

# **A Guide to Positive School Discipline**

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**Safe and Healthy Schools Division**  
**(802) 828-4790**

## Introduction

In 1999 former Commissioner of Education Marc Hull convened a group of Vermont educators and parents to create a set of guidelines aimed at addressing the emotional and behavioral needs of Vermont students. Since that time Vermont has seen an intense focus on the area often referred to as “school climate.” Likewise, during the 1999 legislative session, the Department of Education added a school quality standard as follows: “The school maintains a safe, orderly, civil and positive learning environment, which is free from hazing, harassment and bullying, and based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced”.

Shortly thereafter, and in recognition of the needs of our schools, the Department of Education established a Safe Schools team as part of its reorganization. Members of the Safe Schools Team found themselves responding to school-based incidents of bullying, harassment and other issues related to the affective needs of students. The team quickly recognized the critical importance of making prevention a priority of its overall mission.

Realizing that schools struggle with maintaining a balance between their immediate needs for intervening in incidents of challenging student behavior and longer term efforts at preventing such behaviors, we offer this resource guide. In doing so we synthesized several previously published Vermont Department of Education documents aimed at helping schools strengthen their approaches to discipline and school climate. The documents are as follows:

- *Preventing and Responding to School Disruption and Violence* (1998);
- *The Pyramid of School Discipline* (1999);
- *Restrictive Behavioral Intervention Model Policy* (2001); and
- *Guidelines for Discipline Plan Development* (2003).

We have also added a chapter pertaining to bullying and harassment, including a review of two statutes enacted in the 2004 legislative session. The laws on bullying and harassment are reviewed in Chapter IV, along with related strategies and resources for school staff, students and parents.

Vermont’s schools are the safest in the nation. However, even their excellence is occasionally interrupted with low-level chronic student aggression, disruption, and other factors that negatively impact school climate. Through our collaborative efforts we can overcome these barriers to student achievement. We dedicate this publication to all Vermont’s educators, parents and students who have joined in this significant endeavor.

Richard Boltax  
Co-Director, BEST Project  
[richardboltax@education.state.vt.us](mailto:richardboltax@education.state.vt.us)  
(802) 828-5125

Ron Rubin  
Safe Schools Consultant  
[ronrubin@education.state.vt.us](mailto:ronrubin@education.state.vt.us)  
(802) 828-4790

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# **I. Creating a Well-Disciplined School**

## I. Creating a Well-Disciplined School

### **Overview**

A clearly articulated, proactive system of school discipline provides the foundation for addressing student behavior. Positive school discipline reflects policies and practices that support the appropriate school structure and climate for students to progress academically. From the student who needs a high level of external behavioral controls to the student who possesses self-discipline, a well-disciplined school benefits all.

This part of the Guide outlines the “essentials” for creating a well-disciplined school. The information offered has been culled from research and experience and is based on the assumption that all of our schools are moving along a continuum. At one end we find disruption; toward the end-point we experience stability and control; and at the far end we achieve a climate of genuine self-discipline.

### **Values, Beliefs, and Attitudes for Effective Discipline**

School communities successful in managing student behavior and building self-discipline act upon specific values, beliefs and attitudes. These values, beliefs and attitudes pervade the school environment, drive decision-making and are constantly reinforced. They include the following:

1. There are no easy answers.
2. Almost all behavior communicates basic human needs and purposes.
3. Only when we build relationships can we nurture students’ capacity to develop constructive, life-affirming values upon which they can base their behavior.
4. Belonging, mastery, independence and generosity define social and mental health.<sup>1</sup>
5. School communities that value and integrate belonging, mastery, independence and generosity into all activities provide a strong foundation for school discipline.
6. Discipline should be viewed as a set of skills to be learned, an opportunity to solve problems and to build community with students and families, rather than as an opportunity to do something to people for the sake of control and compliance.
7. Prevention of challenging behavior is emphasized. It is stressed even as intervention strategies are used.
8. Meeting the needs of discouraged, at-risk students is a school community responsibility – we all have to be part of the solution.
9. Only those prevention and intervention strategies which preserve the dignity of the student without physical or emotional pain/harm are acceptable strategies.
10. Aggression breeds aggression.
11. A student is more important to us than what s/he does.
12. The provision of services and the use of prevention/intervention strategies must honor diversity.
13. The development of a continuum of service based on a student’s needs should take precedence over a continuum of placement.

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<sup>1</sup> Brendtro, L., Brokenleg, M., & Van Bockern, S. (2002). *Reclaiming youth at risk: Our hope for the future*. Bloomington, IN: National Education Service.

14. All adults involved with discouraged, at-risk children must be supported in meeting the needs of these children.

### **Characteristics of a Well-Disciplined School**

*(Adapted from, and used with permission of: Johns, Beverly; Carr, Valerie, (1995) Techniques for Managing Verbally and Physically Aggressive Students, Love Publishing Company)*

Positive school discipline combines prevention and response strategies in a well-balanced way. Schools that achieve this balance view discipline as a set of skills to be learned, rather than as something to be done to students. These schools use effective approaches and strategies, including the following:

1. They emphasize, and are successful in fulfilling, students' and adults' needs for belonging, mastery, independence, and generosity.
2. All staff are committed to establishing and maintaining positive student behavior as a precondition to learning. The school emphasizes the primary importance of learning and eliminates conditions which inhibit learning.
3. Staff hold and communicate high expectations for positive student behavior.
4. Clear, positively-framed, broad-based rules (developed with input from students) identify specific behaviors, sanctions and procedures that are made known to everyone in the school community.
5. Students experience a welcoming social climate, characterized by concern for them as individuals. Teachers and administrators take an interest in the personal goals, achievements and problems of students and support them in their academic and extracurricular activities.
6. Principals are very visible in hallways and classrooms, talking informally with teachers and students, speaking to them by name and expressing interest in their activities.
7. Principals take responsibility for responding to serious infractions, but hold teachers responsible for handling routine classroom management. They assist teachers in improving their classroom management and discipline skills by arranging for staff development activities and helping them generate a professional development plan that integrates teaching skills with the school's discipline system.
8. Close ties with parents and communities are the rule rather than the exception. Well-disciplined schools have a high level of communication and partnership with the communities they serve. These schools have a higher-than-average incidence of parent involvement in school functions; interagency support and coordination are apparent; and communities are kept informed of school goals and activities.

### **Behavior Management**

*(Adapted from, and used with permission of: Johns, Beverly; Carr, Valerie, (1995), Techniques for Managing Verbally and Physically Aggressive Students, Love Publishing Company)*

Behavior management is the term given to the range of responses a school uses to promote positive student behavior. These include the establishment of school-wide and classroom rules, social skills training for students, and the development of skills the staff uses to maintain a proactive and structured learning environment.

A rich, actively engaging curriculum, combined with a school-wide system of rules of conduct, forms the foundation upon which well-disciplined schools build high expectations for student achievement. The following elements of behavior management are found in most schools reporting positive school climate and academic excellence.

1. School-wide rules include standards of behavior for classrooms, halls, library, lunchroom, bus, auditorium, recreation areas, etc.
2. Teachers consistently respond to appropriate and inappropriate student behavior with the recognition that “fair” means treating people with equal value, not treating everyone in the same way.
3. Students regularly review behavioral expectations and consequences for misbehavior. Teachers have a clear understanding of those behaviors that should be addressed in class and those that require the use of school-wide resources. These resources include, but are not limited to, out-of-classroom staffed space to process behavior (e.g. time-out and/or planning rooms); the availability of well-trained crisis response teams; parental involvement and interagency collaboration; individual behavior management planning; peer mediation and problem solving; school counselor support and access to a behavior specialist.
4. Immediate disciplinary consequences follow serious infractions of school rules (e.g. verbal aggression or threatening behavior, fighting, use or possession of weapons, drugs or alcohol, stealing, destruction of property and repeated violation of less serious offenses).
5. School personnel recognize that suspension is not a learning or teaching procedure in and of itself. When used effectively, suspension includes a re-entry meeting among school staff, the student and his/her parent(s) or guardian. At this meeting, they collaboratively seek ways for the student and/or staff member to avoid similar situations or to manage them differently. Suspension is viewed as an unfortunate loss of important instructional/learning time. For this reason, and the fact that a lengthy suspension is no more powerful than one of short duration, the number of days that a student is out of school is kept to a minimum.
6. Students are held responsible for their actions and are required to make restitution (as necessary and feasible) for inappropriate behavior. Restitution may come in the form of an apology or reparations to the victim(s) of the behavior, such as replacing/ restoring property which may have been damaged as a result of the student’s behavior.

### **Additional Tips for Successful Behavior Management**

*(Adapted from, and used with permission of: Johns, Beverly, Carr, Valerie, (1995), Techniques for Managing Verbally and Physically Aggressive Students, Love Publishing Company)*

1. Do not take a student’s misbehavior personally.
2. Never force an issue with a difficult student in front of the class.
3. The certainty and timeliness that a consequence will happen is a more powerful deterrent than the severity of that consequence.
4. Find out what a student does well and build on it.
5. Avoid sarcasm.
6. Do not label students as “bad” or “sneaky.”
7. Do not look for quick fixes; there usually are none.
8. Keep calm.
9. Genuinely praise the class as a group and as individuals.

10. Inform parents of positive as well as problem behavior.
11. Retain a good sense of humor.
12. Build rapport with the group and individual students.
13. Accent the positive.

### **Summary of Effective Practices**

The following list of effective practices summarizes and expands upon the preceding information. These methods are effective in meeting the needs of students who exhibit challenging behavior while simultaneously benefiting the entire school community.

#### ***Basic Practices***

1. Establish strong administrative, school board and community support.
2. Promote family involvement based on family-centered practices.
3. Develop a multi-year strategic plan, based on core values, to which all other plans are connected.
4. Use curricula that address students' needs, interests, and talents.
5. Provide choices for students and families.
6. Develop students' critical thinking, creative problem-solving and decision-making skills.
7. Teach in ways that are engaging, inquiry-based, constructivist and cooperative.
8. Use interdisciplinary learning/teaching.
9. Meet student and adult needs for belonging, mastery, independence and generosity.
10. Develop collegiality through collaboration and the regular examination of learning/teaching.
11. Foster experimentation, high expectations, trust, appreciation and celebration.
12. Continuously reach out to the knowledge bases impacting learning/teaching.
13. Provide tangible support (i.e., time and resources) to accomplish tasks.
14. Develop a continuum of services vs. a continuum of placement.

#### ***Educational Opportunities and Options***

1. Social skills, conflict resolution and peer mediation are learned and applied across the curriculum and practiced in real settings.
2. The community is an integral part of the classroom (including service, vocational, mentorship and apprentice programs).
3. Early literacy is emphasized.

#### ***School Culture and Environment***

1. Students and adults exercise initiative, leadership and decision-making in rule-making, educational content, methodology and assessment.
2. Professional development emphasizes collaboration and creative problem-solving.
3. Consistent school-wide behavior response and management systems exist.

4. Crisis prevention, response and management capacity exists.
5. Individual behavior response and management capacity exists.

***Family/Community/School Collaboration***

1. Home/school coordination is fostered.
2. Parent/school/community partnerships are developed.
3. Interagency coordination/collaboration exists.

***Organization and Resources***

1. Out-of-classroom learning environments are available.
2. Faculty and staff (including teaching assistants) work in teams for planning and support.
3. Access to behavior specialist(s) is available.

## **II. Components of a School Discipline Plan**

## II. Components of a School Discipline Plan

*A school discipline plan complying with Act 113 of 2000 must include the components listed in section 6 of the Act. As each component is discussed in this document, suggestions are given to assist with preparing local plans. Appendices provide additional suggestions and examples of specific plan components. The Act does not require schools to use particular approaches for any of the issues discussed in the examples or appendices to this document. The examples and appendices are illustrative only.*

### **Introduction**

School discipline plans describe what is done to positively intervene in the variety of challenging, disruptive, and sometimes volatile student behaviors confronted by educators in their classrooms and schools. The specification of positive intervention procedures and practices is a necessary component of any school discipline plan. However, a comprehensive, proactive and effective discipline plan identifies the systemic and classroom strategies that will be employed to **prevent challenging behaviors** from occurring in the first place. This includes professional development to build school capacity and support prevention efforts.

An effective school discipline plan contains a clearly articulated prevention component. It is easier to prevent challenging behavior than to change such behavior after the fact. A discipline plan helps educators to anticipate and avoid challenging behavior in a manner that leads to characteristics that we hope all students will demonstrate: responsibility, self-discipline, and community.

Achieving this result infers that discipline is an opportunity to help students learn a set of skills, rather than an opportunity to do something to them and their parents or guardians. Students who chronically misbehave have often suffered all of the punishments and extrinsic rewards that schools and sometimes home environments have to offer. These students are often case-studies in low self-esteem, inappropriate peer relationships, family discord and violence, alcohol and drug abuse, and exposure to overly materialistic, sexually exploitive forms of mass media. Similarly, parents and guardians of these students have frequently been disenfranchised and marginalized by numerous social institutions, including schools. Punitive practices and extrinsic rewards cannot effectively prevent or respond to such circumstances.

In turn, regarding individuals and school climate in general, educators can benefit from exposure to professional development activities that help them gain a working knowledge of what motivates behavior. They can also benefit from learning how to create educational environments that help fulfill these basic human needs. Positive individual behavior change and the strengthening of school climate require a long-term commitment and the courage to critically and creatively examine current practices.

### **Statement of School Discipline Philosophy**

A statement of discipline philosophy is one way to enable a school to respond consistently to student misconduct. A philosophy statement should be developed, reviewed and endorsed by school staff, the school board, community members, and

representatives of parents or parent groups. To be successful, it must be widely understood and supported. Philosophy statements are comprised of three primary elements: defining characteristics, purpose, and conditions of learning. **Appendix A** offers both blank and completed Discipline Philosophy Worksheets that can help ensure these elements are included in a philosophy statement.

School discipline philosophies often include the following principles:

- Parents play a primary role in making a school discipline system successful.
- Students are responsible for their actions.
- Students respect the rights of others to attend a safe and orderly school.
- Students understand the consequences of both positive and negative behavior.
- The goal of school discipline is to foster self-control and a sense of community within and among students.
- All students can learn and practice skills essential to self-discipline.

**Appendices B, C, and D** are examples of school discipline philosophy statements currently in place in Vermont schools.

### **Obligations for Responding to Specific Incidents of Misconduct**

Act 113 requires the adoption and implementation of a comprehensive plan for responding to student misbehavior. **Appendix E** describes a “Three-Level System” for ensuring consistent responses to student misconduct.

A school discipline plan statement on the responsibility of adults to respond in certain ways to particular types of student misconduct might be similar to the following:

School staff will respond to minor misconduct in settings over which they have supervisory responsibility such as classrooms, study halls or lunch rooms by immediately following the protocols outlined in the staff handbook. Minor misconduct generally includes behaviors such as failure to remain on task in a classroom, failure to follow an adult’s instructions, and disrupting an activity by interrupting the teacher or other students. Minor misconduct is not referred to administrators or behavior support staff unless efforts by the teacher to redirect the student result in further disruption.

Teachers and other supervising adults may respond to continuing minor misconduct by referring students to members of the behavior support staff. The contact person for referrals to the behavior support staff is \_\_\_\_\_. Referrals may result in short term placement in a planning room or consideration of other interventions by the behavior support staff. Students whose individual plans require specific interventions in response to misconduct will be subject to those interventions and will not be removed to alternative settings without consultation with responsible administrators unless the student’s behavior poses an immediate danger.

Teachers and other supervising adults must make a timely referral to the principal of any student who engages in significant misconduct. Significant misconduct includes

chronic violations of school or class rules; drug or alcohol possession use or sale; serious verbal threats or harassment; substantial damage to property; physical aggression; and weapons possession or use.

### **Staff Awareness of Discipline Plan: Keeping Staff Informed**

One individual at each school should be responsible for ensuring that every adult expected to prevent or respond to student misconduct has sufficient information to enable him/her is to meet that responsibility.

The school's discipline plan assigns responsibility for planning in-service activities to the principal, assistant principal or other administrator in collaboration with faculty and staff. Staff development time and resources are periodically dedicated to this function. The plan indicates who will formulate and schedule periodic trainings and the funds to be used.

A school's discipline plan statement that informs adults of their responsibilities might include a paragraph similar to the following:

The principal will inform teachers and other staff of their responsibilities under the school discipline program. When staff members are initially employed they will receive copies of the staff and student handbooks and will be instructed by the principal or assistant principal on protocols for responding to student misconduct. Prior to the beginning of each school term, in-service time will be devoted to reviewing the disciplinary responsibilities of all staff.

### **Parent and Student Awareness of Disciplinary Program: Staying Informed**

The school discipline plan must be clearly communicated to parents and students. The plan includes a statement explaining how its contents will be disseminated to students and parents. This statement specifies who is responsible for distributing this information when students enroll after the start of the school year. Minimally this includes publication of the plan in a student/parent handbook and events at the school designed to discuss the plan with students and their parents.

A school discipline plan statement on providing information to students and parents might include paragraphs similar to the following:

The student handbook includes a complete statement of the discipline policies of the school. Each student is given a handbook at the beginning of the school year or, if a student enrolls during the school year, upon enrollment. Students are asked to take the handbook home and review it with their parents. Parents are asked to return signed statements to the school indicating they have reviewed the discipline section of the handbook with their children.

At least annually, as part of the school's annual open house or school report night, a forum is held for interested parents and community members to discuss the discipline plan with school administrators and staff. The principal will notify parents of this

event as part of the notice sent to them announcing the open house or school report night.

The school's discipline plan is available at the school office during normal business hours for review by any interested community member.

### **Training and Instruction for Students**

A school discipline plan identifies the programs and activities designed to help students learn skills necessary to be a responsible member of the school community. This might include opportunities to learn anger management, conflict resolution, mediation, and social skills. Research indicates that conflict resolution, mediation, and social skills are more effective when learned in combination with one another rather than in isolation. A discipline plan statement on providing the above opportunities to students might include a paragraph similar to the following:

The school provides opportunities for all students to learn anger management, conflict resolution, mediation, and social skills. The \_\_\_\_\_ (person responsible) coordinates instructional and non-instructional activities of the school to ensure that students are provided with these opportunities as part of their school day as well as during after school activities.

### **Informing Parents about Disciplinary Actions**

Parents must be partners in the discipline process and know when and why school officials will contact them regarding the discipline of their children. Creating such partnerships and successfully communicating with parents requires a working knowledge of family centered practices as described in **Appendix F**. The school discipline plan informs staff members of their responsibility to contact parents directly or to refer incidents to others for parental contact. A school discipline plan might include paragraphs similar to the following:

Not every incident of misconduct warrants parental contact. Staff members will contact parents when changing a student's behavior requires parental support but does not warrant intervention by an administrator.

The principal or his/her designee will contact parents when the student's misconduct is severe (as defined by the school's code of behavior) or becomes chronic. The principal will develop a form to be sent to parents for this purpose. The form explains to parents the nature of the misconduct and invites parents to contact appropriate personnel for further information. Other means of communicating with parents which protect confidentiality are also used as necessary.

When a student is subjected to short-term suspension out of school and it is necessary to send the student home before the end of a school day, the parents will be contacted by telephone or by other means. If a responsible adult is not available to supervise the student at home, the student will remain at school until the end of the school day. Parents of a student who is suspended from school for ten days or less will be offered an informal hearing with the principal or his/her designee in accord with the school

board's discipline policy and State Board of Education rule. Except in situations involving immediate threats to a student or others, or immediate threats to school property or the school environment, the informal hearing will take place prior to the suspension.

Long term suspensions of more than ten days or expulsions are preceded by formal notice to parents and a hearing in accord with the requirements of due process as stated in the school board's discipline policy and state law.

### **Response to Significant Threats or Crisis Situations**

A superintendent or principal may, subject to subsequent due process procedures established by school board policy, immediately remove from school a pupil whose continued presence is harmful to the school or who poses a continuing threat of disrupting the academic process of the school. A superintendent or principal may also recommend for expulsion a student who brings a weapon to school. *See* 16 V.S.A. § 1162(a).

The Vermont School Crisis Planning Team has developed a guide to crisis response for schools. The guide, "*Vermont School Crisis Guide*," is available from the Vermont School Boards Association. It includes descriptions of procedures to follow in crisis situations ranging from the death of a student to bomb threats and weapons offenses. The guide also includes information on creating a school "School Crisis Team" (also referred to as a crisis "support" or "helping" team).

A crisis helping team is a group of trained individuals who respond to and support students through a behavioral crisis in a manner that preserves the safety and dignity of all involved. In small schools the team may be comprised of two or three individuals, while in larger schools six to ten may be necessary. Crisis teams respond to incidents ranging from severe student disruption to violent misconduct.

The school discipline plan might state that, in circumstances warranting action by the crisis helping team, the principal or other designated administrator will follow the protocols established by the *Vermont School Crisis Guide*. The plan should also make the principal or another individual responsible for recruiting members of the crisis helping team and preparing them to function effectively. Preparation typically includes training and ongoing practice in behavior management, de-escalation skills, supportive physical intervention, and procedures for making referrals to social service and law enforcement agencies.

