

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/Principal or Assistant 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 cyberbullying 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.

Cyberbullying, as defined in 105 ILCS 5/27- 23.7, means 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.

Cyberbullying 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. *Cyberbullying* 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)].

This policy is consistent with subsection (a-5) of 105 ILCS 5/27-23.7 of the School Code. Bullying is contrary to State law and the policy of Orchard Academy and is consistent with subsection (a-5). Nothing in this Section B 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 United States Constitution or under Section 3 of Article I of the Illinois Constitution.

Prohibition on Cyberbullying. Bullying is prohibited 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 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.

The Process to Determine if an Incident is Within the Scope of the Policy. 105 ILCS 5/27- 23.7 also requires that a school's/district's bullying policy or implementing procedure shall include a process to investigate whether a reported act of alleged 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,
- v. Serve to build and restore relationships among students, families, schools, and communities, and
- vi. Reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and
- vii. Increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

School personnel means persons employed by, on contract with, or who volunteer in a school, including without limitation school and school 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/Principal and/or Assistant 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/Principal and/or Assistant 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/Principal and/or Assistant Principal or any staff member. Orchard Academy named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Diona Lewis Director/Principal, OA
 847-967-1800 x 130
Nancy_otter@orchardvillage.org
 7669 N. Marmora Ave
 Skokie, Illinois 60077

Kenneth Kozin, Assistant Principal, OA
 847-967-1800 x 131
ken_kozin@orchardvillage.org
 7669 N. Marmora Ave
 Skokie, Illinois 60077

5. Consistent with federal and State laws and rules governing student privacy rights, the (1) bullying for purposes of determining any consequences or other appropriate remedial actions; or (2) misconduct that can result in suspension or expulsion for a student.
4. Director/Principal and/or Assistant Principal shall promptly inform the parent(s)/guardian(s) of all students involved in an alleged incident of bullying shall be promptly informed of the incident and the alleged involvement of their student. As appropriate, the potential availability of social work services, social-emotional skill building, counseling, school psychological services, other interventions, and restorative measures shall be shared with the parent/guardian.
5. The Director/Principal and/or Assistant Principal shall promptly investigate and address reports of alleged bullying, include the following:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of alleged bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported alleged 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. The Director/Principal or Assistant Principal will notify the student's home school District of the reported incident of alleged bullying as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Director/Principal or Assistant Principal or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported alleged incident of bullying.

The Director/Principal or Assistant Principal shall investigate whether a reported incident of alleged 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/Principal or Assistant Principal shall use interventions and restorative measures 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 (which does not include denial or disagreement, civilly stated) against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be treated as bullying for purposes of determining any consequences or other appropriate remedial actions. The person will be subjected to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to student's consistent with Orchard Academy's and the student's home school District's discipline policy; and/or school board review.
8. A student/staff member will not be punished for reporting alleged bullying or supplying information in good faith, even if Orchard Academy's investigation concludes that no bullying occurred. However, a person who knowingly or recklessly is found to have falsely accused another of bullying, as a means of retaliation, or provided false information will be treated as (a) bullying for purposes of determining any consequences or other appropriate remedial actions; or (b) misconduct that can result in suspension or expulsion for a student.
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/Principal or Assistant Principal shall post this policy on Orchard Academy's 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 be distributed annually to parents/guardians, students, and school personnel, including new employees when hired, and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and policy 2:240, Board Policy Development, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Director/Principal or Assistant Principal shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. 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 Orchard Academy already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- a. An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- b. If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or

- c. A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Director/Principal or Assistant Principal must post the information developed as a result of the policy re-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, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Orchard Academy staff will be expected to:(1)intervene immediately to stop an alleged bullying incident that they witness or immediately contact the Director/Principal or Assistant Principal, and if neither are available the Senior Director of Programs, and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report alleged bullying, whether they witness it or not, to the Director/Principal or Assistant Principal, and (3) inform the Director/Principal or Assistant Principal of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.
13. The Director/Principal or Assistant 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 Behavior. 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.

LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-22.6(b-20) 5/24-24, and 5/27-23.7.
405 ILCS 49/, Children's Mental Health Act.
23 Ill.Admin.Code §§1.240, §1.280, and 1.295.

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

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