

# HOPKINTON PUBLIC SCHOOLS

## BULLYING PREVENTION AND INTERVENTION PLAN

Developed by the HPS Bullying Prevention and Intervention Planning Committee

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The Hopkinton Public Schools celebrates the fact that legislation requires the implementation of a comprehensive anti-bullying plan in every district. This aligns with our commitment to creating a safe, inclusive, supportive learning community for all students.

This formal prevention and intervention plan outlines definitions, procedures, roles, and responsibilities, and is intended to help families understand where they can get support and seek resolution. While this document focuses on reportable concerns that may rise to the level of bullying, we want families, students, and staff to know that even when there are questions about what does and what does not constitute bullying, families should reach out to counseling and administrative staff to get social, emotional, and behavioral support for any concerns they may have about their student.

Our highest priority is to create an atmosphere in which students will grow and thrive.

During the 2018 revision of this document,  
the committee elected to make the reporting form  
easier for personnel, students, parents, and community members to access.

**To complete the form,  
click on the link below:  
[Hopkinton Public Schools Electronic Form](#)**

A paper form remains available as well

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## Introduction

### Purpose and Development of the Plan

The *Hopkinton Bullying Prevention and Intervention Planning Committee* developed this plan to comply with the Chapter 92 Act Relative to Bullying in Schools<sup>1</sup> legislation signed into law by Governor Deval Patrick on May 3, 2010. The legislation mandated that each district create a plan to be filed with the Massachusetts Department of Elementary and Secondary Education (DESE) by December 31, 2010.

While the legislation required development of this plan, the committee agrees that the most important purpose of the plan is the collective desire to keep all our students free from the humiliation, anxiety, and physical harm resulting from bullying by adopting strategies to prevent its occurrence and to intervene in effective ways if it does occur. Additionally, in accordance with *An Act Relative to Bullying in Schools*, Chapter 86 of the Acts of 2014, this anti-bullying plan recognizes that certain students, including LGBTQ students, may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics. Additionally, Chapter 86 requires school districts, charter schools, approved private day or residential schools, and collaborative schools, to administer a Department-developed student survey at least once every four years to assess "school climate and the prevalence, nature and severity of bullying in schools."

This plan serves as the basis for professional development of district employees.

### Prohibition against Bullying and Retaliation<sup>2</sup>

Consistent with School Committee Policy *Bullying Prevention* (JICFB)<sup>3</sup>, bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased, or used by the school district; or
- Through the use of technology or an electronic device owned, leased, or used by the Hopkinton Public Schools.

Both bullying and cyber-bullying are also prohibited at a location, activity, function, or program that is not school-related or through the use of technology or an electronic device that is not owned, leased, or used by the Hopkinton Public Schools if the act or acts in question:

- Create(s) a hostile environment at school for the target;
- Infringe(s) on the rights of the target at school; and/or
- Materially and substantially disrupt(s) the educational process or the orderly operation of a school.

Retaliation is prohibited against any person who reports bullying, provides information during an investigation of bullying, or witnesses bullying, or has reliable information about bullying.

## Definitions

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<sup>1</sup> The full text of the law is available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92>

<sup>2</sup> Note that, consistent with state law, Hopkinton has not used the terminology "zero tolerance" to state its prohibition to bullying. Research has shown that this phrase leads to a narrow response to misbehavior that is not always appropriate for every age group. The research on zero tolerance policies is reported by the Harvard University Civil Rights Project in *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies*. In the *National Summit on Zero Tolerance Proceedings*. (Washington, DC, June 15-16, 2000)

<sup>3</sup> See the policy mentioned in the Resources section of this plan.

*Note: "Bullying" and "cyber-bullying" appear at the end of this section, rather than in alphabetical order, in order to first define some words that appear in those definitions.*

**Aggressor** – a student who engages in behavior that defined as bullying, cyber-bullying, or retaliation as defined in M.G.L. c.71, §370. This person is sometimes referred to as the "perpetrator" or "bully."

**Bystander** – a person who observes bullying behavior that he/she has witnessed and may or may not assist in the situation.

**CMR** – Code of Massachusetts Regulations

**Differentiating Characteristics** – As identified in *An Act Relative to Bullying in Schools*, Chapter 86 of the Acts of 2014, there may be categories of differentiating characteristics that may make certain students more vulnerable to bullying including: race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

**Discrimination** – Peer harassment or bullying behavior based on federal "protected classes" of race, color, national origin, sex, or disability, or the additional state protected classes of religious creed, sexual orientation, or genetics.

**Harassment** – "...creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates civil rights laws" that the Office of Civil Rights enforces.<sup>4</sup>

**Hostile environment**, as defined in M.G.L. c. 71, § 370 – a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

**M.G.L.** – Massachusetts General Law

**Parent** – A student's mother, father, or guardian.

**Perpetrator** – A student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or paraprofessional who engages in retaliation.

**Retaliation** – prohibited behavior that can take the form of intimidation, reprisal, or harassment directed against a student who reports or provides information about bullying, or against witnesses or those with information about bullying.

**Staff** – includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

**Target** – a student who is the recipient of bullying, cyber-bullying, or retaliation. This person is sometimes referred to as the "victim."

**Bullying** as defined in M.G.L. c. 71, § 370:

The repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

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<sup>4</sup> Dear Colleague letter, United States Department of Education, Office of Civil Rights, October 26, 2010. Available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

- Causes physical or emotional harm to the target or damage to the target's property;
- Places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- Creates a hostile environment at school for the target;
- Infringes on the rights of the target at school; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

### Differences Between Bullying and Other Behaviors

Bullies/Aggressors target others based upon their perception of an unequal physical and/or psychological power relationship. The aggressor, the more powerful based on popularity or establishment of fear, targets/bullies students they perceive as mentally, emotionally, or physically weaker, or simply different from the aggressor (e.g., physical attributes, apparel, possessions). Aggressors intend to harm their target(s) and do so repeatedly.

