

**HOPE for Hyndman Charter School**  
**130 School Drive**  
**Hyndman, PA 15545**

**Board Of Trustees Policy**

**Anti-Bullying Policy**

**Purpose**

The Board of Trustees (“Board”) of HOPE for Hyndman Charter School (“Charter School”) recognizes the importance of providing all students and employees with a safe school and learning environment in order to promote the educational process. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying and cyberbullying, like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and Charter School’s ability to safely educate its students in a safe environment. Therefore, in order to ensure and promote a safe learning environment, it shall be the policy of Charter School to maintain an educational environment that is intolerant of bullying and cyberbullying in any form.

Since students learn by example, school administrators, faculty, staff and volunteers are directed to demonstrate appropriate behavior, treat others with civility and respect and to refuse to tolerate bullying and cyberbullying. This policy pertains to all students and staff, regardless of their status. This policy also applies to all students and staff whose conduct out of school materially and substantially interferes with the educational process at Charter School.

**Definitions**

**Bullying and Cyberbullying** are defined as an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or students;
2. which occurs in a “school setting”, or occurs outside of school and Charter School reasonably forecasted that the outside-of-school conduct would materially interfere with or substantially disrupt the educational process or program in the school, and the outside-of-school conduct does in fact materially interfere with or substantially disrupt the educational process or program in the school;

3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
  - substantially interfering with a student's education;
  - creating a threatening environment; or
  - substantially disrupting the orderly operation of the school.

Bullying and cyberbullying shall encompass acts that occur outside a school setting if those acts meet the requirements found in (1), (3) and (4) listed above.

**School Setting** shall mean in Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on Charter School's server or Charter School's electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student whose out of school conduct materially interferes with or substantially disrupts the educational process in the school is also subject to this policy.

## **Cyberbullying**

Cyberbullying is often seen by sending harmful or cruel material, text messages and/or images or engaging in other forms of social aggression and bullying using the Internet, cell phones, personal digital assistants ("PDAs") or other technology resources.

All students, staff, volunteers and contractors shall comply with Charter School's Acceptable Use and Internet Safety Policy, which is required under the Children's Internet Protection Act ("CIPA"), and review Charter School's Social Media and Networking Guidelines Policy when using any technology resources.

Cyberbullying via the Internet is seen through the use of any one or more of a number of methods, including, but not limited to:

- Email sent to the intended victim;
- Blog entries regarding the intended victim;
- Posts on social networking websites, including, but not limited to, Facebook or MySpace;
- Posting victim's pictures on the Internet or networking websites with derogatory phrases or questions attached to them;
- Using instant messaging tools to harass victims;
- Creating an Internet parody of the intended victim;
- Creating fake Internet profiles for the victim on a public website;
- Creating or accessing an unauthorized website which harasses or bullies the victim;

- Using camera phones and/or digital cameras to take embarrassing or unwanted photographs of students and/or staff and posting them online;
- Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Cell phones are also often used for cyberbullying for things such as calling or text messaging the victim and/or using a victims' cell phone to text or call another victim using harassing language.

The use of the Internet or Charter School email does not necessarily have to involve the creation of the offensive materials. Rather, the person creating the offensive material may do it on a home computer and then use Charter School's computers to take such actions as accessing it, viewing it, displaying it for others to see, disseminating copies of it to others or otherwise publicizing the contents.

Charter School strictly prohibits the above conduct and any conduct by any student or staff that creates or intends to create an intimidating, threatening, offensive or hostile learning environment.

## **Guidelines**

Students shall conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of Charter School, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

Since bystander support of bullying and cyberbullying can bolster these types of behaviors, Charter School prohibits both active and passive support for acts of bullying and cyberbullying. The staff should encourage all students to refuse to engage in these acts and to report them immediately to the Chief Executive Officer ("CEO") of Charter School.

Reporting Procedures Any student who feels he or she has been bullied or cyberbullied shall have the right to file a complaint of such bullying. Complaints should be reported to CEO. Complaints may also be reported directly to a teacher, guidance counselor, or other administrator who shall immediately report the incident to CEO in order to protect the alleged victim and for prompt investigation

Any staff who sees any incidents of bullying or cyberbullying must immediately report the incident(s) to CEO or designated disciplinarian via a discipline referral. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. It shall be the responsibility of the CEO or disciplinarian to investigate promptly and thoroughly any and all bullying and cyberbullying complaints received or referred by other individuals and to make recommendations based upon the investigation. The investigation is to be commenced within three (3) school days after a report of any bullying is received.