### **Response to Off-Campus Misconduct**

Students may be disciplined for misconduct that occurs away from school when a sufficient connection between the misconduct and the legitimate interests of the school can be shown. The following suggested explanation of the grounds and procedures for such discipline or a similar explanation must be part of the school's discipline plan

School authorities may discipline a student for misconduct that does not occur on school property, on a school bus, or at a school sponsored activity where direct harm to the

welfare of the school can be shown (16 V.S.A. §1162(a)). For purposes of this plan, such misconduct is referred to as “off-campus misconduct.” When discipline for off-campus misconduct is necessary to protect the safety and well-being of other students, teachers or school property or the student’s own physical or emotional safety, or when the misconduct has a direct and immediate tendency to subvert the authority of the school by encouraging disorder or insubordination, discipline up to and including suspension or expulsion for the remainder of the school year or up to 90 school days whichever is longer may be imposed.

Examples of off-campus conduct that impacts on the school and may result in disciplinary action include but are not limited to:

1. possession, consumption or sale of illegal substances;
2. bullying and harassment;
3. hazing;
4. criminal conduct; and
5. violations of rules governing eligibility to participate in school-sponsored activities.

When suspensions or expulsions are imposed for off-campus misconduct, the same procedural safeguards will be afforded students as are afforded students subjected to suspensions or expulsions for misconduct at school or school-sponsored activities.

After consultation with the principal or his/her designee, a faculty activity advisor or coach may make rules (e.g., training rules) governing eligibility to participate in an activity. Students may be required to show that they have discussed the eligibility rules with their parents or guardians prior to participating in an activity. For example, parents may be asked to sign a form indicating that they are aware of the rules governing participation in the activity.

Participants in school-sponsored activities, members of athletic teams or clubs, and students planning to attend field trips may be barred or suspended from those activities or otherwise disciplined by school authorities for off-campus misconduct that violates the rules governing participation in those activities.

### **Suspension from School-Sponsored Activities**

As stated above, special rules of conduct may apply for students to participate in school-sponsored activities. For example, athletic teams may be subject to training rules and exchange clubs may subject students to rules governing participation in their activities. A school discipline plan should indicate how alleged infractions of these rules are resolved.

An informal appeal process should be part of the school’s plan. The plan should provide an opportunity for a student and an administrator or other school personnel to discuss a suspension from an activity in a manner similar to the opportunity provided for short-term suspensions from school. The following are suggested procedures that describe an appeal process:

A student who is barred or suspended from participation in school-sponsored activities due to misconduct, but is not suspended from school, may appeal the action

to the principal. The principal or, if the principal is not available, his/her designee, will discuss the circumstances of the action and the allegations of misconduct with the student and, if requested by the student or parent, with the student's parents or guardian within \_\_\_\_ hours of the action. The principal may ask others who have relevant information to be present for the discussion. The suspension will remain in effect until the principal has discussed the incident with the student and has explained his/her decision to the student.

If the student is dissatisfied with the decision of the principal, the student may ask the superintendent to review the decision. Within \_\_\_\_ days of the request, the superintendent will provide the student and the student's parents or guardian with an opportunity to present their version of the incident and the opportunity to solicit relevant information from others who have knowledge of the allegations of misconduct or of factors that should be considered in deciding whether the action should be upheld. The superintendent will explain his/her decision to the student as soon as possible after meeting with the student, and will provide a written decision if requested to do so by the student or the student's parents or guardian. Unless otherwise determined by the superintendent due to unusual circumstances, the action will remain in effect until the superintendent makes a decision. The superintendent's decision will be final.

## **III. Pyramid of School Discipline**

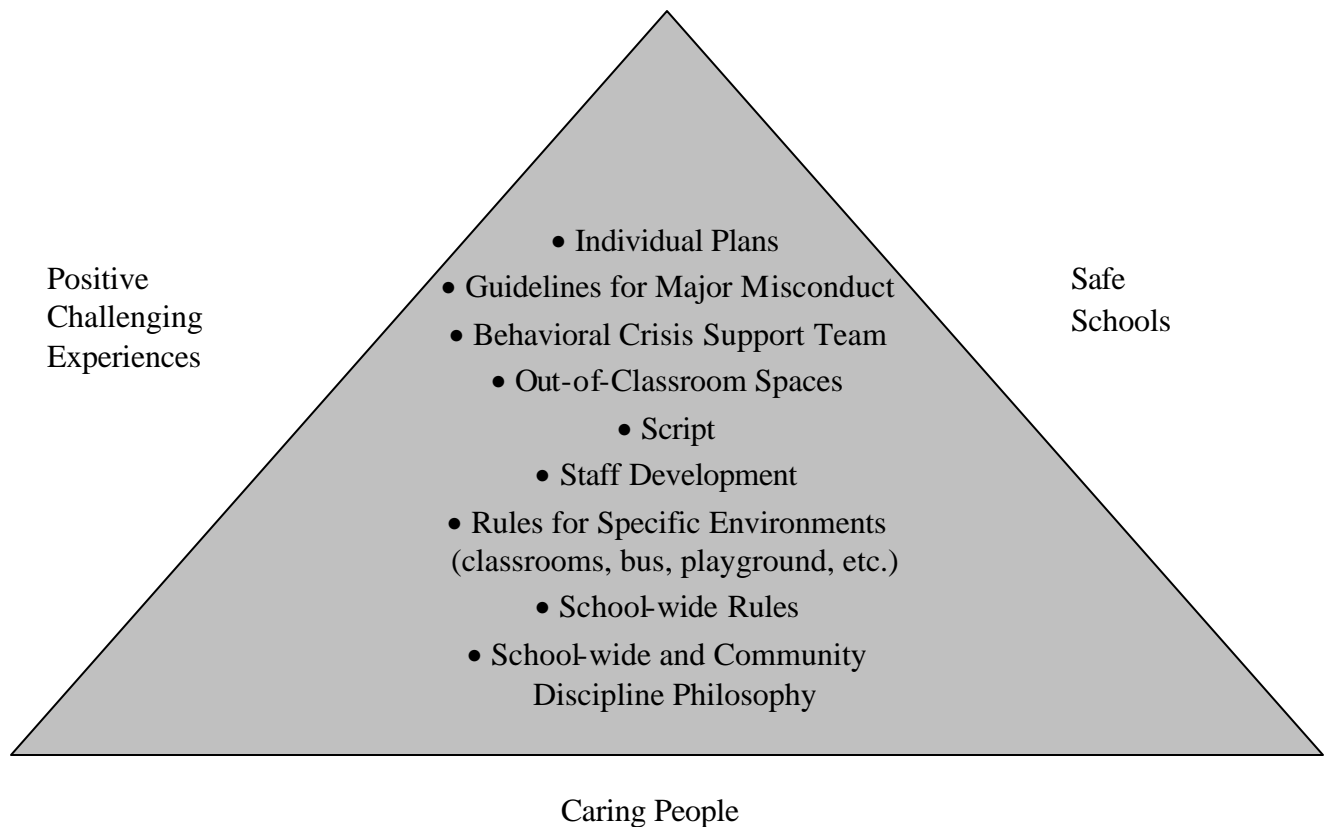
### III. Pyramid of School Discipline

#### Introduction\*

In her book, *Safe Passage* (1998), Joy Dryfoos states, “Parents the world over want assurance that their children will be able to grow into responsible adults who can enter the labor force, become effective parents and participate in the social and political life of the society....What young people really need on a daily basis are safe places, challenging experiences, and caring people.” These three elements are the supporting walls of the Pyramid of School Discipline and are integral pieces of the whole. We know that actively engaged students, educated in non-threatening and social learning environments, are less likely to exhibit challenging behavior. Students who are supported by nurturing adults are more likely to be connected to positive aspects of school culture and that relationships and achievement are fostered in safe settings. We believe that these foundations profoundly influence effective and supportive school-wide discipline systems and at the same time, play a significant role in their realization.

All nine levels of the Pyramid should be taken into account. Omitting any level may lead to flaws in the overall system. Schools can use this guide to develop and implement each level in ways that reflect the developmental needs of their students and the school’s unique characteristics.

#### The Pyramid



\*The Pyramid of School Discipline was published prior to the implementation of Act 113. Therefore, it does not contain all of the requirements of that Act. However, the Pyramid is being used as a template for designing school-wide discipline systems.

## **Creating a Discipline Philosophy and Defining A School's Values**

Without a discipline philosophy or explicitly stated values schools are unable to resolve conflicts. The philosophy or value statements, written by a committee, are developed with input from a cross-section of the school community. Faculty gatherings, student council meetings and community forums are fertile ground for gathering ideas. Once the committee has put the philosophy on paper, it should be reviewed and endorsed by the school board and representative groups in the community.

Statements taken from various school discipline philosophies include the following elements:

- Discipline must preserve the dignity of all involved.
- Belonging, mastery, independence and generosity are attributes that promote high standards.
- Students are responsible for their actions and must be clearly informed of the consequences of both positive and negative behavior.
- The aim of school discipline is to foster within students the essential internal controls to navigate the school day successfully, thus making the “discipline system” invisible.
- Parents play a primary role in making the system work.
- Discipline is a set of skills that all students can learn and use independently to help them become responsible members of the school community.

## **Essential School-wide Discipline Rules**

Students are accountable for their behavior and there should be a clear set of school-wide rules. These rules establish a standard of behavior expected from all members of the community. They guide the establishment of additional rules for each school environment. They are positively phrased to the fullest extent possible and flow from the school's philosophy of discipline or values statement. Some Vermont supervisory unions have developed the same philosophy and school rules for elementary, middle and high school; the language differs according to the developmental level of students. School rules should be posted throughout the school.

Many schools, with input from students, incorporate the following principles in the development of school-wide rules:

- Emotional safety for all
- Physical safety for all
- Respect for property
- Responsibility for attendance, work completion, and cooperation in the classroom and other school environments

**Appendix G** provides a sample of a set of school rules.

## **Rules for Specific Areas** (classroom, gym, auditorium, cafeteria, playground, bus, etc.)

Consistent with school-wide rules, each teacher, bus driver, librarian, and others, along with students, should establish four or five rules for his or her classroom or setting. These rules can be

written on the first day of school, will need to be reviewed regularly, and should be prominently displayed. **Appendix H** provides samples of these kinds of rules.

**Professional Development** (This component of the Pyramid is addressed in part V of this Guide.)

### **Setting Limits: The Script**

In spite of the best efforts of school staff, misconduct and disruption will occur. A consistently employed script leads the disruptive student to make a choice to stop the disruptive behavior, make an acceptable alternative choice or be removed to another setting. For younger students, this may be in the classroom; for older students, it often requires another location in the school.

Using the script is a way for the adult to inform the student that reasonable yet unsuccessful attempts have been made to guide the student back to task; current behavior is preventing him/her and others from benefiting from classroom activities; and, if necessary, the student cannot remain in the current setting. Using this procedure will not result in long-term behavior change and may lead to an escalation of the immediate conflict. To be effective, the script must be used consistently in times of conflict and combined with ongoing efforts to address the student's needs.

With guidance and counseling, students should be encouraged to understand their self-defeating patterns of behavior and taught to substitute effective pro-social alternative behavior. Concurrently, school staff should examine the effectiveness of this strategy with particular students and seek to understand the factors that led to the particular student conflict, including the adult's own behavior patterns.

The script contains three questions for the disruptive student.

#### **Questions**

What are you doing?

What are you supposed to be doing?

What are you going to do?

#### **Expected Student Response**

Objectively describes the rule-breaking behavior

Clarifies that the student knows what behavior or task is expected

The student makes a choice communicated by either words or actions

The script generally takes no more than 30 seconds and is not a negotiation. Sometimes it will be appropriate to ask the student, "What can I do to help you make a good choice?" or "How is your behavior affecting others?" The script is designed to guide the student back to task or to another appropriate choice.

If the student continues the rule-breaking behavior, s/he must leave the current activity. For younger students, this might mean putting their heads down on the desk or sitting in a quiet corner of the classroom. For older students, leaving the classroom may be necessary.

Removal at this step is not punishment. It carries no further negative consequences and should last only as long as it takes for the student to agree to return to class and participate appropriately in the activity. As a natural consequence of this "antiseptic bouncing" (Fritz Redl), the student should be given the opportunity to make up missed work or to engage in a mutually acceptable

alternative. If appropriate, the student should provide restitution to other students or adults affected by his or her behavior (e.g., an apology).

### **Out-of-Classroom Spaces**

It is essential in a comprehensive system of a school discipline to establish safe and separate locations to which a student goes as a result of his/her disruptive behavior.

#### ***Time-Out/Away and Planning Rooms***

When a student, despite the use of the script, persists in his/her misconduct or disruption, s/he must be moved to a time-out or planning room. Removal from the positively reinforcing setting, such as the classroom, is not intended as a punishing reaction to misbehavior, but a consequence of the misbehavior with the goal of returning the student as quickly as possible. Time-out/away differs from planning rooms and both are part of a comprehensive system. In some schools, the time-out and planning room are located together, while in others they are separate.

- A time-out space is where a student chooses to go or is sent, is not reinforcing, and is intended to be used by the student to reflect on what just occurred and decide on a course of action. It is a time and place for the student to calm down so that s/he can exercise rational judgment as to his/her behavior. The student returns to class as quickly as possible. Trained adults always monitor time-out rooms.
- When a student is unable to independently choose an appropriate course of action, time-out/away may not resolve the conflict. A planning room is a location in which a trained adult helps the student process the events that led to his or her removal and helps develop a plan for a successful reintegration to the class.

**Appendices I, J, K, L, and M** offer useful information on the implementation of time-out/away and planning rooms.

#### ***In-School Suspension***

Following major misconduct, in-school suspension is a place to which the student goes for a predetermined amount of time. The school administration is involved in this decision and parents or guardians are notified. The student is expected to complete class work during in-school suspension. In-school suspension may be useful for practicing positive social skills and for developing a plan for meaningful restitution.

Schools have addressed the need for out-of-classroom locations in creative ways and they can serve a critical role in a school's discipline system.

### **School-Based Crisis Support Team**

Every school needs a crisis support team. This is a group of highly trained individuals who can respond adequately to any behavior-related crisis during the school day. For smaller schools, this group may be comprised of two or three individuals. In large schools, six to ten may be necessary. These teams respond to crises ranging from severe student disruption to violent

misconduct. Crisis support team members volunteer for participation and have skills in the following areas:

- De-escalation strategies
- Short-term counseling techniques (“Life Space Crisis Intervention,” Dr. Nicholas Long)
- Mediation skills
- Safe physical restraint

A crisis support team should respond within one minute. Schools use a variety of communication strategies to ensure immediate notification of crises during the school day.

### **Guidelines for Major Misconduct**

All schools should develop a finite list of dangerous student actions for which there must be zero tolerance. These infractions are in the following categories:

- Weapons possession, threat to use, or actual use
- Drugs and alcohol possession or use
- Serious verbal aggressions, harassment or threat
- Serious damage to property
- Serious physical altercations
- Chronic violation of school or class rules

Dealing with these behaviors is the responsibility of the administration and results in individually-determined consequences that will include at least one of the following:

- Interagency referral and planning
- Home/school coordination and support
- Restitution
- Short-term suspension (in or out of school)
- Long-term suspension
- Expulsion

Unless they are prevented by an emergency, immediate parental notification and due process should precede disciplinary actions for major infractions. In many instances, these infractions are criminal and require police notification. Department of Children and Families (DCF) and Community Mental Health Centers can also serve as partners in helping schools work effectively with individual students and their families.

### **Individual Behavior Planning**

A small percentage of students require individual plans that build on the discipline system. These are students who chronically violate school rules and for whom the system appears ineffective. Schools rely on skilled individuals in creating these plans. They need frequent assessment and a team approach for successful implementation. In extreme situations, consideration is given to placement in an alternative educational setting for an extended period of time. Alternative settings include:

- Supervised study
- Special class
- Special day school
- Residential school
- Home or hospital setting

### **Alternative Settings**

When alternative settings or programs are part of the school’s discipline system, include them in the plan. The plan identifies the criteria for referring and assigning students to those settings or programs and the processes to be followed for making or altering those assignments.

Alternatives need not be compulsory and may range in nature from “supervised study” rooms to educational programs in off-campus locations. School officials may permit students to select alternative programs or settings voluntarily or a student may be placed in an alternative program or setting for a period of time as a disciplinary measure.

For example, a school discipline plan may include provisions on alternative settings similar to the following:

Two alternatives are available for students who can benefit from educational environments outside the regular classroom.

The \_\_\_\_\_ program is for students who will be more successful in a smaller educational environment. In the \_\_\_\_\_ program students are responsible for planning many of their own activities, including activities that are community-based. An application process administered by the Educational Support Team determines admission to the \_\_\_\_\_ program. Interested students can apply in \_\_\_\_\_ for admission in the following school year.

Students whose behavioral needs warrant placement in the supervised study room will follow the procedures required by the school board policy on discipline. In general, a student may be referred to the supervised study room by the principal or his or her designee for failure to cease any misconduct that significantly disrupts a classroom or other school setting. An assignment to the supervised study room will be of short duration, generally less than a full school day. While in the supervised study room, the student will be given sufficient academic work to allow him or her to successfully return to the classroom at the end of the assignment.

The supervised study room will not be used when a student’s misconduct requires an out-of-school suspension, except when the out-of-school suspension is to begin on the day following a one-day assignment to the supervised study room. The due process provisions of the school board policy on student discipline will apply to any suspension.

As alternative programs strive to reintegrate students into the regular educational environment, reciprocal relationships should be built between them. This infers opportunities for alternative and regular school staff to meet with one another, visit and observe each other’s learning environments, team teach and share strategies to prevent and respond to challenging behavior.

## **IV. Preventing and Responding to Bullying and Harassment**

## **IV. Preventing and Responding to Bullying and Harassment**

### **Legal Requirements**

The 2004 legislative session produced two significant laws - one aimed at addressing bullying and the other aimed at harassment in Vermont schools. What follows is a summary of these laws as well as an overview of prevention and intervention strategies for schools. **Complete copies of these laws can be found in section VI of this document - Appendices and Other Useful Documents.**

### **Anti-Bullying Law - Act 117**

This law includes the following:

- First, it defines “bullying,” a term already found in statute (see definition below). This definition makes bullying easier to understand and enforce and helps clarify the gathering of data as required by law.
- Second, the act requires schools to include in their already existing school discipline plans a section on bullying.
- Third, the act requires the commissioner to provide an updated model discipline plan that includes a section on bullying. This model plan has been distributed to all schools (much of which appears in Section II of this publication). The bullying portion (only) of the plan can be found in **Appendix N**.
- Finally, the act requires the commissioner to gather data on bullying and report to the Legislature in 2007 on the implementation of the model plan portion of the law.

### **Definition of Bullying**

“Bullying” means any overt act or combination of acts directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity.

### **Harassment Law - Act 91**

This act amends the previously existing law on harassment. It is intended to provide an opportunity to intervene and take appropriate steps to create safe, civil, and orderly schools free of harassment. It creates the right of the complainant or the school to seek independent review of a school’s investigation. It also creates the right for the complainant to bring a claim in Superior Court once a school has had the opportunity to investigate and intervene.

Along with an updated definition of harassment (see definition below) the law requires schools to revise their harassment policy and procedures and give a copy of the policy to parents of a complainant and the alleged perpetrator. Timelines for the investigation and the right of students and parents to have an independent review of the investigation are explicitly described in the

law. Finally, the law encourages the use of alternative dispute resolution as a way to resolve harassment complaints and/or incidents.

### **Definition of Harassment**

1. “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs that are based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, or disability. The incident(s) must have the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

2. Harassment includes conduct which violates subsection (1) of this definition and constitutes one or more of the following:

- A. Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:
1. Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.
  2. Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.
- B. Racial harassment, which means conduct directed at the characteristics of a student’s or a student’s family member’s actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.
- C. Harassment of members of other protected categories, which means conduct directed at the characteristics of a student’s or a student’s family member’s actual or perceived creed, national origin, marital status, sex, sexual orientation or disability.

The reader is encouraged to review the harassment law and model policy and procedures in their entirety as there are many details not outlined above. **(See Section VII, Other Useful Documents, Item 8.)**

### **Conclusion**

School district administrators will need to be familiar with the requirements of both laws as each requires different actions. Notable parts of each are:

- For reports of harassment, school staff will be responsible for responding and conducting investigations consistent with the requirements of the Act (timelines are critical).
- For bullying, schools will be responsible for including strategies in their discipline plans.

## **Considerations and Strategies**

### **A Parent's Story (One of Too Many)**

I was born and raised in Jamaica. Nearly 20 years ago, at age 22, I immigrated to the United States with my husband, a U.S. naval officer (who was stationed in Virginia) and our young daughter. Two more children followed in quick succession.

In 1998 my marriage fell apart. I had initially intended to take my children home to Jamaica. However, the U.S. Navy told me that this was not an option; the children's father would never consent to me leaving the country with them.

