

505.00 BULLYING PROHIBITION

I. PURPOSE

A safe and supportive environment is vital for Saint Paul Public Schools (“the District”) to support academic and social success for all of its students. Students attending school in the District are expected to respect themselves, the learning environment, other students, their parents/guardians, families and all staff. Bullying is strictly prohibited in the District. This policy addresses bullying of students; other policies apply to treatment of employees.

In an effort to provide a safe and positive school culture for all students, it is the District’s intent to:

- Teach, model, and reinforce positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has not been successfully prevented.

II. DEFINITIONS

- A. “Bullying” means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - a. there is an actual or perceive imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; OR
 - b. materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- B. “Cyberbullying” means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site forum, transmitted through a computer, cell phone, or other electronic device.
- C. “Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- D. “Prohibited conduct” means bullying, cyberbullying, and malicious and sadistic conduct as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- E. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.
- F. “Intimidating, threatening, abusive or harming conduct” includes, but is not limited to, conduct that:
 - a. causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;
 - b. violates a student’s reasonable expectation of privacy;
 - c. defames a student;

- d. constitutes intentional infliction of emotional distress against a student;
or
 - e. is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A.
 - f. creates a hostile educational environment for a student, or
 - g. subjects a student to intimidation, ridicule, embarrassment or social isolation.
- G. "Reprisal" means retaliation, intimidation, or any form of intentionally disparate treatment against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying.

III. PROHIBITION

- A. Bullying or cyberbullying against a student, by either an individual or a group, is prohibited in Saint Paul Public Schools.
- B. Reprisals or retaliation by any student or District employee against any person who in good faith asserts, alleges, or reports prohibited conduct or provides information about such conduct are prohibited.
- C. Knowingly making a false report of bullying is prohibited.
- D. Prohibited conduct is prohibited:
 - a. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
 - b. During any school-sponsored or school-sanctioned program, activity, event or trip.
 - c. Using school computers, electronic technology, networks, forums, or mailing lists.
 - d. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or school environment.
- E. This policy applies to individuals who directly engage in an act of bullying, as well as to those individuals who, by their behavior, indirectly support another's act of bullying.
 - a. Employees, volunteers, and contractors of the District shall not allow bullying. Any school employee who witnesses prohibited conduct, or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct, must make reasonable efforts to address and resolve the prohibited conduct.
 - b. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- F. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.
- G. Malicious and sadistic conduct by a school district or school staff member,

independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article III.D above is prohibited.

IV. INVESTIGATIONS

- A. The responsible administrator for implementation of, and questions regarding, this policy in any school building is the building principal, site administrator, or principal's or site administrator's designee.
- B. Any person who believes they have been the victim of bullying or any person with knowledge or belief of conduct, which may constitute bullying, should report the alleged acts immediately, or as soon after the incident as possible.
- C. The responsible administrator shall initiate an investigation into all reports of prohibited conduct within three school days of the report.
- D. Pending the completion of the investigation, the District shall take immediate steps to protect the target, reporter, students, bystanders, and others as necessary and consistent with applicable law.
- E. During the investigation, the individual alleged to have engaged in prohibited conduct will be allowed to present a defense.
- F. Complaints and investigations of bullying shall be documented using Form 415.00.1: Report of Discrimination, Harassment, Violence, Bullying and Other Offensive Behavior. The responsible administrator shall maintain all documentation regarding the complaint and investigation in accordance with procedures created by the Superintendent.
- G. The investigation shall be conducted in accordance with this policy and the procedures created by the Superintendent.
- H. A report of prohibited conduct may be made anonymously. However, the responsible administrator may not rely solely on an anonymous report to determine discipline.
- I. In determining whether a reported incident constitutes bullying, and the appropriate response, the District may take into account all relevant circumstances including, but not limited to, the following factors:
 - a. The age, maturity, and understanding levels of the parties involved;
 - b. The levels of harm, surrounding circumstances, and nature of the behavior;
 - c. Past incidents or past or continuing patterns of behavior;
 - d. The relationship between the parties involved; and
 - e. The context in which the alleged incidents occurred.
- J. Data collected by the District during an investigation is subject to the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act.

V. RESPONSES

- A. When a complaint of prohibited conduct is substantiated, the responsible administrator will consider all available remedial responses and take appropriate action and/or intervention in accordance with the Student Behavior Handbook: Rights and Responsibilities and the procedures created by the Superintendent.
- B. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, the child's individualized education program or section 504 plan will address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.

VI. PUBLICATION, INFORMATION, AND TRAINING

- A. This policy will be publicized through: (1) new employee materials; (2) inclusion in the Student Behavior Handbook: Rights and Responsibilities for Students, Parents, Guardians and Staff; (3) posting on the District's website; (4) provision to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the District; and (5) conspicuous posting in summary form in administrative offices throughout the District.
- B. The District will require ongoing professional development, consistent with the law, to ensure implementation of this policy.
- C. The District will provide information about available community resources to the target of prohibited conduct, the actor, and other affected individuals, as appropriate.

LEGAL REFERENCES:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

CROSS REFERENCES:

102.00 Equal Opportunity/Non-Discrimination
415.00 Harassment, Violence and Other Offensive Behavior
501.00 Hazing Prohibition
506.00 Student Discipline
Student Behavior Handbook: Rights and Responsibilities
520.00 Technology Usage and Safety