Bullying directed at a student on the basis of their race, religion, ethnicity, disability, gender, genetic information, or sexual orientation is a violation of the Hopkinton Public Schools Non-Discrimination Policy. In addition, bullying directed at a student on the basis of race, color, national origin, sex, or disability violates federal civil rights non-discrimination statutes<sup>5</sup> and state law.<sup>6</sup> Severe cases of bullying directed at students due to race, religion, ethnic/national origin, sexual orientation, handicap, or gender may fit the definition of a hate crime under Massachusetts law.<sup>7</sup>

Bullying is sometimes confused with other behaviors that might be undesirable but do not fit the definition of bullying. Bullying is **not**:

- A conflict, quarrel, or a problem to be resolved between two students who are perceived as having equal power, such as between two classmates who ordinarily get along and are in the midst of a disagreement.
- Teasing that occurs occasionally between friends without the intent of harming the other. Teasing can be upsetting or offensive to the recipient, and must be discouraged, but the intention is not to harm or to have power over another person as is the case with bullying.

### Effects of Bullying Behavior (including Cyber-bullying)

Researchers note that *both* aggressors and victims are "at risk for short-term and long-term adjustment difficulties. These include:

- Lowered academic achievement and aspirations
- Increased anxiety
- Loss of self-esteem and confidence
- Depression and post-traumatic stress
- General deterioration in physical health
- Self-harm and suicidal thinking
- Feelings of alienation in the school environment, such as fear of other children
- Absenteeism from school

## **Pertinent Laws and Regulations**

### **Massachusetts General Laws**

(1) Chapter 92 Act Relative to Bullying in Schools<sup>8</sup> signed into law by Governor Deval Patrick, May, 2010

<sup>5</sup> The federal anti-discrimination statutes enforced by the Office of Civil Rights include: Title IV of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, § 504 of the Rehabilitation Act of 1973, and/or Americans with Disabilities Act of 1990 (Title II). See the "Dear Colleague" letter in the Resources section for additional information.

<sup>6</sup> M.G.L. Chapter 76, Section 5, often referred to as the Massachusetts Gay and Lesbian Students' Rights Law.

<sup>7</sup> See 501 CMR 4.00: Hate Crimes.

<sup>8</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92>

(2) Chapter 76, § 5 (Signed into law by Governor William Weld, December, 1993)

“No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public schools on account of race, color, sex, religion, national origin, or sexual orientation.”<sup>9</sup>

(3) Chapter 269, § 17, 18, 19 (Signed into law by Governor Michael Dukakis, November 1985.)

Hazing is a form of bullying that is specific to instances of initiation into a student organization. The law reads:

“The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.”<sup>10</sup>

#### Massachusetts Department of Education (DESE) Regulations

- (1) 603 CMR 49:00<sup>11</sup> - Regulations pertaining to bullying. The full text can be found by clicking on the footnote link.
- (2) 603 CMR 33<sup>12</sup> - Regulations pertaining to hazing. The full text can be found by clicking on the footnote link.

**Federal Laws** (See the United States Department of Education Office for Civil Rights “Dear Colleague Letter,” which discusses the overlap of federal anti-discrimination and harassment laws with bullying.)

- Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin.
- Title IX of the Education Amendments of 1972 prohibits discrimination based on sex.
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.

## District Bullying Prevention Philosophy

RESPECT: When we value and accept others, including their perspectives, feelings, ideas, and personal characteristics. Students in a respectful environment value others and treat each other well regardless of differences.

<sup>9</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5>

<sup>10</sup> [s-p.mit.edu/government/house\\_docs/docs/MA\\_Hazing\\_Law.pdf](s-p.mit.edu/government/house_docs/docs/MA_Hazing_Law.pdf)

<sup>11</sup> <http://www.doe.mass.edu/lawsregs/603cmr49.html>

<sup>12</sup> <http://www.doe.mass.edu/lawsregs/603cmr33.html?section=all>



In accordance with *An Act Relative to Bullying in Schools*, Chapter 86 of the Acts of 2014, the Hopkinton Public Schools ensures that specific steps are taken to “support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment.” The sections that follow address these very topics.

The Hopkinton Public Schools staff believes that when we integrate the idea of *respect* into daily school activities, curricula, and special events, and we do this with the involvement of parents, other adults, and community, we deter bullying. Research supports this belief. A research synthesis in the January/February 2010 issue of *Educational Researcher* proposes a “social-ecological framework” that acknowledges that youth behavior is shaped within “nested contextual systems” that include “families, schools, peer groups, teacher-student relationships, neighborhoods, and cultural expectations.”<sup>13</sup>

Each school and athletic program works with parents and community partners to establish norms of respect that guide students’ respectful behavior, but also guides the response to teasing and bullying behavior as either targets or bystanders.

The staff continually develops the theme of respect in curriculum, classrooms, and school activities under the direction of the principals and with the support of the District Climate Team, School Climate Teams, and community partners.

## **Bullying Plan and Policy Dissemination**

Each school provides information about the bullying plan to parents and students in the Student Handbook’s Code of Conduct, which must include but is not limited to the following:

- (1) That all students are afforded the same legal protections regardless of their status under the law, and are protected against retaliation,
- (2) How to report bullying and cyber-bullying,
- (3) Disciplinary consequences of bullying behavior,
- (4) The right to due process, and
- (5) That a student who knowingly makes a false accusation of bullying or retaliation is also subject to disciplinary action.

Parents or guardians must provide their signature at the start of the school year acknowledging that they have read the Handbook (which also contains other required information). (Also see Schools and Parents Partner to Prevent Bullying on page 18.)