From the local library I researched on the Internet. I keyed in "search engine" questions like "Best place in America to raise children?" "Best place to be a single parent?" "Safest place in America to live?" No matter how I worded the question, the answer was always the same – Vermont/New Hampshire. I had no idea *how* I was going to do it, but if I *had* to stay in America, then I was determined to raise my children in the safest place in America!

So with nothing but our suitcases I boarded the Amtrak train in Virginia with my three children in tow and came to Vermont. We had never been to Vermont, we did not know anyone in Vermont, but we came just the same.

Our journey here was a little scary but upon our arrival in Vermont life began to improve. My children excelled in school and began making many friends. All three were happy, well-adjusted children. Most importantly they felt like they belonged.

Now, less than a year later I can hardly find the words to describe my overwhelming sadness.

My daughter Mary has decided that she will live in Illinois with her father. She simply could not face another year here in the local middle school.

I'm writing to you to make you aware of the cruelty that my daughter Mary has suffered at the hands of some school bullies. I met with the school principal, I involved the local police, and I even tried to speak with the parents of the bullies ...nothing worked.

As a result I have an *empty* bed in my home, an *empty* seat at the dinner table. I have to listen to that little voice that I love more than life itself tell me "*goodnight mom, I love you*" over a telephone line every night.

Why has this been allowed to happen? Why should my child be so afraid to come to school here in Vermont? Why didn't anybody stop this – before it got this far?

These bullies are thieves of the worst kind. They stole my daughter's spirit. We've been without before, material things are easily replaced. How can you replace a spirit that has been bashed and trampled on? Have you any idea how I feel right now? What kind of mother am I? I couldn't even protect my own child. I feel so inadequate, like a total and complete failure. No matter how far we've come, how hard I tried – I failed. Mary was not safe. Isn't that the responsibility of

every parent? To protect and keep your children safe? Well I obviously failed drastically. My sweet, sensitive little girl had to leave me to find peace.

We came to Vermont with no home, no possessions, no family or friends. We braved the cold Vermont winters and eventually got back on our feet. And for what? So that some mean spirited little kids could gradually rob Mary of the one thing that she'd managed to hold onto throughout all of her hardships...her spirit.

I have two other children who live at home with me. But for how long? Those same little tormentors that drove Mary off are still here. We see them every day. They walk past us and giggle. One little boy, Matt, takes great delight in approaching Jamal, my 11 year old son, and telling him how much everyone hates Mary and how they would kill her if they ever saw her again.

Rebecca is now 13. She sees these kids around town, and now that school is starting up again, she'll see them every day in school. They ask her about Mary. Rebecca just keeps her head down and walks on, without ever answering. This town has become a nightmare for us.

One of the bullies is the daughter of the local Sheriff. You can imagine all the power that kid has. Matt is the son of two well-educated working parents. These people have money and power. I'm a low-income, single parent and a foreigner to boot. I've had every ethical slur imaginable screamed at me countless times. Even in broad daylight, across the crowded parking lot of our local super-market, the sheriff's daughter was undaunted, yelling slurs at me at the top of her lungs. People recognized the child and knew who her dad was. But no one said or did anything. Never in all the time I've lived in America have I ever been ashamed of my thick Jamaican accent until this last year. My accent was just one more thing these kids used against Mary.

I was working part-time and attending college last semester while Mary was being subjected to this hate campaign. I had to give up work and I failed two of my four college classes. I was a nervous wreck and my health, both physical and mental, has seriously suffered.

I can honestly say that I've come to loathe this town. Vermont, which had once been a safe haven for my children and me, has become a prison. I have very limited financial resources and no family here. I feel so trapped here. I desperately want to take my kids away from this town but I can't. So I lay awake at night and wait and wonder when Rebecca and eventually Jamal will leave me too. This town and this situation have torn apart a little family that I thought was indestructible. I feel so helpless and useless now.

I am writing this letter to make you aware of how bad and how far reaching the effects of bullying can be. Even if it is too late for my family maybe it won't be for some other family. Please, please take the issue of bullies seriously. Please do not ignore anyone who cries out for help.

I lie awake at night thinking, "what *could I/should I* have done differently?" I thought that I was going through the proper channels and chains-of-command. Please, please, don't let this happen to anyone else.

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As the above story illustrates, bullying and harassment are complex. Comprehensive, multifaceted, and integrated approaches are needed to address the problem. Prevention and response to bullying and harassment in schools requires educators to consider the perspectives of the aggressor, the target, the bystanders, the supervising adults and the community at large. Each of these components of the bullying and harassment paradigm warrants special attention, training and support.

### **Considerations**

**1. The Aggressor** - Longitudinal studies reveal that students who engage in chronic bullying and harassment as early as third grade are far more likely to experience the following outcomes in adolescence and adulthood:

- Drug and alcohol abuse
- Juvenile delinquency
- Other risk behaviors
- Spousal abuse
- Incarceration
- Suicide

Therefore, early identification of chronic offenders along with intensive support and limit setting should be offered by school personnel.

Bullying and harassment are learned behaviors that have their roots in home lives characterized by the use of physical punishment, aggression, and intolerance for others who are different. The need to feel safe, competent, self-determined, and to experience risk-taking, a sense of purpose and healthy attachments with adults and peers result in striking out physically, verbally and/or socially against others who are viewed as vulnerable as distorted ways of fulfilling the above needs.

Given these underlying causes, it is essential that prevention and intervention efforts aimed at individual students are founded on an understanding of the motivations that drive the behavior as well as supporting students in learning and practicing underdeveloped skills or using already developed skills. Some aggressors have been so hurt themselves that they may need professional counseling in order to successfully change their behavior.

**2. Target** - Students who have been bullied or harassed experience devalued status among their peers, shame, anxiety, fear, and anger that are on a par with the effects of physical abuse. Such students are much more likely to suffer from hopelessness, severe depression and self-destructive behaviors. In sum, these effects result in ostracism, school failure, frequent absenteeism and in more extreme situations lead to severe attacks/violence against others.

Schools can support targets of bullying and harassment by providing comfort, actively listening to and investigating complaints, notifying law enforcement as necessary and providing follow-up assistance to the victim and his/her family. Clearly articulated school rules, an atmosphere that encourages reporting and a process in which every report is taken seriously and results in making sure the target feels safe throughout the school day as well as after school hours are equally essential. Additionally, social skills and assertiveness training

can be offered so students who are or may become targets develop skills to respond to aggressors.

- 3. Bystanders** - Students who observe bullying and harassment experience helplessness, guilt, distress, fear, anxiety, discomfort, indignation, anger and sometimes indifference or even enjoyment (i.e., some bystanders are desensitized to acts of aggression). Witnessing the acts of aggressors teaches students important lessons about power, injustice, authority and the lack of empathy, social responsibility and courage.

Often bystanders report that they knew a peer was being bullied or harassed but didn't intercede due to feelings of powerlessness, fear of becoming victims themselves, and/or not wanting to get anyone in trouble.

Here again, clear policies and procedures should be reviewed with all students so it is clear that students understand their responsibilities and take action when observing bullying or harassment. Schools that role-play bullying and harassment scenarios with students provide clear examples of effective strategies to help stop these behaviors. Peer pressure is a powerful antidote to bullying and harassment.

- 4. School Staff** - All staff need to be reminded on a regular basis of their responsibilities for creating safe and civil school environments. The notion of "zero indifference" infers that all adults take an active role in the prevention and response to bullying and harassment. In the short-term this means immediately stopping acts of bullying or harassment and following through on the action steps required by the school's discipline system. Over the longer term, creating bully and harassment free schools requires clearly articulated policies and procedures, staff training, curricular offerings (including diversity, character education and moral development training for students) family-centered assistance to families (including positive behavior management and sensitivity training), and student and community participation in prevention plans.

- 5. School Climate** – Bullying and harassment prevention and intervention efforts mobilize adults and students to create a caring, nurturing and supportive learning environment. Schools maximize the inclusion of all students and minimize alienation and scapegoating. This helps students, staff, families and the community to feel that their school is an inviting place that honors diversity and is committed to ensuring equal opportunity for students to succeed. Intervening with aggressors without addressing school climate issues may make things worse for the victims.

Similarly, harshly punishing or excluding aggressors has little likelihood of changing their behavior over the long term. Bullying and harassment are hurtful, disruptive behaviors. A natural reaction is to want the aggressor to experience, and others to see, consequences. However, reliance on negative consequences and control techniques only models the behaviors they are aimed at preventing or stopping. Doing so fosters the development of negative values that in turn, contributes to producing bullying, harassment and other undesired behavior.

Additionally, the following strategies are recommended for ensuring a bully and harassment free learning environment.

## **Strategies for School Administrators**

1. Assess the awareness and the scope of bullying and harassment through student and staff surveys.
2. Consider the formation of a bullying and harassment prevention coordinating committee who plan and monitor school activities.
3. Closely supervise students in all areas of the school as determined by reviewing data pertaining to where and when incidents of bullying and harassment occur.
4. Post and publicize clear behavioral standards/rules against bullying and harassment. Consistently and fairly enforce such standards/rules. For example:
  - We will help others who are bullied or harassed.
  - We will include others who want to learn, play and socialize with us.
  - If we know someone is being bullied or harassed we will tell an adult at school and at home.
5. Encourage parent and community member involvement in bullying and harassment prevention through PTA meetings, school open houses, violence prevention program presentations, diversity training and the planning of school activities and events.
6. Establish a confidential reporting system that allows students to report victimization and the details of incidents of bullying, harassment and other misconduct.
7. Exercise strong leadership and commitment. Ensure that your school has adopted all legally required policies and grievance procedures for bullying and harassment. Make these policies/procedures known to students and parents.
8. Receive and respond to students, staff and parents who report bullying and harassment. Establish procedures whereby such reports are investigated and resolved expeditiously.
9. Acknowledge students for positive, pro-social, inclusive behavior.
10. Provide school wide activities that are designed to build self-esteem by highlighting special talents, hobbies, interests and abilities of all students and which foster mutual understanding of and appreciation for differences in others.

## **Strategies for Teachers and Staff**

1. Meet and help students learn how to appropriately fulfill their needs for belonging and power with particular attention to fostering healthy attachments with adults and pro-social peers.
2. Employ instructional materials and practices that integrate the development of social-emotional intelligence, asset-building, equity, and the honoring of diversity across the curriculum.
3. Provide opportunities for students to learn and demonstrate problem-solving skills, initiative, decision-making, leadership and other pro-social responses to bullying and harassment.
4. Involve students in an array of service learning experiences where they share their strengths and talents as equals in one to one and group settings.
5. Use classroom management techniques that distinguish discipline from punishment via an emphasis on the learning of behavioral skills which foster responsibility and a sense of community.
6. Provide students with opportunities to talk about bullying and harassment and enlist their support in defining them as unacceptable behaviors.

7. Involve students in establishing rules against bullying and harassment including a commitment from adults to not “look the other way” when such incidents occur.
8. Provide regularly scheduled classroom meetings and other learning opportunities (e.g., discussions, role-playing, artistic activities) related to preventing bullying, harassment and other forms of violence.
9. Vary student groupings in learning activities and monitor the treatment of participants in each group.
10. Notify school administrators and the parents of both victims and aggressors when a confrontation occurs, and seek to resolve the problem expeditiously at school.
11. Refer victims and aggressors to school counselors or mental health professionals whenever appropriate.
12. Provide protection for victims whenever necessary (e.g., a buddy system, friendship groups).
13. Avoid attempts to mediate a bullying or harassment situation unless you have been specifically trained in methods of doing so and the emotional and physical safety of the victim isn’t compromised. This includes assessing the appropriateness of mediation and mediation techniques.

### **Strategies for Students**

*(Note: the following suggestions are not offered in any priority or particular order. Some pertain to the victim and others pertain to the bystanders.)*

1. Be assertive and confident. Stand upright, maintain eye contact, tell the aggressor to leave you alone (but not in an angry or threatening manner) then walk away.
2. Don’t trade insults, argue, or in any way fight with the aggressor.
3. Say something humorous to help defuse the situation but not something that makes fun of, or might humiliate the aggressor, especially in front of peers.
4. Try not to show that you are hurt or scared. Instead make some calm remark (e.g., “maybe you’re right”) and walk away.
5. Attempt to defuse the situation with the support of friends.
6. If you are experiencing sadness, loneliness, depression and/or hopelessness, talk to a trusted adult about your feelings (In the interim, a healthy diet, exercise and rest can help relieve stress and strengthen your self-esteem).
7. Think about your skills and talents and the things you are good at.
8. Participate in an extra-curricular or community activity based on an area of interest as a way of meeting and developing friendships with people who enjoy the same things you do.
9. Avoid being alone in locker rooms, restrooms, hallways, on the playground and other potential “hot spots.”
10. If the aggressor has a weapon or you are afraid for your physical safety, seek help if possible and immediately report the incident to an adult.
11. Seek immediate help from an adult especially if you are in any way concerned about your physical or emotional safety.
12. Report all incidents of victimization to school personnel.
13. Speak up and/or offer support to the victim when you see him/her being bullied or harassed.
14. Privately support those being hurt with words and acts of kindness and empathy.

15. Express disapproval of bullying and harassment by not joining in the laughter, teasing or spreading of rumors or gossip, etc.

### **Strategies for Parents**

*(Note: the following suggestions reflect strategies for preventing a child from becoming an aggressor and what a parent can do if his/her child is a victim or bystander.)*

1. Be involved with your child. Devote quality time to family activities and practice active listening.
2. Help your child to set and evaluate personal goals. Celebrate with him/her when such goals are achieved.
3. Avoid using anger and threats to make your child do what you want. Never use physical punishment.
4. Show respect for others and honor the differences among people.
5. Monitor your child's exposure to violent media and help him/her learn to be a critical viewer and consumer.
6. Help your child learn how to manage his/her anger.
7. Know your child's friends and encourage him/her to be involved in school and community activities with peers who share his/her interests.
8. Teach your child that silence is complicity. Encourage him/her to speak up for someone who is being victimized and/or to report incidents of bullying or harassment to an adult.
9. Be aware of the warning signs that your child may be experiencing bullying or harassment including but not necessarily limited to atypical quietness or animated behavior, headaches, stomach aches, trouble sleeping, missing or damaged personal belongings, avoidance of specific places, loss of interest in school and falling grades, unexplained physical injuries, and depression.

Similarly, know the warning signs that your child may be bullying or harassing others (e.g., s/he enjoys demeaning others, doesn't show empathy toward others, attempts to gain power over others, acts in manipulative ways to achieve his/her own ends, is disrespectful of authority and disregards rules, is disrespectful toward people who are different than him/her, possesses an attitude of superiority, enjoys and overdoses on violence).

10. If your child is being victimized, be sure to explain that nothing is wrong with him/her and s/he doesn't deserve such treatment. Help your child understand that s/he is not at fault and the aggressor's behavior is the source of the problem. Reassure your child that it's natural to feel sad, lonely, angry and/or afraid and encourage him/her to appropriately express such feelings.
11. Brainstorm with your child nonviolent ways of addressing the difficulty.
12. It is appropriate to call the school if your child is involved in a conflict as either a victim or as an aggressor. Work collaboratively with school personnel to address the problem. Keep records of incidents so that you can be specific in your discussion with school personnel about your child's experiences at school.
13. Arrange a conference with your child's teacher(s), principal or school counselor. School personnel can offer practical advice to help you and your child.
14. Offer support to your child but do not encourage over-dependence. Rescuing your child from

challenges or assuming responsibility yourself when things are not going well does not teach your child independence or contribute to your child's self-confidence.

15. Do not encourage your child to be aggressive or to strike back. Rather, teach your child to be assertive. For example, children can be taught to respond to aggression with assertions and humor rather than acquiescence.
16. Be patient. Conflict between children more than likely will not be resolved overnight. Be prepared to spend time with your child, encouraging your child to develop new interests or strengthen existing talents and skills that will help develop and improve his/her self-esteem. Also help your child to develop new or bolster existing friendships.
17. If the problem persists or escalates, as a last resort you may need to seek an attorney's help or contact local law enforcement officials.

### **Cyber Bullying and Harassment**

Cyber bullying and harassment are the harmful applications of technology by students wishing to extend the reach and impact of their behavior during and beyond school hours. It is the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal Web sites, defamatory online personal polling Web sites, and digital photography, to support acts by an individual or group, that are intended to embarrass, humiliate or intimidate their victim(s).

Cyber bullying and harassment are different than face-to-face aggression because the perpetrators are removed from the immediate and tangible feedback of their victims. They don't "see" the harm they have caused or the consequences of their actions, which minimizes any feelings of remorse or empathy. This creates a situation where students do and say things on the Internet that they would be much less likely to say or do in person.

While schools do not have responsibility for this behavior before or after school hours, the repercussions for those involved often finds its way into the school setting. As part of a school's strategy to prevent and respond to bullying and harassment school staff should stay informed about technology-related aggression and take reasonable measures to address the impact on school climate and the individuals involved.

Vermont's bullying and harassment laws are limited to behaviors that occur in school or during school-sponsored events. However, the Department of Education's model discipline plan (see section II of this publication, "Response to Off-Campus Behavior") allows a school to implement disciplinary actions for infractions of school rules that occur off school grounds when the infraction creates an unsafe school environment. Cyber bullying and harassment are examples of behaviors that may happen off school premises yet can significantly and negatively impact the functioning of students during the school day.

The following are some typical methods of cyber bullying and harassment.

- Sending cruel, vicious, and sometimes threatening messages through e-mail, instant messaging, chat, and website postings.
- Creating web sites that have stories, cartoons, pictures, and jokes ridiculing others.
- Posting online pictures of classmates that ask their peers to rate them on questions such as "Who is the biggest \_\_\_ (add a derogatory term)?"

- Gaining unauthorized access to an e-mail or instant messaging account to send vicious or embarrassing messages or material to others.
- Engaging someone in instant messaging (IM) to coax that person into revealing sensitive personal information, and subsequently forwarding that information to others.
- Taking a picture of a person in the locker room using a digital phone camera and sending that picture to others or posting it on a website.

A comprehensive approach to addressing cyber bullying and harassment is comprised of all of the following elements.

- Increased awareness of cyber bullying and harassment concerns. Empower educators, parents, students, and community members with knowledge of how to prevent and respond to such behavior.
- Provide warning to cyber aggressors and their parents of possible negative consequences.
- Proactively address concerns of cyber bullying and harassment in school with policies and effective supervision/monitoring.
- Develop a plan of action to engage in effective threat analysis for any reports of cyber bullying or harassment that raises concerns of violence or suicide.
- Develop an effective community-based approach to address concerns of cyber bullying and harassment that occurs off school grounds.
- Contact law enforcement when appropriate.

Cyber bullying and harassment have emerged as one of the more challenging issues facing educators and parents as young people embrace the Internet and other mobile communication technologies. Working with their communities, school staff are encouraged to take thoughtful steps to prevent and respond to this challenge.

### **Resources on Bullying and Harassment**

#### ***Print Materials***

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- Rigby, K. *Stop the Bullying: a handbook for schools*. Revised and updated practical handbook, published by the Australian Council for Educational Research in 2003 (ACER Press, Australia). [www.acerpress.com.au](http://www.acerpress.com.au)
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### ***Books for Children***

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- Huggins, Pat. “*The Assist Program*,” a series of nine books to promote students’ self-esteem and build interpersonal skills. Titles include *Teaching Friendship Skills* (primary and intermediate versions); *Helping Kids Handle Anger*; *Helping Kids Find Their Strengths*; *Building Self-Esteem in the Classroom* (primary and intermediate versions); *Teaching Cooperation Skills*; *Creating a Caring Classroom*; *Teaching About Sexual Abuse*. Longmont, Colo.: Sopris West.
- Sjostrom, Lisa and Nan Stein. *Bullyproof: A Teachers Guide on Teasing and Bullying for Use with Fourth and Fifth Grade Students*. Wellesley, Mass.: Center for Research on Women, 1996. .
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- STOP Violence Coalition. *Kindness Is Contagious, Catch It!* available from STOP Violence Coalition, 301 E. Armour, Suite 205, Kansas City, MO 64111.
- Teel Institute for the Development of Integrity and Ethical Behavior. *Project Essential*, available from Teel Institute for the Development of Integrity and Ethical Behavior, 101 E. Armour Blvd., Kansas City, MO 64111-1203.
- Project on Teasing and Bullying*, Wellsley Centers for Women, [www.wcwonline.org/bullying/](http://www.wcwonline.org/bullying/)
- A World of Difference Institute. [www.adl.org/education/edu\\_awod/awod\\_classroom.asp](http://www.adl.org/education/edu_awod/awod_classroom.asp)
- No Bullying*. This Johnson Institute curriculum, first implemented during the 1996-97 school year in schools across the country, describes the tell-or-tattle dilemma facing many victims of bullying. Teachers are given step-by-step guidelines on how to teach students the difference between telling and tattling. Teachers are also shown how to establish and use immediate consequences when dealing with bullies.
- Bullyproof: A Teacher’s Guide on Teasing and Bullying for Use with Fourth and Fifth Grade Students*. This guide by Lisa Sjostrom and Nan Stein contains 11 sequential lessons designed to help children understand the difference between teasing and bullying and to gain awareness about bullying and harassment through class discussions, role-play and writing, reading and art exercises.

