

# REGULATION

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** AC, GAGG, GAGG-RA, JCC, JCC-RA, JCCA, JCCA-RA, JCH, JCH-RA, JO

**Responsible Office:** OFFICE OF EQUITY AND ACCELERATED ACHIEVEMENT, DIVISION OF STUDENT SUPPORT SERVICES

### BIAS BEHAVIOR AND LANGUAGE

#### A. PURPOSE

To establish procedures for reporting and addressing bias behavior and language among students at Anne Arundel County Public Schools (AACPS).

#### B. BACKGROUND

AACPS complies with federal, State, and local laws that prohibit discrimination based on membership in a protected class. Accordingly, AACPS is committed to providing AACPS students a safe and supportive environment free of bias behavior and language. Complaints of bias behavior and language shall be investigated in accordance with the procedures set forth in this regulation and in accordance with the *AACPS Code of Student Conduct*.

#### C. DEFINITIONS

1. ***Bias Behavior and Language*** – intentional conduct, including verbal, physical, graphic or written conduct, or an intentional electronic communication directed towards a person or group of persons that:
  - a. Creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being;
  - b. Is based on an actual or perceived characteristic of a person or a group of persons, including race, color, religion, gender, gender identity, sexual orientation, age, national origin, ethnicity, marital status, disability, or homelessness; and
  - c. Occurs on school property, at a school activity or event, or on a school bus; or
  - d. Substantially disrupts the orderly operation of a school regardless of where the incident occurs.

2. **Age Bias** – bias directed at the characteristics of a person’s age.
3. **Disability Bias** – bias directed at the characteristics of a person’s disabling mental or physical condition.
4. **Gender Bias** – bias directed at the characteristics of a person’s gender.
5. **Gender Identity Bias** – bias directed at the characteristics of a person’s non-conformance with gender stereotypes.
6. **Homelessness Bias** – bias directed at a person having no fixed residence.
7. **Marital Status Bias** – bias directed at the characteristics of a person’s marital status, including being single, married, separated, divorced, or widowed.
8. **National Origin Bias/Ethnicity** – bias directed at the characteristics of a person’s national origin, birthplace, ethnicity or lineage.
9. **Racial/Color Bias** – bias directed at the characteristics of a person’s race or color, or perceived race or color.
10. **Religious Bias** – bias directed at the characteristics or absence of a person’s religious beliefs, opinions, or practices.
11. **Sexual Orientation Bias** – bias directed at the characteristics of a person’s sexual orientation.
12. **Electronic Communication** – the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of e-mail, an instant messaging service, an Internet website, a social media application, a network call, a facsimile machine, or any other Internet-based communication tool.
13. **Hate Crime** – a criminal act that is entirely or partly based on an actual or perceived characteristic of a person’s or a group of persons race, color, religion, gender, sexual orientation, national origin, ethnicity, or disability. In Maryland, a criminal act that is entirely or partly based on a person or group of persons being homeless is also a hate crime.
14. **Retaliation** – an act of reprisal or revenge against a person who opposes the behavior and language prohibited by Policy JO – Bias Behavior and Language or participates in the complaint or investigation of such behavior and language.

## D. PROCEDURES

It is a violation of this regulation and accompanying policy for an AACPS student to engage in bias behavior or language on AACPS property, on a school bus, at school-sponsored activities, or in any manner that substantially disrupts the orderly operation of a school regardless of where the incident occurs. It is a violation of this policy for an AACPS student to engage in retaliation against a person who opposes the behavior and language prohibited by this regulation and accompanying policy, or participates in the complaint or investigation of such behavior and language.

