



APPROVED: 02/25/2026

REVISED: _____

Policy Name: STUDENT BULLYING PROHIBITION POLICY

OSHKI OGIMAAG CHARTER SCHOOL

Purpose

Oshki Ogimaag Charter School (OOCs) strives to provide safe, secure, respectful, equitable and inclusive learning environments for all students in school buildings, on school grounds, on school transportation, and at school-sponsored activities. This policy protects students against bullying and retaliation by other students and provides guidance on intervention, initial response and investigation requirements. This policy also protects any school-aged child who voluntarily participates in any district function or activity from prohibited conduct, whether the student is enrolled in the district where the prohibited conduct occurs or not.

This policy can be found in the school's student handbook, within the school and district administrative offices, and electronically at www.oshkiogimaag.org. This policy is also provided to all school employees, independent contractors, and volunteers who interact with students.

Definitions

"Actor" is a student who initiates bullying behavior.

"Director" is the administrator or staff person at a school responsible for receiving and documenting allegations of bullying behavior.

“Bullying” means intimidating, threatening, abusive or harming conduct that is objectively offensive and: (1) there is an actual or perceived imbalance of power between the actor and the target of behavior and the conduct is repeated or forms a pattern; or (2) materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges.

The term “bullying” specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

“Cyberbullying” means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device.

“Immediately” means as soon as possible but in no event longer than 24 hours.

“Intimidating, threatening, abusive or harming” conduct may involve, but is not limited to, conduct that causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

“Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty. Minn. Stat. 121A.0312 (2024).

“Prohibited conduct” means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.

“Remedial response” is measured to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

“School” means a public school according to Minnesota Statutes 2024, section 120A.05, subdivisions 9, 11, 13, and 17 and a charter school under Minnesota Statutes 2024, section 124E.

“Student” means a student enrolled in a public or charter school.

“Target” is a student whose bullying behavior is directed towards and can also include a student who is impacted indirectly by bullying behavior.

Prohibited Conduct

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:

1. on the school premises, at the school functions or activities, on the school transportation.
 2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
 3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public-school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public-school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of OOCs or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also applies to sexual exploitation.
- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes 2024, section 363A, is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.
- Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs is prohibited.
- E. No teacher, administrator, volunteer, contractor, or other employee of OOCs shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a target, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.

Initial Response and Reporting

- A. Any employee who witnesses an incident or who possesses reliable information that would lead a reasonable person to believe that bullying has occurred shall:
1. Immediately intervene to protect the safety of the student subjected to the incident and

other students involved, as appropriate to context.

2. Make reasonable efforts to address and resolve the incident, including reporting the incident immediately and seeking a remedial response.
 3. Cooperate fully in any investigation and resolution of the bullying incident.
- B. Any person who believes they have been the target of bullying is encouraged to report the alleged acts immediately to a school staff member. Any employee with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, OOCs may not rely solely on an anonymous report to determine discipline or other remedial responses.
- C. OOCs encourages the reporting party or complainant to use the report form available from the Director or Assistant Director, but verbal reports shall also be considered complaints
- D. The Director is the person responsible for receiving reports of bullying or other prohibited conduct. Any person may report bullying or other prohibited conduct directly to a school district employee.. If the complaint involves the Director, the complaint shall be made or filed directly with the Assistant Director.

The Director shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. Minn. Stat. 121A.031, subd. 4(1) (2024). The Director or a third party designated by OOCs shall be responsible for the investigation. The Director shall provide information about available community resources to the target of the bullying or other prohibited conduct, the actor, and other affected individuals as appropriate. Minn. Stat. 121A.031, subd. 4(7) (2024). The Director will also emphasize restorative practices to repair damage from bullying incidents.

- E. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the Director immediately. School district personnel who fail to inform the Director of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- F. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The Director, in conjunction with the responsible authority and any other person assigned to an investigation, decision, or appeal process, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- H. OOCs will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with OOCs's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Investigation

- A. Within three business days of the receipt of a complaint or report of bullying or other prohibited conduct, OOCs shall undertake or authorize an investigation by the Director or a third party designated by OOCs.
- B. The Director or other appropriate school district officials may take immediate steps, at their discretion, to protect the target of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The actor of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense (Minn. Stat. 121A.031, subd. 4(a)(11) [2024]) during the investigation or prior to the imposition of disciplinary action or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, OOCs will take appropriate action in accordance with Minnesota Statutes 2024, section 121A.425. Such action may include, but is not limited to, remedial warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct. School district action taken for violation of this policy will be consistent with the requirements of applicable statutes and district policies.
- E. OOCs is not authorized to disclose to a target private educational or personnel data regarding an alleged actor who is a student or employee of OOCs. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged actors of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, OOCs shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct. Minn. Stat. 121A.031, subd. 4(8) (2024).

Remedial Response

- A. The Director shall design and implement remedial measures to stop and correct prohibited conduct, prevent conduct from recurring, and protect, support, and intervene on behalf of a student who is the target of prohibited conduct. The Director shall take corrective action for documented systemic problems related to bullying.
- B. When a student engages in bullying, a school should use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate, and should match the

severity of the student's behavior and developmental age.

- C. When appropriate, OOCs shall provide the target, actor, and other affected individuals with information about available community resources to aid in the remedial process.
- D. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with OOCs's policies and procedures, including OOCs's discipline policy. OOCs may consider the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

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- E. Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. OOCs shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.
- F. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.
- G. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.
- H. OOCs will act to investigate all complaints of bullying reported to OOCs and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of OOCs who is found to have violated this policy.

Professional Development and Education

- A. OOCs shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. OOCs shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. OOCs or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy. Minn. Stat. 121A.031, subd. 3(c) (2024).
- B. OOCs shall require ongoing professional development, consistent with Minnesota Statutes 2024, section 122A.60, to build the skills of all school personnel who regularly interact with students

to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following (Minn. Stat. 121A.031, subd. 4 and 12(b) [2024]):

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
2. The complex dynamics affecting an actor, target, and witnesses to prohibited conduct;
3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target of bullying or other prohibited conduct in school;
4. The incidence and nature of cyberbullying; and
5. Internet safety and cyberbullying.

C. OOCs annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

D. The administration of OOCs is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the actor or target, and to make resources or referrals to resources available to actors or targets of bullying.

E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students. Minn. Stat. 121A.031, subd. 5 (2024).

The administration must establish strategies for creating a positive school climate and use evidence based social-emotional learning to prevent and reduce discrimination and other improper conduct. Minn. Stat. 121A.031, subd.5 (2024).

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to reduce harm, including but not limited to the following (Minn. Stat. 121A.031, subd. 5 [2024]):

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and

- 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. OOCs may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness. Minn. Stat. 120B.232 (2024).
- G. OOCs shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. Minn. Stat. 121A.0311 (2024).

Policy Review

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes 2024, sections 121A.031 and

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121A.0312, and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Policy Notice and Distribution (121A.031 requirements, not statutory language)

- A. OOCs will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy must be conspicuously posted throughout the school building and in the administrative offices of OOCs.
- C. This policy must be distributed to each school employee and independent contractor at the time of hiring or contracting.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on OOCs's website.
- F. OOCs must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees.
- G. OOCs shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. 120B.232 (Character Development Education)

Minn. Stat 121A.03 (Model Policy)

Minn. Stat. 121A.031 (School Student Bullying Policy)

Minn. Stat. 121A.0312 (Malicious and Sadistic Conduct)

Minn. Stat. 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Schools Act)

Minn. Stat. 121A.425 (Full and Equitable Participation in Early Learning)