



## **Bullying Policy**

Bullying and cyberbullying are strictly prohibited. This Policy covers conduct that takes place at Health Leadership High School, on School property, and at School-sponsored functions and activities. This Policy also pertains to usage of electronic technology and electronic communication that occurs in the School, on School property, at School-sponsored functions and activities and on School computers, networks, forums, and mailing lists.

### I. Definitions.

- A. "Bullying" means any severe, pervasive or persistent act or conduct that targets a student, whether physically, electronically or verbally, and that:
  - 1. may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic; or on an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and
  - 2. can be reasonably predicted to:
    - a. place a student in reasonable fear of physical harm to the student's person or property;
    - b. cause a substantial detrimental effect on a student's physical or mental health;
    - c. substantially interfere with a student's academic performance or attendance; or
    - d. substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by an agency, educational institution or grantee;
- B. "Cyberbullying" means any bullying that takes place through electronic communication;
- C. "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, electronic tablet, pager or video or audio recording;
- D. "Gender identity" means a student's self-perception, or perception of that student by another, of the student's identity as a male or female based upon the student's appearance, behavior or physical characteristics that are in accord with or opposed to the student's physical anatomy, chromosomal sex or sex at birth;
- E. "Physical or cognitive disability" means a physical or cognitive impairment that substantially limits one or more of a student's major life activities;
- F. "Progressive discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior.
- G. "Regular volunteers" means those persons, including relatives of students, who commit to serve on a regular basis at a school district, charter school, or other educational entity without compensation.
- H. "Sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

### II. Policy.

- A. This Policy and these Procedures for reporting incidents of bullying and cyberbullying are designed to ensure safety to those reporting bullying or cyberbullying incidents, as well as protection from reprisal,

retaliation, or false accusation against victims, witnesses, or others with information regarding a bullying or cyberbullying incident. Retaliation or threats of retaliation meant to intimidate the victim of bullying or harassment or toward those investigating the incident will not be tolerated and will be subject to disciplinary action.

- B. As part of this Policy, as well as the School's ongoing commitment to providing a safe school for all students the School will
  - 1. Develop a student safety support plan for students who are targets of bullying that addresses safety measures the School will take to protect targeted students against further acts of bullying,
  - 2. Establish an annual bullying prevention program for students included in New Mexico's health education content standards with benchmarks and performance standards,
  - 3. Provide annual training beginning with the 2020-2021 school year and each school year thereafter on bullying prevention to all school personnel and regular volunteers who have significant contact with students, and
  - 4. Incorporate information on the bullying prevention policy into new employee training.

### III. Procedure.

#### A. Student Reports

- 1. A student may report bullying or cyberbullying of his or herself or another or retaliation for such reporting to any adult member of the School community with whom that student feels safe to do so and may do so either in writing or orally.
- 2. A student may do this reporting in the student's preferred language.
- 3. If the Report was made to any adult other than the Head Administrator that adult shall then relay the Report to the Head Administrator immediately.
- 4. The Head Administrator or her designee shall then investigate the Report as detailed below.

#### B. Staff Reports

- 1. Any staff member, whether independent contract or employee, shall report any incident of bullying or cyberbullying or retaliation for such reports to the Head Administrator or her designee immediately and in no circumstances more than two school days after the staff members receives the report of or witnesses the bullying or cyberbullying.
- 2. The staff member shall not discipline the student for the incident but instead must report the incident to the Head Administrator or her designee for investigation.

#### C. Parental Reports.

- 1. Parental Reports alleging bullying or harassment may be filed with the Head Administrator.
- 2. A Parental Report may also be filed anonymously via the Anonymous Reports procedure below.

#### D. Anonymous Reports.

- 1. Bullying and cyberbullying may be reported anonymously.
- 2. This may be done by the student or someone delegated by the student placing an unsigned report into the Head Administrator's mailbox in the Administration Office.
- 3. Disciplinary action cannot be taken solely based on an anonymous report.
- 4. Anonymous reports will be investigated with the same procedure as other reports and disciplinary action can occur based on the results of the investigation.