The Board of Trustees requires the CEO to be responsible for determining whether an alleged act constitutes a violation of this policy. In determining whether alleged conduct constitutes bullying or cyberbullying, the totality of circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated. If the investigation results in a substantiated charge of the bullying, Charter School shall take prompt corrective action to ensure the bullying and/or cyberbullying ceases and will not reoccur.

Reports to the CEO or disciplinarian may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The CEO shall immediately notify the parent or guardian of the alleged perpetrator of the bullying and the parent or guardian of the victim of the bullying of the alleged incident.

Consequences for Violations Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or cyberbullying may range from positive behavioral interventions up to and including in school or out of school suspension from Charter School or expulsion or other disciplinary removal from Charter School, in the case of a student, or suspension or termination in the case of an employee, as set forth in Charter School's student Code of Conduct or Employee Handbook.

In some cases, bullying and/or cyberbullying may constitute criminal activity and the Police Department will be notified. This may lead to a criminal investigation and criminal charges against the student or staff.

Consequences for a student who commits an act of bullying and/or cyberbullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with Charter School's student code of conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act.

The following intervention strategies for protecting victims may be followed as needed:

- Supervise and discipline offending students fairly and consistently;
- Provide adult supervision at Charter School testing sites or other sites used by Charter School, at any activity sponsored, supervised or sanctioned by Charter School during any breaks, lunch times, bathroom breaks and in the hallways during times of transition;
- Maintain contact with parents and guardians of all involved parties;
- Provide counseling for the victim if assessed that it is needed;
- Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying and/or cyberbullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- Check with the victim daily to ensure that there have been no incidents of retaliation from the offender or other parties.

Retaliation Prohibited The Board of Trustees strictly prohibits retaliation or reprisal against any person who reports bullying and/or cyberbullying incidents. Retaliation includes, but it is not limited to, any form of intimidation, reprisal or harassment used against a person who reports, in good faith, incident(s) of bullying and/or cyberbullying. Disciplinary action against any person who retaliates or engages in reprisals for reporting such behavior(s) may include sanctions up to and including expulsion or suspension for students and termination for staff engaging in such prohibited conduct. The consequences and appropriate remedial action shall be determined after consideration of the nature, severity, and circumstances of the act.

False Accusations The Board of Trustees prohibits any person from falsely accusing another of bullying and/or cyberbullying. The consequences and appropriate remedial action for a student found to have falsely accused another of bullying and/or cyberbullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for an employee found to have falsely accused another of bullying and/or cyberbullying shall be disciplined in accordance with Charter School policies, procedures, and agreements.

Annual Distribution of Information The Board of Trustees requires Charter School officials to annually disseminate the policy to all school staff, students, volunteers, independent contractors and parents along with a statement explaining that it applies to all applicable acts of bullying and cyberbullying that occur in Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and/or technology, on Charter School's server or Charter School's electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student or staff's out of school conduct that materially and substantially interferes with the educational process in Charter School is also subject to this policy.

Charter School is required to post this policy on its website and make the policy available in every classroom. This policy shall also be posted at a prominent location within every Charter School building where such notices are usually posted. Charter School shall ensure this policy and its procedures for reporting bullying and cyberbullying incidents are reviewed with students and staff within ninety (90) days after its adoption and, thereafter, a minimum of one (1) time per school year.

Compliance As required by the Federal Broadband Data Improvement Act of 2008, Charter School shall educate elementary and secondary school aged students with computer access to the Internet about appropriate online behavior, including online interaction with other individuals on social networking websites, such as Facebook and MySpace, and in chat rooms and educate them regarding cyberbullying awareness and response.

The Board of Trustees directs the Administration to develop any procedures necessary to implement this policy and to develop appropriate prevention, intervention and education strategies related to bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited by and a violation of Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying, including, but not limited to, the requirements delineated in the Pennsylvania Charter School Law, 24 P.S. § 1701-A, *et seq.*, the Federal Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h) and (l), and the Neighborhood Children's Internet Protection Act (N-CIPA) and any applicable implementing regulations.

Charter School will also comply with Chapter 711 of Title 22 of the Pennsylvania Code, the Public School Code, the applicable House Bill 1067 Public School Code amendments relating to safe schools and bullying, and applicable provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and its applicable implementing regulations regarding the discipline of special education students and thought-to-be eligible students who engage in an act of bullying.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO  
CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL  
LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER  
CONTROL.**

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2012

President

Secretary

APPROVED 9/20/12  
Anti-Bullying Policy

Latsha Davis & McKenna, P.C.  
Attorney Client Privilege