This *Bullying Prevention and Intervention Plan* is available on the district homepage and each school’s web page. The district Bullying Prevention Policy is included in the plan but also included on the School Committee’s policy page that is a link from the district homepage.

The Employee Handbook also includes information about bullying prevention and intervention. In September of 2010, this information was distributed to all employees as an addendum to the Handbook. It is incorporated into full text of the Employee Handbook.

## **Reporting Protocols**

Reporting protocols provide a safe and easy means of reporting by staff members, targets, bystanders, or parents and allow for anonymous reporting (which legislation requires must be verified before action can

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<sup>13</sup> Swearer, S., et al. (2010). *What can be done about school bullying? Linking research to educational practice. Educational Researcher*. 39(1). 42.

be taken). Principals will ensure that all students, staff, and parents understand how to report bullying, and they also provide and publicize a safe and inconspicuous means of reporting anonymously.

Each principal ensures that students understand that bystanders or anyone who becomes aware of bullying have an obligation to report, are protected under the law from retaliation, and will have their confidentiality maintained to the extent possible.

#### **Annual Reminders about Reporting**

Principals inform parents at the beginning of each school year about how to submit a report, and to whom the report is submitted, including the choice of anonymous verbal or written reports. In these yearly reminders, principals provide the definition of bullying and cyber-bullying, the prohibition of bullying, cyber-bullying, and retaliation, as well as the signs of possible bullying.

#### **Accessing the Report Form**

The report form is available in all school and district offices as a paper copy and on each school's website as a form that can be printed out and either handwritten or filled in electronically. The form is also linked on the first page of this document.

#### **How to File a Report**

Anyone who suspects bullying should file a report regardless of whether or not they are absolutely sure what they observed or were told fits the definition of bullying, or if the incident was a repeated offense. (The principal or designee is responsible for making these determinations.)

A bystander or someone who becomes aware of bullying may first provide a verbal report of bullying to the principal or, in the case of students, to any adult in the school. In any case of verbal reporting, the reporter must provide a written report within a day. If a student notifies an adult in the school, that adult will immediately notify the principal verbally and in writing.

The *Hopkinton Public Schools Bullying Report Form* is easily accessed in any school office, on any school's webpage, and on the first page of this electronic document. The report may be completed electronically or may be handwritten. The form includes information on the signs of bullying and the definition of bullying, cyber-bullying, and retaliation, so that the person completing the form can consult this information as they fill out the form.

Anyone filing a report has several options:

- Send to the principal as an email attachment
- Send via conventional mail (can be anonymous or include reporter's name)
- Hand deliver to the principal's office
- Hand deliver to an anonymous drop box

The school or school district may create additional means of report submission at any time, and will communicate this change to parents or staff.

#### **Maintaining Report Records**

Each principal maintains a record of all reports in a safe and confidential manner. (See also Data Storage and Records Retention on page 15.)

#### **Annual Reporting to the Department of Elementary and Secondary Education**

Pursuant to *An Act Relative to Bullying in Schools*, Chapter 86 of the Acts of 2014 at Section 4(k), the Hopkinton Public Schools will report the following information to DESE per their reporting protocols:

- i. The number of reported allegations of bullying or retaliation;
- ii. The number and nature of substantiated incidents of bullying or retaliations;
- iii. The number of students disciplined for engaging in bullying or retaliation; and

- iv. Any other information required by the department

## Responding to Reports of Bullying

### Protection from Retaliation and Further Bullying

The Massachusetts bullying legislation requires that schools follow “procedures for restoring a sense of safety for a victim and assessing that victim’s need for protection.” Therefore, as soon as practicable, the principal will take steps necessary to keep the aggressor and target apart during the school day and school events and assess whatever other steps might be necessary to keep the victim safe from further bullying. These steps may include, but are not limited to, requesting teachers to keep students apart during class activities or temporarily re-assigning the aggressor to another class.

Further, the principal will initiate a series of check-ins with the reporter, typically involving an assistant principal and/or school counseling personnel, to ensure protection for any student or staff member who reports bullying. If the reporter is a student, the student’s parents will be made aware that he or she has reported bullying such that parents can monitor student’s safety in the hours after school.

### Investigation

The principal<sup>14</sup> thoroughly investigates each allegation of bullying. The *Hopkinton Public Schools’ Bullying Investigation Form* is used to guide the principal through the investigation process. (See the electronic form on page one of this document as well as the paper version found on our website.) The principal may elicit school counselors’ assistance in interviewing victims if this makes the victim more comfortable and therefore more likely to disclose details of the bullying behavior directed at him/her.

Unless there are important mitigating circumstances (e.g., report is provided at dismissal, a snow storm results in early dismissal, the student is absent from school, the investigator goes home sick, etc.), the principal will begin an investigation the same day if the report is received in the morning, or the next day if the report is received in the afternoon. Investigation into reports received on Friday afternoon or the afternoon preceding a day when school is not in session should begin no later than the next school day, and earlier if that is practicable or the situation warrants quick action. The investigation will be concluded as quickly as possible.

The principal must determine through the investigation if the bullying behavior constitutes a violation of civil rights law. If the bullying is directed at a student because of race, color, national origin, sex, or disability and creates a hostile environment for the target, the school must respond according to district non-discrimination policy or possibly federal civil rights statutes.

Bullying behavior may also constitute a violation of other laws, including those in the chart on page 11.

### Interviewing the Victim

Interviews are conducted with two adults present so that one is free to ask questions while paying close attention to the student and the other is able to take notes. If possible, at least one of the adults should be someone the student knows and trusts. Interviewers of victims, aggressors, and witnesses should utilize open-ended questions and avoid leading questions. Open-ended questions encourage the interviewee to share what they know and feel, and can’t be answered with yes/no. Examples:

- Tell me what happened yesterday.
- What did you do when that happened?
- How did the incident you told me about make you feel?

