
ANTI-BULLYING

Policy Statement

LifeScape is committed to protecting its students, employees, and applicants for admission from bullying for any reason and of any type. LifeScape believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying will not be tolerated and shall be just cause for disciplinary action. This policy shall be interpreted and applied consistently with all applicable state and federal laws.

1. This policy is specifically written for student-to-student bullying. The following will be addressed through their designated processes: Staff to Student Bullying – addressed through the Abuse, Neglect, and Exploitation policy.
2. Staff to Staff Bullying – addressed through the Human Resources Departmental policies.

Definitions

“Bullying” Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

1. Places a student in reasonable fear of harm to his or her person or damage to his or her property; and
2. Substantially interferes with a student’s educational performance; or
3. Substantially disrupts the orderly operation of a school. For the purposes of §§ 13-32-14 to 13-32-19, inclusive, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Source: SL 2012, ch 96, § 2.

“Harassment” means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. places a student in reasonable fear of harm to him/her or damage to his/her property;
2. has the effect of substantially interfering with a student’s educational performance;
3. has the effect of substantially negatively impacting a student’s emotional or mental well-being; or
4. has the effect of substantially disrupting the orderly operation of a school environment.

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“Cyberstalking” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

“Cyberbullying” is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism.

“Bullying”, “Cyberbullying”, and/or “Harassment” also encompass:

1. Retaliation against a student by another student for asserting or alleging an act of bullying, harassment, or discrimination.
2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
3. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with the intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a) incitement or coercion.
 - b) accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
 - c) acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

“Bullying”, “Cyberbullying”, “Harassment”, and “Discrimination” (hereinafter referred to as bullying, as defined in Section A, for the purpose of this Policy) also encompass, but are not limited to, unwanted harm towards students or employees in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by LifeScape.

“Accused” is defined as any student in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by LifeScape who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.

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“**Complainant**” is defined as any student who formally or informally makes a report of bullying, orally or in writing.

“**Victim**” is defined as any student in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by LifeScape, who is reported to have been the target of an act of bullying during any educational program or activity.

“**School Personnel**” is defined by a persons employed by, or contract with, or who volunteer at LifeScape, including without limitation school and school district administrators, teachers, school social workers, school counselors, school psychologists, school nurses, therapists, custodians, bus drivers, school resource officers, and security guards.

Procedure

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of support for all students that will improve relations within each area. It is designed to ensure that staff have been trained and are supported in LifeScape’s efforts to provide awareness, intervention training, and instructional strategies on prevention to each student, and to direct follow-up when incidents are reported and/or occur.

Expectations: LifeScape expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other students, the educational purpose underlying all school activities, and the care of school facilities and equipment.

- A. LifeScape prohibits the bullying of any student:
1. During any educational program or activity conducted by LifeScape.
 2. During any school-related or school-sponsored program or activity or on a LifeScape school bus or vehicle.
 3. Through the use of any electronic device or data while on school grounds or on a LifeScape school bus/vehicle, computer software is accessed through a computer, computer system, or computer network of LifeScape. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
 4. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a LifeScape school bus/vehicle.
 5. Though an incident of alleged bullying (cyberbullying or other) may occur off campus and may not entail threats of acts to occur during school hours, if a student’s ability to receive an

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education or a school's ability to provide an education is significantly impaired, as determined by LifeScape administration, disciplinary sanctions may be issued.

- B. LifeScape will incorporate systemic methods for student recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, to address positive school culture and behavior.

Training for students, faculty, administrators, direct care staff, support staff, and school volunteers on identifying, preventing, and responding to bullying will be conducted.

- A. At the beginning of each school year, the school principal/designee and/or appropriate administrative staff shall provide awareness of this policy, as well as the process for reporting incidents, investigation, and appeal, to students, school staff, or other persons responsible for the welfare of a student. Documentation of the training will be kept with the annual training records for the training conducted at the beginning of each school year.

Disciplinary actions (consequences) and due processes for a student who commits an act of bullying under this policy.

- A. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within LifeScape.
 - 1. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension. Under no circumstances will a student's rights under the Individuals with Disabilities Education Act (IDEA) and/or the Americans with Disabilities Act (ADA) be violated by the procedures set forth in this policy.
 - a) All steps necessary to protect the victim from further violations of this policy will be taken, and may include, but are not limited to, assignment of the perpetrator to a different classroom from that where the offense occurred. Only the Principal/designee may make such a reassignment.

Reporting an act of bullying.

- A. Any member of the Education Administration Team is responsible for receiving oral or written complaints alleging violations of this policy.
- B. Students may report complaints of bullying to any LifeScape employee, faculty, or staff. All employees, faculty and staff are required and must report, in writing, any allegations of bullying or violations of this Policy involving students to the principal/designee or appropriate

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administrator. Failure to report will result in action(s) or discipline up to and including termination of employment.

