

CAPITAL AREA  
 SCHOOL FOR THE  
 ARTS CHARTER  
 SCHOOL (CASA  
 CHARTER SCHOOL)

SECTION: PUPILS  
 TITLE: BULLYING/  
 CYBERBULLYING  
 ADOPTED: 6/10/2013  
 REVISED: 6/20/2022

249. BULLYING/CYBERBULLYING	
1. Purpose	<p>The Capital Area School for the Arts Charter School Board of Trustees (Board) is committed to providing all students with a safe, healthy, and civil school environment in which all members of the school community are treated with mutual respect, tolerance, and dignity. CASA Charter School recognizes that bullying interferes with the learning process, and may present an obstacle to the academic, vocational, and social/emotional development of students.</p>
2. Authority SC Article XVII - A	<p>This policy is in effect while students are on property within jurisdiction of CASA Charter School; while on school-contracted or school-operated vehicles; and while attending or engaged in school-sponsored activities. Students who file a bullying complaint or who have assisted or participated in any manner in a bullying investigation may not be retaliated against.</p> <p>Anyone who engages in bullying or cyber bullying in violation of this policy shall be subject to appropriate discipline.</p>
3. Definitions SC 1303.1-A	<p><b>Bullying and Cyberbullying</b> shall mean an intentional electronic, written, verbal or physical act, or series of acts:</p> <ol style="list-style-type: none"> <li>1. directed at another student or students.</li> <li>2. which occurs in a “school setting” or occurs outside-of-school and the Charter School reasonable forecasts that the outside-of-school conduct would materially interfere with or substantially disrupt the educational process or program in the school.</li> <li>3. that is severe, persistent or pervasive.</li> <li>4. that has the effect of doing any of the following:                     <ol style="list-style-type: none"> <li>a. substantially interfering with a student’s education.</li> <li>b. creating a threatening environment.</li> <li>c. substantially disrupting the orderly operation of the school.</li> </ol> </li> </ol>

<p>SC 1303.1-A</p>	<p>d. embarrassing, humiliating, intimidating, or otherwise harassing.</p> <p>Bullying and cyberbullying shall encompass acts that occur outside of a school setting if those acts meet the requirements found in (1), (3), and (4) listed above.</p> <p><b>School setting</b> shall mean in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on the Charter School’s server or the 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 the 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.</p> <p><b>Bullying</b>, as defined in this policy, includes cyber bullying. <b>Cyberbullying</b> is defined as using the Internet, cell phones or other electronic devices to send or post text or images that result in any of the above described issues.</p> <p><b><u>Cyberbullying</u></b></p> <p>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 the Charter School’s Acceptable Use and Internet Safety Policy, which is required under the Children’s Internet Protection Act (“CIPA”), and review the Charter School’s Social Media and Networking Guidelines Policy when using any technology resources.</p> <p>Cyberbullying via the Internet is seen with any one or more of a number of methods, including, but not limited to:</p> <ul style="list-style-type: none"><li>• Email sent to the intended victim;</li><li>• Blog entries regarding the intended victim;</li><li>• Posts on social networking websites, including, but not limited to, Facebook or Twitter;</li><li>• Posting victim’s pictures on the Internet or networking websites with derogatory phrases or questions attached to them;</li><li>• Using instant messaging tools to harass victims;</li><li>• Creating an Internet parody of the intended victim;</li><li>• Creating fake Internet profiles for the victim on a public website;</li><li>• Creating or accessing an unauthorized website which harasses or bullies the victim;</li></ul>
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<p>4. Delegation of Responsibility</p>	<ul style="list-style-type: none"><li>• Using camera phones and/or digital cameras to take embarrassing photographs of students and/or staff and posting them online;</li><li>• Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.</li></ul> <p>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.</p> <p>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.</p> <p>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.</p> <p>This policy shall be implemented through the cooperative efforts of the Principal, school staff members, parents/guardians, regional police and state police, and the CASA Charter School community.</p> <p>Each staff member shall be responsible for maintaining an educational environment free from bullying. Staff members who observe or become aware of an act of bullying shall take immediate, appropriate steps to intervene unless the intervention would be a threat to staff members' safety. In that case, or if the bullying persists, s/he shall report the bullying to the CASA Charter School administrator for further investigation. This investigation may include interviews with students, parents/guardians, and school staff; review of school records; and any other appropriate means of investigation.</p> <p>Each student shall be responsible in respecting the rights of his/her fellow students, to ensure the rights of his/her fellow students, and to ensure an atmosphere free from all forms of bullying.</p> <p>The Board expects that students and parents/guardians who become aware of an act of bullying shall report it to a school official (usually the principal) for further investigation. Any student who retaliates against another person for reporting bullying, intimidation and/or physical assault shall be subject to further disciplinary action.</p> <p>Students shall be informed about the policy. The policy shall be posted at a prominent location within each school building where such notices are usually posted. Each staff member shall ensure that the policy and procedures for reporting</p>
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<p>5. Guidelines</p>	<p>bullying incidents are reviewed with students within ninety (90) days after the adoption of this policy and thereafter at least once each school year.</p> <p>The Principal shall review this policy every three (3) years and recommend necessary revisions to the Board.</p> <p>The CASA Charter School administration shall annually provide the following information with the Safe School Report:</p> <ol style="list-style-type: none"><li>1. Board's Bullying Policy.</li><li>2. Report of bullying incidents.</li><li>3. Information on the development and implementation of any bullying prevention, intervention or education programs.</li></ol> <p>The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.</p> <p>This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the intermediate unit web site, if available.</p> <p><u>Preventive Measures</u></p> <p>A copy of this policy will be included in the student handbooks annually. Teachers, counselors, specialists, and school administrators will routinely discuss bullying with students and will provide appropriate examples and instruction to assist students with recognizing, identifying, and reporting bullying incidents. All students shall be informed that bullying will not be tolerated in any form. All students shall be encouraged to report any bullying regardless of whether they are the victim or an observer.</p> <p>When an investigation substantiates that bullying has occurred, the principal shall inform staff who work with the offending student and the victim about the bullying so that those staff can more closely monitor for future incidents of bullying. The primary purpose of such action is to protect the victim and deter such behavior in the future. The disciplinary action imposed on the offender will match the severity of the offense. Since bystander support of bullying can bolster inappropriate behaviors, the school prohibits both active and passive support for acts of bullying. The staff should encourage all students to walk away from these acts when they see them and to report them to the Principal of the school.</p>
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Reporting Procedures