#### E. Investigation

- 1. The Head Administrator or her designee shall investigate and/or supervise the investigation of all reports of violations of this Policy and ensure that such investigations are completed promptly after the receipt of any report or complaint made under the Safe Schools for All Students Act.
- 2. This investigation may include
  - a. Written statements and/or interviews with witnesses to the incident(s),
  - b. Review of any media available of the incident including school security cameras, and
  - c. Any other relevant and lawful evidence available.
- 3. The Head Administrator shall notify the parents or legal guardian of the student alleged to have committed an act of bullying and the parents of the students targeted by the alleged act; provided that if the Administrator believes, in the Administrator's professional capacity, that

notifying the parents would endanger the health or well-being of a student, the Administrator may delay such notification as appropriate. This notification may include:

- a. Details about the alleged incident,
- b. Results of the investigation by the Head Administrator or her designee, and
- c. Consequences for any report that is substantiated.
- d. This notification shall be in writing and may also be made orally.

F. Appeal

1. Any student accused of bullying or a student who is the target of bullying who is not satisfied with the outcome of the initial investigation shall have the right to appeal that outcome to the Head Administrator.
2. Unless excepted by Section F(3) below this appeal shall take the form of a family meeting between the Head Administrator, the student, and the student's parent(s) or legal guardian(s).
3. A student who has been disciplined by long-term suspension or expulsion shall have all rights afforded to them under any applicable law.

IV. Consequences

- A. Consequences shall include progressive discipline approaches that can result from an identified incident of bullying that are designed to:
  1. Appropriately correct the bullying behavior,
  2. Prevent another occurrence of bullying or retaliation, and
  3. Protect the target of the bullying.
- B. Consequences may include:
  1. Family meetings, referral(s) to services, and restorative justice practices,
  2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior,
  3. Counseling,
  4. Anger management,
  5. Health counseling or intervention,
  6. Mental health counseling,
  7. Participation in skill-building, and
  8. Resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing,
  9. Community service, and
  10. In-school detention or suspension, which may take place during lunchtime, after school or during weekends
- C. The consequences may be unique to the individual incident and varied in method and severity based on:
  1. The nature of the incident,
  2. The developmental age of the student who is bullying, and
  3. Any history of problem behavior from the student who is bullying.
- D. For cyberbullying incidents, the School shall use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the School.

V. Dissemination and Publication.

- A. The School shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages for any School in which a substantial portion of the student population speaks a language other than English at home.
- B. The School shall document reports and investigations of bullying and shall maintain those records for no less than four years.
- C. The School shall report aggregate incidents of bullying and incidents of harassment under any applicable federal or state law, along with responses to these incidents, and report this information annually to the Public Education Department in the form required by the applicable law or Department.

- D. This publication plan for this Policy shall include
  - 1. Making the Policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on the School's website;
  - 2. That the point of contact for bullying-related concerns is the Head Administrator or her designee; and
  - 3. That parents and students shall be informed about this Policy at least annually through the School's student handbooks and other resources.

VI. Reporting to the Department.

- A. Beginning with the 2020-2021 school year, the School shall annually submit the following to the department in a method prescribed by the Public Education Department and in a timeframe determined by the Department:
  - 1. A status report on the implementation of the provisions of the Act and accompanying Rule,
  - 2. Data elements on the implementation of this rule including:
    - a. the aggregate number of bullying incidents of students within School;
    - b. the aggregate number of harassment incidents of students within the School; and
    - c. the corresponding responsive action or disposition taken by the School, by type of action, for each bullying incident of a student and for each harassment incident of a student.
- B. The School shall include, in its reporting, when known, a tabulation of the number of bullying incidents of students and the number of harassment incidents of students associated with each of the following actual or perceived distinguishing characteristic:
  - 1. Race,
  - 2. Color,
  - 3. National origin,
  - 4. Ancestry,
  - 5. Sex,
  - 6. Sexual orientation,
  - 7. Gender identity,
  - 8. Spousal affiliation,
  - 9. Physical or cognitive disability, or
  - 10. An association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics.
- C. The School and the Department shall observe and comply with Family Educational Rights Privacy Act (FERPA) in this reporting.

VII. Updating this Policy and Procedures.

This Policy and these Procedures may from time to time be updated by the School should new guidance from any applicable agency, department, or any new law be issued.