### 1. Reporting

- a. If a student reports that the student is the victim of bias behavior or language, the school staff member shall respond quickly and appropriately, and report the incident immediately to the principal or the principal's designee. The staff member shall make an effort to provide the student with practical, safe, private, and age-appropriate way of reporting the incident.
- b. The principal or the principal's designee shall complete and submit an electronic *Bias Motivated Incident Report Form* which is automatically disseminated to the Office of Safe and Orderly Schools, Office of Equity and Accelerated Student Achievement, and the appropriate Regional Assistant Superintendent.
- c. If the bias behavior or language constitutes bullying behavior as defined in Regulation JCCA-RA – Bullying Cyberbullying, Harassment, and Intimidation, the student may complete and submit a *Bullying, Harassment, or Intimidation Reporting Form* in accordance with Policy JCCA and Regulation JCCA-RA - Bullying, Cyberbullying, Harassment, and Intimidation or report a complaint to the *AACPS Student Safety Hotline*.
- d. If the bias behavior or language constitutes bullying behavior as defined in Regulation JCCA-RA – Bullying Cyberbullying, Harassment, and Intimidation, the principal or the principal's designee shall also complete and submit an electronic *Bullying, Harassment, or Intimidation Reporting Form* in accordance with Policy JCCA and Regulation JCCA-RA – Bullying, Cyberbullying, Harassment, and Intimidation.

### 2. Investigation

- a. Complaints of bias behavior and language shall be promptly and appropriately investigated by the principal or the principal's designee, consistent with due process rights as outlined in this regulation, and within 2 school days or 2 business days if the report is made outside of the regular school year, after receipt of the report or as soon as administratively practicable.

- b. The principal or the principal's designee shall determine whether bias behavior or language actually occurred by taking the necessary steps to verify who committed the reported behavior or language and whether others played a role in perpetuating the behavior or language. Other related complaints, if any, shall also be reviewed when making this determination.
  - c. While all discussions, written communications, records and proceedings shall be considered confidential, neither alleged victim nor witnesses can be promised confidentiality at the onset of an investigation. The alleged victim and any bystanders shall be advised that confidentiality shall be in accordance with Family Educational Rights Privacy Act (FERPA).
  - d. The parent(s)/guardian(s) of the alleged victim shall be notified as soon as practicable. The confidentiality provisions of the FERPA shall be applied to the release of student information, including the identity of the alleged offender(s).
  - e. Information gathered during the investigation shall be documented. Such documented information may include statements from the alleged victim, bystander(s), and student alleged to have committed the behavior. Material records or evidence shall be retained if there is an ongoing criminal investigation or prosecution as a result of the incident.
  - f. Complaints alleging discrimination against students under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act shall be addressed in accordance with the procedures outlined in Regulation JCH-RA – Student Complaints Related to Policy, Regulation, or Law.
  - g. Complaints alleging bias behavior and language by an AACPS employee, volunteer, or other third party shall be referred to the Equal Employment Opportunities Office and shall be addressed in accordance with the procedures outlined in Regulation JCH-RA – Student Complaints Related to Policy, Regulation, or Law.
  - h. Some acts of bias behavior and language may be considered criminal under federal and State law, and characterized as a hate crime. Any bias behavior and language that appears to be a hate crime shall be promptly reported to law enforcement.
- 3. Due Process**
- a. Consequences and remedial actions for students committing acts of bias behavior or language; students engaged in reprisal or retaliation; and students who have made false accusations shall be consistently and fairly applied after appropriate

investigation has determined that such an offense has occurred.

