

MEMORANDUM

TO: ALL EXECUTIVE DIRECTORS
FROM: DR. JAMES WHITSON
DATE: JULY 15, 2011
RE: BULLYING POLICY AND PROCEDURE

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As was earlier reported to you, the Legislature passed a State requirement that all School Systems in Georgia shall have in place a new bullying policy no later than August, 2011. The legislation set forth prescribed mandates. This same legislation required the State Board of Education to develop a model policy and procedure to furnish to local School Systems. Moreover, GSBA provided suggested language.

The bullying policy (JCDAG) attached hereto and made a part hereof, was presented to the local Board at its April, 2011, meeting. It was at this time the Board discussed the policy and approved the policy at its May meeting.

Mr. Fletcher has drafted a bullying procedure that includes the mandates of the legislation but also conforms to the local policy. He seeks your input. Accordingly, attached to this memorandum is a draft bullying procedure for your review and input.

As the school year is fast approaching, I would recommend that each of you review the procedure and share any comments or questions you have with Mr. Fletcher so that he may finalize the procedure before training of administrators. He is also soliciting any ideas or suggestions to assist with the presentation of effective training presentations at school level and for suggested materials such as the school notification letter. His staff is developing other sample letters and will also seek your input.

BULLYING

All reports of bullying are serious. Appropriate inquiry should be made upon receipt of any report of bullying, without considering the source, identity of the alleged violator and/or victim, grade level, previous circumstances, and/or personal philosophy. School principals should train and provide professional training opportunities for the school staff on how to respond appropriately to students who commit an offense of bullying, students who are victims of bullying and bystanders who report bullying. The principal is authorized to have each staff member sign a document confirming he or she has received such information and was given an opportunity to ask questions. The principal may require that staff members refer to the administration any reports or reasonable suspicions of bullying.

The school district's anti-bullying policy may be posted throughout all schools in the district, including but not limited to, cafeterias, school bulletin boards, administration offices, the school's website, and in all student codes of conduct.

Procedures for addressing bullying behavior may include, but not be limited to, the following:

- All staff, students and their parents will receive a summary of the policy prohibiting bullying at the beginning of the school year as part of the Student Code of Conduct.
- All reports of bullying and the results of subsequent investigations are confidential.
- School Staff are expected to promptly respond upon personally witnessing a bullying incident or upon receipt of any report of bullying.
- Non-School Personnel witnessing or experiencing bullying are encouraged to report the incident to the school administration.

Response to Reports of Bullying¹

1. Investigate

Upon receipt of any report of bullying, a prompt inquiry or investigation, as circumstances dictate, involving appropriate personnel, will be undertaken. The investigation may include interviewing the alleged perpetrator(s) and victim(s), identified witnesses, teacher(s) and staff members and the review of video surveillance, if available. School Safety and Security Officers and other support staff may be utilized for their expertise as determined by the circumstances.

2. Notify

As appropriate, during or after the inquiry or investigation, notification by school personnel will be made to parents or guardians of the accused and the victim. If

¹ Note: Any headings used within this procedure are provided for convenience only and are not intended to serve as legal definitions or impart any legal standard or duties not otherwise properly provided by law.

medical attention is necessary, emergency management should be contacted and the parent/guardian should be notified immediately.

3. Discipline

Upon confirming that bullying has occurred, the accused student should be charged under the Student Code of Conduct with bullying or such other applicable provision, and given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.

Disciplinary action after the first incident of bullying may include, but is not limited to, the following:

- Loss of a privilege
- Reassignment of seats in the classroom, cafeteria, or school bus
- Detention
- Reassignment of classes
- In-school suspension
- Out-of-school suspension
- Expulsion (through appropriate due process hearing)
- Assignment to an alternative school (through appropriate due process hearing)

Students in grades six through twelve found to have committed the offense of bullying for the third time in a school year shall be assigned to an alternative school setting through appropriate due process by the Tribunal Panel. The school principal, or designee, may recommend stronger discipline prior to the third offense of bullying if circumstances warrant. Moreover, the Tribunal Panel officer may assign alternative school discipline prior to the third offense if the evidence and circumstances warrant.

Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.

4. Follow Up

Activities subsequent to the incident and the issuance of discipline are important to the accused and the victim. Each school should plan and implement such follow up activities, commensurate with the circumstances, including a reminder to all persons involved, the prohibition of retaliation and the importance of respecting each other.

School principals, or designees, are not limited from performing additional measures as, in the exercise of professional judgment and discretion, are considered reasonable. A bullying prevention training module and other resources are available on the Georgia Department of Education website.

In determining when and how to implement these procedures, educators exercise their professional judgment and discretion. Therefore, these procedures are not to be construed as imposing ministerial duties on individual employees. Further, the procedures are not intended to

interfere with the duties of law enforcement, including the Department of School Safety and Security.

ADOPTED:

BULLYING

The County Board of Education of Education of Richmond County believes that all students can learn better in a safe school environment. Behavior that infringes on the safety of students will not be tolerated. Bullying, as defined in Georgia law, of a student by another student is strictly prohibited. Such prohibition shall be included in the Code of Student Conduct and Discipline for all schools within the school system.

Bullying is defined as follows:

An act which occurs on school property, on school vehicles, at authorized school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

1. Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;
2. Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or
3. Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:
 - a. Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;
 - b. Has the effect of substantially interfering with a student's education;
 - c. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
 - d. Has the effect of substantially disrupting the orderly operation of the school.

Reporting

Students, parents, guardians, or other persons who have control or charge of a student, either anonymously or in person, are encouraged to report or otherwise provide information on bullying activity to the school principal or designee

Any teacher or other school employee who, in the exercise of his or her personal judgment and discretion, believes he or she has reliable information that would lead a reasonable person to suspect that someone is a target of bullying should immediately report it to the school principal.

Any report of bullying will be appropriately investigated by the administration in a timely manner based on the nature of the complaint to determine the following:

- a. whether bullying has occurred;
- b. whether there are other procedures related to illegal harassment or discrimination that should be implemented; and
- c. what other steps should be taken.

Discipline

Acts of bullying shall be punished by a range of consequences through the progressive discipline process, as stated in the Code of Student Conduct and Discipline. Such consequences shall include, at a minimum and without limitation, disciplinary action or counseling, as appropriate under the circumstances. However, upon a finding by the disciplinary hearing officer or tribunal that a student in grades 6-12 has committed the offense of bullying for the third time in a school year, the student shall be assigned to an alternative school. Nothing herein shall prohibit the tribunal panel from assigning the student to Tubman Education Center Alternative Program before a third offense of bullying should the circumstances warrant.

Notification of Bullying Offense

Upon a finding by a school administrator that a student has committed an act of bullying or is a victim of bullying, the administrator or designee shall notify the parent, guardian, or other person having control or charge of the student by telephone call or through written notice, which may be done electronically.

General Notification of Bullying Prohibition

Students and parents will be notified of the prohibition against bullying and the penalties for violating the prohibition by posting such information at school and by way of the inclusion of such information in the Code of Student Conduct and Discipline.

Retaliation Prohibited

Under O.C.G.A. § 20-2-751.4, retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Any report of retaliation for reporting bullying will be investigated and addressed as called for in this policy and in accordance with school system procedures.

False Reporting

Any student who knowingly files a false report of bullying, harassment or intimidation shall be punished under existing disciplinary provisions.

Immunity

Any person who reports in good faith an incident of bullying, shall be immune from civil liability for any damages caused by such reporting.

In determining when and how to implement this policy and any procedures related to it, educators exercise their professional judgment and discretion. Therefore, the policy is not to be

construed as imposing ministerial duties on individual employees. Further, it is not intended to interfere with the duties of law enforcement.

Legal Reference: O.C.G.A. § 20-2-751.4, § 16-5-23.1

Adopted: _____