

What is Bullying and How is it to be Reported?

1. What is considered bullying?

The Texas Education code defines bullying as follows:

Engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

- 1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or*
- 2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.*

This conduct is considered bullying if it:

- 1. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and*
- 2. Interferes with a student's education or substantially disrupts the operation of a school.*

EXAMPLES Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

2. What is the District's jurisdiction in regard to disciplinary or corrective action for bullying?

The District has disciplinary authority over a student:

1. During the regular school day, while going to and from school on District transportation, and at any time on District property;
2. While participating in or attending any school-related activity, regardless of time or location;
3. For any school-related misconduct, regardless of time or location, including retaliation against a school employee or interfering with a school-related activity;
4. For any mandatory expulsion offense committee while on school property or while attending a school-sponsored or school-related activity or another district in Texas;

5. Who commits any offense, including off-campus felonies, as provided by Education Code 37.006, 37.007, 37.0081, 37.107, or 37.121.
6. Who commits certain offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line; and
7. When the student is required to register as a sex offender.

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such emails, texting, Facebook messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the educational setting.

3. Should my child fear retaliation for reporting bullying?

The District prohibits retaliation by a student or employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

EXAMPLES Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

4. How quickly should bullying be reported and to whom?

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

5. What is the format for reporting bullying?

The District has developed a form for students to use in reporting allegations of bullying (see *Student Report of Alleged Bullying*) which includes important facts necessary for an administrator to conduct a full and proper investigation.

A report may be made orally or in writing. However, the principal or designee shall reduce any oral reports onto the district-created form cited above in order to capture important details for use in the investigation process.

6. Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

7. How will the administrator decide whether the actions reported constitute prohibited conduct defined as bullying or other prohibited conduct?

The principal or designee shall determine whether the allegations in the student report, if proven, would constitute prohibited conduct as defined by Board policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

8. What if investigation does not provide the evidence necessary to classify the allegations in the Student Report of Alleged as bullying or prohibited conduct?

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the administration may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

9. Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the *Discipline Management Plan and Student Code of Conduct*.

10. Corrective Action

Examples of corrective action may include social skills or behavior training for the individuals involved in the complaint, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improving the school climate, increasing staff monitoring areas where bullying has occurred, and reaffirming the District's policy against bullying.

11. What if I disagree with the outcome of the investigation?

A parent or guardian (or a student who is 18 years old or older) who is dissatisfied with the outcome of the investigation may appeal through Board Policy FNG (LOCAL), beginning at the appropriate level. This policy is available in the District's Policy Manual on-line, a copy of the policy and the appropriate form can be obtained at the campus level or from the office of the Assistant Superintendent for Administration, Governance, and Legal Affairs.