

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES. (a) In this section:

(1) "Bullying":

(A) means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a-1), and that:

- (i) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- (ii) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- (iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- (iv) infringes on the rights of the victim at school; and

(B) includes cyberbullying.

(2) "Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

(a-1) This section applies to:

- (1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- (2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- (3) cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

(A) interferes with a student's educational opportunities; or

(B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

(b) Repealed by Acts 2017, 85th Leg., R.S., Ch. 522 (S.B. 179), Sec. 15, eff. September 1, 2017.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

- (1) prohibits the bullying of a student;
- (2) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
- (3) establishes a procedure for providing notice of an incident of bullying to:

(A) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and

- (B) a parent or guardian of the alleged bully within a reasonable amount of time after the incident;
- (4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;
- (5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
- (6) establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
- (7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

Updated Bullying Policy

Freedom from Bullying and Cyberbullying

EXCELLENCE IN LEADERSHIP ACADEMY prohibits bullying, as well as retaliation against anyone involved in the complaint process.

Definition

Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements and that:

- Has the effect or will have the effect of physically harming a student, damaging a scholar's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or Excellence in Leadership; or
- Infringes on the rights of the victim at school.

The school also prohibits cyberbullying, which means bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Application of Policy

This Policy applies to:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
 - Interferes with a student's educational opportunities or
 - Substantially disrupts the orderly operation of a classroom, Excellence in Leadership, or a school-sponsored or school-related activity.

Reporting Procedures

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. Any students who believes that he or she has experienced any form of bullying or believes that another student has experienced bullying should immediately report the alleged acts to the Principal, a teacher, or other school employee. A report may be made anonymously, orally

or in writing. Any school employee who receives notice that a student has or may have experienced bullying shall immediately notify the Principal.

Notification Procedures

EXCELLENCE IN LEADERSHIP ACADEMY employees must notify Principal immediately after an incident of bullying is reported to the employee. Principal will provide notice of an incident of bullying to:

- a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
- a parent or guardian of the alleged bully within a reasonable amount of time after the incident;”

Investigation of Report

If a report is made orally, the campus principal documents the incident report to written form. The campus principal shall determine whether the allegation in the report, if proven, would constitute prohibited conduct and if so, proceed under that policy instead. The campus principal shall conduct an appropriate investigation based on the allegation in the report. The campus principal shall take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the campus principal shall take additional time if necessary, to complete a thorough investigation. The campus principal shall prepare a written report of the investigation, including determination of whether bullying occurred, and send a copy to the Superintendent.

Charter District Action

If the results of an investigation indicate that bullying occurred, EXCELLENCE IN LEADERSHIP ACADEMY shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with EXCELLENCE IN LEADERSHIP ACADEMY Family Handbook. Disciplinary action may not be imposed on a student who after an investigation, is found to be a victim of bullying. The district may take action based on the results of an investigation, even if the District concludes that the conduct did not arise to the level of bullying under this policy.

Counseling Options

EXCELLENCE IN LEADERSHIP ACADEMY provides counseling options for students who is a victim of or a witness to bullying or who engages in bullying.

Confidentiality

To the greatest extent possible, EXCELLENCE IN LEADERSHIP ACADEMY shall respect the privacy of the complainant, persons against who a report is filed, and witnessed. Limited disclosures may be necessary in order to conduct a thorough investigation.

Special Education

Discipline for bullying of a student with disabilities will comply with applicable requirements under federal law, including IDEA.

Appeal

A student who is dissatisfied with the outcomes of the investigation may appeal through EXCELLENCE IN LEADERSHIP ACADEMY Policy, beginning at the appropriate level.

Libertad del Acoso y el Ciberacoso

EXCELLENCE IN LEADERSHIP ACADEMY prohíbe el acoso escolar, así como las represalias contra cualquier persona involucrada en el proceso de queja.

Definición

La intimidación significa un solo acto significativo o un patrón de actos de uno o más estudiantes dirigidos a otro estudiante que explota un desequilibrio de poder e implica participar en la expresión escrita o verbal, expresión a través de medios electrónicos o conducta física que satisfaga los requisitos de aplicabilidad y que:

- Tiene o tendrá el efecto de dañar físicamente a un estudiante, dañar la propiedad de un estudiante, o colocar a un estudiante con temor razonable de daño a la persona del estudiante o de daños a la propiedad del estudiante;
- Es lo suficientemente grave, persistente y dominante como para que la acción o amenaza cree un ambiente educativo intimidante, amenazante o abusivo para un estudiante;
- Interrumpe material y sustancialmente el proceso educativo o la operación ordenada de un salón de clases o Excelencia en Liderazgo; o
- Infringe los derechos de la víctima en la escuela.