*Quit It! A Teacher's Guide on Teasing and Bullying.* This guide by Merle Frosche, Barbara Sprung, and Nancy Mullin-Rindler with Nan Stein contains ten lesson plans. Each lesson is divided into activities geared to the developmental needs of students in kindergarten through third grade. Class discussions, role plays, creative drawing and writing activities, physical games and exercises and connections to children's literature give children a vocabulary and a conceptual framework that allows them to understand the distinction between teasing and bullying.

*Second Step.* The Committee for Children's Second Step curriculum teaches positive social skills to children and families, including skill building in empathy, impulse control, problem solving and anger management. Initial evaluations of *Second Step* indicate that second and third grade students engaged in more pro-social behavior and decreased physically aggressive behavior after participating in the program. (6)

*"Bullying."* This video and accompanying teacher's guide (produced by South Carolina's Educational Television in collaboration with the Institute for Families In Society at the University of South Carolina) contains five lesson plans that incorporate classroom discussions, role-playing and art exercises. It is appropriate for older elementary and middle-school students.

*"Don't Laugh At Me."* Produced by Peter Yarrow Productions & Educators for Social Responsibility. Don't Laugh at Me (DLAM) programs, one for grades 2-5, another for grades 6-8 and a third for summer camps and after-school programs. All of the programs utilize inspiring music and video along with curriculum guides based on the well-tested, highly regarded conflict resolution curricula developed by the Resolving Conflict Creatively Program (RCCP) of Educators for Social Responsibility (ESR).

Anti-bullying lessons are incorporated in the *Michigan Model for Comprehensive School Health Education curriculum*. The issue of bullying is covered at every grade level (K-12). Lessons are skills-based and based on models of behavior change. The Collaborative for Academic, Social, and Emotional Learning (CASEL) has cited the Michigan Model as a CASEL SELECT program in their new resource guide "Safe and Sound". It is available online at: [www.casel.org](http://www.casel.org)

- The scope and sequence for the grade 1-6 lessons in the Michigan Model can be accessed at: <http://www.emc.clnich.edu/mm/ss.html>
- The scope and sequence for the secondary modules can be accessed at: <http://www.emc.cmich.edu/CORE/bully7-12.htm#7-8>  
<http://www.emc.cmich.edu/CORE/bully7-12.htm#9-12>

### **Web sites**

Vermont Department of Education Health Education Resource Center

[http://www.state.vt.us/educ/new/pdfdoc/pgm\\_coordhealth/herc/resource\\_05\\_10\\_safety.pdf](http://www.state.vt.us/educ/new/pdfdoc/pgm_coordhealth/herc/resource_05_10_safety.pdf)

[print.google.com/print?q=bullying&oi=print](http://print.google.com/print?q=bullying&oi=print)

[smhp.psych.ucla.edu/pdfdocs/quicktraining/bullyingprevention.pdf](http://smhp.psych.ucla.edu/pdfdocs/quicktraining/bullyingprevention.pdf)

[teenadvice.about.com/od/sexualharassment/](http://teenadvice.about.com/od/sexualharassment/)

[www.ahaprocess.com](http://www.ahaprocess.com)

[www.bewebaware.ca/english/CyberBullying.aspx](http://www.bewebaware.ca/english/CyberBullying.aspx)

[www.bullybeware.com/](http://www.bullybeware.com/)

[www.bullying.co.uk/](http://www.bullying.co.uk/)

[www.bullying.org/public/frameset.cfm](http://www.bullying.org/public/frameset.cfm)

[www.childline.org.uk/Bullying.asp](http://www.childline.org.uk/Bullying.asp)

[www.colorado.edu/cspv/blueprints/](http://www.colorado.edu/cspv/blueprints/)

[www.cyberbully.org](http://www.cyberbully.org)

[www.edequity.org/quitit.php](http://www.edequity.org/quitit.php)

[www.education.unisa.edu.au/bullying/](http://www.education.unisa.edu.au/bullying/)

[www.isafe.org](http://www.isafe.org)

[www.kidscape.org.uk/childrenteens/cyberbullying.shtml](http://www.kidscape.org.uk/childrenteens/cyberbullying.shtml)

[www.lfcc.on.ca/bully.htm](http://www.lfcc.on.ca/bully.htm)

[www.mchlibrary.info](http://www.mchlibrary.info) (Bullying: bibliography of materials from the Maternal and Child Health Library)

[www.media-awareness.ca/english/resources/special\\_initiatives/wa\\_resources/wa\\_shared/backgrounders/challenge\\_cyber\\_bullying.cfm](http://www.media-awareness.ca/english/resources/special_initiatives/wa_resources/wa_shared/backgrounders/challenge_cyber_bullying.cfm)

[www.mentalhealth.org/](http://www.mentalhealth.org/) (search for bullying & harassment)

[www.mindohfoundation.org/bullying.htm](http://www.mindohfoundation.org/bullying.htm)

[www.naspcenter.org/factsheets/bullying\\_fs.html](http://www.naspcenter.org/factsheets/bullying_fs.html)

[www.nobully.org.nz/advicek.htm](http://www.nobully.org.nz/advicek.htm)

[www.nvaw.org/research/sexharass.shtml](http://www.nvaw.org/research/sexharass.shtml)

[www.nwrel.org/cnorse/booklets/primer/](http://www.nwrel.org/cnorse/booklets/primer/)

[www.ojjdp.ncjrs.org/resources/school.html](http://www.ojjdp.ncjrs.org/resources/school.html)

[www.onthenet.com.au/~townsend/anti-bullying.htm](http://www.onthenet.com.au/~townsend/anti-bullying.htm)

[www.pbs.org/peoplelikeus](http://www.pbs.org/peoplelikeus)

[www.popcenter.org/Problems/problem-bullying.htm](http://www.popcenter.org/Problems/problem-bullying.htm)

[www.pta.org/bullying/](http://www.pta.org/bullying/)

[www.ryanpatrickhalligan.com/](http://www.ryanpatrickhalligan.com/)

[www.safetyzone.org](http://www.safetyzone.org)

[www.samhsa.gov/library/searchreal.aspx](http://www.samhsa.gov/library/searchreal.aspx) (search for bullying & harassment)

[www.scre.ac.uk/bully/](http://www.scre.ac.uk/bully/)

[www.stopbullyingnow.com/](http://www.stopbullyingnow.com/)

[www.thechallenge.org/past.htm](http://www.thechallenge.org/past.htm)

[www.tolerance.org/10\\_ways.index.html](http://www.tolerance.org/10_ways.index.html)

[www.uvm.edu/~cdci/best/](http://www.uvm.edu/~cdci/best/) (BEST: Building Effective Supports for Teaching Students with Behavioral Challenges)

**Student Website:** [www.stopbullyingnow.hrsa.gov](http://www.stopbullyingnow.hrsa.gov)

### **Videos**

“*Bully.*” 1973. National Instructional Television Center, Box A, Bloomington, IN 47401.

“*Bullying.*” 1995. South Carolina Educational Television, PO Box I 1000, Columbia, SC 29211.

“*Bully Smart.*” 1995, Street Smart, 105 North Virginia Avenue, Suite 305, Falls Church, VA 22042.

“*Broken Toy.*” 1993. Summerhills Productions, 846-1/2 McIntire Ave., Zanesville, Ohio, 43701.

“*Coping with Bullying.*” 1991. James Stanfield Company, Drawer G, P.O. Box 41058, Santa Barbara, Calif., 93140.

“*Dealing with Bullies, Troublemakers and Dangerous Situations*” (Part of the PeaceTalks series). The Bureau for At-Risk Youth, 135 Dupont St., P.O. Box 760, Plainview, N.Y., 11803-0760.

“*Don’t Pick on Me.*” 1993. Sunburst Communications, 101 Castleton St., Pleasantville, N.Y., 10570.

“*Groark Learns About Bullying*” (Volume 4 in the Prevent Violence with Groark series). Wisconsin Clearinghouse for Prevention Resources, University Health Services, University of Wisconsin-Madison, Dept. 7B, P.O. Box 1468, Madison, Wis., 53701-1468.

“*Michael’s Story: The No Blame Approach.*” 1990. Lame Duck Publishing, 71 South Road, Portshead, Bristol BS20 90Y, England.

“*Set Straight on Bullies.*” 1988. National School Safety Center, 4165 Thousand Oaks Blvd., Suite 290, Westlake Village, Calif., 91362.

“*Stamp Out Bullying.*” 1990. Lame Duck Publishing, 71 South Road, Portshead, Bristol BS20 90Y, England.

## **V. Professional Development**

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### **Introduction**

The successful implementation of a school's discipline system requires continuous opportunities for professional development that ensures support for new and current school personnel and which is integrated with school improvement efforts. When designing professional development plans, determining the needed level of knowledge for each training area is the initial concern. The following three levels provide an outline for planning professional development activities.

#### ***Level I: Awareness***

An overview that provides general understanding of basic principles and how to obtain more information.

#### ***Level II: Knowledge***

A series of connected training events that lead to more complex understanding and the opportunity for initial skill acquisition.

#### ***Level III: Mastery***

Expanded and/or advanced training, coaching, action research, and/or support groups that lead to comprehensive knowledge and skills; participants gain "expert" to solve problems.

With the above levels for professional development in mind the following training areas are recommended for effectively preventing and responding to challenging student behaviors.

#### ***In every Vermont school, all personnel receive ongoing training in:***

1. Understanding the school's current discipline philosophy, plan, policies, procedures and practices.
2. Distinguishing discipline from punishment.
3. Building social skills, self-discipline, community and personal responsibility.
4. Understanding the motivations (basic needs) that drive behavior.
5. Positive behavior management strategies.
6. Understanding the purposes of anger and anger management techniques.
7. Understanding conflict, conflict resolution, mediation, de-escalation, and crisis response techniques.
8. Collaboration and problem-solving.
9. Understanding the use of available system supports.
10. Social competency (inclusive of working with families who are culturally different due to socio-economic background, race, ethnicity, and sexual orientation; who are experiencing stress; and/or who experience disability).

#### ***In every Vermont School, a few key people receive training in:***

1. Children's mental health issues (including substance abuse, sexual abuse, post-traumatic stress, depression, eating disorders, fetal alcohol syndrome, divorce and domestic violence).
2. Preventing and responding to harassment inclusive of learning how to investigate complaints.

3. Crisis management (including supportive physical intervention, “Life Space Crisis Intervention,” school-wide trauma, and how to respond to students, staff, parents, community members and the media).
4. Individual student behavior planning.
5. Impulse control.
6. When and how to work with outside agencies (including DCF, mental health, and law enforcement).
7. Legal issues.

While it is not the purpose of this section to elaborate upon all of the preceding components of professional development, several key points and information are important to consider.

### **The Motivations of Behavior: Why Students Act as They Do**

In order to select short and long-term strategies that assist students in changing their behavior, educators benefit greatly from understanding the underlying motivations that drive student behavior. Without such understanding, choosing certain prevention or intervention strategies can reinforce a student’s self defeating behaviors or may be ineffective in changing the students long-term patterns of behavior.

Although there are immediate causes which give rise to behavior, more deeply seated basic needs comprise the driving factors for a behavior. These factors are often related to the basic needs of belonging, mastery, independence and generosity. In-service training can help educators strengthen their understanding of these basic needs and their application to students, adults, and school climate.

### **Positive Behavior Management Strategies**

These include but are not limited to:

- Effective communication
- Positive affirmation
- Physical proximity to student
- Supportive and directive teacher behaviors and when to use each
- Providing student choices

### **Emotional Self-Regulation for Adults**

When interacting with students displaying aggressive behavior, adults may be provoked to mirror the behaviors of the students. For example, if a student raises his voice, an adult might respond by raising his or hers. This reaction will result in escalating, rather than a reducing, the aggressive behavior.

Adults can learn how to monitor and regulate their reactions to student misbehavior. This skill is a prerequisite to successfully responding to aggressive student misconduct. In order to respond successfully, adults must understand the following concepts:

- The cycle of student/teacher conflict
- Self-regulation strategies
- Why adults become counter-aggressive

## **The Crisis Development Model of the Crisis Prevention Institute**

The Crisis Prevention Institute, in part of its training (“Nonviolent Crisis Intervention”) describes four stages of crisis development and suggests adult responses to each. The following chart, adapted from the Nonviolent Crisis Intervention training program, describes these stages and is intended to help define the skills that educators need to effectively respond to a behavioral crisis.

<b>CRISIS DEVELOPMENT</b>	<b>STAFF RESPONSE</b>
1. Anxiety - a noticeable increase or change in behavior, e.g., pacing, finger drumming, wringing of the hands, staring.	1. Supportive - an empathic, nonjudgmental approach attempting to alleviate anxiety
2. Defensive - the beginning stage of loss of (student) rationality. At this point an individual often becomes belligerent and challenges authority.	2. Directive - an approach in which a staff member takes control of a potentially escalating situation by setting limits.
3. Acting Out - the total loss of control which often results in a physical acting out episode.	3. Nonviolent Physical Crisis Intervention - control and restraint techniques used to safely control an individual until s/he can regain control of his/her behavior. These techniques should be utilized as a last resort, when an individual presents a danger to self or others.
4. Tension Reduction - decrease in physical and emotional energy which occurs after a person has acted out, characterized by the regaining of rationality.	4. Therapeutic Rapport - an attempt to reestablish communication with an individual who is in the tension reduction stage.

### **Using System Supports**

When teacher intervention is not effective in preventing or managing a student’s challenging behavior s/he will need to call upon other system support(s). All adults must understand when and which supports to use (i.e., it can be equally ineffective to use such supports either too early or too late).

These supports include but are not limited to:

- Teacher/student advisories
- Referral to the school counselor and/or nurse
- Grade level or other instructional teams
- Referral to the school’s Educational Support Team
- Substance abuse program referral
- Involvement of administrative staff
- Referral to home/school coordinator or school social worker
- Out of classroom spaces
- School resource officer
- Crisis response team
- Community mental health organization
- Department of Children and Families

If there are indications that a student is disabled and in need of special education or requires accommodations or modifications for participation in school activities, a referral to determine the individual needs of the student should be made. If the student is already eligible for special education, disciplinary procedures will be consistent with the requirements of the IDEIA and corresponding state regulations.

In these circumstances the appropriate school personnel should consider the following supports when a pattern of misconduct is present:

- Functional Behavioral Assessment
- Individual behavior plan that substitutes for or builds on the regular discipline system
- Modifications or accommodations to regular discipline system
- Resource Room
- Special Class
- Alternative Class Programs

### **Life Space Crisis Intervention (LSCI)**

Student misbehavior is often driven by intense emotional reactions to events in the student's life. Sometimes these events happen in school and sometimes during other parts of the student's day. Regardless of the source of the emotions, it is critically important for the student to understand how his/her behavior is driven by his/her feelings. To gain this understanding, students need opportunities to process their behavior with adults as soon as possible after a rule infraction and if possible, with the adult who was present when the behavior occurred. This requires skill on the part of the adult to guide the student to discover that his/her behavior is self-defeating and ultimately interferes with the student's success.

Life Space Crisis Intervention (LSCI) is one strategy used by adults to help students change their behavior. Largely a counseling strategy, LSCI can be used by any adult with students who are at a point in their cycle of misbehavior in which they are ready to interact positively with an adult. The student interview (LSCI) is best accomplished by the adult in whose presence the behavior occurred as soon as the student's intense emotions have drained off. For some students this may be immediately after the behavior. Others will need some time to pass before they are ready. Sometimes effective interviews can be accomplished in minutes; however they often require longer periods of time. Therefore, adults will need both the interview skills and strategies for devoting the time to conduct the interviews.

### **Professional Development Resources**

A. **Appendix O** contains brief descriptions of:

1. The Crisis Prevention and Management (**CPM**) training and technical assistance project;
2. "Second Step" - a pre-k through grade 9 violence prevention training program developed by Educators for Social Responsibility;
3. "A World of Difference" (**AWOD**) - an anti-bias education training program developed by the Anti-Defamation League;
4. The Olweus Bullying Prevention Program;
5. The Crisis Prevention Institute (**CPI**) training program;
6. The "Life Space Crisis Intervention" (**LSCI**) training program; and
7. Understanding Poverty and its Relationship to Learning and School Culture.

B. **Appendix P** contains a rubric for assessing your school's progress in implementing the professional development components cited above.

## **VI. Appendices**

## **Appendix A**

### **DISCIPLINE PHILOSOPHY DEVELOPMENT WORKSHEET**

**Please consider and write your responses to the following statements and/or select those portions of your current philosophy that respond to the statements below.**

**1. Child behavior management and discipline is/consists of...**

**2. The purpose of learning behavior management and discipline concepts, skills and content is...**

**3. Students best learn behavior management and discipline concepts, skills and content when/by...**

## **DISCIPLINE PHILOSOPHY DEVELOPMENT WORKSHEET**

**Please consider and write your responses to the following statements and/or select those portions of your current philosophy that respond to the statements below.**

- 1. Child behavior management and discipline is/consists of...**
  - A. Preserving and respecting the dignity and self-worth of each individual
  - B. Mutual respect
  - C. Direction from adults in making (learning how to make) appropriate choices
  - D. Students understand school rules and why they exist
  
- 2. The purpose of learning behavior management and discipline concepts, skills and content is...**
  - A. Commitment to safe learning environment
  - B. Promote positive behavior
  - C. Students are responsible for their own behavior and make appropriate choices
  
- 3. Students best learn behavior management and discipline concepts, skills and content when/by...**
  - A. Students are valued and appreciated
  - B. All individuals in the school community play a part in creating a positive school climate
  - C. Students have the opportunity to meet and learn how to meet their basic needs for belonging, mastery, independence, and generosity

## **Appendix B**

### **Sample Statement of Philosophy from The Northfield School Discipline Plan**

#### **Statement of Beliefs**

We believe that everyone can learn and help others learn.  
As a caring and responsible community we will:

STRIVE FOR EXCELLENCE  
GIVE RESPECT  
HAVE DIGNITY  
TAKE RESPONSIBILITY

Everyone needs to contribute positively to an active learning environment.

#### **DISCIPLINE PHILOSOPHY**

Discipline will be consistent and support a safe atmosphere with respect for the dignity of all. To create positive learning environments everyone will be responsible for his/her own behaviors and the consequences. The entire school community, both adults and children will participate in and support the discipline procedures. Families and community will play an active role in promoting the discipline philosophy.

## **Appendix C**

### **Sample Statement of Philosophy from the Dothan Brook School Discipline Program**

#### **MISSION STATEMENT**

The Dothan Brook School community of students, staff, and parents is committed to providing a physically and emotionally safe learning environments, fostering academic, social and emotional growth, and nurturing a sense of belonging in all its members.

#### **GUIDING PRINCIPLES**

The word discipline comes from the Latin word *discere* meaning, “to learn.” Discipline is a learning opportunity and a process that all students can learn to use independently. The goal of school discipline is to foster within students the essential internal controls to be successful in all aspects of their lives. At Dothan Brook School:

- Discipline will preserve the dignity of all individuals
- Appropriate behavior will be modeled by all staff
- Everyone will take responsibility for their actions
- Discipline fosters internal controls for student responsibilities
- Parents play a primary role in making the system work
- Rules will be clearly stated and consequence applied fairly and consistently
- Staff must consistently employ appropriate methods of classroom management
- Establishing, maintaining and restoring relationship is an essential part of the discipline process

## **Appendix D**

### **Sample Statement of Philosophy from Blue Mountain Union School Discipline Plan**

#### **Philosophy:**

At Blue Mountain Union School, we believe that all disciplinary practices and interactions must teach and promote responsibility, enhance the safety and educational environment of the school, foster respect, and maintain the dignity of one's self and others. BMU's Discipline - Long Range Plan is a continuous community effort that is characterized by the following core belief statements:

- All students will have the social skills necessary to become responsible members of the community;
- All students are responsible for their actions and will be informed of the consequences of both positive and negative behavior;
- All staff members will teach and model essential social skills;
- All staff members will participate in the establishment of a clear set of school-wide and specific rules for the various environments (classroom, gym, auditorium/cafeteria, playground, bus, etc.) for which they are responsible;
- All BEST Team members are responsible for implementation, participation and ongoing analysis of the Discipline – Long Range Plan;
- All parents will play a primary role in the discipline process; and
- All community members will be invited to be active participants.

Based on the philosophy and core beliefs, the goals are to help students develop:

- responsibility;
- critical thinking skills;
- independence;
- pro-social expression of thoughts and feelings;
- pro-social and responsible decision-making; and
- the ability to identify emotional, social and behavioral consequences; and alternative behaviors and greater self-control.

## Appendix E

### The Three-Level System

The Three-Level Discipline System recognizes that consistent adult responses to low-level challenging behaviors (e.g., non-compliance, disruption, bullying, etc.) produces a positive school climate in which more serious infractions will be minimized.

