



## **Esperanza School & Esperanza Learning Center Policy for Harassment; Bullying and Intimidation**<sup>1</sup>

### **Purpose**

The Illinois General Assembly has found that a safe and civil school environment is necessary for students to learn and achieve and that bullying can cause physical, psychological, and emotional harm to students and interferes with their ability to learn and participate in school activities. It is the goal of the Esperanza Community Services to create a learning environment in its school community where students are protected from bullying so they feel safe and supported in their efforts to succeed academically and develop emotionally into responsible, caring individuals. Esperanza School, ELC, and Esperanza Community Services is completely opposed to any form of bullying and will not tolerate it in any form. It is entirely contrary to the values and principles we work and live by. Additionally, bullying is contrary to State law and the policy of every school district with which Esperanza is affiliated.

All members of the school community have a right to work in a secure and caring environment. All staff members must ensure that all students are protected and safe at all times. They also have a responsibility to contribute, in whatever way they can, to the protection and maintenance of such an environment.

Esperanza Community Services asks every Esperanza student, with the support of their parent(s), guardian(s) and the adults at school, to commit to the following principles, which will apply to everyone on school property and at school-related activities:

- I will not bully others.
- I will try to help anyone I suspect is being bullied.
- I will work to include students who are left out.
- If someone is being bullied, I will tell an adult at school and an adult at home.

### **Scope**

This policy protects Esperanza students against bullying and harassment on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic. Esperanza Community Services recognizes the particular vulnerability of students with actual or perceived disabilities and those who identify as or are perceived to be lesbian, gay, bisexual or transgender

## **Bullying is Prohibited:**

- During any school-sponsored or school-sanctioned program or activity;
- In school, on school property, on school buses or other Esperanza provided transportation, and at designated locations for students to wait for buses.
- Through the transmission of information from an Esperanza computer or computer network, or other electronic school equipment;
- When communicated through any electronic technology or personal electronic device while on school property, on school buses at school-sponsored or school-sanctioned events or activities;
- When it is conveyed that a threat will be carried out in a school setting, including threats made outside school hours with intent to carry them out during any school-related or sponsored program or activity or on the bus;

## **Definitions**

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students, which has or can be reasonably predicted to have one or more of the following effects:

- Placing the student in reasonable fear of harm to the student's person or property;
- Causing a substantially detrimental effect on the student's physical or mental health;
- Substantially interfering with the student's academic performance;
- Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

“Cyber bullying” means using information and communication technologies to bully.

“Retaliation” means any form of intimidation, reprisal or harassment directed against a student who reports bullying, provides information during an investigation, or witnesses or has reliable information about bullying. “Peer Conflict” means disagreements and oppositional interactions that are situational, immediate and developmentally appropriate. When school employees are aware of peer conflict, they are expected to guide students in developing new skills in social competency, learning personal boundaries and peaceably resolving conflict, and to model appropriate social interactions. These interventions are designed to prevent Peer Conflict from escalating to Bullying.

## **Intervening to Address Bullying and Notification of Bullying**

A number of interventions are in place to address and prevent bullying including but not limited to school social work services, restorative measures, and social-emotional skill building.

### *Responsibilities of Esperanza Staff*

All Esperanza employees, who witness incidents of bullying or school violence or who possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, must:

- Intervene immediately in a manner that is appropriate to the context and ensures the safety of all people involved;
- Report the incident of bullying or retaliation to the Principal - [ahellmer@esperanzaschool.org](mailto:ahellmer@esperanzaschool.org) or (312) 243-6097 ext 120
- Cooperate fully in any investigation of the incident and in implementing any safety plan established by the Principal.
- Anonymous reports of bullying may be typed using the attached form (page 9 of this policy) and left in the Principal's mailbox located outside of the main office

### *Responsibilities of Students, Parents and Guardians*

No student who witnesses bullying may stand by or participate in the bullying, but must notify an adult at school and an adult at home as quickly as practicable. Any parent or guardian who witnesses or is notified of bullying has an obligation to advise the Principal as quickly as practicable.

### *Insurances for Reporting Bullying*

All staff, students, and stakeholders who report bullying in good faith shall be protected from any retaliation from their report. If they face retaliation, remedial actions will be taken, including appropriate consequences for the person who engaged in reprisal or retaliation. Additionally, if through investigation it is found that someone falsely accused another of bullying, as a means of retaliation or bullying, remedial action will be taken.

### **Investigation**

- The Principal shall select a designee, employed by the school and trained in investigative procedures, to perform the investigation. Any report of bullying shall be brought to the Principal, or their designee, as soon as possible after the report is filed.

- As deemed appropriate by the investigation, additional personnel with knowledge, experience, and training in bullying prevention shall be included.
- Investigation of a bullying incident shall be initiated within five school days of receipt of a report and completed within 10 school days, whenever reasonable. If additional information is provided later, it shall also be considered.

