

7:180 Prevention of and Response to Bullying, Intimidation and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important Orchard Academy goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is **prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school vehicles, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a non-school related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by Orchard Academy if the bullying causes a substantial disruption to the educational process or orderly operation of the school. This paragraph (item #4) applies only when the Director and/or Principal or teacher receives a credible report that bullying through this means has occurred; it does not require staff members to monitor any non-school-related activity, function, or program.

Definitions from **Section 27-23.7** of the School Code (105 ILCS 5/27-23.7)

Bullying includes cyber-bullying and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, as defined in 105 ILCS 5/27- 23.7, may take various forms, including without limitations one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Cyber-bullying, as defined in 105 ILCS 5/27- 23.7, is bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyber-bullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying. *Cyber-bullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying* in [105 ILCS 5/27- 23.7(b)].

- i. Prohibition on Cyberbullying. Bullying is prohibited through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any non-school-related activity, function, or program.
- ii. The Process to Determine if an Incident is Within the Scope of the Policy. 105 ILCS 5/27- 23.7 also requires that a district's bullying policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction. Also, shall require that the district or school provide the victim with information regarding services that are available within the district and community; such as counseling, support services, and other programs.

Restorative measures, means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that:

- i. are adapted to the particular needs of the school and community,
- ii. contribute to maintaining school safety,
- iii. protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society,
- iv. serve to build and restore relationships among students, families, schools, and communities, and
- v. reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

School personnel means persons employed by, on contract with, or who volunteer in a school, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying Prevention and Response Plan

The Director and/or Principal shall develop and maintain a bullying prevention and response plan that advances Orchard Academy's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. Orchard Academy uses the definition of bullying as provided in this policy.
2. Bullying is contrary to State law and the policy of Orchard Academy. However, nothing in Orchard Academy’s bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the [First Amendment to the U.S. Constitution](#) or under [Section 3 of Article I of the Illinois Constitution](#).
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Director and/or Principal or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the Director and/or Principal or any staff member. Anonymous reports are also accepted.

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4. Consistent with federal and State laws and rules governing student privacy rights, the Director and/or Principal shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Director and/or Principal shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
 - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the student’s home school District of the reported incident of bullying as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Director and/or Principal or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Director and/or Principal shall investigate whether a reported incident of bullying is within the permissible scope of the Orchard Academy’s jurisdiction and shall require that Orchard Academy provide the victim with information regarding services that are available within the student’s home school District and community, such as counseling, support services, and other programs.

6. The Director and/or Principal shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, and community-based services.

7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. A student's act of reprisal or retaliation will be treated as bullying for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the Orchard Academy's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
9. Orchard Academy's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Director and/or Principal shall post this policy on the Orchard Academy's Internet website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must also be distributed annually to parents/guardians, students, and school personnel, including new employees when hired.
11. The Director and/or Principal shall assist the Board of Directors with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Director and/or Principal must post the information developed as a result of the policy evaluation on Orchard Academy's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parent(s)/guardian(s), and students.

12. The Director and/or Principal shall fully implement the Board policies, including without limitation, the following:
 - a. 2:260, Uniform Grievance Procedure. A student may use this policy to complain about bullying.
 - b. 2:265, Title IX Sexual Harassment Grievance Procedure. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
 - c. 6:60, Curriculum Content. Bullying prevention and character instruction is provided in all grades in accordance with State law.
 - d. 6:65, Student Social and Emotional Development. Student social and emotional development is incorporated into Orchard Academy's educational program as required by State law.
 - e. 6:235, Access to Electronic Networks. This policy states that the use of Orchard Academy's electronic networks is limited to:
 1. Support of education and/or research, or
 2. A legitimate business use.

- f. 7:20, Harassment of Students Prohibited. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
- g. 7:185, Teen Dating Violence Prohibited. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
- h. 7:190, Student Discipline. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
- i. 7:310, Restrictions on Publications. This policy prohibits students from and provides consequences for:
 1. Accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and
 2. Creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

Any student who is determined, after an investigation, to have engaged in bullying in violation of this policy, and the bullying behavior is within the scope of the school’s jurisdiction, will be subject to disciplinary action, including, but not limited to, suspension and/or expulsion consistent with Orchard Academy’s and the student’s home school District’s discipline policy; and/or school board review.

Consistent with rules governing student privacy rights, the parent(s)/guardian(s) of every student involved in an alleged incident of bullying shall be promptly informed and made aware of the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

A reprisal or retaliation against any person who reports an act of bullying is prohibited. A student’s act of reprisal or retaliation will be subject to disciplinary action, including, but not limited to, suspension and/or expulsion consistent with Orchard Academy’s and the student’s home school District’s discipline policy; and/or school board review.

A student will not be punished for reporting bullying or supplying information, even if Orchard Academy’s or the student’s home school District’s investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.

LEGAL REF.:

405 ILCS 49/, Children’s Mental Health Act.
 105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
 23 Ill.Admin.Code §§1.240 and §1.280.

CROSS REF.:

2:260 (Uniform Grievance Procedure)
 2:265 (Title IX Sexual Harassment Grievance Procedure)
 4:170 (Safety)
 5:230 (Maintaining Student Discipline)
 6:60 (Curriculum Content)

6:65 (Student Social and Emotional Development)
6:235 (Access to Electronic Networks)
7:20 (Harassment of Students Prohibited)
7:185 (Teen Dating Violence Prohibited),
7:190 (Student Discipline)
7:220 (Bus Conduct)
7:230 (Misconduct by Students with Disabilities)
7:240 (Conduct Code for Participants in Extracurricular Activities)
7:285 (Food Allergy Management Program)
7:315 (Restrictions on Publications: High School)

ADOPTED: October 11, 2016

REVISED: June 21, 2021