Built on a foundation of prerequisite adult skills and system supports, the Three-Level System is an explicit protocol to be used by adults when responding to student misconduct. It does not include an exhaustive list of every student infraction followed by concrete consequences. Instead, a range of student behavior is followed by appropriate adult responses with discretion based on the type of behavior. The Three-Level System assigns responsibility for handling different levels of student behavior to specific adults.

#### Level One Behaviors: Primary Responsibility - Teacher or Supervising Adult

<b>Student Behaviors</b>	<b>Supportive Teacher Behavior</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>• Off task behaviors</li> <li>• Minor to moderate disruption</li> <li>• Inappropriate verbal interactions</li> <li>• Non-responsive to teacher direction</li> <li>• Inattention to classroom work</li> <li>• Unprepared for class</li> </ul>	<ul style="list-style-type: none"> <li>• Planned ignoring</li> <li>• Interact (Privacy, eye contact, proximity)</li> <li>• Affirmation</li> <li>• Active listening</li> <li>• Change/modify task</li> <li>• Offer choice</li> <li>• Supportive guidance back to task</li> </ul> <p><b>Directive Teacher Behavior</b></p> <ul style="list-style-type: none"> <li>• “I” Statements</li> <li>• Script for limit setting</li> <li>1. What are you doing?</li> <li>2. What are you supposed to be doing?</li> <li>3. What do you choose to do? (give two choices)</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for recognition of achievement</li> <li>• Positive reinforcement for task completion and class cooperation</li> <li>• In-class time-out</li> <li>• Work completion during free time</li> <li>• Verbal behavior plan</li> <li>• Restitution</li> <li>• Loss of privileges</li> <li>• Parent notification/involvement</li> <li>• Failure of lesson</li> </ul>

**Level Two Behaviors: Primary Responsibility - Teacher and Behavior Support Staff**

<b>Student Behaviors</b>	<b>Teacher Behaviors</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>• Include all Level One behaviors in which student remains non-compliant and disruptive to his/her or others learning or responsibilities</li> <li>• Level one or two behavior continues despite teacher intervention</li> </ul>	<p><b>Immediate</b></p> <ul style="list-style-type: none"> <li>• Direct student to prearranged location (neighboring classroom, planning room, time out room, other)</li> <li>• With ongoing student refusal, summon crisis team (last resort)</li> </ul> <p><b>Follow-up</b></p> <ul style="list-style-type: none"> <li>• Teach alternative behaviors</li> <li>• Educational support team/system referral</li> <li>• Counseling</li> <li>• Life-space Crisis Intervention</li> <li>• Consideration for Functional Behavioral Assessment and Behavior Intervention Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in the development of individual behavior plan</li> <li>• Restitution</li> <li>• Loss of privileges</li> <li>• Parent notification</li> <li>• Class failure</li> </ul>

**Level Three Behaviors: Primary Responsibility - School Administration**

<b>Student Behaviors</b>	<b>Teacher Behaviors</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>• Chronic violation of school or class rules</li> <li>• Serious verbal aggressions, harassment or threat</li> <li>• Drugs and alcohol possession or use</li> <li>• Serious damage to property</li> <li>• Serious physical altercations</li> <li>• Weapons possession, threat to use, or actual use</li> </ul>	<ul style="list-style-type: none"> <li>• Referral to Administrator</li> <li>• Seek help of Crisis Support Team and other school wide supports</li> <li>• Participate in parent conferences and re-entry meetings</li> <li>• Provide work for in-school suspension</li> <li>• Referral for Functional Behavioral Assessment and Behavior Intervention Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution</li> <li>• Home/School coordination and support</li> <li>• Interagency referral and planning</li> <li>• Short-term suspension (in or out of school)</li> <li>• Consideration for placement in alternative program</li> <li>• Long-term suspension</li> <li>• Expulsion</li> <li>• School failure</li> </ul>

## **In-Service Preparation for Implementing the Three-Level System**

The Three-Level System requires a common approach by all adults who interact with students. Differing levels of preparation are required, depending on the specific roles of responsible adults. For example, bus drivers and cafeteria staff should have a basic understanding of the system, while members of a crisis team should receive intensive preparation in order to implement crisis procedures.

School employees and other adults responsible for the supervision of students should receive annual in-service training on behavior management and de-escalation strategies; using the school's discipline system; understanding how student diversity affects discipline; and strategies for engaging students. The school's discipline plan should make the principal or his/her designee (in collaboration with faculty and other staff) responsible for planning the necessary in-service programs.

## **Appendix F**

### **Family-Centered Practices**

Since parents and guardians are essential to the success of interventions aimed at meeting their child's and their own needs, our interactions with them must be family friendly. This is especially important for those families (who due to their own school experiences, cultural background, the way in which their socioeconomic status compares to that of school staff and other factors) feel disenfranchised from the school. While this appendix is not intended to be a primer on family-centered practices, a few family friendly tips may be helpful.

Schools benefit from having a systemized way for regularly sharing student success stories with individual families and students. These strategies respect and make use of multiple ways of contacting families consistent with their wishes and circumstances. Such a system of sharing success makes it much easier to talk with parents and guardians when there is a difficulty of which they should be informed and the need for a school/family partnership to address the difficulty.

Contacts with parents and guardians are optimally made by the person who has the best relationship with the family. When making such contact, efforts are extended to solicit the family's point of view and ideas and to share those of school personnel openly and directly and with sensitivity and tactfulness. Family members come away from such contact feeling that school personnel honor and value their strengths and the knowledge they have about their child and have practiced full disclosure. If a meeting of some kind is needed, the contact person can ask parents and guardians what they want to discuss, who they want to be involved, and where and when the meeting can best be held.

Information that is provided by the student can also be extremely helpful in determining how to best meet his/her needs. Student input in the problem-solving process can occur in a variety of informal and formal ways. Ordinarily these strategies rely on a positive relationship and direct contact with the student.

Again, this appendix is not intended to thoroughly discuss family-centered practices. However, implementing the above small steps may prove helpful in developing genuine school-family partnerships. These steps are reinforced and in some respects extended by the following sample letters/questionnaires to parent(s)/guardian(s) and students.

## **Appendix G**

### **Dothan Brook School Rules**

#### **1. We care about each other's feelings.**

We are kind to others.  
We respect others.  
We respect ourselves.  
We use appropriate and respectful language (I-Care language).  
We listen to each other.  
We don't use put-downs.  
We don't bully others.  
We don't tease others.  
We don't scare, threaten, or intimidate others.

#### **2. We keep others and ourselves safe.**

We keep our hands and bodies to ourselves.  
We stay in our own space.  
We keep our bodies safe.  
We keep our bodies and voices under control.  
We play and work safely.  
We don't hurt others.

#### **3. We respect property.**

We keep our school clean.  
We use equipment appropriately.  
We leave other people's things alone.  
We do not damage property.

#### **4. We are responsible for what we say and do.**

We take responsibility for our actions.  
We come to school.  
We do our best.  
We finish our work.  
We are on time for our activities.  
We use good manners.  
We cooperate with others.  
We resolve our conflict.  
We apologize and make up for our mistakes.  
We follow the bus rules.  
We follow all school rules.

## **Appendix H**

### **Rules for Specific Areas**

#### **Playground and Recess Rules**

1. Be kind to one another.
2. When you come in from recess, walk slowly and safely with your hands in your own space.
3. Use all equipment in a safe way.
4. Pebbles under the equipment always stay on the ground.
5. Tagging games are allowed if you are careful and safe about tagging, and if the game is agreed to by all children being tagged.
6. Peer mediators will circulate around the playground. They can help you solve problems.
7. In the winter, children need to have hats, gloves, snow pants, and snow boots. Extra clothing is available in the nurse's office.
8. Snowball throwing is not safe at any time.
9. Snow constructions may only be destroyed by the person(s) making them.
10. Stay away from the roof edges when icicles are present.
11. Doing your job on the playground means:
  - Playing safely
  - Being kind and respectful to each other
  - Having fun

#### **Hallways**

- Move quietly and walk.
- Keep to the right.
- Respect personal space.
- Keep halls clean and clear.

#### **Bathroom**

- Use facilities properly and quietly.
- Leave it clean and dry.
- Wash hands before leaving.

#### **After School Hours**

- Visit classrooms only with staff permission.
- All students will be supervised by activity leader (or parent).
- Move quietly and walk.
- School rules apply always.

#### **Mornings – In Cafeteria**

- Enter quietly and walk directly to your table.
- Obtain permission before leaving for anything.
- Stay seated unless paying or getting breakfast.
- Respect personal space and property.
- Keep walkways clear.
- Speak quietly.
- Listen and follow directions.

### **Lunchtime – In Cafeteria**

- Respect personal space and property.
- Be ready with choices, and put ticket in basket.
- Say “Please...”, “Thank you...”, and “excuse me...”
- Find a seat quickly, and obtain permission before leaving it.
- Three students to a bench.
- Have quiet conversations, listening and responding politely to others.
- Leave your table and floor clean.

### **Bus Rules**

- Stay safely seated.
- Elementary students in the front; Middle/High School students in the rear.
- No food or drinks.
- Talk quietly using appropriate language.
- RESPECT bus driver and follow his/her directions.

### **Lobbies**

- A pass is needed except during passing times.
- Use trash receptacles.
- Keep walkways clear.
- Use appropriate language and contact.

### **Study Hall Rules**

- Have work or book to read.
- Be respectfully quiet.
- No personal stereos or games, i.e., video, boards or card games.
- No food or drinks
- Passes are needed to leave study hall.
- No outside study halls.

## **Appendix I**

### **Sample Procedural Statement on the Use of Time-Out as a Management System**

*Source: Johns, Beverly; Carr, Valerie, (1995) Techniques for Managing Verbally and Physically Aggressive Students, Love Publishing Company*

#### **I. Philosophy**

Time-out from positive reinforcement has proven to be both a widely used and effective technique for suppressing the rate of inappropriate behavior. Time-out procedures have been successfully applied across a variety of behavior problems, situations, and populations. However, effective time-out should be individualized to meet the specific needs of a student as decided by a team decision in a Multidisciplinary Conference or a conference called to develop or review the Individualized Education Program. Appropriateness for age, size, and sex of the student is also a team decision.

#### **II. Definition**

Operationally defined, time-out refers to the contingent withdrawal of those reinforcing stimuli thought to be maintaining the behavior of interest.

#### **III. Purpose**

The purpose of time-out is to decrease undesired behavior. Time-out from a positive class environment for pre-selected, aggressive, destructive, or individually targeted behavior is an effective method for modifying behavior.

#### **IV. Ethical and Legal Considerations**

Since time-out procedures may be misused, the following ethical and legal issues shall be addressed before a time-out procedure is employed.

1. A child will be informed regarding the specific behaviors which lead to time-out for him/her prior to using the procedure.
2. After the child completes time-out, the following options will be made available. Scheduling of these procedures would be a team decision on what is most appropriate for the child.
  - a. A chance to clarify his/ her behavior and the time-out consequence.
  - b. A chance to identify and practice alternative behaviors.
3. Parents shall be informed about the use of Level 4 time-out procedures as part of the child's behavior management plan.
4. Records documenting the use of time-out, indicating the name of the student, when the procedure was employed and for how long it was employed, are a mandatory practice of the procedure.

#### **V. Levels**

Time-out does not automatically refer to removing the child from the classroom environment. Time-out is used with differing levels of isolation. Four levels will be used.

**Level 1:** Ignoring the child while leaving him/her in the same setting.

*Example:* The teacher stops reinforcement to the child according to a pre-selected condition.

**Level 2:** Having the child place his/her head down at his/her desk.

*Example:* The teacher stops reinforcement to the child by having the child put his/her head on the desk.

**Level 3:** Placing the child apart or separate from the setting in which the target behavior occurs, but within the regular classroom.

*Example:* Sitting in a corner or isolated in a study carrel.

**Level 4:** Placing the child in a time-out room. The time-out room meets the following minimum qualifications.

- a. Constructed of materials accepted as fire safe by the district or institution. Materials need to be of the same fire-safe materials as used in other parts of the building.
- b. At least four-feet by four-feet floor space with minimum seven-foot ceiling.
- c. Properly lighted.
- d. Properly ventilated.
- e. Free of objects and fixtures with which children could harm themselves.
- f. Having the means by which an adult can continuously monitor, visually and auditory, the child's behavior.
- g. Unlocked or no door at all.

## VI. Parameters

The following conditions will be adhered to when using time-out procedures:

1. Carried out in a matter-of-fact and calm manner.
2. Must occur as an immediate consequence when a predefined misbehavior occurs. To maximize opportunities to exercise self-control, the student should be given the opportunity to take his/her own time-out after receiving the instruction from the teacher. However, if the student refuses to take his/her own time-out or if the student fails to respond to the teacher's instruction within a reasonable time interval of five to ten seconds, the teacher should physically remove the student to the time-out area. For high intensity behavior such as kicking, screaming, etc., the student should be immediately escorted to time-out. (It is important that teachers realistically evaluate their ability to physically remove a child to the time-out area. If a pupil is able to break away, the teacher will require assistance.)
3. Accompanied with brief or no discussion, e. g., "Johnny, you cannot stay in the classroom when you \_\_\_\_\_" or "Because you \_\_\_\_\_, you must go to time-out for \_\_ minutes."
4. Be of brief duration. One to five minutes generally is sufficient. It is doubtful that time-out periods exceeding fifteen minutes serve the purpose for which they were intended.
5. Provide for release from time-out contingent upon the student's behavior while in time-out. A change-over delay procedure of one minute (i.e., a contingency for release from time-out of one minute in which no inappropriate responses are omitted) will avoid reinforcing a child's inappropriate behavior while in time-out.

6. Records, as per Section IV. D., should be kept of each occasion when time-out is implemented and should include the following information.
  - a. The child's name.
  - b. The episode resulting in the child's placement in time-out.
  - c. The time of day the child was placed in time-out.
  - d. The time of day the child was released from time-out.
  - e. The total time in time-out.
  - f. The child's behavior in time-out.

## **VII. Considerations**

The multidisciplinary team will evaluate the effectiveness of time-out procedures for each individual child.



## Appendix K

### Essex Town School District Parameters For Teams When Using Time Away

- Time away (TA) is a procedure to help the student reflect on and plan to change his or her behavior.
- Time away is for those times when a student needs a quiet, safe, supervised space to calm down; to break a cycle or pattern of thinking or responding; or when the safety of the student or other students is at issue.
- Time away is not intended to be an intervention to change behavior. Using it this way is punishing. We need to use teaching strategies to help students change their future behavioral responses.
- Time away should be used as a guided choice.
- The prompt/decision should never be stated in a threatening way but as a matter of fact guided choice.
- Time away should always be followed with a team member processing the situation with the student.
- Time away can occur in a variety of spaces (in and out of the classroom) depending on the student's needs.
- Consider levels of restrictiveness for implementing time away procedures (i.e., at desk, in classroom, in a separated designated space outside of the classroom).
- Any of the options exercised above must be supervised at all times.
- The above are considered accommodation strategies which could be used with all children in need of brief time away (i.e., a student who sometimes needs a quiet space to complete work)
- Formal time away procedures should be documented when the above accommodations are not working, the level of restrictiveness increases, the number of people involved increases, the child appears increasingly unhappy, agitated, discouraged or disruptive, or when the teachers' level of thinking about the child increases.
- When time away procedures are part of an individual student's written plan, teams must follow the guidelines listed below. A guidance counselor, special educator, and/or building administrator must be present when teams are developing plans which call for the use of time away procedures. The meeting must include input from parents/families. A log of time away occurrences must be kept. The log should include the following information.
  - ? Date and time of the intervention.
  - ? Who requested that the student have a time away?
  - ? Where did the time away take place?
  - ? How long was the time away?
  - ? What events/circumstances surrounded the behavior?
  - ? What was the student's frame of mind that day?
  - ? What was teacher/adult frame of mind that day?
  - ? What specific behavior resulted in the need for time away?
  - ? How was the incident processed with the student and by whom?

- ? Parent contact made by/on what date?
  - ? Parents will be notified by the end of the day when time away procedures outside of the classroom setting are implemented.
  - ? Student plans should be developed with parent and student input.
  - ? Student plans should be reviewed at least monthly by the team, including the student and parent.
- 
- The dignity of the student will be retained when time away procedures are used.
  - The use of time away is not intended to be a humiliating experience for the student.

## Appendix L

### Critical Elements and Questions to Consider When Establishing a Planning Room (PR)

1. The planning room should exist as part of a school wide disciplinary system. (Where and how does the PR fit in the system? How does the PR promote the goals of the disciplinary system?)
2. Students and staff need to be taught the purposes and procedures of the planning room. (How and when will this teaching happen? How will re-teaching and practice be built into the system?)
3. The focus of the planning process is on present and future behavior and the teaching of strategies which promotes rule-following behavior. Although counseling and academic support may be part of a student's plan, such support should occur outside of the planning room. (How does the planning room offer support/instruction for the student? How will the system ensure that the planning process remains the focus of the interaction between the student and the planning room teacher?)
4. A space is needed for the planning room. This room should be used only for the planning room and no other purposes. Ideally, it should be removed from the traffic of the school and have enough room to accommodate three-four students at one time.
5. The planning room should be staffed throughout the school day. Whether one person or several people work in the room, on-going training and support in developing effective plans, social skills training, anger management, problem-solving, etc. is required. (Who will staff the PR? How will the on-going support and training be made available?)
6. Clearly defined entry and exit procedures for students requiring the planning room must exist. This requires that classroom teachers understand the rationales and goals of the planning room and the planning process. (What are the expectations of teachers prior to sending a student to the PR? How does the student get to the PR? How does the student leave the PR and re-enter the classroom?)
7. Clearly defined procedures in the planning room and procedures for when students do not follow the planning room rules are essential. These should be simple. (What happens when students engage in significant or chronic rule-violating behavior in the P.R.?)
8. Use of the planning room does not preclude the use of other strategies which promote rule-following behavior and reduce rule-violating behavior. (How does the system provide additional problem-solving and planning for students?)
9. Establishment of a communication system between the planning room and classroom teachers to ensure follow-up to student's written plans is critical. (How will adults know what the plan is with a student?)
10. The development of a data keeping system to help evaluate the effectiveness of the planning room for individual students and the program as a whole will facilitate program improvement over time. (How will you keep track of who uses the PR, for what behaviors, for how long and to what end?)

## **Appendix M**

### **Gate Keeping and Planning Rooms: How to Prevent the Planning Room From Becoming a Dumping Ground**

One of the key variables in determining whether or not a planning room is an effective and productive part of a school's disciplinary system are gate keeping procedures. By gate keeping, we mean how the students get from the classroom to the planning room, what happens in the planning room when the student is not following the planning room rules, and how the student reenters his or her classroom after successfully completing his or her plan.

Schools paying attention to these gate keeping questions gather and use data from the planning room and make changes as needed. Those schools make the planning room functional for students and staff.

Before describing three different gate keeping scenarios a few reminders:

1. Planning is a solution seeking strategy for students. Although having a room to do it in is desirable, it is not required. What is required is trained individuals available to work with the students in a predictable and focused way. Almost anyone can be taught and supported in learning how to do this work.
2. A planning room is not the total system but rather part of a disciplinary system or pyramid. The effectiveness of the planning room or process is directly related to what happens in the classroom prior to sending the child to the planning room and what happens upon the child's return.
3. Remembering that planning is primarily about identifying short term solutions in order to build a student's sense of confidence and mastery of related social skills, anger management, self-control, decision-making, etc. It is unlikely that planning by itself will promote long term, lasting change. The larger the constellation of supports, accommodations and interventions available the more likely planning will be an effective strategy.
4. It is not magic; it is not a quick fix; it does not work for all students all the time.

#### **Getting Students to the Planning Room**

##### **Option A:**

The decision to send a student to the planning room is made by the classroom teacher. In systems that use this procedure, there is usually an agreement that the teacher will have used several interventions prior to sending the student to the planning room. Often, the teacher is expected to have attempted either time-out and/or an oral plan prior to removal. In these cases, the teacher fills out a form indicating the student's behavior. In some schools, (especially at the middle and high school level) the teacher also indicates when s/he would like the student to return to the classroom or when s/he will meet with the student to review the plan (i.e. Send back ASAP, Send back five minutes prior to end of class, please have student see me at \_ so we can schedule a meeting to review plan, must be within 24 hours).

##### **Option B:**

The student is sent to the office where an administrator determines whether or not the planning room is an appropriate option. In some schools the teacher indicates his or her preference. As in

the above scenario, it is expected that the teacher would have tried several interventions prior to removal. In these systems, it is not unusual for the administrator to actually do the planning with the student, with the understanding that the plan is ultimately approved by the sending adult. A key to making this system work is that an administrator must always be available and have adequate training in the process.

### **Option C:**

In some schools, planning room intervention is available by referral only. Before a teacher or a team of teachers and administrators send a student to the planning room, the individual teacher or team presents a case study to a planning room referral team identifying what they see the student's needs are, what interventions, supports and accommodations are in place and how they see working with the planning room process. A variation on this is planning room referrals are made through a building-based support team, or educational support team. The key to this system is whoever is doing the screening must have a solid understanding of what the planning room is and is not. In all cases, someone who works in the planning room on a regular basis is on the decision-making team.