- C. Any other members of the school community who may have credible information that an act of bullying has taken place may file a report of bullying, whether a victim or witness.
- D. Any LifeScape employee, school volunteer, contractor, student, parent/guardian or other persons who promptly reports in good faith an act of bullying to the appropriate school or administrative personnel, and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within LifeScape.
- E. The Education Administration team member shall document in writing via the specified data system all complaints regarding bullying to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
- F. Anonymous reports may be made utilizing the LifeScape Anonymous Bullying Report Form. This reporting form can be found in the FORMS section of the LINK. Anonymous reports may be delivered to any administrator at LifeScape, sent to Human Resources, or called into the Compliance Hotline (444-9590). Formal disciplinary action may not be based solely on the basis of an anonymous report.

Bullying Complaints and Resolution.

- A. The investigation of a reported act of bullying of a student, employee, parent/guardian or other persons providing service to the school is deemed to be a school related activity and begins with a report of such an act.
- B. The principal/designee and/or Investigative Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of bullying and harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).
- C. The trained Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of LifeScape.

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1. If it is within the scope of LifeScape, move to Procedures for Investigating Bullying and/or Harassment as outlined below.
2. If it is outside the scope of LifeScape, and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.

- D. Informal Resolution - where the administrator, along with the alleged victim and the accused/student, may agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately separately, and are confidential. Each individual (victim, alleged perpetrator and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together. Each party's agreement to Informal Resolution must be in writing. The incident and the resolution must be documented on the appropriate data system.
- a. If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) workdays after the informal meeting and submitted to the principal or appropriate administrator/supervisor.
- E. Formal Resolution - the alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with any member of the Education Administrative team or an appropriate administrator/supervisor by utilizing the LifeScape Bullying Complaint Report Form. This form is available on the Forms section of the LINK.
- a. According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.
- F. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the district specified data system.

Investigation requirements for reported acts of bullying under this policy.

- A. The procedures for investigating school-based bullying, including in a school vehicle or at a school-sponsored event, must include the principal/designee and/or the Investigative Designee, in the case of student-to-student bullying.
- B. The principal/designee shall begin a thorough investigation with the alleged victim and accused within two (2) school days of receiving a notification of complaint.
- C. During the investigation, the principal/designee or appropriate administrator may take any action necessary to protect the complainant, alleged victim, other students or employees consistent with LifeScape Policies and Procedures.

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1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim to be interviewed together.
 2. At no time during the investigation will the name of the complainant be revealed by the investigator.
 3. In general, student complainants and/or alleged victims will continue attendance at school while the investigation is conducted, and the complaint is pending resolution. Any legal order of a court will prevail.
 4. When necessary to carry out the investigation or for other good reasons, the principal/designee also may discuss the complaint with any school district employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
- D. Within ten (10) school days of the notification as to the filing of the complaint, there shall be a written decision by the Principal/Designee administrator regarding the completion and determination of the investigation. The principal/designee shall decide about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with LifeScape Policies.
- E. The Superintendent/Principal/Designee or appropriate administrator will inform all relevant parties in writing of the decision and the right to appeal.
- F. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

Referral for Intervention.

- A. Referral of a student requiring intervention will be made to the Interdisciplinary Team (IDT) for that student. Parent and referring School District notification is required.
- B. School-based intervention and assistance will be determined by the IDT and may include, but is not limited to:
 1. Counseling and support to address the needs of the victims of bullying.
 2. Counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
 3. Intervention which includes assistance and support provided to parents.

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4. Analysis and evaluation of school culture with resulting recommendations for interventions.
- C. Self-referrals may be made to any appropriate school personnel. Determination of a course of action will be made dependent upon severity of the self-report. All Policy guidelines should still be followed.
 - D. Any investigations and interventions shall be recorded on LifeScape specified data system.

Incident reporting requirements.

- A. The report must include each incident of bullying and the resulting consequences, including discipline, interventions, and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.
- B. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other incidents/events occurring at LifeScape.
- C. Each report of bullying will be tracked, trended and action planned within the Quality Assurance Process Improvement Committee.

Process for referral for external investigation.

- A. If the act is outside the scope of LifeScape, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.
- B. While LifeScape does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate. The principal/designee shall use LifeScape Reporting Systems to log all reports and interventions.

Appeals process.

- A. Appeal procedure for bullying by a student will follow the steps outlined in the IEP Process.

Confidentiality.

- A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with LifeScape Policies; the Family Educational Rights and Privacy Act ("FERPA"); and the Health Insurance Portability and Accountability Act ("HIPAA").

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- B. Limited disclosure may be necessary to complete a thorough investigation as described above. LifeScape's obligation to investigate and take corrective action may supersede an individual's right to privacy.
- C. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.
- D. The identity of the victim of the reported act shall be protected to the extent possible.

Retaliation Prohibited.

- A. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this Policy.
- B. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited and as detailed in this Policy shall be treated as another incidence of bullying.

Additional Referral.

In all cases, LifeScape reserves the right to refer the results of its own investigation to the State Attorney assigned to Minnehaha County whether or not LifeScape takes any other action.

Constitutional Safeguard.

This policy does not imply to prohibit expressive activity protected by the First Amendment of the United States Constitution.

Preclusion.

This policy should not be interpreted as to prevent a victim or accused from seeking redress under any other available law either civil or criminal.

Form

- Bullying Complaint Report
- Bullying Witness Statement
- Bullying Anonymous Reporting