or out of school suspension from the Charter School or expulsion or other disciplinary removal from the Charter School, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Charter School's student Code of Conduct or Employee Handbook.

In some cases, bullying and/or cyber-bullying may constitute criminal activity and the Police Department will be notified by the CEO or the Director of Facilities and Security. This may lead to a criminal investigation and criminal charges against the student or staff.

Consequences for a student who commits an act of bullying and/or cyber-bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Charter School's student code of conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act.

The following intervention strategies for protecting victims may be followed as needed:

- Supervise and discipline offending students fairly and consistently;
- Provide adult supervision at any Charter School sponsored activities, supervised or sanctioned by the Charter School, during any breaks, lunch times, bathroom breaks and in the hallways during times of transition;
- Maintain contact with parents and guardians of all involved parties;
- Provide counseling for the victim if assessed that it is needed;
- Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying and/or cyber-bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and

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- Check with the victim daily to ensure that there have been no incidents of retaliation from the offender or other parties.

Retaliation Prohibited

The Board of Trustees strictly prohibits retaliation or reprisal against any person who reports bullying and/or cyber-bullying incidents. Retaliation includes, but it is not limited to, any form of intimidation, reprisal or harassment used against a person who reports, in good faith, incident(s) of bullying and/or cyber-bullying. Disciplinary action against any person who retaliates or engages in reprisals for reporting such behavior(s) may include sanctions up to and including expulsion or suspension for students and termination for staff engaging in such prohibited conduct. The consequences and appropriate remedial action shall be determined after consideration of the nature, severity, and circumstances of the act.

False Accusations

The Board of Trustees prohibits any person from falsely accusing another of bullying and/or cyber-bullying. The consequences and appropriate remedial action for a student found to have falsely accused another of bullying and/or cyber-bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for an employee found to have falsely accused another of bullying and/or cyber-bullying shall be disciplined in accordance with Charter School policies, procedures, and agreements.

Disabled Students

For those students who meet the disability definitions of IDEA and/or Section 504, both Section 504 and Title II protect these disabled students from bullying or hazing by teachers, other school employees, and third parties. Such prohibited behavior can trigger a school's obligation to address disability-based harassment, remedy a denial of a free and appropriate public education ("FAPE"), or both. The U.S. Department of Education's Office of Civil Rights ("OCR") would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied or hazed based on a disability; (2) the bullying or hazing is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying or hazing; and (4) the school does not respond appropriately.

Annual Distribution of Information

The Board requires Charter School officials to annually disseminate the policy to all school staff, students, volunteers, service providers, and parents/guardians along with a statement explaining that it applies to all applicable acts of bullying and cyberbullying and hazing that occur in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and/or technology, on Charter School servers or Charter School electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity or organization sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student or staff's out of school conduct that materially and substantially interferes with the educational process in the Charter School is also subject to this policy.

The Charter School is required to post this policy on its website and make the policy available in every classroom. The Charter School shall ensure this policy and its procedures for reporting bullying, cyberbullying and hazing incidents are

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reviewed with students and staff within ninety (90) days after its adoption and, thereafter, a minimum of one (1) time per school year.

Compliance

As required by the Federal Broadband Data Improvement Act of 2008, the Charter School shall educate elementary and secondary school aged students with computer access to the Internet about appropriate online behavior, including online interaction with other individuals on social networking websites, and in chat rooms and educate them regarding cyberbullying awareness and response.

The Board of Trustees directs the Administration to develop any procedures necessary to implement this policy and to develop appropriate prevention, intervention and education strategies related to bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited by and a violation of the Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

The Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying and hazing, including, but not limited to, the requirements delineated in the Pennsylvania Charter School Law, 24 P.S. § 1701-A, *et seq.*, the Federal Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h) and (l), and the Neighborhood Children's Internet Protection Act (N-CIPA) and any applicable implementing regulations and the PA Anti-Hazing Law (P.L. 1595, No.175).

The Charter School will also comply with Chapter 711 of Title 22 of the Pennsylvania Code, the Public School Code, the applicable House Bill 1067 Public School Code amendments relating to safe schools and bullying, and applicable provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and its applicable implementing regulations regarding the discipline of special education students and thought-to-be eligible students who engage in an act of bullying.

Specifically, with regard to the PA Safe Schools Act, Charter School administration shall annually provide the following information with the Safe School Report

1. Board's Anti-Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention, or education programs.

Training

To ensure bullying does not occur on the school premise, the Charter School will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build the School's capacity to maintain a safe and healthy learning environment.

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TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.