Closed questions, which ordinarily seek answers of one or a few words, can be asked to clarify or confirm details about which the interviewer is uncertain.

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<sup>14</sup> In all situations noting the principal’s responsibilities, it is understood that “designee” may be used interchangeably. However, the principal is ultimately responsible for actions that are required for the schools under the bullying plan.

- You told me that this happened yesterday. Was that in the morning or afternoon?
- How many times did that happen?

A leading question prompts the interviewee to respond in a particular way or implies information that may or may not be true, and should be avoided. Examples:

- Did that make you feel badly?
- Tell me how you have been bullied.
- Do you get along with other students?

#### **Parent Notification of Bullying Behavior**

Massachusetts regulations (603 CMR 49) require that parents of *both* the aggressor and target be given notice promptly “upon investigation and determination that bullying or retaliation has occurred.” The principal or designee, at the time of notification of a bullying incident to a parent or guardian of a victim, must provide information about DESE’s Problem Solving Resolution System (<http://www.doe.mass.edu/pqa/prs/>). Notice may be provided prior to the investigation and determination at the principal’s discretion. This notice may be provided verbally and followed up with a letter and must be provided in the parents’ primary language. (The district’s Student Services Office can assist the principal in locating an interpreter if necessary.)

The notice must outline findings at that point, the school’s procedures to responding to the bullying or retaliation, and the actions that the school will take to prevent further bullying or retaliation.

Written and verbal notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Hopkinton School Committee policy *Student Records* (JRA), Massachusetts Student Records Regulations (603 CMR 23.00) and the Federal Family Educational Rights and Privacy Act Regulations (34 CFR Part 99) as set forth in state regulations (603 CMR 49.07), which follows:

- (1) A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent’s own child.
- (2) A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his/her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.
- (3) A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. This provision is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

#### **Memorandum of Understanding**

The Hopkinton Public Schools and Hopkinton Police Department maintain an updated Memorandum of Understanding (MOU) that “reflects the recent changes in the laws that pertain to harassment, bullying, and cyber-bullying.”

The MOU purpose is an agreement to “coordinate...efforts and share information in order to prevent violence involving the students of the Hopkinton Public Schools...and to promote a safe and nurturing environment in the school community” (p. 1).

Designated Liaisons for the schools and police will meet regularly with the Middlesex County District Attorney's Office (commonly called Community Based Justice, or CBJ, meetings) for the following purposes related to bullying:

- (1) to discuss incidents of violence or bullying (as defined under G.L. c. 71, §370) in school or outside of school that affects students in the school;
- (2) to identify strategies to reduce such activities and to promote a safe and nurturing school environment;
- (3) to discuss community resources available for students at risk of harm from violence, abuse, and neglect;
- (4) to develop violence prevention and intervention programs, identification, protocol, and curricula as required by G. L. c. 12 §32; and
- (5) to outline the necessary action plan for implementation of such strategies (p.2).

Principals should consult the MOU as well as the chart below when determining what bullying behavior should be reported or discussed in a CBJ meeting.

**Reporting to Law Enforcement When Appropriate**

603 CMR 49.06 requires that law enforcement be notified if "the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor." The Hopkinton Police Department should *not* be notified in situations where the bullying has not risen to the level of a criminal offense such as those in the chart below. The decision to contact police may be made in consultation with the School Resource Officer (SRO) or other individuals such as the school district's attorney. Notification will occur through the School Resource Officer. The principal must document the reasons for his/her decision to notify police.

In making the decision whether or not to report to behaviors that may indicate that a legal offense has been committed, the principal can consult the chart on the following page:<sup>15</sup>

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<sup>15</sup> Excerpt from workshop offered by the Juvenile Police Officers Association, October 19, 2010.

Behavior	Offenses
<b>Threats and Violence</b>	
Threat to commit a crime or hurt someone	Threats (275, § 2) Assault (265, § 13A) Assault Dangerous Weapon (ADW) (265, § 15B)
Threat designed to get money or to make someone do something	Extortion (265, § 13A) <i>(Threat to harm someone physically or damage their property in order to get something of value or to compel them to commit an act against their will)</i>
Hit someone	Assault and Battery (A&B) (265, § 13A) Aggravated A&B Child under 14 (265, § 13J) A&DB with Dangerous Weapon (ABDW) 265, § 15A)
Threaten, hit, or damage property based on prejudice (i.e., civil rights violation)	Assault, A&B or Property Damage with Intent to Intimidate (265, § 39) <i>(Purpose to intimidate must be based on race, color, religion, national origin, sexual orientation or disability; felony if substantial injury occurs.)</i>
<b>Sexual Misconduct</b>	
In person, written, and/or technological displays or improper touching	Dissemination of Obscene Matter (272, § 28) Child Pornography (272, § 29C) Indecent Assault and Battery (265, § 13B)
<b>Property Damage &amp; Theft</b>	
Damage or deface another person's property	Malicious or Wanton Damage or Defacement (266, § 126) <i>(Always a felony regardless of the value or the amount of damage)</i>
Take another person's property	Larceny (266, § 30) Unarmed Robbery (265, § 19) <i>(any theft by force or fear, regardless of the value of the property stolen)</i> Armed Robbery (265, § 17)
Repeatedly speaking or acting in a way that causes emotional distress, fear, or intimidation	Criminal Harassment (265, § 43 A) Stalking (265, § 43) Annoying Phone Calls (269, § 14A) <i>(need a minimum of three calls designed to harass or involving obscene language)</i> Identity Fraud (266, § 37E)
<b>Harassment</b>	
Endanger a person during an initiation into any student organization	Hazing (269, § 17) Failure to Report Hazing (269, § 18)
Causing emotional injury to someone who reported bullying to the police	Witness Intimidation & Obstruction of Justice (268, § 13B) <i>(Even if intimidation involves a potential witness to a crime, this felony applies)</i>

### **Notification Regarding Aggressors Who Are Not Hopkinton Students**

If the investigation determines that one or more aggressors or targets attend another Hopkinton school, state charter school, collaborative or residential school, or another Massachusetts district, the principal will notify the principal of the other school(s) so that both may take appropriate action. If bullying that has occurred on school grounds or at a school event involves a former student under age twenty-one (21) who is no longer enrolled in any Massachusetts school, the principal will notify local law enforcement.

