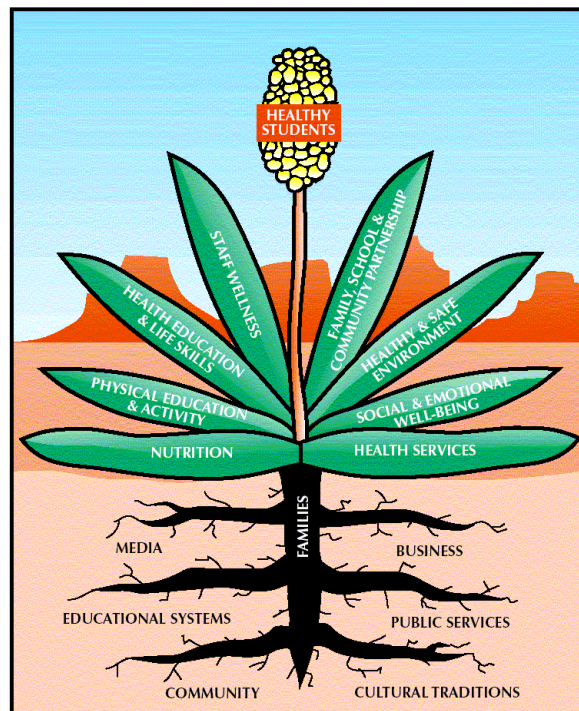


# New Mexico Public Education Department



## School District Anti-Bullying Policy Guidance Document

HEALTHIER SCHOOLS - NEW MEXICO



*Healthy Kids Make Better Students, Better Students Make Healthy Communities*

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**Anti-Bullying Policy Process Recommendations:**

**Step 1:** It is recommended that the local school district/charter school utilize the school health advisory council (SHAC) in the development of the Anti-Bullying Policy.

**Step 2:** The school health advisory council with the district/charter school administration creates a draft bullying policy that minimally addresses the following areas (see Sample Policy):

- definitions;
- an absolute prohibition against bullying;
- a method to ensure initial and annual dissemination of the anti-bullying policy to all students, parents, teachers, administrators and all other school or district employees;
- procedures for reporting incidents of bullying which ensure confidentiality to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident;
- procedures for investigation and responding to reports;
- Identification of school officials responsible for receiving reports, investigating reports, and making decisions based on the outcome of the investigation;
- consequences for bullying which include consideration of compliance with state and federal IDEA requirements;
- and the requirement to include bullying prevention into Health Education curriculum.

**Step 3:** The local school board/governing body of the charter school adopts the Anti-Bullying policy no later than \_\_\_\_\_.

**Step 4:** The district/charter school submits, electronically, documentation that the local school board/governing body had adopted the Anti-Bullying policy no later than \_\_\_\_\_.

**Send to board/governing body approval  
electronically to:  
Kristine M. Meurer, Ph.D., Director  
School and Family Support Bureau  
New Mexico Public Education Department  
[Kristine.meurer@state.nm.us](mailto:Kristine.meurer@state.nm.us)**



## School District Anti-Bullying Policy Sample

When students are afraid to attend school/classes they cannot learn. Bullying prevention programs can help to provide a safe environment in which teachers can teach and students can learn. When a student is *bullied* his or her ability to participate in and benefit from the school's educational programs or activities is adversely affected.

The goal of this policy is to ensure that procedures are in place to prevent bullying, limit the prevalence of bullying, and to make consequences salient to everyone involved.

**[Name of School District/Charter School]** believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

### Definitions

1. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
2. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
3. "Disability Harassment" is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the district.

Harassment and Disability Harassment include but are not limited to:

- a. Verbal acts, teasing, use of sarcasm, jokes;
- b. Name-calling, belittling;
- c. Nonverbal behavior such as graphic or written statements;
- d. Conduct that is physically threatening, harmful, or humiliating; or
- e. Inappropriate physical restraint by adults.



4. “Racial Harassment” consists of physical or verbal conduct relating to an individual’s race when the conduct:
  - a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
  - b. Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or
  - c. Otherwise adversely affects an individual’s academic opportunities.
5. “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:
  - a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
  - b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
  - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s education, or creating an intimidating, hostile or offensive educational environment.
6. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:
  - a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
  - b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
  - e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.



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

1. The prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

“Bullying behavior by any student in the **[Name of School District/Charter School]** is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student’s property; or
- Physically harming a student or damaging a student’s property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.”

2. Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.
3. The Anti-Bullying Policy will be available on the **[Name of School District/Charter School]** website, and in all student, staff, and parent handbooks.

