

*Student Discipline*

*Table of Contents*

*Guidelines for Developing Self-Discipline* ..... 2

*Disciplinary Action* ..... 2

    Building Level ..... 2

    District Level: Expulsion ..... 2

    Protocol for Assessment of Threatening Behaviors..... 3

*Suspensions of Students with Disabilities* ..... 6

    Emergency Exclusions for Students with Intellectual Disability ..... 6

    IEP/Multidisciplinary Team Consideration ..... 7

    Conduct Deemed a Manifestation of Disability..... 7

    Conduct Not A Manifestation of Disability..... 8

    Special Circumstances For Emergency Placements ..... 8

        Weapons..... 8

        Controlled Substances..... 9

        Serious Bodily Injury ..... 9

    Procedures for Suspensions of Students with Disabilities..... 9

    Suspension of a Student Who Has NOT Been Determined to be Eligible for Special Education  
    ..... 11

*Reporting & Investigation Procedures - Bullying, Hazing, Harassment* ..... 11

    Special Provisions - Student Bullying Policy ..... 12

*Guidelines for Developing Self-Discipline*

1. The development and maintenance of self-discipline is an integral aspect of learning.
2. Each professional staff member, as a part of the normal teacher-learning process, shall develop and emphasize self-disciplinary procedures with students.
3. Each staff member is responsible for contributing to the maintenance of these standards of behavior which are conducive to learning in the school setting, as defined in the Policy.

*Disciplinary Action*

Building Level

1. Under these District-wide guidelines, basic standards of behavior shall be developed and then reviewed annually within each building of the District.
2. Appropriate and consistent action shall be taken in the school setting. Punishment or consequences will be proportional to the severity and frequency of the infraction with consideration of academic consequences associated with discipline.
3. Building administrators and their designees shall be responsible for implementing and maintaining consistent building-wide standards.
4. The individuality of each student and each incident shall be taken into consideration in any disciplinary action.
5. If a student is suspended from school, a building administrator shall contact the parent(s) or guardian(s) by telephone or face-to-face prior to re-admittance of the student.

District Level: Expulsion

1. When a building principal or designee is recommending that a student be considered for potential expulsion, they shall submit to the Superintendent the following information:
  - a. A chronology of the incident(s).
  - b. Statement(s) by those involved in the incident(s).
  - c. Statement(s) from educators currently familiar with the student's situation.
  - d. A review and recommendation by the principal.
2. The Superintendent or designee may review the student's file in determining the appropriate action. In the event that the Superintendent recommends that expulsion

proceedings be brought against a student, a formal hearing shall be offered to the student and their parent(s)/guardian(s) in accordance with Board Policy and applicable law.

#### Protocol for Assessment of Threatening Behaviors

1. Building administrator or designee conducts initial investigation to verify the incident and the probability of student involvement.
2. If the building administrator or designee cannot verify the incident, then the parent/guardian of all known students associated with the reported incident should be contacted. No further action is required.
3. Building administrator or designee notifies the Threat Assessment Team and serves as the designated leader. The Threat Assessment Team shall include, whenever practical, the District safety coordinator, building administrators, a District mental health specialist, school counselor, school psychologist and, on an ad hoc basis, other District staff with relevant knowledge of the student involved with the threatening behavior.
4. The Threat Assessment Team will take into consideration the developmental age of the students involved when determining discipline measures and supports.
5. Building administrator or designee contacts parent(s)/guardian(s) of the student who engaged in threatening behaviors to review these steps in the protocol, which do not necessarily need to be taken in the order listed below:
  - a. The student will be removed from class to a safe location and/or additional supervision will be assigned.
  - b. Parent(s)/guardian(s) is/are notified by the building administrator and an initial investigation is conducted by the building administrator or designee.
  - c. A clinical interview may be completed by a District mental health specialist and the results of the clinical interview will be discussed with the Threat Assessment Team and parent(s)/guardian(s).
  - d. Based upon the available information, the Threat Assessment Team will categorize the threat as transient or substantive.
  - e. The building administrator, with input from the Threat Assessment Team, will determine any disciplinary action on a case-by case basis while considering the severity of the threatening behavior and prior relevant disciplinary history of the student.
  - f. A designated member of the Threat Assessment Team will maintain contact with the family of the suspended student during the suspension.
  - g. Whether determined to be a transient or substantive threat, the student may be required to attend school-based counseling session(s).
  - h. If the Threat Assessment Team determines the threat is transient, the student may return to school pending the outcome of any disciplinary action.