### **Due Process**

If a principal decides after an investigation to apply suspension as a consequence for bullying, student and parents may consult the Student Handbook for due process rights, including written notice, right to appeal the decision of the principal to the superintendent.

## **Consequences and Follow Up Actions**

### **Discipline**

Each school's handbook includes developmentally appropriate consequences/disciplinary action for bullying, cyber-bullying, and retaliation. Handbooks are easily accessible on each school's webpage.<sup>16</sup>

When principals have verified that these prohibited activities have occurred, consequences will be applied consistently as defined in the handbook. To ensure that parents have had advance notice of the provisions for bullying in each school's handbook, parents sign verification that they have read the handbook at the start of the school year. These signatures are kept on file for the year.

No disciplinary action may be taken before a thorough investigation has occurred. No disciplinary action may be taken on the basis of an anonymous report.

### **Students with Special Needs**

If a student with special needs is determined to be an aggressor and has an Individual Education Plan that includes skills and proficiencies to address social skill development, the principal will consult with the Special Education Director (or designee) before determining consequences, which may include a "manifestation determination"<sup>17</sup> hearing if the accumulated days of suspensions will exceed ten (10).

### **Psychological Support**

Psychological support will not include mediation or any attempt to bring the target and aggressor together to discuss the matter. Since bullying occurs in situations where the perception of power is unequal, these approaches are not advised, and may do further harm to the target.

*Both* the target and the aggressor require psychological support following verified bullying but their needs differ.

### **Target**

The target needs psychological support to move successfully beyond the emotional impact of the bullying they have experienced and to learn strategies he/she could employ to counter bullying behavior they may encounter in the future. In all cases of verified bullying, the district will offer the support of a district guidance counselor, adjustment counselor, or psychologist to assess the student's needs and to support him/her during the period of adjustment after the bullying has been resolved. Counseling will continue until the counselor is reasonably certain that the student is able to focus on his/her schoolwork and participate in school activities.

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<sup>16</sup> Pages from each school's handbook outline bullying and its consequences.

<sup>17</sup> A "manifestation determination" hearing is legally required before a child with a disability (on an Individual Education Program or 504 plan) can be suspended more than ten days. This hearing is to determine if the behavior is a manifestation of the child's disability. If behavior is a manifestation of his/her disability, the student must remain in his/her educational placement, and the team must consider the services that should be added to the child's IEP or 504 plan.

In cases of bullying where the student has been traumatized, the district's Student Services Department may be asked to make recommendations to the principal for outside counseling services that the parents may wish to access and which may be covered by their health insurance.

#### **Reporter**

At times a reporter will need psychological support to move successfully on from the emotional impact of coming forward. In cases where the reporter has suffered trauma, the district's Student Services Department may be asked to counsel or make recommendations for outside counsel.

#### **Aggressor**

Aggressors require (1) direct teaching about appropriate pro-social behavior, and (2) school counseling to help them stop their bullying behavior and prevent additional students from becoming victims. Counseling an aggressor can be more challenging than counseling victims because aggressors often lack empathy for others and therefore have little remorse for the outcomes of their bullying behavior. Therefore, without counseling, bullying behavior could continue and be directed at different targets.

The ability to empathize is a key variable in the development of positive social behavior (Espelage, Mebane, & Adams, 2004)<sup>18</sup>. School counselors or outside counselors to whom the parents are referred (at their request) must help aggressors understand how others experience bullying behavior, though empathy development takes a great deal of time. An online article *How to Help a Bully: Recommendations for Counseling the Proactive Aggressor*, explains:

To change the behavior of appetitive, self-serving individuals, those individuals must be convinced that a desired change is in their own best interest. Thus, counseling interventions to arrest the proactive aggression of bullies must convince the bullies that the personal benefit of their aggression is outweighed by both its negative consequences and the tangible benefits of pro-social behavior (Brown & Parsons). At the same time, intervening school counselors must avoid becoming victims themselves of a proactive aggressor's manipulative tactics.<sup>19</sup>

## **Monitoring and Evaluating Bullying Data**

#### **Data Collection**

The district collects data on bullying in order to evaluate if efforts to reduce bullying behavior are successful over time. The district Data Manager manages a database or online means to collect and monitor instances of bullying, cyber-bullying, and retaliation that will allow administrators to disaggregate data to identify patterns, if any (e.g., higher rates at particular grade levels or gender, bullying directed at particular populations, etc.).

#### **DESE Survey Data**

In addition to the annual collection of data from schools, and in accordance with *An Act Relative to Bullying in Schools*, Chapter 86 of the Acts of 2014 at Sections 4(1) & 5, the Hopkinton Public Schools administers an anonymous DESE student survey to assess the climate of schools and the prevalence of bullying. Survey data is compared with data collected annually from schools and will be provided to the superintendent by June 30<sup>th</sup> of each year.

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<sup>18</sup> Espelage, D. L., Mebane, S. E., & Adams, R. S. (2004). Empathy, caring, and bullying: Toward an understanding of complex associations. In D. L. Espelage & S. M. Swearer (Eds.), *Bullying in American schools* (pp. 37-61). Mahwah, NJ: Erlbaum.

<sup>19</sup> <http://www.thefreelibrary.com/How+to+help+a+bully%3A+recommendations+for+counseling+the+proactive...a0172831289> Accessed on October 17, 2010.



