Sec. 1. BULLYING PROHIBITED

Midland Academy Charter prohibits bullying, including cyberbullying, as defined by the Texas Education Code.

"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 in Section 2 below, and that:

1. 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;
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or Midland Academy Charter; or
4. Infringes on the rights of the victim at school.

Bullying also includes "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.

Sec. 2. APPLICABILITY OF POLICY

This policy 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, Midland Academy Charter, or a school-sponsored or school-related activity.

Bullying can occur by physical contact or through electronic means and may include, by way of example, teasing, name-calling, inappropriate sexual comments, taunting, threatening to cause harm, leaving someone out on purpose, spreading rumors, embarrassing someone in public, hitting,

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kicking, tripping, destruction of property, taking someone's property, or making mean or rude hand gestures.

Upon publication by the Texas Education Agency, the Board will review and revise this policy to incorporate the minimum standards for anti-bullying policies under Education Code 37.0832(c-1).

Sec. 3. PREVENTING AND MEDIATING BULLYING INCIDENTS

Midland Academy Charter shall implement protocols and procedures concerning bullying that prevent and mediate bullying incidents between students that:

1. Interfere with a student's educational opportunities; or
2. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Sec. 4. RETALIATION

Midland Academy Charter prohibits retaliation against any person, including a victim, witness, or another person who, in good faith, provides information concerning an incident of bullying.

Examples of retaliation include threats, rumor spreading, ostracism, assault, destruction of property, or unwarranted grade reductions / unjustified punishment by staff members.

Sec. 5. REPORTING PROCEDURES

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. Reports should generally be made to the Principal or to a student's teacher. Failure to immediately report may impair Midland Academy Charter's ability to investigate and address the prohibited conduct.

Any Midland Academy Charter employee who suspects or receives notice that a student or group of students has or may have experienced bullying and/or cyberbullying shall immediately notify the Principal or Principal's designee.

A report may be made orally or in writing. The Principal or Principal's designee shall reduce any oral reports to written form. The Superintendent or designee shall develop a written form on which incidents of suspected bullying may be reported. The form shall allow for the anonymous submission of reports of suspected bullying.

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a) ***False Claim***

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a Midland Academy Charter investigation regarding bullying and/or cyberbullying shall be subject to appropriate disciplinary action.

b) ***Notice to Parent or Guardian***

The Principal or Principal's designee shall provide notice of an incident of bullying to:

1. A parent or guardian of the alleged victim on or before the third school day after the date the incident is reported; and
2. A parent or guardian of the alleged bully, within a reasonable amount of time after the incident.

Education Code 37.0832.

Sec. 6. INVESTIGATION OF REPORT

The Principal or Principal's designee shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination and/or harassment, and if so proceed under Board Policy PG-3.2 (Prohibited Discrimination, Harassment, and Retaliation) instead.

The Principal or Principal's designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of the investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten Midland Academy Charter business days from the date of the initial report. However, the Principal or Principal's designee shall take additional time if necessary to complete a thorough investigation.

Following completion of the investigation, the Principal or Principal's designee will prepare a written decision regarding the complaint. If the results of an investigation indicate that bullying and/or cyberbullying occurred, Midland Academy Charter shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. Midland Academy Charter may take action based on the results of an investigation, even if Midland Academy Charter concludes that the conduct did not rise to the level of bullying and/or cyberbullying as defined in this policy.

Midland Academy Charter may not impose disciplinary measures 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.

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Discipline for bullying of a student with disabilities must comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act.

a) ***Confidentiality***

To the greatest extent possible, Midland Academy Charter shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

b) ***Appeal***

A parent or student who is dissatisfied with the outcome of the investigation may appeal under Board Policy PG-3.30 (Parent and Student Complaints and Grievances).

Sec. 7. ASSISTANCE FROM PRINCIPAL

Any student who feels that he or she may be the victim of bullying should contact the Principal or Principal's designee to obtain assistance and intervention in response to the potential bullying.

The Principal or Principal's designee shall notify the victim, the student who engaged in bullying, and any student(s) who witnessed the bullying of available counseling options.

Sec. 8. ACCESS TO POLICY

Information regarding this policy shall be distributed annually to Midland Academy Charter employees and included in the Student Handbook. Copies of the policy shall be readily available at each campus and the Midland Academy Charter administrative offices.

Sec. 9. REPORT TO LOCAL LAW ENFORCEMENT

A Principal or the Principal's designee may make a report to local law enforcement officials if, after an investigation is completed, the Principal or Principal's designee has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 (Assault) or 42.07(a)(7) (Harassment) of the Texas Penal Code.

A Principal's designee may include any employee under the supervision of the Principal, other than a school counselor.

A report to local law enforcement officials may include the name and address of each student the Principal or Principal's designee believes may have participated in the conduct.

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