### **Getting Students Back to Class**

Regardless of how the student enters the planning room and regardless of how the student returns to the classroom, it is essential to remember that the plan must ultimately be approved by the referring adult, although it is the planning room teacher who gives first approval.

### **Option 1**

After a student has written a plan which appears to be satisfactory, s/he returns to the classroom with the plan and either returns to his or her desk or to a time-out/quiet corner to wait for the teacher to review the plan. It is agreed the teacher will review the plan as soon as possible but certainly within ten minutes. If the plan is acceptable, the teacher signs it and the student rejoins classroom activities. If the plan is not acceptable, the teacher has three choices: 1) have student return to the planning room, 2) have student stay in quiet corner or at desk and write or modify plan, 3) schedule a time to work with the student to revise plan.

In some schools, the planning room teacher goes with the student to the classroom.

### **Option 2**

Upon completing his or her plan, the student goes to the office where the plan is reviewed by administrator and then returns to the classroom with similar sort of options as described above.

### **Option 3**

The planning room notifies the teacher the student has completed a plan and it is ready for review. The teacher communicates to the planning room one of the following; 1) send the student up right away, 2) please send the student up in 5, 10, 15 minutes, 3) it doesn't make sense for him to return at this point, please keep till end of period and I will come to PR to schedule a time to review with student.

## **The Individualized Option**

It is safe to assume that in spite of our best efforts to identify and eliminate glitches in the system, at least one student will demonstrate his capacity to outwit the system. Thus, if and as needed, any and all entry and exit strategies may be modified, redesigned, etc. in order to better meet the needs of the student and the situation.

## **Other gate keeping procedures critical to the system**

### **The Tickler System**

In many schools, after a student has been in the planning room three times within a marking period, a letter is sent to the parents explaining their student has been in the planning room three times and to please take some time to discuss how school is going and how they might support their student. After five visits to the planning room, a meeting is called inviting the teacher, student, perhaps a peer, planning room person, or administrator to discuss what is happening and to engage in additional solution seeking, supports, accommodations and conversation of how to make a difference for this student. The purpose of this meeting is not to make the student feel bad, identify punishments or to make threats. The purpose is to find solutions.

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## Appendix N

### Model Bullying Prevention Plan

#### 1. Introduction

As a result of Act 117 of 2004 An Act Relating to Bullying Prevention Policies, the following is intended as an insert to the Vermont Department of Education Model Discipline Plan, issued June 2003 for use in addressing bullying in schools. Bullying is a form of dangerous and disrespectful behavior that will not be permitted or tolerated.

Bullying may involve a range of misconduct that, based on the severity, will warrant a measured response of corrective action and/or discipline. Behaviors that do not rise to the level of bullying, as defined below, still may be subject to intervention and/or discipline under another section of the discipline plan or a discipline policy.

#### 2. Definition

Bullying means any overt act or combination of such acts directed against a student by another student or group of students and which:

- (a) occurs during the school day on school property, on a school bus, or at a school-sponsored activity;
- (b) is intended to ridicule, humiliate, or intimidate the student; and
- (c) is repeated over time.<sup>2</sup>

#### 3. Notice of Prohibition Against Bullying and Anti-Bullying Interventions

The \_\_\_\_\_ School District recognizes that students should have a safe, orderly, civil, and positive learning environment and that bullying has no place and will not be tolerated in its schools. The \_\_\_\_\_ School District shall:

- (a) Include the prohibition against bullying in the student or school handbook and in other ways make students aware of the prohibition against bullying, the penalties for engaging in bullying, and the procedures for reporting bullying.
- (b) Develop strategies for school staff to prevent and intervene in bullying. See **Appendix A**, as well as the Vermont Department of Education Web site for prevention and intervention strategies.

#### 4. Reporting, Investigating, and Notifying Parents of Bullying Reports

To address bullying, the \_\_\_\_\_ School District:

- (a) Encourages students to report personally or anonymously to teachers and school administrators acts of bullying.<sup>3</sup> The \_\_\_\_\_ School District has established the following methods for such reporting:
  - Anonymous Reporting: [provide location of drop box and/or describe other means here] and
  - Personal Reporting: [provide name, title, mailing address, phone number of person designated to take bullying complaints here].

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<sup>2</sup> Conduct that might otherwise be considered bullying but *does not* occur during the school day, on school property, on a school bus, or at a school-sponsored event still may be subject to disciplinary action pursuant to 16 V.S.A. §§1161(a) and 1162; however, such misconduct would not meet the definition of bullying.

<sup>3</sup> Any student, who knowingly makes false accusations regarding bullying, may be subject to disciplinary action.

- (b) Encourages parents or guardians of students to file written reports of suspected bullying. See (a) above.
- (c) Requires teachers and other school staff who witness acts of bullying or receive student reports of bullying to promptly notify [insert title of person identified in (a) above].
- (d) Requires [insert title of person identified in (a) above] to accept and review all reports of bullying, including anonymous reports. If after initial inquiry, an anonymous or oral report appears to warrant further investigation, school districts shall promptly continue with an investigation. School administrators shall investigate any written reports.
- (e) As with any other disciplinary action, requires school staff to notify the parent or guardian of a student who commits a verified act of bullying of the response of the school staff and consequences that may result from further acts of bullying.
- (f) To the extent permitted under the Family Educational Rights and Privacy Act, (FERPA), requires school staff to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.<sup>4</sup>

## 5. Data Gathering

The \_\_\_\_\_ School District delegates the responsibility of data collection to [provide title of person]. He/she shall collect data on the number of reported incidents of bullying and the number of incidents that have been verified and to make such data available to the Commissioner of the Vermont Department of Education and to the public. See the Department's Safe and Healthy Schools website [www.state.vt.us/educ/new/html/pgm\\_safeschools.html](http://www.state.vt.us/educ/new/html/pgm_safeschools.html) for further information on data gathering.

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<sup>4</sup> FERPA is a federal law designed to protect the confidentiality of student records and the school district must comply with this law, as well as a similar state law. When the school administrator contacts a parent about the school district's response to a bullying incident, he/she may discuss information about an investigation and corrective action taken, but only to the extent that it may be done without disclosing information about any students other than the student subjected to the bullying.

## Appendix O

### Professional Development Opportunities

#### 1. Crisis Prevention & Management (CPM) Project

The purpose of the CPM Project is to provide training and technical assistance aimed at strengthening the capacity of every school community to humanely and effectively prevent and respond to challenging behavior and school crisis. CPM focuses primarily on preventing and supporting individuals through a behavioral crisis, developing school wide and classroom discipline systems, and improving school climate.

CPM is based on the work of Larry Brendtro, Martin Brokenleg, and Steve Van Bockern (the “Circle of Courage” and basic needs); Alan Mendler and Richard Curwin (“Discipline with Dignity”); William Glasser (“Reality Therapy”); Rudolph Dreikurs, Abraham Maslow, and Erik Erikson (basic needs); Alfie Kohn (*Beyond Discipline*); Arnold Goldstein (Social Skills); Jon Saphier (Research for Better Teaching, Inc.); the National Crisis Prevention Institute; and Non-Abusive Physical and Psychological Intervention Inc.

CPM promotes the view that discipline is an opportunity to help students learn how to be responsible members of their school community, rather than an opportunity to do something to someone. Training and technical assistance is offered on a variety of topics including but not limited to:

- Distinguishing discipline from punishment
- Understanding the communicative functions of behavior
- Learning anger management and impulse control techniques
- Developing individual student behavior plans
- Building positive relationships with students
- Developing strategies for creating nurturing school environments for staff
- Strengthening family-centered practices
- Learning how to de-escalate a behavioral crisis and promote self-reflection
- Establishing school wide and classroom discipline systems
- Strengthening school climate
- Collaborative teaming and problem solving
- Targeted school violence

Note: A detailed description of the CPM Project is readily available upon request.

**For further information contact: Ron Rubin, Safe Schools Consultant, Vermont Department of Education, (802) 828-4790 or [ronrubin@education.state.vt.us](mailto:ronrubin@education.state.vt.us)**

#### 2. Second Step Training

**Second Step: Violence Prevention Skills for Adults and Children** was developed by the Committee for Children in Seattle, Washington. It is a curriculum for preschool through grade

9 designed to reduce impulsive and aggressive behavior in children, teach social and emotional skills, and build self-esteem. Children learn how to identify problems and feelings, reduce their anger, solve problems, and get along with others. Current research links academic success with these skills. The content of lessons varies according to grade level, and the skills targeted for practice are designed to be developmentally appropriate. This research-based program offers fully scripted lessons and activity plans, a self-contained photo lesson card format, and lessons that integrate easily into language arts, health, drug prevention, or social studies programs.

If you're interested in scheduling a training at your school or getting more information about this program, call Ruth Hamilton, 656-1131 or e-mail, [ruth.hamilton@uvm.edu](mailto:ruth.hamilton@uvm.edu).

### **3. A World of Difference™ Anti-Bias Education Program (Whole School Professional Development, Grades K-12)**

**A WORLD OF DIFFERENCE® Institute** is an anti-bias education program of the Anti-Defamation League (see [http://www.adl.org/education/edu\\_awod/awod\\_classroom.asp](http://www.adl.org/education/edu_awod/awod_classroom.asp)). Its mission is to mobilize citizens to challenge bigotry and to promote prejudice-free, inclusive schools and communities in which all people are appreciated for their differences.

**The Vermont Department of Education**, and other partners have developed a cadre of A WORLD OF DIFFERENCE® Institute adult facilitators and trained students who are becoming leaders in the effort to challenge harassment and all forms of bias in Vermont schools. We are working to increase the number of Student-led Peer Training teams in schools as well as the number of adult educators who actively prevent harassment and bias from occurring, and who recognize and effectively address it when it does.

Since 1985 the **A WORLD OF DIFFERENCE® Institute** has become an International Institute that provides anti-bias training to educators, students, and community agencies. The program offers Staff Training, a K-12 Curriculum, and a Middle and High School Peer Training Program. Typical workshops have up to 30 participants per group, stress participation and interaction, and are facilitated by a diverse training team in 3-, 6-, 12-, or 18-hour sessions. Although each workshop is individually designed based on a needs assessment conducted by the Institute, the following conceptual framework is the underpinning of each agenda.

- **INTRODUCTORY ACTIVITIES** are designed to create a safe environment in which participants feel comfortable focusing on personal issues and begin to openly share their experiences with co-participants.
- **IDENTITY ACTIVITIES** provide participants with opportunities to examine how their current identity and belief systems have been shaped by their upbringing, race, ethnicity, religion, sexual orientation and other cultural and societal factors.
- **LANGUAGE ACTIVITIES** allow the group to define key concepts and terms related to diversity and issues of bias for all workshop discussions.
- **CULTURAL AND DIVERSITY AWARENESS ACTIVITIES** highlight current demographics, cultural norms, and assumptions operating in the U.S. and are designed to challenge participants to identify and address examples of personal and institutional prejudice and discrimination.

• **ASSESSMENT AND ACTION PLANNING** assist participants in determining the steps needed to make their classrooms more inclusive and implement change at the institutional level.

• **EVALUATION** is a tool which provides closure to individual sessions and critical feedback about the content and process of the workshops. It is also utilized in developing recommendations to the school which are outlined in the final workshop report.

For further information contact: Ron Rubin at [ronrubin@education.state.vt.us](mailto:ronrubin@education.state.vt.us) or by calling 828-4790.

#### **4. Olweus Bullying Prevention Program**

This K-12 program is a school-wide approach to preventing and responding to bullying and harassment. It is one of the few scientifically (An Exemplary Program - SAMSA) proven effective practices for reducing bullying and violence in schools for which both state and federal funds may be used. By restructuring the school environment, the program helps reduce opportunities and rewards for bullying. School staff are largely responsible for introducing and implementing the program. Their efforts are directed toward improving peer relations and making the school a safe and positive place for students to learn and develop.

The goals of the program are:

- To reduce existing bully/victim problems among elementary, middle, and junior high school students in and outside of the school building;
- To prevent the development of new bully/victim problems; and
- To achieve better peer relations at school, create conditions that encourage students to respect each other and to function better in and outside of the school setting.

For more information on this program, contact one of Vermont's two trainers: Richard Boltax at [richardboltax@education.state.vt.us](mailto:richardboltax@education.state.vt.us) or (828-5125) or Ruth Hamilton at [Ruth.Hamilton@uvm.edu](mailto:Ruth.Hamilton@uvm.edu) or (656-1131).

#### **5. Crisis Prevention Institute (CPI)**

Nonviolent Crisis Intervention is a safe, non-harmful behavior management system designed to help educators and human service workers provide for the best possible care and welfare of children who become out-of-control or assaultive. Participants learn nonverbal and verbal strategies to prevent and de-escalate verbal acting out behaviors, personal safety techniques to avoid client and staff injury, therapeutic physical intervention techniques, using the team approach in physical control and restraint, and strategies in therapeutic post-intervention. Each training ranges from eight to twelve hours and can be customized to meet local needs.

For more information about this model of training contact Ruth Hamilton, 656-1131 or e-mail, [ruth.hamilton@uvm.edu](mailto:ruth.hamilton@uvm.edu).

## **6. Life Space Crisis Intervention Training**

Life Space Crisis Intervention (LSCI) is a set of strategies that involve talking and relating to “at risk” and “troubled” students while fostering trust, respect, accountability and behavioral changes. It provides some insights and skills into students’ patterns of self-defeating behavior, teaches staff how to soothe student feelings instead of inflaming student anger, and promotes better student/staff relationships and personal responsibility. Specifically, training in LSCI teaches staff to (1) de-escalate the crisis; (2) identify and determine successful strategies; and (3) bring about a change in the child’s repetitive patterns of perceiving, thinking, feeling and behaving.

**Foundation Courses** in LSCI are approximately ten hours long and are appropriate for all school staff. **Certification Courses** are an additional thirty hours of intensive training and practice, with opportunities to receive three graduate credits from the University of Vermont or Augustana College. These courses are appropriate for school counselors, behavior specialists, members of crisis response teams and other staff interested in developing critical skills in this area.

For more information about this training contact Ruth Hamilton, 656-1131 or e-mail, [ruth.hamilton@uvm.edu](mailto:ruth.hamilton@uvm.edu).

## **7. Understanding Poverty and its Relationship to Learning and School Culture**

Achievement gaps exist between students living in poverty and students who do not live in poverty. Based on the teachings of Ruby Payne and her landmark book *A Framework for Understanding Poverty*, school administrators and educators are gaining a better understanding of poverty as a culture with accompanying cultural norms and implicit rules that are different from the middle class culture of schools.

Several BEST Team members who are certified trainers offer workshops to schools and regions in *A Framework for Understanding Poverty*. Participants have opportunities to:

- examine the key points of generational poverty;
- analyze the resources students may or may bring to the educational setting;
- describe the hidden rules of socio-economic classes;
- understand the impact of language and story structure on learning;
- explore the importance of relationships; and
- develop strategies for discipline, parent involvement and student achievement.

For more information on this program, contact Sherry Schoenberg at 656-9656 or [sherscho@sover.net](mailto:sherscho@sover.net).

**Appendix P**

**Professional Development Rubric**

Exploration	Transition	Implementation
<p>1. Awareness level training has been provided for all personnel in the following areas:</p> <ul style="list-style-type: none"> <li>• Understanding the school’s discipline philosophy, plan, policies, procedures, and practices.</li> <li>• Distinguishing discipline from punishment.</li> <li>• Building social skills, self-discipline, community, and personal responsibility.</li> <li>• Understanding the motivations (basic needs) that drive behavior.</li> <li>• Positive behavior management strategies.</li> <li>• Understanding the purposes of anger and anger management techniques.</li> <li>• Understanding conflict, conflict resolution, mediation, de-escalation, and crisis response techniques.</li> <li>• Collaboration and problem-solving.</li> <li>• Understanding the use of all available system supports.</li> <li>• Social competency (inclusive of working with families who are culturally different due to socio-economic background, race, ethnicity, and sexual orientation; who are experiencing stress; and/or who experience disability).</li> </ul>	<p>1. All personnel participate in initial skill-based training regarding the areas cited under “Exploration”.</p> <p>2. A few key staff receive awareness level and skill-based training in the following areas:</p> <ul style="list-style-type: none"> <li>• Children’s mental health issues (including substance abuse, sexual abuse, post-traumatic stress, depression, eating disorders, fetal alcohol syndrome, divorce, and domestic violence).</li> <li>• Crisis management (including supportive physical intervention, “Life Space Crisis Intervention”, school-wide trauma, and how to respond to students, staff, parents, community members, and the media).</li> <li>• Behavior planning.</li> <li>• Impulse control.</li> <li>• When and how to work with outside agencies (including SRS, mental health, and law enforcement).</li> <li>• Legal issues.</li> </ul>	<p>1. Ongoing, coordinated, skill-based training opportunities are provided for all personnel in the areas cited under “Exploration”.</p> <p>2. Mastery level training opportunities leading to proficiency (i.e., confidence and competency) are provided for all administrators, teachers, and staff in the areas cited under “Exploration”.</p> <p>3. Mastery level training opportunities leading to proficiency (i.e., confidence and competency) are provided for a few key staff in the areas cited under “Transition”, item number 2.</p>

## **VII. Other Useful Documents**

**Questions and Issues to Consider For  
Including a Student with Behavioral  
Challenges in the Regular Classroom or School**

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**A Guide for Educators, Families, and Students**

The following guide has been developed to assist educators, families and students in determining and ensuring that a student who exhibits behavioral challenges is placed in the most beneficial learning environment. Educators, families and students should discuss the answers to the following questions/issues together.

It is critical to remember that a student should only be excluded from the regular learning environment if his/her needs cannot be met when provided with supplemental supports and aids.

Students should not be denied access to the regular classroom based on categorical disability labels, his/her needs for individualized curriculum and/or instruction within the regular classroom or his/her needs for specialized supports.

### **Questions and Issues to Consider For Including a Student with Behavioral Challenges in the Regular Classroom or School**

1. What do you want to have happen for this student? What is your vision? What is the student's vision?
2. What needs do you think the student is communicating through his/her behavior (e.g., belonging, mastery, independence, etc.)?
3. What specific prevention strategies have you used to include the child in the regular education setting?
4. What are the student's present levels of performance and needs relative to:
  - A. Academic or educational outcomes and learning characteristics;
  - B. Social development; and
  - C. Physical development?

What tools and information have been used to reach these conclusions?

5. What are the student's health and medication needs?
6. Are the student's educational needs specifically and clearly identified with regard to determining the least restrictive placement for him/her?
7. What assessments have been used to determine factors across environments that are currently or historically contributing to the student's behavior?
8. Is an individual plan (i.e., special education, 504) in place? Are the accommodations being carried out?
9. What accommodations have been identified (e.g., curriculum and environmental modifications) to enable the student to be present in the regular education setting? Describe how they are carried out (i.e., by whom, when, where, etc.).
10. What instruction and accommodations are being provided to help the student develop positive social skills?
11. How have you assessed the effectiveness of the accommodations/interventions which have already been implemented? What documentation exists?
12. How can supplementary aids and services be provided in the regular education setting? How will ongoing evaluation and needed modifications be conducted?
13. How has the team used outside resources (e.g., mental health, SRS, alcohol and drug services)?

14. In which regular educational settings and/or situations is the student more successful? What are the factors/elements that contribute to the student's success? How can you capitalize on these factors?
15. What unique benefits, (social, academic or otherwise) will the student receive in the regular education setting?
16. How have the student's peers benefited from the child's placement in the regular education setting?
17. What support are staff and family members receiving to help them cope with the stress factors associated with the student? How are they taking care of themselves?
18. What kind of training have you received in the use of positive behavior management and discipline techniques?
19. Is there a crisis response/helping team for the student and/or the school? Who is on it?
20. Will the student's placement in the regular education setting (even with or because of the use of supplementary aids and services) negatively impact on the education of other students taking into consideration:
  - A. Level/Frequency of disruptive behavior;
  - B. Teacher time devoted to meeting the student's needs at the expense of other students;
  - C. Need for extreme curriculum modifications?
21. If the answer to question #20 above is "yes", then what can be done to lessen or eliminate the negative impact on others?
22. What is your school policy governing the placement of students outside the regular education setting?
23. How have student and his/her family and/or advocate been involved in the placement decision-making process and plan development in an ongoing fashion?
24. Does the child and his/her family and/or advocate support placement outside the regular education setting?

**Essex Town School District**  
**Parameters for Teams When Considering the Use of Physical Intervention**

- Supportive physical intervention (SPI) will be used only in situations where the student presents an imminent danger to self, others, or property. When such an intervention is necessary, at least two staff members must be present. When this is not possible, staff members must make every effort to get additional help as soon as possible.
- SPI will be used in ways which maintain an individual's dignity. Privacy should be ensured whenever possible.
- The focus of the efforts and interventions should be on the use of de-escalation strategies.
- All staff members are responsible for the safety of others in the building. Only those who have documented training in the use of de-escalation strategies and the use of SPI may implement SPI. Only those physical interventions recognized as safe and effective by the district may be used. In the rare situation where a trained staff member is not available, staff members should use common sense to ensure the safety of all present.
- Processing for the student and the adult(s) involved must occur following the use of SPI, no later than the end of the school day. A follow up team meeting will be scheduled within 48 hours after the use of SPI. When SPI procedures are part of an individual student's written plan, teams must follow the guidelines listed below.