**MetroWest Adolescent Health Survey Report** - The Hopkinton Public Schools administers bi-annually the MetroWest Adolescent Health Survey, and the data are used to assess the prevalence of many behaviors, including the incidence of bullying. The data are provided to high school and middle school administration and compared with data collected in previous implementations of the survey.

#### **Reporting Requirements**

Principals will report on bullying data to the superintendent by June 30<sup>th</sup> each year using a common district report template. School bullying reports are shared with other district principals. Each year, the Superintendent or his/her designee reports statistics about bullying, improvements that have been noted, and any areas that require further work to reduce bullying or cyber-bullying.

#### **Finding Root Causes and Identifying Solutions**

The district and school administration work with staff to evaluate bullying prevention efforts, using the bullying data collected each year. The principals (and Director of Students Services if children with special needs are involved) will organize the staff to search for root causes if bullying behavior is not decreasing and to determine appropriate solutions to address the root causes. This information will be part of the annual bullying report.

#### **Data Storage and Records Retention**

Massachusetts Records Retention regulations<sup>20</sup> require that all student discipline records (considered the "temporary record"), which include documentation of "the discipline of students for infraction of school policy," be retained up to seven (7) years after the student has left the district. If a student moves to another school, his/her records are sent to the receiving school. All such student records, except the transcript, shall be destroyed according to the district's record retention policy<sup>21</sup>.

The Principal is the custodian of the bullying report forms and investigation notes and forms in his/her school. Per Massachusetts' regulations about discipline records, bullying report and investigation forms will be passed on to the principal of the receiving school.<sup>22</sup> The only exception will be report or investigation forms of behavior that was not substantiated after an investigation; these forms will be shredded.

Records of counseling provided to targets and aggressors are not part of the educational or discipline record and should be retained by counselors.

The Family Educational Rights and Privacy Act (FERPA - 20 U.S.C. § 1232g; 34 CFR Part 99) gives parents the right to see their child's educational record. According to the U.S. Department of Education, "Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies."<sup>23</sup>

The district Data Manager oversees the secure storage of bullying data and provide access to the data on a "need to know" basis, that is, those who need the data to perform job functions such as report writing. Those with a "need to know" may include Principals, Assistant Principals, Director of Student Services, Assistant Superintendent, and Superintendent.

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<sup>20</sup> 603 CMR 23.06

<sup>21</sup> Policy to be developed.

<sup>22</sup> Under Chapter 71 "Section 37L, any student transferring into a new school district must provide the new district with "a complete school record," including, but not limited to, "any incidents involving suspension or violation or criminal acts or any incident reports in which such student was charged with any suspended act." Found at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37L>

<sup>23</sup> See <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

## **Classroom and School-wide Curriculum**

### **Guiding Principles**

The Hopkinton Public Schools recognizes that a bullying prevention curriculum encompasses not only planned lessons and units that follow a learning progression from grade to grade, but also what is taught through the purposeful structuring of school experiences. Curriculum is thus constructed broadly in this plan. For example, a school that emphasizes respect in the daily conduct of school events, and expects respect to be demonstrated by all students and staff, teaches powerful lessons about behavior that is antithetical to bullying behavior.

Therefore, the district's bullying prevention curriculum includes both whole school efforts that are developmentally appropriate and integrated into all activities, as well as a planned, sequenced curriculum that is taught directly to all students.

### **Curriculum in Use or Planned**

The Hopkinton Public Schools has been using a combination of K-8 research-based wellness curricula, primarily based on the best facets of both *Steps To Respect* and the *Michigan Model*. See the District's Wellness Plan for specific information.

The wellness department is in the process of curriculum review and revision, with a target goal of September 2020 for K-12 curriculum update completion.

### **Library Integration**

To encourage integration of the anti-bullying theme in K-8 classrooms, the schools' librarians have assembled a list of books and resources, including the Massachusetts School Library Association List of Books for young children, middle readers, young adults, and professionals.

### **Parent Information**

Consistent with state law, provisions for informing parents about the district's bullying prevention curriculum shall include, but not be limited to, how parents can reinforce the curriculum at home and support the school district or school plan, the dynamics of bullying, and online safety and cyber-bullying.

## **Roles and Responsibilities of Individuals and Groups**

The district believes that everyone associated with the school has particular responsibilities to carry out in order to prevent bullying and intervene if it should occur. Accordingly, the following structures have been put into place:

### **District Climate Team (DCT)**

The District Climate Team's focus is the development of the theme of respect so that it permeates each school's climate. The team operates with the premise that an emphasis on respect will produce less bullying than a campaign against bullying. The team is composed of staff, students, and community members. This team meets, at a minimum, annually to discuss the maintenance of the *Bullying Prevention and Intervention Plan*.

### **School Councils**

The School Councils will ensure that building-based activities, appropriate for the students in their school, are in place to emphasize kindness, respect, and ultimately, the prevention of bullying behaviors. In the event of documented increases in the incidence of bullying, principals will create programs to educate students and prevent bullying behavior.

### **Special Education Teams**

The Massachusetts bullying legislation (§7) addresses particular requirements of children with special needs. This section of the legislation includes language that requires teams developing an Individual Education Plan to consider the needs of children with disabilities that may make them likely to bully or become targets. The legislation reads:

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment, or teasing because of the child's disability, the Individualized Education Program shall address skills and proficiencies needed to avoid and respond to bullying, harassment, and teasing.

### **SEPAC**

The Hopkinton Special Education Parent Advisory Committee assists the district in developing district-wide disability awareness as one means of prevention, by helping non-disabled students to accept and respect students with disabilities.

### **Wellness Committee**

This committee includes the Nurse Leader, Wellness Coordinator, and Assistant Superintendent, as well as wellness professionals and parents from the community. The committee, among other roles and responsibilities, addresses regarding health and wellness issues that arise in our schools and advise school administrators when appropriate.