*The investigation shall include:*

- Identifying the perpetrator(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it;
- Consistent with federal and state laws and rules governing student privacy rights, information about the investigation shall be shared with the parents or guardians of the students who are parties to the investigation. They shall be provided with an opportunity to meet with the principal or their designee to discuss the investigation, the findings, and the actions taken to address the reported incident of bullying. Additionally, Esperanza will discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures
- Conducting an individual interview in a private setting with the alleged perpetrator and target. The alleged perpetrator and target should never be interviewed together or in public. Individual interviews shall also be conducted in private with student and adult bystanders.
- Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and whether the target's education was affected.
- Assessing the individual and school-wide effects of the incident relating to safety, and assigning school staff to create and implement a safety plan that will restore a sense of safety for the target and other students who have been impacted.
- When appropriate, prepare a Misconduct Report identifying their recommendation for individual consequences.
- Comprehensively documenting the details of the investigation.

When the investigation is complete, the Principal/Designee shall ensure the investigation report is attached to the Incident Report and sent to the home school district.

### **Notification**

On the same day the investigation is initiated, the Principal/Designee shall report to the parent/legal guardian of all involved students, via telephone, personal conference and/or in writing, the occurrence of any alleged incident of bullying, and shall document these notifications to the home school district.

If the investigation results in the imposition of consequences, the Principal/Designee may advise the parent/legal guardian of students other than the perpetrator that the Student Code of

Conduct was followed. S/he may not advise them of the specific consequence imposed, as that would violate the confidentiality of school-record information required by law. When communicating incidents of bullying to the target's parent/guardian, the Principal/Designee should consider whether the student may want to keep certain information confidential. For example, if a student is bullied after coming out as gay, the Principal/Designee shall not disclose the student's sexual orientation to the parent/guardian without the student's permission, unless there is a legitimate, school-related reason for doing so.

If the target is a student with a disability that affects social skill development or makes the student vulnerable to bullying, the Principal/Designee shall ask the student's IEP Team to consider whether the IEP should include provisions to develop the student's skills and proficiencies to avoid and respond to bullying. In cases where the target or the student engaging in bullying behavior has a disability, the Principal/Designee shall comply with all laws regarding consequences for students with disabilities.

### **Imposing Consequences**

Many Peer Conflicts can be resolved immediately and do not require reporting or creation of a Misconduct or Incident Report. If, however, a conflict is ongoing and meets the definition of bullying, the investigation procedures in this policy must be followed. Schools must respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Appropriate responses and consequences are outlined in the Student Code of Conduct. Schools should avoid using punitive discipline (detention, suspensions, and expulsions) if any other method or consequence can be used with fidelity. Contact the Department of Youth Development and Positive Behavior Supports (CPS students only) for school-wide prevention practices and the CPS Law Department (CPS students only) for more information about the appropriate and legal consequences for student misconduct. When an investigation determines that bullying occurred, the Principal/Designee shall explain the consequences in a non-hostile manner, and shall impose any consequence immediately and consistently. The Principal/Designee shall keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:

- The perpetrator is no longer bullying and is interacting civilly with the target.
- The target reports feeling safe and is interacting civilly with the perpetrator.
- School staff notices an increase in positive behavior and social emotional competency in the perpetrator and/or the target.

- School staff notices a more positive climate in the areas where bullying incidents were high.

### **What Not To Do:**

- Solicit an apology from the perpetrator to the target, use peace circles, victim/offender conferences, or any form of mediation that puts the perpetrator and target in contact with one another in an immediate attempt to resolve the bullying. Research shows that bullies often lack empathy so their attempt at expressing remorse may not be genuine. Restorative approaches may be helpful but only if used after other interventions have balanced the power differential between the perpetrators and target. Dismiss bullying as typical student behavior or assume it is not serious.

### **Referrals**

Interventions with bullies should not focus on feelings, but changing thinking. The Principal/Designee shall refer students who bully to positive behavior small-group interventions (for anger management, trauma or social skills) within the school; if possible, to reinforce the behavioral expectation they violated and increase their social-emotional competency. The targets of bullying need protection from bullies, but may also need support and help in changing their own behavior. The Principal/Designee shall ask a school mental health professional to refer these students to individual or group therapy where they can openly express their feelings about their bullying experience or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.

### **Appeal**

Any party who is not satisfied with the outcome of the investigation may appeal to the Equal Opportunity Compliance Office (EOCO) for CPS students, or home district representative within 15 calendar days of notification of the Principal's decision.

CPS students only:

The EOCO Administrator shall render a final determination in accordance with the timeline and procedures set out in the anti-bullying appeal guidelines established by the EOCO. The

EOCO may return the incident to the Network Chief, Principal or their designees for further investigation or reconsideration of the consequence(s), direct the imposition of other consequence(s), or deny the appeal. The EOCO shall notify the party requesting the appeal and the Principal that its decision is final and shall document that notification in the Incident Report in CPS SSM. Consequences for CPS Employees and Contractors. When it is determined that an employee or contractor was aware that bullying was taking place but failed to report it, the employee/contractor will be considered to have violated this policy. The Principal shall consider employee discipline for such violations in accordance with the Employee Discipline and Due Process Policy. Notice and Dissemination of Requirements. Principals shall follow the requirements established by the Department of Youth Development and Positive Behavior Support for posting this AntiBullying Policy on the school's website, in the school building as well as disseminating and presenting this Policy to school staff as part of preschool-year professional development.

