**POLICY NAME**

**Anti-Bullying**

Section:

Policy Number: E-6

Effective Date: 12/18/2007

Review Date: April 15, 2021

POLICY

The Governing Council of La Academia de Esperanza (LADE) is committed to providing a safe, respectful and fear-free environment for all members of the school community. This includes all students, staff, parents/guardians, community partners, and visitors. The Council believes that preventing bullying is important in promoting a climate, which helps students learn, achieve high academic standards, and establish a positive educational environment. All participants in the LADE educational community should be aware of the Council’s expectation of a safe school and work environment and should model this in their own behaviors. The Council directs the Head Administrator to establish procedures to implement this policy.

When students are afraid to attend school/classes they cannot learn. Bullying prevention programs can help to provide a safe environment in which teachers can teach and students can learn. When a student is *bullied* their ability to participate in and benefit from the school’s educational programs or activities is adversely affected.

The goal of this policy is to ensure that procedures are in place to prevent bullying and limit its prevalence. Procedures include consequences which apply to everyone involved.

PROCEDURES

LADE believes that providing an educational environment for all students, employees, volunteers, visitors and families free from harassment, intimidation or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying is a form of dangerous and disrespectful behavior that will not be tolerated.

**I. DEFINITIONS**

1. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned event. Bullying includes, but is not limited to hazing, harassment, written, electronic, damage to property, social exclusion, intimidating or menacing acts of a student, which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. Bullying can take place in any social context. Bystanders play a critical role in impacting bullying either positively or negatively.

2. “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.

3. “Disability Harassment” is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services or opportunities in the district.

 Harassment and Disability Harassment include but are not limited to:

* verbal acts, teasing, use of sarcasm, jokes;
* name calling, belittling;
* nonverbal behavior such as graphic or written statements
* conduct that is physically threatening, harmful or humiliating or inappropriate physical restraint by adults

4. “Racial Harassment” consists of physical or verbal conduct relating to an individual’s race when the conduct:

* Has the purpose or effect of creating an intimidating, hostile or offensive academic environment;
* Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or
* Otherwise adversely affects an individual’s academic opportunities.

5. “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:

* when submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
* submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
* conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s education, or creating an intimidating, hostile or offensive educational environment.

6. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:

* any type of physical brutality such as whipping, beating, striking, branding, shocking or placing a harmful substance on the body.
* any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
* any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
* any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
* any activity that causes or requires the student to perform a task that involves a violation of state or federal law or district policies.

**II**. **NOTICE OF PROHIBITION AGAINST BULLYING AND ANTI-BULLYING INTERVENTIONS**

The prohibition against bullying shall be publicized by including the following statement in the student handbook(s) documents:

1. “Bullying behavior” by any student in LADE is strictly prohibited and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Bullying means any repeated and pervasive written, verbal or electronic expression, physical act or gesture or a pattern thereof that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student, which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. Under the circumstances, the result of the behavior will have the effect of:

* placing a student in reasonable fear of physical harm or damage to the student’s property; or
* physically harming a student or damaging a student’s property; or
* insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission and/or the education of any student.

Students and parents/guardians may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.

2. All staff members will receive orientation at the beginning of each school year regarding the anti-bullying policy and their responsibilities regarding such behavior.

3. The anti-bullying policy will be available in the LADE student, staff and parent/guardian handbooks/documents.

**III. REPORTING INTIMIDATION, HARASSMENT OR BULLYING BEHAVIOR**

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the Head Administrator or his/her designee.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required to promptly* notify designated staff.
4. Reports should be completed in writing using the harassment, intimidation, bullying, or hazing complaint form. A copy of this form will be submitted to the Safe Schools coordinator.
5. The Head Administrator or his/her designee is required to accept and investigate all reports of intimidation, harassment or bullying.
6. The Head Administrator or his/her designee is required to notify the parent/guardian of the consequences that result from verified acts of intimidation, harassment, or bullying committed by the student.
7. If any person feels their complaint has not been addressed satisfactorily, they may file a written report directly to the Governing Council.
8. Retaliation is strictly prohibited. This includes, but is not limited to, actions against an individual who orally reports or files a written complaint regarding harassment, intimidation, bullying or hazing. This also includes any action taken against an individual who participates in/or cooperates with an investigation.

9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.

10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.

11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) the school is *required* to notify the parent/guardian of a student who is a bullying victim of the action(s) taken by the school taken to prevent any further acts of bullying.

**IV. INVESTIGATING INTIMIDATION, HARASSMENT OR BULLYING BEHAVIOR**

The Head Administrator or his/her designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student’s history, the context in which the alleged conduct occurred and any other pertinent information will be included in the investigation.

1. The Head Administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying or hazing prior to the investigation taking place.

The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also include other methods or documents deemed relevant by the investigator.

2. The school may take immediate steps to protect the complainant, students, teachers, administrators or other school personnel pending the completion of an investigation.

3. The investigation shall be completed as soon as possible. The investigator shall make a written report to the Head Administrator upon completion of the investigation. If the complaint involves the Head Administrator, the report shall be filed directly with the New Mexico Public Education Department - Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district Safe School Coordinator.

**V. CONSEQUENCES FOR BULLYING**

Verified acts of bullying shall result in intervention by the Head Administrator and his/her designee. Such interventions will be made in alignment with the school’s prohibition against bullying behavior.

1. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying.
2. While conduct that rises to the level of “bullying” as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension or expulsion) is a matter for the professional discretion of the Head Administrator.

**VI. CONSEQUENCES FOR KNOWLINGLY MAKING FALSE REPORTS**

1. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

**VII. ANTI-BULLYING INCLUDED IN HEALTH EDUCATION CURRICULUM**

“Health Education” is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, for all grade levels. All students need to be aware of bullying behavior. In later grades, students should be able to analyze those behaviors and role-play refusal skills.

Our curriculum recognizes the importance of teaching bully prevention skills to all grade levels.

**VIII. THREATS OF VIOLENCE**

1. Threats of violence toward other students, school staff, or facilities is prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
2. All employees and students are required to report evidence of threats of violence to the Head Administrator. Such reports shall be investigated by the Head Administrator or his/her designee. All such reports shall be documented by the Head Administrator.
3. In cases of threats that may constitute a violation of criminal law, the Head Administrator or his/her designee shall notify law enforcement authorities.

4. Students charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due process Hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students, administrators will consult with the Director of Special Education regarding the appropriate process.