### **All Staff**

All staff members are responsible for demonstrating and encouraging respectful behavior, learning the signs of bullying and cyber-bullying, intervening to stop any observed bullying behavior, and reporting any bullying behavior that is discovered (either observed directly or behavior that has been reported).

### **Parents**

- (1) **All parents** are responsible for reading the information that the district provides on bullying, cyber-bullying, and retaliation, and reporting any of this activity that they may witness or learn about.
- (2) **Parents of targets** are also responsible for reporting any bullying, cyber-bullying, or retaliatory behavior directed at their children so that the school can address this behavior.
- (3) **Parents of aggressors** are responsible for partnering with the school to help their child understand the consequences of his/her bullying and to change his/her behavior.

### **Captains' Council**

The captains of all district athletic teams participate in a Captains' Council, which aims to develop athletic leadership. This group will receive specific training on spotting bullying behavior, helping team members to avoid being passive bystanders, and reporting bullying behavior.

### **Students**

All students are expected to demonstrate respectful behavior and report bullying rather than remain a passive bystander. Students are responsible for reporting bullying, cyber-bullying, or retaliatory behavior to a staff member in the school.

## **Partnerships**

*"True and effective violence prevention requires a comprehensive response that brings all segments of the*

*community into play. Health care, public health, mental health, youth development, education, family support, faith and religious, and criminal justice institutions and professionals have roles to play as do community groups, survivors, and others who live with the consequences of violence on a daily basis.*<sup>24</sup>

## **Schools and Parents Partner to Prevent Bullying**

Parents and the schools are mutually dependent upon one another to prevent bullying and address it effectively if it does occur. The district has the primary role of providing information to parents so that they understand the district's anti-bullying efforts, and informing parents if it occurs.

In choosing what information to provide to parents, the district is responsive to parental requests, using the Hopkinton Parent Teacher Association (HPTA), the Special Education Parent Advisory Council (SEPAC), or other Hopkinton Public School district organizations to help identify topics of need and interest. Information is provided to parents each year via print material, online tools, workshops, and/or presentations. Regardless of the outcomes of the survey, the district at a minimum will provide parents with information about:

- (1) The curriculum at their child's grade level,
- (2) How to reinforce the curriculum at home,
- (3) Bullying dynamics, and
- (4) Online safety and cyber-bullying.

A partnership is a two-way relationship. Therefore, the district not only provides information, but also actively seeks and utilizes parental input in its ongoing efforts to prevent bullying behavior. Every two years, the district revises this plan with parental input. However, if data show that bullying behavior is increasing at any school, the principal will not wait for the end of the two-year period, but will engage the School Council and interested parents in strategizing and implementing solutions.

Periodic reports of bullying data are made to School Councils and School Committee.

## **Schools and the Community Partner to Prevent Bullying**

The community of Hopkinton shares responsibility for the wellbeing of all its children. A successful partnership includes key community members working together to communicate a consistent message and employ common strategies that increase positive behavior and promote respect.

The community has many organizations and individuals who can collaborate in a united effort to prevent bullying behavior by promoting a culture of mutual respect and by disseminating information to families and children. These organizations and individuals are represented on the Community Advisory Committee, and include, but are not limited to:

- Coordinator of Youth Services
- Police Department
- Local Pediatric Practice(s)
- Youth organizations such as local athletics
- Houses of worship and faith-based organizations
- Public Health Administrator
- Public library
- Local businesses that serve students

## **Professional Development**

### **Purpose**

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<sup>24</sup> Spivak, H. (2003) *Bullying: Why All the Fuss?*, *Pediatrics*. American Academy of Pediatrics. Accessed at <http://www.pediatrics.org/cgi/content/full/112/6/1421>, November 29, 2010.

The overall purpose of professional development for *all* staff (teachers—including substitutes, nurses, professional support staff such as counselors, PT, OT, librarians; teaching assistants, secretaries, administrators, cafeteria workers, bus drivers, and coaches, etc.) is to:

1. Insure a high degree of understanding and ability to comply with the requirements of the law and this plan;
2. Help staff plan and employ strategies to develop respectful behavior; and
3. Build capacity to teach the anti-bullying curriculum with fidelity so that the research-based outcomes can be achieved. Professional development is differentiated to meet the varying needs of Hopkinton staff members

#### **Professional Development Planning**

The District Climate Team will work with the Assistant Superintendent and Principals to create and conduct a professional development needs assessment, as well as plan and carry out professional development activities each year. The plan must be guided by a report on professional development issued by the Department of Elementary and Secondary Schools (DESE) in October, 2010 as required by the bullying legislation, which directs the DESE to “submit to the Massachusetts Legislature a report on cost-effective ways to implement professional development. Developing a comprehensive professional development program will require overcoming several limitations that were noted in the report, including the following:

- (1) “...the Department did not identify a comprehensive professional development program that addresses all of the statutorily required content areas.”
- (2) “*On a limited basis*, Department staff may be able to provide professional development in some content areas at no program cost.”
- (3) The Department has not yet developed online professional development. “The Department is in the process of creating a web-based tool for professional development and training for use in schools and districts to train local school staff on the general roles and the responsibilities of all staff under the law.”
- (4) Cost: “There will be costs at the school and district level...The variables and costs will depend on the approaches to professional development by the districts. Costs for any type of training include, at a minimum, time for staff to attend the training, the design and schedule of the professional development and the cost of necessary coverage...Specific costs will be determined by the school and district.”

#### **Professional Development Curriculum for Administrators, Teachers, Nurses, Student Support Staff, coaches, club advisors, custodians, cafeteria staff, bus drivers**

Professional development activity begins with a mandatory training on the requirements of the law, definitions, the details of this plan, how to recognize bullying behavior or a student who may be bullied or cyber-bullied, and how to file a report when necessary.