La escuela también prohíbe el acoso cibernético, lo que significa el acoso realizado mediante el uso de cualquier dispositivo de comunicación electrónica, incluido el uso de un teléfono celular u otro tipo de teléfono, computadora, cámara, correo electrónico, mensajería instantánea, mensajes de texto, redes sociales, un sitio web de Internet o cualquier otra herramienta de comunicación basada en Internet.

Aplicación de Póliza

Esta política se aplica a:

- Acoso escolar que ocurre o se entrega a la propiedad escolar o al sitio de una actividad patrocinada o relacionada con la escuela dentro o fuera de la propiedad escolar;
- Acoso escolar que ocurre en un autobús o vehículo escolar de propiedad pública o privada que se utiliza para el transporte de estudiantes hacia o desde la escuela o una actividad patrocinada o relacionada con la escuela; y
- Acoso cibernético que ocurre fuera de la propiedad escolar o fuera de una actividad patrocinada o relacionada con la escuela si el acoso cibernético:
 - Interfiere con las oportunidades educativas de un estudiante o
 - Interrumpe sustancialmente el funcionamiento ordenado de un salón de clases, EXCELLENCE IN LEADERSHIP ACADEMY o una actividad patrocinada o relacionada con la escuela.

Procedimientos de Reporte

Los informes de intimidación se realizarán lo antes posible después del presunto acto o conocimiento del presunto acto. Cualquier estudiante que crea que él o ella ha experimentado alguna forma de acoso escolar o cree que otro estudiante ha experimentado acoso escolar debe informar inmediatamente los presuntos actos al director, a un maestro u otro empleado de la escuela. Un informe puede hacerse de forma anónima, verbal o por escrito. Cualquier empleado

de la escuela que reciba un aviso de que un estudiante ha experimentado o puede haber sufrido acoso escolar deberá notificarlo inmediatamente al director.

Procedimientos de Notificación

Los empleados de EXCELLENCE IN LEADERSHIP ACADEMY deben notificar al director inmediatamente después de que un incidente de acoso escolar sea reportado al empleado. El director notificará el incidente de intimidación a:

- un padre o tutor de la presunta víctima en o antes del tercer día hábil después de la fecha en que se informa el incidente; y
- un padre o tutor del presunto acosador dentro de un tiempo razonable después del incidente;

Investigación del Informe

Si se hace un informe verbalmente, el director de la escuela documenta el informe del incidente en forma escrita. El director de la escuela determinará si la alegación en el informe, si se prueba, constituiría una conducta prohibida y, de ser así, procederá bajo esa política. El director de la escuela llevará a cabo una investigación apropiada basada en la alegación en el informe. El director de la escuela tomará medidas provisionales calculadas para evitar el acoso escolar durante el curso de una investigación, si corresponde.

Conclusión de la Investigación

En ausencia de circunstancias atenuantes, la investigación debe completarse dentro de los diez días hábiles a partir de la fecha del informe; sin embargo, el director de la escuela deberá tomar tiempo adicional si es necesario para completar una investigación exhaustiva. El director de la escuela preparará un informe escrito de la investigación, incluida la determinación de si ocurrió la intimidación, y enviará una copia al Superintendente.

Carta del Distrito de Acción

Si los resultados de una investigación indican que ocurrió la intimidación, EXCELLENCE IN LEADERSHIP ACADEMY responderá de inmediato tomando las medidas disciplinarias o correctivas apropiadas calculadas razonablemente para abordar la conducta de acuerdo con el Manual de la Familia de EXCELLENCE IN LEADERSHIP ACADEMY. No se puede imponer una acción disciplinaria a un estudiante que, después de una investigación, sea víctima de acoso escolar. El distrito puede tomar medidas basadas en los resultados de una investigación, incluso si el distrito concluye que la conducta no se produjo al nivel de intimidación bajo esta política.

Opciones de Asesoramiento

EXCELLENCE IN LEADERSHIP ACADEMY ofrece opciones de asesoramiento para los estudiantes que son víctimas o testigos de la intimidación o que participan en la intimidación.

Confidencialidad

En la mayor medida posible, EXCELLENCE IN LEADERSHIP ACADEMY deberá respetar la privacidad del demandante, las personas contra quienes se presente un informe y que sean testigos. Divulgaciones limitadas pueden ser necesarias para llevar a cabo una investigación exhaustiva.

Educación Especial

La disciplina por intimidación de un estudiante con discapacidades cumplirá con los requisitos aplicables según la ley federal, incluida IDEA.

Apelación

Un estudiante que no esté satisfecho con los resultados de la investigación puede apelar a través de la Póliza de EXCELLENCE IN LEADERSHIP ACADEMY, comenzando en el nivel apropiado.