A guidance counselor, special educator, and building administrator must be present when teams are developing plans which call for the use of SPI procedures. The meeting must include input from parents/families. Students will be given an opportunity for input as appropriate.

A log of SPI occurrences must be kept, with a copy provided to the building administrator. The log should include the following information.

- Date and time of the intervention.
- Who initiated the SPI?
- How long was the SPI?
- Who participated in the SPI?
- What specific intervention was used? (i e. basket hold)
- What events/circumstances surrounded the behavior?
- What was the student's frame of mind that day?
- What was the teacher/adult frame of mind that day?
- What specific behavior resulted in the need for SPI?
- What was the student's frame of mind that day?
- What was the teacher/adult frame of mind that day?
- What specific behavior resulted in the need for SPI?
- How was the incident processed with the student and by whom?
- Date/results of follow up team meeting.
- Parent contact made by/on what date?
- All efforts will be made to notify parents within one hour after the use of SPI.
- Individual plans should be reviewed at least monthly by the team, including the student and the parent.

### Sample Incident Report

*Source: Johns, Beverly; Carr, Valerie (1995) Techniques for Managing Verbally and Physically Aggressive Students, Love Publishing Company.*

Student's Name \_\_\_\_\_ File Number \_\_\_\_\_ Date \_\_\_\_\_

Age \_\_\_\_\_ DOB \_\_\_\_\_ Address \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Victim \_\_\_\_\_

Adult Witness(es): Name/Position \_\_\_\_\_

Date/Time of Incident \_\_\_\_\_ Location of Incident \_\_\_\_\_

Type of Incident \_\_\_\_\_

Injuries/Damage \_\_\_\_\_

Object of Incident (assault, theft, etc.) \_\_\_\_\_

Method (Hit with fist, threw object, etc.) \_\_\_\_\_

Officer Involved \_\_\_\_\_

Narrative (Write exactly what student and victim said or did during the incident, give specific details of incident.)

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Report made by \_\_\_\_\_

Position \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_ School address \_\_\_\_\_



## **Model Policy on Restrictive Behavioral Intervention**

### **Section 1. Statement of Purpose**

- 1.1 It is the policy of this school district/supervisory union that students not be subjected to the unreasonable use of restrictive behavioral interventions, and that there be a common understanding within the District/Supervisory Union of appropriate interventions by District staff.

### **Section 2. Definitions**

- 2.1 Time-out room. A time-out room is a designated room apart from a student's assigned class or activity. It is used to separate a student from others for the purpose of eliminating or at least reducing, the occurrence and/or intensity of harmful behavior or to enable the student to regain composure and return to class or other activity. A planning room or other area used as a place in which to meet with a student to discuss his or her behavior is not a time-out room.
- 2.2 Physical restraint. Physical restraint is the use of physical means by a trained staff member to prevent imminent harm to a student or other persons, or damage to property. Physical restraint does not include the following:
  - a. Brief periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with minimal force and designed either (i) to prevent a student from completing an act that potentially would result in physical harm to him or herself, or another person, or damage to property, or (ii) to remove a disruptive student who is unwilling to voluntarily leave an area; or
  - b. Holding a student's hand or arm to escort the student safely from one area to another.
- 2.3 Mechanical or chemical restraint. Mechanical or chemical restraint is the use of any device or substance to restrict a student's movement or limit a student's sensory or motor functions. The term does not include devices used in accordance with prescriptions by health professionals for the purpose of maintaining body alignment or support, or to limit sensory stimuli.
- 2.4 Positive Behavior Intervention. A positive behavior intervention is an approach to a student's behavior designed to teach and support socially appropriate conduct and to supplant socially inappropriate conduct.
- 2.5 Functional Behavioral Assessment. A functional behavioral assessment is an analysis of a student's behavior patterns before, during, and after rule-breaking or other incident of inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.
- 2.6 Behavioral Intervention Plan. A behavioral intervention plan prescribes strategies for dealing with a student before, during, and after rule-breaking or other inappropriate behavior.

### **Section 3. Generally**

Except with respect to documentation requirements set forth in Section 8.1, when a student is the subject of an individualized education program (IEP) or § 504 plan addressing, among other things, responses to the student's dangerous behavior, that plan shall take precedence over the guidelines set forth in this policy. A written explanation shall be contained within the IEP or Section 504 plan for any specific deviation from the requirements of this policy.

## **Section 4. Timeout Room**

- 4.1. Purpose. A time-out room may be used to aid a student to compose him or herself. It shall not be used for staff convenience or student punishment.
- 4.2. Duration. A time-out room may be used only so long as is necessary for the student to compose him or herself. If the student's behavior remains dangerous after 30 minutes, continued use must be authorized by the principal or his or her designee.
- 4.3. Observation. A student in a time-out room shall be appropriately monitored. If the circumstances suggest that a student poses a risk of harm to him or herself or others, he or she must be kept under the direct observation of a staff member.
- 4.4. Characteristics. A time-out room shall:
  - a. be large enough to permit safe movement;
  - b. permit safe entry and exit and shall not be locked in any way that would prevent the student from leaving, unless the room is equipped with automatic releases for fire alarms; and
  - c. be adequately lit, heated, ventilated, and free of sharp or otherwise dangerous objects.

## **Section 5. Physical Restraint**

- 5.1. Purpose. The purpose of physical restraint is to reduce or eliminate imminent risk either of harm to a person or of damage to property. Physical restraint may not be used for staff convenience or student punishment.
- 5.2. Use. Physical restraint may be used with a student only when there is imminent risk either of harm to the student or others or of property damage. Additionally, reasonable and necessary force may be used to quell a disturbance, obtain possession of weapons or other dangerous objects upon the person of or within the control of the student, for the purpose of self-defense, or for the protection of persons or property.
- 5.3. By trained staff. Only staff trained in the proper use of physical restraint may apply it, unless no such staff member is available. The District will endeavor to provide training to an appropriate number of staff members in each school that includes instruction in
  - (a) a continuum of prevention techniques;
  - (b) a continuum of de-escalation techniques;
  - (c) environmental management;
  - (d) nationally recognized methods of physical management and restraint; and
  - (e) appropriate documentation and notification procedures.
- 5.4. Duration. Physical restraint may be used only so long as is necessary for the student to compose him or herself. If the student's behavior remains dangerous after 30 minutes, continued use must be authorized by the principal or his or her designee. If continued use of physical restraint is ineffective, the principal or his or her designee shall contact the student's parent(s) for assistance, or seek assistance from law enforcement or other emergency service personnel.
- 5.5. Limitations. No physical restraint may be administered in such a way that the student is prevented from breathing or communicating, or that causes the student unnecessary pain.
- 5.6. Observation. To the extent practicable, physical restraint may not be used by any staff member except in the presence of another staff member.

## **Section 6. Mechanical restraint**

6.1 Except as otherwise set forth in this policy, mechanical restraints may not be employed.

## **Section 7. Pattern of Behavior**

7.1. When a student's IEP team or Section 504 team determines that, based upon a pattern of behavior, the use of a time-out room or physical restraint is likely, the team shall consider ways to address the student's behavior, including, where applicable, performing a functional behavioral assessment and formulating a behavioral intervention plan which makes provision for the use of positive behavior interventions.

## **Section 8. Documentation and notification**

8.1. Documentation. The principal or his or her designee shall prepare a report of each use of a time-out room or physical restraint as soon as practicable, but in no event later than two school days after its use. The report shall be used to maintain data on the frequency and use of restrictive behavioral interventions, and include at least the following information:

- a. Name of the student;
- b. Date of events leading to use;
- c. Location of events leading to use;
- d. Description of events leading to use;
- e. Description of the student's behavior immediately prior to use;
- f. Description of use;
- g. Name of staff member(s) involved in use; and
- h. Time and duration of use.

8.2 Notification

- 8.2.1. Of all parents. Before the start of each school year, the school shall inform parents or guardians of all students about this policy.
- 8.2.2. Of a student's parents. Unless otherwise requested by a student's parent(s) or guardian(s), the school shall take and document reasonable steps to notify them that the student has been subjected to use of a time-out room or physical restraint, ideally on the same day but in no event later than two business days after such use.
- 8.2.3. Of Principal. The report of each use of a time-out room or physical restraint shall be submitted upon its preparation to the principal or designee.

**Model School Board Discipline Policy****STUDENT CONDUCT AND DISCIPLINE****Policy**

It is the policy of the \_\_\_\_\_ School District to maintain a safe, orderly, civil and positive learning environment. In order to ensure that the school is free from hazing, harassment, bullying and other disruptive misconduct, a system of classroom and school management practices, supported by consistent, clear and fair disciplinary procedures, will be utilized.

The goal of this policy is to create an environment where the rules for student behavior are clearly stated, are understood and accepted by students and staff, and are applied in compliance with due process requirements. This policy is to be applied in conjunction with the school's overall discipline plan developed pursuant to 16 V.S.A. § 1161a.

**Student Responsibilities**

It is the responsibility of each student to contribute to a safe and productive learning environment in the school by demonstrating respect and consideration for other students and adults. This includes complying with all policies and rules of conduct of the School District and individual classrooms.

**Administrative Responsibilities**

The Principal, in consultation with the educational staff will develop an overall discipline plan pursuant to 16 V.S.A. § 1161a. The plan will include clear guidelines for student behavior. Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians.

The rules of conduct will be distributed to, and discussed with, all students at the beginning of each school year in accord with procedures stated in the school discipline plan. Students will be instructed to share the student handbook with their parents. Copies of the handbook will be provided to parents or guardians in a manner determined by the Principal. The Principal may ask that parents sign a form indicating that they have reviewed the rules of conduct with their children. When new students enroll during the school year, they and their parents will be given copies of the rules of conduct as part of the pre-enrollment process.

The Principal or his/her designee shall be responsible for carrying out discipline procedures conforming to the following guidelines.

1. A student may request a meeting with the Principal or his/her designee to review any disciplinary action, other than a suspension or expulsion, affecting the student. If requested, the Principal or designee shall hold an informal meeting to review the incident and to hear the views of the student and any other persons who may have information that the Principal or designee believes to be relevant to the circumstances. The Principal or designee shall issue a prompt decision to the student, which may be oral or written. Except as otherwise provided in this policy, the decision of the Principal will be final.
2. Suspension or expulsion of students shall be imposed in accordance with state and federal law and regulations, due process requirements, and the following rules and procedures:

- a. The Principal or his/her designee may assign a student to in-school detention for up to ten consecutive school days for any infraction of school rules. As provided in the school's overall discipline plan, students assigned to in-school detention will be provided with reasonable opportunities to complete academic assignments and to benefit from counseling or other activities designed to bring about improvements in their behavior.
- b. A student who poses an immediate danger to persons or property or a significant threat of disrupting the academic process of the school shall be removed from the school or to a place within the school determined by the Principal, Superintendent or their designee to be sufficiently secure to ensure the safety of students and school personnel and the continuation of the academic process. The Superintendent or Principal or their designee shall notify the parent or guardian (without undue delay) of a student who is removed from school. If the parent, guardian or other responsible person designated as an emergency contact by the parent or guardian cannot be notified, the student will be detained at school or at another safe and secure setting for the remainder of the school day.
- c. No student will be removed from school for more than the remainder of a school day unless the student and his/her parents are given an opportunity for an informal hearing pursuant to paragraph (d) of this policy. When immediate removal of a student is necessary prior to a hearing, the hearing shall be held as soon as possible following the removal.
- d. The Superintendent or Principal may suspend a student from school for a period of ten days or less for misconduct occurring on or off school grounds. Except as provided in paragraph (b) above, prior to such a suspension, the student and his/her parent or guardian shall be given an opportunity for an informal hearing with the Principal or his/her designee. The student and his/her parent or guardian must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell his/her side of the story, and a decision in writing to the parent or guardian.
- e. The Superintendent or Principal may, with the approval of the Board and in accordance with 16 V.S.A. § 1162(a), impose a long-term suspension or expulsion of a student (for longer than ten days and up to 90 school days or the remainder of the school year whichever is longer) for misconduct on school property, on a school bus or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school.
- f. In accord with the overall discipline plan developed under 16 V.S.A. § 1161a, short-term (ten days or less) or long-term suspension or expulsion may be imposed for misconduct not on school property, on a school bus or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated.
- g. Long-term suspension or expulsion must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the Board.

The Superintendent shall notify the student and his/her parents in writing of the nature of the charges, the date, time and place of the hearing, the right to legal representation, and the disciplinary action to be recommended to the Board. This notice shall be provided in sufficient time to allow the student and his/her parents to

prepare for the hearing. At the hearing, the student and parent/guardian shall be given an opportunity to present evidence and to cross-examine witnesses. The Board shall issue a written decision within \_\_\_\_days of the conclusion of the hearing.

3. Notwithstanding the above provisions, a legal pupil who has a disability or is suspected of having a disability, and is eligible for special education services or Section 504 services may be removed from his/her current educational placement for disciplinary reasons for more than ten consecutive days, or for more than ten cumulative days in a school year only in accord with Vermont State Board of Education Rules 4313 or 4312. The school Principal, with the agreement of a special education administrator, may impose short-term disciplinary sanctions on special education students as provided in Vermont State Board of Education Rule 4313. The Superintendent and coordinator of special education will develop additional procedures as needed to govern the discipline of students with disabilities.
4. In the event a student brings a weapon to school, the procedures set forth in the District's Weapons policy (F21) shall apply.

Date Warned:

Date Adopted:

Legal Reference(s): 16 V.S.A. § 1161a (discipline)  
16 V.S.A. § 1162 (suspension and expulsion)  
20 U.S.C. §§ 1400 et seq. (IDEA)  
29 U.S.C. § 794 (Section 504, Rehabilitation Act of 1973)  
VT State Board of Education Manual of Rules & Practices § 4311, § 4312,  
§ 4313

Cross Reference: Board Commitment to Non-Discrimination (C6)  
Public Complaints about Personnel (D10)  
Interrogations or Searches of Students by Law Enforcement  
Officers or Other Non-School Personnel (F4)  
Search and Seizure (F3)  
Alcohol and Drug Abuse (F7)  
Weapons (F21)

NO. 117. AN ACT RELATING TO BULLYING PREVENTION POLICIES.

(H.629)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 11(a)(32) is added to read:

(32) “Bullying” means any overt act or combination of acts directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity.

Sec. 2. 16 V.S.A. § 1161a(a)(6) is amended to read:

(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

\* \* \*

(6) a description of behaviors on and off school grounds which constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors which may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title which, although serious, does not rise to the level of harassment or bullying as ~~that term is~~ those terms are defined therein; and

\* \* \*

Sec. 3. UPDATE OF MODEL SCHOOL PLAN ON STUDENT DISCIPLINE TO INCLUDE BULLYING PREVENTION; COMMISSIONER OF EDUCATION; REPORT

(a) By January 1, 2005, the commissioner of education shall update and distribute to all superintendents, school boards, and principals a model school plan on student discipline, as required by Sec. 15(a) of No. 113 of the Acts of the 1999 Adj. Sess. (2000), for use in addressing bullying in schools. The model plan shall:

(1) state that bullying, as defined in subdivision 11(a)(32) of Title 16, is a form of dangerous and disrespectful behavior that will not be permitted or tolerated;

(2) enable students to report anonymously to teachers and school administrators acts of bullying;

- (3) enable parents or guardians of students to file written reports of suspected bullying;
  - (4) require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators;
  - (5) require school administrators to investigate any written reports filed and to review any anonymous reports;
  - (6) include an intervention strategy for school staff to deal with bullying;
  - (7) include the prohibition against bullying in the student or school handbook and otherwise make students aware of the prohibition against bullying, the penalties therefore, and the procedures for reporting bullying;
  - (8) require the school to notify the parent or guardian of a student who commits a verified act of bullying of the response of the school staff and consequences that may result from further acts of bullying;
  - (9) to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (P.L. 93-380) and as amended, require the school to notify the parent or guardian of a student who is a victim of bullying of the action taken to prevent any further acts of bullying; and
  - (10) require the school to collect data on the number of reported incidents of bullying and the number of incidents that have been verified and to make such data available to the commissioner and to the public.
- (b) On or before January 15, 2007, the commissioner of education shall report to the senate and house committees on education on implementation of this section. The report shall include pertinent data such as incidences of bullying gathered by school districts.

Approved: May 18, 2004

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Montpelier, Vermont**



[www.leg.state.vt.us](http://www.leg.state.vt.us)

NO. 91. AN ACT RELATING TO HARASSMENT IN SCHOOLS.

(H.113)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

In enacting this legislation, it is the intent of the General Assembly to:

- (1) clarify the definition of harassment;
- (2) encourage education and training of teachers and school personnel on harassment issues;
- (3) recognize that students should be free of harassment in educational institutions;
- (4) recognize that educational institutions should have the opportunity to remedy promptly and appropriately allegations of harassment; and
- (5) foster communication in educational institutions.

Sec. 2. 16 V.S.A. § 11(a)(26) is amended to read:

(26)(A) “Harassment” means ~~unlawful harassment which constitutes a form of discrimination. It means~~ an incident or incidents of verbal, written, visual, or physical conduct based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, or disability and which that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) “Harassment” includes conduct which violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which is also a form of unlawful harassment and means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(A)(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.

(B)(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

~~(C) The conduct has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive educational environment.~~

(ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

Sec. 3. 16 V.S.A. § 14 is added to read:

§ 14. HARASSMENT; NOTICE AND RESPONSE

(a) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person's parent or guardian. Nothing herein shall be construed to prohibit educational institutions from investigating and imposing disciplinary consequences upon students for misconduct. Elementary and secondary school officials shall strive to implement the plan developed in accordance with subdivision 1161a(a)(6) of this title in order to prevent misconduct from escalating to the level of harassment.

(b) In regard to claims brought pursuant to 9 V.S.A. chapter 139, if after notice, the educational institution finds that the alleged conduct occurred and that it constitutes harassment, the educational institution shall take prompt and appropriate remedial action

reasonably calculated to stop the harassment. No action shall be brought pursuant to 9 V.S.A. chapter 139 until the administrative remedies available to the claimant under the policy adopted by the educational institution pursuant to subsection 166(e) or 565(b) of this title or pursuant to the harassment policy of a postsecondary school have been exhausted. Such a showing shall not be necessary where the claimant demonstrates that: (1) the educational institution does not maintain such a policy; (2) a determination has not been rendered within the time limits established under subdivision 565(b)(1) of this title; (3) the health or safety of the complainant would be jeopardized otherwise; (4) exhaustion would be futile; or (5) requiring exhaustion would subject the student to substantial and imminent retaliation.

(c) As used in this section:

- (1) “Designated employee” means an employee who has been designated by an educational institution to receive complaints of harassment pursuant to subdivision 565(c)(1) of this title or in accordance with the harassment policy of a postsecondary school.
- (2) “Educational institution” means a Vermont public or independent school or a postsecondary school that offers or operates a program of college or professional education for credit or degree in Vermont.
- (3) “Notice” means a written complaint or oral information that harassment may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the harassment, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the complaint is oral, the designated employee shall promptly reduce the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

Sec. 4. 16 V.S.A. § 565 is amended to read:

#### § 565. HARASSMENT AND HAZING PREVENTION POLICIES

\* \* \*

- (b) Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment and hazing prevention policies which shall be at least as stringent as model policies developed by the commissioner. In this section, the definitions of educational institution, organization, pledging, and student shall be the same as those in section 140a of this title.

(1) The harassment prevention policy shall include:

\* \* \*

(C) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.

\* \* \*

(E) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (c)(1) of this section. All internal reviews of the school's initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(f) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred, or believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem, shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the commissioner of education and the human rights commission and maintained by the commissioner. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies

that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the independent school or school board.

(6) Nothing in this subsection shall prohibit the school district from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The commissioner may adopt rules implementing this subsection.

Sec. 5. 16 V.S.A. § 1161a(a)(6) is amended to read:

§ 1161a. DISCIPLINE

(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

\* \* \*

(6) a description of behaviors on and off school grounds which constitute misconduct, including harassment and hazing, particularly those behaviors which may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) of this title which, although serious, does not rise to the level of harassment as that term is defined therein; and

\* \* \*

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## **MODEL POLICY and PROCEDURES ON PREVENTION OF HARASSMENT OF STUDENTS**

### **I. Purpose**

A. The \_\_\_\_\_ School District (“the District”) is committed to providing a safe and supportive school environment in which all students are treated with respect. This policy involves incident(s) and/or conduct that occurs on school property, on a school bus or at a school-sponsored activity, or misconduct not on school property, on a school bus or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated.