- i. A principal shall take necessary action to ensure that instances of bias behavior and language are addressed promptly, fairly, and effectively. The principal or the principal's designee shall apply consequences or remedial actions consistent with due process rights in accordance with the *AACPS Code of Student Conduct*.
  - ii. The student alleged to have committed the behavior shall be informed that retaliation against a victim or bystander is strictly prohibited and that progressive consequences shall occur if the activity continues.
  - iii. If, after an initial inquiry, it has been determined that a student may have been involved in an incident of alleged bias behavior or language, the principal or the principal's designee shall make every reasonable effort to contact the parent(s)/guardian(s). A follow-up letter to the student's parent(s)/guardian(s) shall be sent by first class mail.
  - iv. Information that is shared with a parent(s)/guardian(s) shall be in accordance with FERPA.
  - v. If the principal or the principal's designee determines that the timing of the notice to and acknowledgment from the parent(s)/guardian(s) impedes prompt, fair, and effective action in addressing an alleged incident of bias behavior or language, the principal or the principal's designee shall proceed with discussions, interviews, and a resolution of the incident.
- b. The safety and welfare of students impacted by incidents of bias behavior and language are the primary concern of the principal and school staff members.
  - c. In accordance with State regulations, a student whose presence in a school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school. In such cases the necessary notice and due process shall follow as soon as practicable.

#### 4. Consequences

- a. In accordance with the *AACPS Code of Student Conduct*, a first offense of bias behavior or language shall result in a *Bias Motivated Behavior Program Referral* in which a student and the student's parent(s)/guardian(s) must attend and successfully complete the *Bias Motivated Behavior Program* offered by AACPS.
- b. A student who violates this regulation shall also be subject to appropriate disciplinary actions in accordance with the *AACPS Code of Student Conduct*.

## 5. Prevention

The prevention of bias behavior and language requires a concerted effort to support a whole-school-based bias prevention and intervention program that involves all stakeholders in the school community. Accordingly, AACPS shall implement the following prevention and intervention measures when addressing bias behavior and language. Prevention shall include:

- a. Professional development for AACPS employees to increase awareness of the prevalence, causes and consequences of bias behavior and language; appropriately respond to students who engage in bias behavior and language, students who are victims of bias behavior and language, and bystanders who report bias behavior and language; and to increase the use of evidence-based strategies for preventing bias behavior and language;
- b. Schoolwide evidence-based anti-bias programs implemented as part of a system of behavioral supports and school improvements efforts at all grade levels;
- c. Collaboration with families and the community to inform parents/guardians about the prevalence, causes, and consequences of bias behavior and language and the means of preventing bias behavior and language.
- d. School climate improvement efforts to promote student involvement in anti-bias efforts, including information regarding bystander responsibility, peer support, mutual respect, and a culture that encourages students to report incidents of bias behavior and language to adults; and
- e. Annual school-building-specific data collection on the prevalence and characteristics of bias behavior and language which shall be used to guide local decision-making related to surveillance, prevention, intervention, and professional development at AACPS.

## 6. Interventions and Supports

The school shall offer a range of support and referral services to students exhibiting bias behavior and language, victims, and bystanders. A list of these services is available to students, parents/guardians, and school staff.

- a. AACPS interventions and supports include:
  - i. Positive behavioral interventions;
  - ii. Education to correct behavior;

- iii. Counseling;
  - iv. Conflict resolution;
  - v. Problem-solving skills;
  - vi. Social skills training;
  - vii. Anger management training;
  - viii. Peer support groups;
  - ix. Schedule modifications;
  - x. Restorative Practices; and
  - xi. Targeted supervision such as hallways, cafeteria, and school buses.
- b. Community and family referral sources include:
- i. Public or private community-based mental health services;
  - ii. Faith-based services;
  - iii. Multi-service centers;
  - iv. County Department of Health programs;
  - v. Youth development organizations;
  - vi. Department of Juvenile Services;
  - vii. Department of Social Services; and
  - viii. Law enforcement agencies.

## 7. **Bullying, Cyberbullying, Harassment, and Intimidation**

There are instances where bias behavior and language constitute bullying, cyberbullying, harassment, or intimidation. Such instances shall also be addressed in accordance with Policy JCCA and Regulation JCCA-RA – Bullying, Cyberbullying, Harassment, and Intimidation.

*Regulation History:* Developed by Superintendent 06/12/19  
Reviewed by the Board of Education 07/10/19  
Issued 09/25/19

*Note Previous Regulation History:* Previously referenced in JCCA and JCCA-RA