### Reporting Intimidation, Harassment, or Bullying Behavior

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the principal or other district personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form (See Sample Form, Appendix D). A copy of this form will be submitted to the Safe Schools coordinator.



5. School principal or designee is *required* to accept and investigate all reports of intimidation, harassment or bullying.
6. School principal or designee is *required* to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the office of the Superintendent.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) school staff is *required* 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.

### **Investigating Intimidation, Harassment, or Bullying Behavior**

The [Principal, or Superintendent/Director of the Charter School], or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.

1. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing *prior* to the investigation taking place.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
3. The district may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The principal (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district Safe Schools Coordinator.





## **Consequences for Bullying**

1. Verified acts of bullying shall result in intervention by the building Principal or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. While conduct that rises to the level of “bullying” as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building Principal.

## **Consequences for Knowingly Making False Reports**

1. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

## **Anti-Bullying included in Health Education Curriculum**

“Health Education” is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors, and then in the later grades being able to analyze those behaviors and role play refusal skills.

Our curriculum does recognize the importance of bully prevention skills in all grade levels.

## **Threats of Violence**

1. Threats of violence toward other students, school staff, or facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
2. All employees and students are required to report evidence of threats of violence to their principal. Such reports shall be investigated by the principal or designee. All such reports shall be documented by the principal.
3. In cases of threats that may constitute a violation of criminal law, the principal, superintendent or designee shall notify law enforcement authorities.
4. Students who are charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due-process hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students administrators will consult with the Director of Special Education regarding the appropriate process.



## Resources

1. New Mexico Public Education Department, School and Family Support Bureau – online <http://www.ped.state.nm.us> or phone: 505-827-1804.
2. Anti-Bullying Policy rule 6.12.7 NMAC.
3. School District Wellness Policy rule 6.12.6.6 NMAC.
4. New Mexico Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
5. Center for the Study and Prevention of Violence, University of Colorado- online at <http://www.colorado.edu/cspv/safeschools/bullying/overview.html>
6. Northwest Regional Education Laboratory, How to choose an Anti-Bullying Program <http://www.nwrel.org/request/dec01/choosingcreating.htm>
7. National Youth Violence Prevention Resource Center, Government approved resources on prevention, intervention, & stats <http://www.safeyouth.org/scripts/topics/bullying.asp>
8. The *Steps to Respect* program is a schoolwide curriculum to develop healthy relationships and decrease bullying behavior. Committee for Children <http://www.cfchildren.org/strf/strindex/>
9. Coloroso, Barbara (2003). *The Bully, the Bullied, and the Bystander*, New York, NY: HarperCollins Publishers.
10. Student Reports of Bullying: Results from the 2001 School Crime Supplement to the 2001 National Crime Victimization Survey, USDE, <http://nces.ed.gov/pubs2005/2005310.pdf>



**APPENDIX A**  
**School District Anti-Bullying Policy**  
**Work Sheet**

**District:** \_\_\_\_\_

**Definition:** *(note: Take from rule—additional information if needed)*

**Requirements:** *(note: Take from rule—additional district level requirement as appropriate)*

**Goal:** *(note: can use suggested language from Guidance Document)*

**Activities:** *(note- district or school level anti-bullying strategies)*



## APPENDIX B

### TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY PART 7 BULLYING PREVENTION

**6.12.7.1 ISSUING AGENCY:** Public Education Department  
[6.12.7.1 NMAC - N, 11-30-06]

**6.12.7.2 SCOPE:** All public schools, including charter schools, and state supported educational institutions.  
[6.12.7.2 NMAC - N, 11-30-06]

**6.12.7.3 STATUTORY AUTHORITY:** This regulation is adopted pursuant to Sections 22-2-1 and 9-24-8 NMSA 1978.  
[6.12.7.3 NMAC - N, 11-30-06]

**6.12.7.4 DURATION:** Permanent  
[6.12.7.4 NMAC - N, 11-30-06]

**6.12.7.5 EFFECTIVE DATE:** November 30, 2006, unless a later date is cited at the end of a section.  
[6.12.7.5 NMAC - N, 11-30-06]

**6.12.7.6 OBJECTIVE:** This rule establishes requirements for districts, schools and state supported educational institutions to address bullying of students by adopting and implementing policies.  
[6.12.7.6 NMAC - N, 11-30-06]

**6.12.7.7 DEFINITIONS:**

A. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

B. "Department" means the public education department.

C. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.

D. "IDEA" means the federal Individuals with Disabilities Education Act, 20 USC Secs. 1401 and following, including future amendments.