B. The purpose of this policy is to prevent harassment as defined in 16 V.S.A. § 11(a)(26) and amended by Act 91 of 2004, and to ensure that the District’s responses to allegations of harassment comply with 16 V.S.A. § 565 as amended by Act 91 of 2004, Title VI and IX of the Civil Rights Act. It is the further purpose of this policy, when it is found that harassment has occurred, to ensure that prompt and appropriate remedial action, reasonably calculated to stop harassment, is taken by school district employees.

C. It is the intent of the District to apply and enforce this policy in a manner that is consistent with and protects students’ rights to free expression under the First Amendment of the U.S. Constitution. The District respects and promotes the rights of students and others to speak freely and to express their ideas, including ideas that may offend the sensibilities of others. However, the District does not condone and shall take action in response to behavior that interferes with the learning of students and is not otherwise protected expression.

### **II. Definitions**

#### **A. Harassment**

(1) “Harassment” means an incident or incidents of verbal, written, visual or physical conduct based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(2) Harassment includes conduct which violates subsection (1) of this definition and constitutes one or more of the following:

(a) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.

(ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(b) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(c) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

B. **“Complaint”** means an oral or written report by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of harassment.

C. **“Complainant”** means a student who has filed an oral or written complaint to an employee or is the alleged victim in a report made by another alleging conduct and/or incident(s) that may rise to the level of harassment.

D. **“Employee”** includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, “agent of the school” includes supervisory union staff.

E. **“Designated Employee”** means an employee who has been designated by the District to receive complaints of harassment pursuant to 16 V.S.A. § 565(c)(1).

F. **“Principal”** means the building level administrator, or his/her designee, at an independent or public school designated by a school governing board to be a school principal, headmaster, or technical center director.

### **III. Reporting of Student Harassment Complaints**

A. A student who believes that s/he has been harassed, or who witnesses conduct that s/he believes might constitute harassment, should report the conduct to a designated employee, or to any other school employee.

B. When a student reports such conduct to a school employee, other than a designated employee, that school employee shall refer the report to a designated employee.

C. An employee who witnesses conduct that s/he believes might constitute student harassment under this policy shall take prompt and appropriate action to stop the conduct and immediately report the conduct to a designated employee.

D. Any other person who witnesses conduct that s/he believes might constitute student

harassment under this policy should report the conduct to a designated employee.

E. Consistent with this policy and 16 V.S.A. § 565, the Superintendent or Principal shall develop procedures regarding the reporting of student harassment complaints and the District's handling of such reports.

F. Annually, the District shall select two or more designated employees to receive complaints and shall publicize their availability.

#### **IV. Procedures Following a Report**

A. Consistent with this policy and 16 V.S.A. § 565, the Superintendent or Principal shall develop procedures for complaint response following a report, initiation of an investigation, investigation, independent review, and alternative dispute resolution provisions.

B. Independent Review: A complainant who desires independent review under 16 V.S.A. § 565(f) because s/he is either dissatisfied with the final determination of the school officials as to whether harassment occurred, or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem, shall make such request in writing to the Superintendent. Upon such request, the Superintendent shall initiate an independent review, and shall comply with the District's procedures and any applicable rules on this subject promulgated by the Commissioner of the Vermont Department of Education ("Commissioner"). The District may request an independent review at any stage of the process.

#### **V. Discipline and/or Corrective Action**

If after investigation, harassment has been found, the District shall take prompt and appropriate disciplinary or remedial action reasonably calculated to stop the harassment. Consistent with this policy, the District's Student Conduct and Discipline policy and 16 V.S.A. § 565, the Superintendent or Principal shall develop procedures regarding discipline and corrective action including final action on a complaint, retaliation, false complaints, and appeal provisions. There will be no adverse action taken against a person for reporting a complaint of harassment when the complainant has a good faith belief that harassment occurred or is occurring or for participating in or cooperating with an investigation. Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action.

#### **VI. Confidentiality; Notification of Results; and Record Keeping**

A. The privacy of (1) the complainant, (2) the accused individual, and (3) the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

B. Subject to state and/or federal laws protecting the confidentiality of personally identifiable student information, the complainant and the accused individual shall be informed in writing of the results of the investigation. If either the complainant or the alleged individual is under the age of 18, subject to the above limitation, his or her

parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, notified when an informal resolution to a harassment complaint is attempted, notified when a complaint is filed, and notified in writing of the investigation results. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

C. The Superintendent or Principal shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

## **VII. Mandatory Reporting to State Agencies**

A. If a harassment complaint is made that conduct by a licensed educator might be grounds under the State Board of Education Rules for suspension or revocation of a license or endorsement, the Principal shall report to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

B. When a person responsible for reporting suspected child abuse under 33 V.S.A. §§ 4911, et seq., determines that a complaint made pursuant to this policy must be reported to the Commissioner of the Department for Children and Families, he or she shall make the report as required by law and related District policy. If the victim is a vulnerable adult, as that term is defined in 33 V.S.A. § 6902(14), the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6903 and 6904.

C. Nothing in this policy shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

## **VIII. Dissemination of Information, Training, Comprehensive Plan for Responding to Student Misbehavior and Data Gathering**

A. **Dissemination of Information.** Annually, prior to the commencement of curricular and Co-curricular activities, the District shall provide notice of this policy and its procedures to students, custodial parents or guardians of students, and employees. Notice to students shall be in age-appropriate language and include examples of harassment. At a minimum, this notice shall appear in any publication of the District that sets forth the comprehensive rules, procedures and standards of conduct for the District.

B. **Training.** The Superintendent or Principal shall develop age-appropriate methods of discussing the meaning and substance of this policy with students and staff to help prevent harassment. Training may be implemented within the context of professional development and the school curriculum to develop broad awareness and understanding among all members of the school community. Staff training shall enable staff to recognize, prevent and respond to harassment.

C. **Comprehensive Plan for Responding to Student Misbehavior.** The District's comprehensive plan pursuant to 16 V.S.A. § 1161a(a)(6) shall include provisions that promote the positive development of youth and actions to prevent misconduct from

escalating to the level of harassment.

**D. Data Gathering.** The District shall provide the Vermont Department of Education with data requested by the Commissioner.

### **IX. Complaints to the Vermont Human Rights Commission and the U.S. Office of Civil Rights**

In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted in the procedures accompanying this policy.

Date Warned:

Adopted:

Revised:

Legal References: Act 91 of 2004 (2004 Vt. Laws Act 91)  
16 V.S.A. §§ 11(a) (26), 565 (harassment), 1161a.  
21 V.S.A. § 495(5) (retaliation)  
33 V.S.A. §§ 4911 et seq. (child abuse)  
9 V.S.A. §§ 4500 et seq. (public accommodations; retaliation)  
20 U.S.C. §§ 1681 et seq. (Title IX, Civil Rights Act)  
34 C.F.R. Part 106  
42 U.S.C. § 2000d (Title VI of the Civil Rights Act of 1964)  
20 U.S.C. § 1232g; 34 C.F.R. Part 99 (FERPA)  
Davis v. Monroe County Board of Education 526 U.S. 629 (1999)  
Franklin v. Gwinnett 503 U.S. 60 (1992)  
Saxe v. State College Area School District, 240 F. 3d 200 (3rd Cir. 2001)

#### Cross References

1. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Harassment of Employees.
2. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Reporting Suspected Child Abuse or Neglect.
3. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Student Conduct and Discipline.
4. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Confidentiality of Student Records.
5. See \_\_\_\_\_ School District's Comprehensive Plan for Responding to Student Misbehavior, including Anti-Bullying Provisions.

08/03/04

## **MODEL PROCEDURES FOR PREVENTION OF HARASSMENT OF STUDENTS AND HANDLING COMPLAINTS**

The following administrative procedures apply to the District's policy # \_\_\_\_: Prevention of Harassment of Students.

### **I. Definitions**

The terms "harassment," "employee," "complaint," "complainant," "Principal," and "designated employee" shall have the same meaning when used in these procedures as they are defined in the District's Prevention of Harassment of Students policy.

### **II. Designated Employees**

The following employees have been designated by the District to receive harassment complaints pursuant to the Prevention of Student Harassment policy and 16 V.S.A. § 565(c)(1):

\_\_\_\_\_(Name) \_\_\_\_\_(Title)  
\_\_\_\_\_(Contact Information)  
\_\_\_\_\_(Name) \_\_\_\_\_(Title)  
\_\_\_\_\_(Contact Information)

### **III. Reporting Student Harassment Complaints**

A. A student who believes that s/he has been harassed, or who witnesses conduct that s/he believes might constitute harassment, may report the conduct to a designated employee, or to any other school employee.

B. When a student reports such conduct to a school employee, other than a designated employee, that school employee shall refer the report to a designated employee.

C. A complaint or report may be made either orally or in writing. If a complaint report is oral, a designated employee shall promptly reduce the report to writing, including the time, place, and nature of the conduct, and the identity of the participants and the complainant.

D. An employee who witnesses conduct that s/he believes might constitute student harassment under the Prevention of Harassment of Students policy shall take prompt and appropriate action to stop the conduct and immediately report the conduct to a designated employee.

E. Any other person who witnesses conduct that s/he believes might constitute harassment under the Prevention of Harassment of Students policy should report the conduct to a designated employee.

F. If one of the designated employees is the person alleged to be engaged in the conduct witnessed or complained of, the report shall be filed with the other designated employee.

### **IV. Procedures Following a Report**

A. At any stage of the procedures following a complaint, the complainant and the accused individual may request alternative dispute resolution methods, including mediation, of the

District.

B. When a designated employee receives a complaint, the designated employee shall complete a harassment complaint form based on the written or verbal allegations of the complainant.

C. The completed complaint form shall detail the alleged facts and circumstances of the incident or pattern of behavior. Harassment complaint records shall be maintained consistent with the requirements of the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.

D. Depending on (1) the nature of the accusations, (2) the age of the complainant and the accused individual, (3) the agreement of the complainant and (4) other relevant factors, the designated employee or another individual identified by the designated employee may attempt to resolve a complaint through a conversation with the complainant and the accused individual. If such informal resolution is either not appropriate or is unsuccessful, the designated employee shall initiate or cause to be initiated an investigation of the allegations in accord with the timelines established herein.

E. Upon receipt of notice of a complaint, the designated employee shall provide a copy of the Prevention of Harassment Policy and these procedures to the complainant and the accused individual. If one of the above named is under 18 years of age, his/her parent(s) or guardian(s) shall be notified of the complaint and shall be provided with a copy of the policy and procedures.

F. Unless special circumstances are present and documented, the Principal shall, no later than one school day after the receipt of a complaint, initiate or cause to be initiated, an investigation of the allegations. The Principal shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the Principal from assigning him/herself or a designated employee as the investigator.

G. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the [Superintendent] [Principal]. The report shall include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes a violation of the Prevention of Harassment of Students policy. When the initial determination is that an accused student has engaged in harassment, the [Superintendent] [Principal] shall use his or her discretion to decide the appropriate disciplinary and/or corrective action. If expulsion is recommended, the [Superintendent][Principal] will seek approval of the board of the District. He/she shall also notify the parties of the results of the determination and as allowed by law, disciplinary and/or corrective action to result. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

H. Consideration of whether a particular action or incident constitutes a violation of the harassment policy requires review of all the facts and surrounding circumstances. Although conduct may be found to be in violation of other standards of student or employee conduct or decorum, it shall not be deemed harassment when the subject of a

complaint is an incident(s) that is not shown to have the effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or to have created an objectively intimidating, hostile, or offensive environment. Free expression rights of the First Amendment of the U.S. Constitution will be protected.

I. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special circumstances are present and documented by the District, be completed within 30 calendar days after the review is requested.

J. When the initial determination is that an employee has engaged in harassment against a student, the Superintendent and/or Principal shall use his or her discretion to initiate disciplinary and/or corrective action in accord with the District's policies and procedures, employment contracts and state and federal law.

## **V. Independent Review**

A. A complainant who desires independent review because s/he is either dissatisfied with the final decision of the District as to whether harassment occurred, or believes that although a final decision was made that harassment occurred, the District's response was inadequate to correct the problem, shall make such request in writing to the Superintendent.

B. Upon such request, the Superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Commissioner of Education and the Human Rights Commission and maintained by the Commissioner.

C. The District shall cooperate with the independent reviewer so that s/he may proceed expeditiously. The review shall consist of, but is not limited to, an interview of the complainant and the relevant school officials and review of written materials involving the complaint maintained by the school or others. The independent reviewer shall be considered an agent of the school for purposes of being authorized to review confidential student records.

D. Consistent with Act 91, An Act Relating to Harassment in Schools, upon the conclusion of the review, the reviewer shall advise the complainant and the designated employee as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and offer recommendations for any future steps the District should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

E. The District may request an independent review at any stage of the process.

F. The District shall bear the cost of independent review.

## **VI. Discipline and/or Corrective Action**

A. **Final Action on Complaint.** The District shall take prompt and appropriate disciplinary and/or corrective action reasonably calculated to stop the harassment. Disciplinary or

corrective action may include, but shall not be limited to, warning, reprimand, education, training, counseling, suspension and/or expulsion of a student, and warning, reprimand, education, training, counseling, transfer, suspension and/or termination of an employee.

**B. Other Disciplinary Response.** If the conduct does not rise to the level of harassment, but otherwise violates the District's disciplinary policies or Comprehensive Plan for Responding to Student Misbehavior including anti-bullying provisions, disciplinary or corrective action under those policies or plan shall be taken.

**C. Retaliation.** Acts of retaliation for reporting harassment or for cooperating in an investigation of harassment is unlawful pursuant to subdivision 4503(a)(5) of Title 9. There shall be no adverse action taken against a person for reporting a complaint of harassment when the complainant has a good faith belief that harassment has occurred or is occurring or for participating in or cooperating with an investigation. In the context of retaliation, "adverse action" means any form of intimidation or reprisal such as verbal/physical threats or abuse, diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits or other disciplinary action in the case of employees. Any individual who retaliates against any employee or student who reports, testifies, assists or participates in an investigation or hearing relating to a harassment complaint shall be subject to appropriate action and/or discipline by the District.

**D. False Complaint.** Any person who knowingly makes a false accusation regarding harassment shall be subject to disciplinary action up to and including suspension and expulsion with regard to students or up to and including discharge with regard to employees.

**E. Appeal.** A person determined to be in violation of the Prevention of Harassment of Students policy may appeal the determination and/or any remedial action taken as a consequence of the determination.

1. **Student.** If the person filing the appeal is a student, the appeal shall proceed in accordance with the District's policy and procedures governing discipline of students.

2. **Staff.** Employees subject to disciplinary action shall appeal in accord with applicable statutes, collective bargaining agreements, and the District's policy and procedures.

## **VII. Confidentiality; Notification of Results; and Record Keeping**

A. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with (1) the District's obligations to investigate, (2) to take appropriate action, and (3) to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

B. Subject to state and/or federal laws protecting the confidentiality of personally identifiable student information, the complainant and the accused individual shall be informed in writing of the results of the investigation. If either the complainant or the

alleged individual is under the age of 18, subject to the above limitation, his or her parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, notified when an informal resolution to a harassment complaint is attempted, when a complaint is filed, and in writing of the results of the investigation. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

C. The Superintendent or Principal shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

### **VIII. Mandatory Reporting to State Agencies**

A. If a harassment complaint is made that conduct by a licensed educator might be grounds under the State Board of Education Rules for suspension or revocation of a license or endorsement, the Principal shall report to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

B. When a person responsible for reporting suspected child abuse under 33 V.S.A. §§ 4911, et seq., determines that a complaint made pursuant to the Prevention of Harassment of Students policy must be reported to the Commissioner of the Department for Children and Families, he or she shall make the report as required by law and related District policy. If the victim is a vulnerable adult, as that term is defined in 33 V.S.A. § 6902(14), the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6903 and § 6904.

C. Nothing in these procedures shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

### **IX. Complaints to the Vermont Human Rights Commission and the U.S. Office of Civil Rights**

In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil rights of the U.S. Department of Education at the following addresses:

Vermont Human Rights Commission  
133 State Street  
Montpelier, VT 05633-6301  
(800) 416-2010 or (802) 828-2480 (voice or TTY)  
Director, Compliance Division Area II  
Office of Civil Rights  
U.S. Department of Education, Region I  
33 Arch Street  
Ninth Floor  
Boston, MA 02110

Phone: (617) 289-0111 FAX: (617) 289-0150

Cross References

- A. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Prevention of Harassment of Students.
- B. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Harassment of Employees.
- C. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Reporting Suspected Child Abuse or Neglect.
- D. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Student Conduct and Discipline.
- E. See \_\_\_\_\_ School District Policy # \_\_\_\_\_ for Confidentiality of Student Records.
- F. See \_\_\_\_\_ School District's Comprehensive Plan for Responding to Student Misbehavior, including Anti-Bullying Provisions.

08/03/04

## MEMORANDUM

**TO:** Vermont Superintendents, Principals and Headmasters

**FROM:** Richard H. Cate, Commissioner

**DATE:** January 24, 2006

**RE: School Self-Check: Implementing Harassment Policies and Bullying Prevention Plans**

On August 3, 2004, I distributed the Act 91 [Model Harassment Policy](#) and on December 17, 2004, I distributed the Act 117 [Model Bullying Prevention Plan](#). This new memo is intended as a “school self check” to help schools review implementation of these two important legal mandates. Items below highlight key responsibilities but do not represent a comprehensive list of *all* school district responsibilities. For more extensive information, refer to the noted documents and applicable state and federal law.

### Prevention and Response to Harassment in Vermont Schools

*Has your school district done the following?*

- \_\_\_ Updated Harassment Policy, adopted after 7/1/04, with implementing procedures. *See* [Model Harassment Policy](#).
- \_\_\_ Provided all students, parents and staff with notice of the Harassment Policy prior to the commencement of curricular and co-curricular activities for each school year. *See* [16 V.S.A. §565\(d\)](#).
- \_\_\_ Identified two or more Designated Employees to receive harassment complaints with phone numbers publicized for students, parents, staff and others.<sup>5</sup> *See* [16 V.S.A. §565\(c\)\(1\)](#) or pages 2 and 6 of the [Model Harassment Policy](#).
- \_\_\_ Provided training for the school community to help prevent, identify and respond to harassment incidents. *See* page 4 of the [Model Harassment Policy](#) and the [Safe and Healthy Schools](#) Web page.
- \_\_\_ Provided the parents of the complainant and accused individual, or students over the age of 18, with a copy of the Harassment Policy when the complaint is filed. *See* page 7 of the [Model Harassment Policy](#).
- \_\_\_ Protected the confidentiality of the accused individual, the complainant, and any other students throughout the process. When appropriate, explored the option of a FERPA waiver. *See* pages 3 and 9 of the [Model Harassment Policy](#). *See also* [FERPA, 20 U.S.C. §1232g; 34 C.F.R. Part 99](#).

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<sup>5</sup> Best practice suggests designation of one male and one female, and that there be a third person designated outside the school building (district or supervisory union level).

- \_\_\_\_\_ Familiarized staff with the option to request an independent review. This option can be elected by either the school district or the complainant. *See* pages 3 and 8 of the [Model Harassment Policy](#). *See also* **Commissioner’s Memo on Independent Review; Independent Review brochure**.
  
- \_\_\_\_\_ When conducting an investigation, has the investigator considered all the facts and surrounding circumstances in light of the harassment definition to determine whether harassment occurred? *See* pages 1 and 7 of the [Model Harassment Policy](#). *See also* OCR documents [Complaint Investigation: The Basics](#); [Investigating Complaints: Implementing the Harassment Investigation](#); [Revised Sexual Harassment Guidance](#); and [Identifying and Responding to Incidents of Harassment](#). **Important:** the OCR documents are for reference only; to the extent Vermont law exceeds the federal requirements, the more extensive Vermont law requirements must be met. *Upcoming training:* [Safe and Healthy Schools](#) Web page.
  
- \_\_\_\_\_ If substantiated, taken prompt and appropriate remedial action that is reasonably calculated to stop the harassment. *See* pages 2-3 and pages 7-9 of the [Model Harassment Policy](#).

### **Prevention and Response to Bullying in Vermont Schools**

*Has your school district done the following?*

- \_\_\_\_\_ Updated School Discipline Plan that includes a Bullying Prevention Plan developed after July 1, 2004. *See* [Model Bullying Prevention Plan](#). *See also* [Act 117](#) and [16 V.S.A. §1161a](#).
  
- \_\_\_\_\_ Training for the school community to help prevent, identify, and respond to incidents of bullying. *See* Appendix A of the [Model Bullying Prevention Plan](#). *See also* [Safe and Healthy Schools](#) Web page.
  
- \_\_\_\_\_ Developed methods for students to personally or anonymously (e.g., drop box) report incidents of bullying. *See* page 1 of the [Model Bullying Prevention Plan](#).
  
- \_\_\_\_\_ Notified students, parents, teachers and others of the person designated to accept and review bullying reports. *See* page 2 of the [Model Bullying Prevention Plan](#).

If you have any questions about the information provided, please contact Mia Karvonides, legal counsel at the department, at 828-5106 or Doug Dows, Safe and Healthy Schools director, at 828-5109. Thank you for your hard work and commitment to providing a safe and supportive school environment for all Vermont students.