*Victims* – All students who believe they have been the victim of bullying shall promptly report the bullying incident to a teacher, counselor, or administrator.

*Parents/Guardians* – All parents/guardians who become aware of any bullying are encouraged to report the bullying incident(s) to a CASA Charter School administrator.

*Witnesses* – All students who witness bullying shall immediately report the bullying incident(s) to a teacher, counselor, or administrator. Any teacher, counselor or administrator who witnesses bullying shall immediately intervene and take appropriate action to stop the bullying.

*Teachers/Counselors* – Any teacher/counselor who witnesses bullying or receives a report of bullying shall document such incident and promptly investigate the matter. Administrators shall seek to discuss the bullying incident(s) with the victim in a place where the victim feels secure. The initial discussion with the victim shall not take place where the victim feels secure. The initial discussion with the victim shall not take place in the presence of the offending student(s). If more than one (1) student is involved in perpetrating the bullying, the administrator shall talk to each of the offending students separately. After the investigation has been completed, the CASA Charter School administrator shall take appropriate actions consistent with this policy.

Investigations into a report are to begin within three (3) days after the report is received.

Disciplinary And Other Action

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Exclusion from school-sponsored activities.
5. Detention.
6. Suspension.

7. Expulsion.
8. Counseling/Therapy outside of school.
9. Referral to law enforcement officials.

If an investigation substantiates that bullying has occurred, a written record of the incident shall be placed in the file of the offending student(s). CASA Charter School recognizes that parents/guardians can play an important role in educating their children and preventing bullying. Accordingly, the parents/guardians of each offending student shall be informed of any bullying incidents involving their child. Parents/Guardians of the offending students will be encouraged to attend one (1) or more conferences with an administrator to review the bullying behavior and cooperative strategies for correcting it. The principal shall also inform the victim's parents/guardians of any and all bullying incidents involving their child.

Disciplinary action shall be in accordance with the Board approved discipline policy. If the investigation has determined that the conduct rises to the level of a crime, disciplinary action may also include referral to law enforcement officials. In addition to imposing any disciplinary action, the administrator will discuss the bullying behavior with the offending student and the parent/guardian and review why the behavior is in appropriate.

In some circumstances, mediation may be used as a viable alternative or in addition to disciplinary action when addressing a first offense of bullying. The administrator shall consider the nature and sensitivity of the offense in determining whether mediation is appropriate. Mediation shall not be used without the consent of the victim and their parent/guardian, or where the administrator has a concern about retaliation being perpetrated against the victim. Victims shall not be pressured into participating in mediation. The CASA Charter School Board of Trustees recognizes that a severe imbalance exists between the victim and the bully and that this imbalance can make mediation an intimidating situation for the victim.

All incidents of confirmed bullying, including those that are mediated, shall be recorded in writing and placed in the offending student's discipline file. The Board prohibits reprisal or retaliation against any person who reports an act of bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act. The Board prohibits any person from falsely accusing another of bullying. The consequences and appropriate remedial action for a student found to have falsely accused another of bullying might range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another of bullying should be disciplined in accordance with school policies, procedures, and

agreements.

The penalties and prohibitions in this policy are in addition to, and do not replace or supersede, any related provisions in district policy prohibiting conduct such as harassment, violence, assault, or hazing.

Disabled Students

For those students who meet the disability definitions of IDEA and/or Section 504, both Section 504 and Title II protect these disabled students from bullying or hazing by teachers, other school employees, and third parties. Such prohibited behavior can trigger a school's obligation to address disability-based harassment, remedy a denial of a free and appropriate public education ("FAPE"), or both. The U.S. Department of Education's Office of Civil Rights ("OCR") would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied or hazed based on a disability; (2) the bullying or hazing is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying or hazing; and (4) the school does not respond appropriately.

Confidentiality

CASA Charter School recognizes that both the complaining student and the alleged bully/extorter have a strong interest in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with Family Educational Rights and Privacy Act (FERPA) and any discovery or disclosure obligations. As limited by FERPA protections, the administrator may inform the complaining student/parents/guardians of the outcome of the investigation.

Compliance

Charter School shall ensure this policy and its procedures for reporting bullying, cyberbullying and hazing 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.

As required by the Federal Broadband Data Improvement Act of 2008, the 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 Twitter, 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 the Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

The Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying and hazing, 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 and the PA Anti-Hazing Law (P.L. 1595, No.175).

The 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.

Specifically, with regard to the PA Safe Schools Act, Charter School administration shall annually provide the following information with the Safe School Report

1. Board's Anti-Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

**Training**

To ensure bullying does not occur on school campuses, the Charter School will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.



<p>20 U.S.C. Sec. 1232g</p>	<p><b>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.</b></p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1302-A, 1303.1-A, Article XVII - A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.3</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p>
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