E. "Local school board" means the governing body of a school district or charter school.

F. "School district" means an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes.

[6.12.7.7 NMAC - N, 11-30-06]



**6.12.7.8 REQUIREMENTS:**

A. This section applies to local school boards, local school districts, and charter schools and governs policies to be adopted and implemented by local school districts with regards to addressing bullying.

B. Each school district and charter school shall develop and implement a policy that addresses bullying, no later than April 1, 2007.

C. Any such anti-bullying policy shall at least include, but shall not be limited to:

- (1) definitions;
- (2) an absolute prohibition against bullying;
- (3) a method to ensure initial and annual dissemination of the anti-bullying policy to all students, parents, teachers, administrators and all other school or district employees;
- (4) procedures for reporting incidents of bullying which ensure confidentiality to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident;
- (5) consequences for bullying which include consideration of compliance with state and federal IDEA requirements;
- (6) consequences for knowingly making false reports pursuant to the anti-bullying policy;
- (7) procedures for investigation by administration of incidents reported pursuant to the anti bullying policy;
- (8) a requirement that teachers and other school staff report any incidents of bullying;  
and
- (9) a requirement that anti-bullying is included as part of the health education curriculum as set forth in 6.30.2.19 NMAC (“content standards - health education”).

[6.12.7.8 NMAC - N, 11-30-06]

History of 6.12.7 NMAC: [Reserved]



## APPENDIX C

### SAMPLE EVALUATION PLAN

Effective programs have two key prerequisites: awareness and adult involvement. In order to create a school climate that discourages bullying, school staff and parents must become aware of the extent of bully-victim problems in their own school. In addition, effective bullying prevention also requires a commitment on the part of all adults to reduce or eliminate bullying.

*Coordination* All bullying prevention programs recommend a bullying prevention committee at the school level and a coordinator of bullying prevention activities and curricula. Committees typically assess the extent of the problem by designing and administering an anonymous student questionnaire. Using these data, committee members can make recommendations about the components to implement and the materials to be acquired.

*Creating Awareness* All parties of the school and community are involved and aware of common bully behavior as well as ways to prevent and/or intervene in situations.

Below is a sample evaluation that will help determine if the process and the product your district created meet the requirements of the Anti-Bullying Policy.



## Anti-Bullying Policy Check List

ACTION ITEM	RESPONSIBLE PARTY	COMPLETED DATE	NOTES
Create Anti-Bullying policy writing team	District		SHAC
<b>WRITE POLICY: (Must include the following items)</b>	Anti-bullying writing team		
1. Definition of Bullying			
2. Notice of Prohibition Against Bullying and Anti-Bullying Interventions			
3. Intimidation, Harassment and Bullying policy containing:			
4. Statement of the consequences			
5. Procedure for reporting			
6. Statement of the manner in which a school district will respond and investigate			
7. Statement of the consequences and appropriate remedial action for a person found to have falsely accused another			
8. Statement of how the policy is to be publicized within the district			
9. The identification by job title of school officials responsible for ensuring that policy is implemented			
10. Requirement to include Anti-Bullying as a part of health education curriculum			
Activities on Anti-Bullying appropriate to grade level, focusing on elementary and middle school students			Not required
Create school level Anti-Bullying teams (not required, but highly recommended)			Not required
Approve policy	School Board/Charter Board		
Notify PED date board approved policy.			
On-going commitment to prevent bullying and to support a positive school climate	Everyone		



**APPENDIX D\***

*SAMPLE*

*Harassment, Intimidation, Bullying, or Hazing Complaint Form*

[district and school name]

**Student Information**

Name		ID#
Grade	Phone Number	Home Address

**Complaint Filed Against**

Name	Grade (or position if not a student)
Name	Grade (or position if not a student)

**Incident**

Date	Time
Location	
Is this the first time this has happened? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Is this the first time you are reporting this? YES <input type="checkbox"/> NO <input type="checkbox"/>	

**Description- PROVIDE AS MUCH DETAIL AS POSSIBLE**

**Witnesses (if applicable)**

Name	Grade/position	Phone number
Name	Grade/position	Phone number
Name	Grade/position	Phone number





*SAMPLE*

*Harassment, Intimidation, Bullying, or Hazing Complaint Form*

[district and school name]

**Report Information**

Today's Date

Did anyone help you fill out this form? YES  NO

If yes, who

**Office Information**

Who received this complaint form?

Position

Date Received

\*When using this form electronically, you may choose to *Protect* the document through the *Tools* menu. This will allow the user to only fill in the blanks.

