

**Public Notice:
Rhode Island Statewide Bullying Policy
State of Rhode Island and Providence Plantations**

RI Department of Elementary and Secondary Education

Public Notice of Proposed Rule-Making

Pursuant to the provisions of Chapters 16-21-34 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the RI Department of Elementary and Secondary Education, hereby gives notice of its intent to adopt a Statewide Bullying Policy.

The purpose of this regulation is to ensure a consistent and unified statewide policy to the prohibition of bullying at school.

The proposed regulations are available for public inspection in person at the RI Department of Elementary and Secondary Education, 255 Westminster Street, Providence, RI requested by email at Angela.Teixeira@ride.ri.gov or by calling Angela Teixeira at 401-222-8435.

In the development of the proposed Statewide Bullying Policy, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

A public hearing on the proposed regulations will be held on:

Monday, February 6, 2012 – 5:00 p.m.	The Shepard Building 255 Westminster Street or 80 Washington Street Providence, RI 02903	Room 260
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All interested parties are invited to participate in the public hearing and submit written comments concerning the proposed regulations by February 24, 2012. The hearing location is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling Angela Teixeira at 401-222-8435 or RI Relay 1-800-745-5555. Written comments may be submitted to Angela Teixeira at RI department of Elementary and Secondary Education, 255 Westminster Street, Providence, RI 02903, or at Angela.Teixeira@ride.ri.gov or by faxing 401-222-6178.

State of Rhode Island and Providence Plantations

RI Department of Elementary and Secondary Education

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is the draft for public hearing of the proposed Rhode Island Statewide Bullying Policy

RHODE ISLAND STATEWIDE BULLYING POLICY

INTRODUCTION

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in §16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes **that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.**

Pursuant to the provisions of §§42-35-3(a)(3) and (a)(4) of the General Laws of Rhode Island, the following were given consideration in developing the Policy: (1) alternative approaches to the Policy; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business. Based on the available information, no known overlap, duplication or alternative approach was identified.

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1. DEFINITIONS

BULLYING means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

- a. Causes physical or emotional harm to the student or damage to the student's property;
- b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- d. Infringes on the rights of the student to participate in school activities; or
- e. Materially and substantially disrupts the education process or the orderly operation of a school.

The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

CYBER-BULLYING means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author or posted content or messages;
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

AT SCHOOL means:

- a. on school premises,
- b. at any school-sponsored activity or event whether or not it is held on school premises,
- c. on a school-transportation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

2. SCHOOL CLIMATE

Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute (§§16-19-1 and 16-19-2). School staff shall take all reasonable measures to prevent bullying at school. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted. Additionally, students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

3. POLICY OVERSIGHT and RESPONSIBILITY

The school principal, director, or designee shall be responsible for the implementation and oversight of this bullying policy.

The school principal, director, or designee shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying related issues at least twice annually.

For public schools, the prevention of bullying shall be part of the school district strategic plan (§ 16-7.1-2(e)) and school safety plan (§16-21-24).

4. INFORMATION DISSEMINATION

The school principal, director or designee shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians
- b. Included in student codes of conduct, disciplinary policies, and student handbooks
- c. A prominently posted link on the home page of the school /district website

5. REPORTING

The school principal, director or designee shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample *Report Form*).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents /Legal Guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying shall be notified within twenty-four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/legal guardians of the child will be notified immediately by the principal, director or designee.

Responsibility of Staff: School staff, including volunteers, shall report all acts of bullying that come to their attention. School staff who fail to report incidents of bullying shall be subject to disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place are obligated to report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying shall, however, not be subject to discipline for failing to report an act of bullying.

Anonymous Reporting: Reports of bullying or retaliation may be made anonymously, provided however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation will result in the imposition of discipline in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/ legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

6. RESPONSE/INVESTIGATION

The school principal, director or designee shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to any applicable due process procedures, will be imposed.

The investigation will include an assessment by the school psychologist and/or social worker, of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: When bullying involves conduct that violates the law, the police shall be notified. The School Resource Officer may be utilized to mediate bullying situations.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or designee will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, their parent/legal guardian, and staff.
- c. The parents/legal guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

7. DISCIPLINARY ACTION: The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not limited to:

- a. Admonitions and warnings
- b. Parental/Legal Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

8. SOCIAL SERVICES/COUNSELING

Referral to appropriate counseling and or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

9. SOCIAL NETWORKING

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

10. OTHER REDRESS

This section does not prevent a victim of bullying , cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

11. ADOPTION OF POLICY

The governing bodies of all schools approved for the purpose of §§16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

REPORT FORM (SAMPLE)
(Bullying and/or Cyberbullying)

Name: _____ Student ID: _____ Grade: _____

Date: _____ Time: _____ School: _____

Please answer the following questions about this reporting incident:

List the name of the alleged bully, and/or cyberbully. If name is not known, provide any other identifiable information:

Relationship between you and the alleged bully, and/or cyberbully:

Describe the incident: _____

When and where did it happen? _____

Were there any witnesses? yes no If yes, who? _____

Other information, including previous incidents or threats:

Student or parent declines to complete this form: Initial: _____ Date: _____

I certify that all statements made in the complaint are true and complete. Any intentional false statement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signatures:

Student: _____ Date: _____

School official receiving complaint: _____ Date: _____

School official conducting follow-up: _____ Date: _____

This document shall remain confidential