Subsequent trainings are offered to staff based on a needs assessment survey of all staff in which they are asked to identify areas of additional training need. These may include, for instance, strategies to create a respectful classroom or implementation of bullying curriculum.

Training will be provided each year to all newly hired teachers as part of the district’s three-day New Teacher Orientation in August. If possible, the training will be incorporated into Moodle, an online course management system, so that instructional staff members who are hired after the year has begun may receive training online or so that trainers may create a hybrid training model (combined online and face to face) .

The DESE report indicates that professional development must include the following, which the Hopkinton Public Schools will ensure occurs:

- (1) Developmentally appropriate strategies to prevent bullying incidents;
- (2) Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;

- (3) Information regarding the complex interaction and power differential that can take place between and among aggressor, target, and witnesses to the bullying;
- (4) Research findings on bullying, including information about specific categories of students who have been shown to be particularly at-risk for bullying in the school environment;
- (5) Information on the incidence and nature of cyber-bullying; and
- (6) Internet safety issues as they relate to cyber-bullying.

#### **Professional Development for Non-Instructional Support Staff**

The district will modify the curriculum for other groups, including secretaries, teaching assistants, custodians, cafeteria workers, bus drivers to reflect for the unique contexts and needs of these employees. At a minimum, these staff members will become familiar with this plan, and in particular how to spot and report bullying behavior.

### **Periodic Plan Review**

The bully legislation requires that the DESE “biennially update the model plan and the list of resources, curricula, best practices, and research and shall post them on its website. Therefore, in the fall of 2020, the Assistant Superintendent will again convene a committee of staff, parents, students, and community members to review this plan and resources, and update this plan as necessary.

### **Credits**

The development of the Hopkinton Public Schools Bullying Prevention and Intervention Plan was a combined effort of staff, students, parents, and community members who met from September through December 2010 to plan the structure and content of the report and react to subsequent drafts. The Committee considered the feedback of other staff, parents, and community members in during two sets of focus group sessions and a twelve-day public comment period. Each subsequent draft was submitted to the full committee for their feedback into the next draft until the final approval of a plan at the beginning of December 2010.

All told, ninety-six (96) people contributed to the formation of this plan through membership on the committee, participation on a focus group, or by providing feedback electronically during the public comment period, and it is a much stronger plan because of these contributions.

#### **Committee Members (2010)**

**Evan Bishop**, Hopkinton High School Assistant Principal (co-facilitator)  
**Mary Colombo**, Assistant Superintendent (co-facilitator and writer)  
**Jason Webster**, Hopkinton Middle School Assistant Principal (co-facilitator)  
**Lily Augustini**, High School student  
**Abby Baer**, Middle School student  
**Kathryn Bain**, District Nurse Leader  
**Kirsten Esposito Balboni**, Director of Student Services  
**Jean Bertschmann**, School Committee Vice-Chair  
**Eileen Bouvier**, Parent  
**Kate Buckley**, Parent  
**Jim Casey**, School Psychologist  
**Sam Chirco**, High School student  
**Karen Coopridger**, First Congregational Church

**Nina Farquharson**, Center School teacher  
**Catherine Joyce**, Elmwood School teacher  
**Vickie Hampton**, First Congregational Church  
**Jimmy Hervol**, Middle School student  
**Marissa Keller**, Intensive Special Needs Teacher  
**David Ljungberg**, Hopkins and Elmwood Schools Asst. Principal  
**Andrew Longoria**, High School Teacher  
**Heidi Marquedant**, Middle School Wellness teacher  
**Pamela Pendleton**, Hopkins School teacher Assistant  
**Phil Powers**, School Resource Officer  
**Kerri Tomney**, Parent  
**Karen Weiskerger**, Parent  
**Ed Wirtanen**, Hopkinton Public Health Administrator  
**Jean Vazza**, Hopkinton Youth Services Coordinator

### **Participants in One or Both Focus Group Sessions**

Charissa Ahlstrom  
 Leda Arakelian  
 Joan Baumann  
 Beth Beidleman  
 Andrea Bogan  
 Jenna Bogan  
 Tracy Bogan  
 Tim Brennan  
 Nancy Burdick  
 Stefanie Carver  
 Anna Ciri  
 Teri Darkow  
 Debbie Drechsler  
 Patti Durr  
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 Kelly Kearney  
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 Kathy LaFlash  
 Nancy Lagasse

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 Renee Martin  
 Anne Mattina  
 Sara Mayo  
 Lori McBride  
 Cora Miller  
 Gregg Murphy  
 Kiely Murray  
 Molly Myers  
 Diane Norby  
 Julie O'Malley  
 Karen O'Neil  
 Teresa Perez  
 Jessica Quinones  
 Denise Randall

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 Dawn Ronan  
 Mary Rooney  
 Jill Sanford  
 Laura Schnur  
 Jyoti Shadra  
 Lynda Smith  
 Elizabeth Spar  
 Stacy Spies  
 Janet Staab  
 Donald Sutherland  
 Susan Thornton  
 Kristyn Traversi  
 Margaret Wiggan  
 Courtney Zaharis

## **Related Resources**

### **District Bullying Policy**

#### **Related District Policies**

Non-Discrimination  
 Sexual Harassment  
 Internet Acceptable Use  
 Student Conduct on School Buses  
 Student Records

#### **Sections of Handbooks/Codes of Conduct** Employee

Center Elementary School (Grades K-1)  
Elmwood Elementary School (Grades 2-3)  
Hopkins Elementary (Grades 4-5)  
Hopkinton Middle (Grades 6-8)  
Hopkinton High (Grades 9-12)

**Laws and Regulations**

Acts of 2010 – Chapter 92: An Act Relative to Bullying