Esperanza also understands that all community members have the right to contact The Office of Civil Rights and not have any form of retaliation against them. Those contacts are as follows:

The OCR contact information is as follows: Chicago Office, Office for Civil Rights, The U.S. Department of Education and the John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604 Telephone: 312-730-1560 FAX: 312-730-1576; TDD: 800-877-8339 Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## **Training and Professional Development**

### Staff

The content of such professional development shall include, but not be limited to:

- Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them;
- Information about the complex interaction and power differential that can take place between and among a perpetrator, target, and witness to the bullying;
- Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions that may be particularly effective for addressing bias-based bullying;
- Information about Internet safety issues as they relate to cyberbullying.

## **Additional Information on the Creation, Distribution, and Review of this Policy**

- This policy was created based on engagement with a range of school stakeholders including students and their families
- This policy can be found posted outside of the school office
- This policy is posted on the school website
- This policy is included in the school handbook
- This policy is distributed annually to parents, guardians, students, and school personnel, including new employees when hired
- This policy will be monitored for its effectiveness that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at the school; areas of the school where bullying occurs; types of bullying utilized; and bystander intervention. This information will be made available to school administrators, school board members, school personnel, parents, guardians, and students.

## Esperanza Report for Bullying

Date and Time of Incident : \_\_\_\_\_

Victim's Name : \_\_\_\_\_

Bully's Name : \_\_\_\_\_

Location of Bullying : \_\_\_\_\_

### **Type of Bullying (Select all which apply.)**

- Cyber Bullying or Cellular Phone or Internet
- Disability Bullying; Actual or Perceived Disability
- Lies and Rumors (Bullying-spreading lies or false rumors.)
- Physical size; power and/ or fear to include hitting, kicking, shoving, spitting.
- Property bullying. Taking or damaging property of others.
- Racial Bullying- Race, Color or National Origin
- Sexual Bullying- Gender or Sexual Orientation
- Social Bullying- Social Exclusion or Isolation
- Threats or Force- Bullying, threatening or forcing others to do something
- Verbal Bullying- Making derogatory comments or statements
- Other reported areas of bullying not listed

Incident Description:

Optional- Your Name:

Please submit to the attention of: Anne Hellmer, Principal.  
[ahellmer@esperanzaschool.org](mailto:ahellmer@esperanzaschool.org) OR 312-243-6097 ext 120 OR leave in mailbox

*This policy is aligned to the Esperanza Uniform Grievance Procedure and the Title IX Policies and these are published electronically, in our policy handbooks, are acknowledged by staff upon onboarding and with annual reviews with training. The Esperanza Community Services Human Resources Department provides information and resources for all student/employee mental health supports with counseling, medical services through health plans and Workman's Compensation rights and through any ADA supports that are brought to the attention of designees where events are reported to with immediate follow through, supports and/ or accommodations. All reported events are monitored school wide through 1) frequency of victimization, 2) Student, Staff and Family observations of safety at our school, 3) Identification of areas are identified and monitored where any bullying may or would occur, 4) Behaviors are monitored and tracked as Board Certified Behavior Analysts and Social Workers collect and track all data, 5) the school provides bystander intervention or participation through proactive and preventive supports with researched based practices (School PBIS, MTSS, PCM, and alignment to the ISBE Social/ Emotional Learning Standards and 6) the school completes quarterly evaluation processes through anecdotes, Google Tracking, ISBE IWAS account reporting and via Classroom Meetings that are held weekly.) The Esperanza community, school, school board and through committee work, align to this policy with stakeholder involvement.*

*This policy is part of the Human Resource process and policies with annual and onboarding training(s); is published in board policies and handbooks and has been presented at school meetings with reviews, electronic and printed publications and approved in updated board meeting notes.*

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq. Americans With Disabilities Act, 42 U.S.C. §12101 et seq. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq. Equal Pay Act, 29 U.S.C. §206(d). Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq. Immigration Reform and Control Act, 8 U.S.C. §1324a et seq. McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq. Rehabilitation Act of 1973, 29 U.S.C. §791 et seq. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq. Title IX of the Education Amendments, 20 U.S.C. §1681 et seq. 105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27- 23.7, and 45/1-15. Illinois Genetic Information Privacy Act, 410 ILCS 513/. Illinois Whistleblower Act, 740 ILCS 174/. Illinois Human Rights Act, 775 ILCS 5/. Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280. Equal Pay Act of 2003, 820 ILCS 112/. Employee Credit Privacy Act, 820 ILCS 70