- i. If the Threat Assessment Team determines the threat is substantive, a mental health risk assessment (“the mental health risk assessment”) shall be required.
  - j. If the mental health risk assessment is required, it will be completed by a District-selected or District-approved certified child and adolescent psychiatrist or other District-selected or District-approved qualified mental health professional.
  - k. The Office of Individualized Student Services will schedule the mental health risk assessment, and the school administrator or designee will contact the parent(s)/guardian(s) to discuss arrangements for the mental health risk assessment.
  - l. Signed parent/guardian consent is required for the mental health risk assessment to commence. If signed consent is not forthcoming and the family has not made arrangements with a District-approved psychiatrist or other mental health professional, then the student will be suspended, pending the development of a District-approved written plan to ensure the safety of the student and others in school.
  - m. If there is a delay in the completion of the mental health risk assessment beyond the length of the assigned suspension, then a District-approved written safety plan will be developed to ensure the safety of the student and others before the student is scheduled to return to school.
  - n. If suspension exceeds three (3) school days, the family has the right to an informal hearing. If suspension exceeds ten (10) school days, the student has the right to a formal hearing.
  - o. The building administrator or designee will hold a conference with a suspended student and their parent/guardian prior to readmission to school.
  - p. A student who is suspended or expelled for threatening behavior is subject to random searches in accordance with Policy 5412 and applicable law.
  - q. Police must be notified by the building administrator in the event of a weapons or drug offense.
  - r. Police will be notified by the building administrator in situations involving possible criminal conduct such as threatening statements or actions towards others, or an intentional infliction or attempted infliction of bodily injury.
6. Office of Individualized Student Services or designee prepares appropriate parent/guardian permissions for assessment and release of information for building administrator to secure parent/guardian signature.
  7. Upon receipt of permission and information release from the parent(s)/guardian(s), building administrator or designee contacts the District-approved mental health professional to provide student records and information about the incident.
  8. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the mental health risk assessment as to whether the student is safe to return to school

and to make recommendations for support. Following the mental health risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the parent(s)/guardian(s).

9. If the mental health risk assessment determines that the student is not considered a threat to self or others, then the student may return to school as determined by the building administrator pursuant to District disciplinary procedures.
10. Supports and services are guided by assessment data and determined by the appropriate building based team. Building and District personnel work with the parent(s)/guardian(s) and student to discuss and implement recommendations.
11. A report from the mental health risk assessment is sent to the Office of Individualized Student Services which, in turn, will disseminate it to the building administrator and the parent(s)/guardian(s).

*Communication of Situations Involving Bullying, Hazing, Harassment and Threatening Behaviors (“Behaviors Targeting Others”)*

School personnel shall promptly notify the parent or guardian of any student determined to be a target or recipient of behaviors targeting others. School personnel shall also promptly notify the parent or guardian of the student who displays threatening behavior.

The Superintendent or designee shall, in their discretion, authorize school or community-wide communications in accordance with Board Policy, the Family Educational Rights and Privacy Act (FERPA) and other applicable law based on relevant conditions, which may include but is not limited to the following:

- (1) the nature or severity of the threat;
- (2) the number of individuals targeted by a threat;
- (3) the degree to which there has been an expression of schoolwide or community concern or potential schoolwide or community exposure;
- (4) recommendation of law enforcement; and
- (5) consultation with District Solicitor or other legal counsel

Not all five conditions need to exist in order for notification to be given.

*Supports*

The principal or designee will review the supports available at school for any student determined to be a target or recipient of behaviors targeting others, as well as for their family. The principal or designee will review supports available at school for the student in violation of the Policy, as well as for their family.

*Suspensions of Students with Disabilities*

Typically, students with disabilities and students determined to be handicapped under Chapter 15, may not be suspended beyond ten (10) consecutive school days and fifteen (15) cumulative school days ("the 10/15 day limits") allowed by State Board of Education regulations, 22 Pa. Code §14.143. The exception to this general rule is where the IEP team determines that the student's conduct was not a manifestation of the student's disability. No later than the day on which the decision to take disciplinary action is made, the District shall notify the parent(s)/guardian(s) of the decision and of all procedural safeguards under the IDEA.

When discipline is to be imposed upon a student with disabilities, school personnel have the authority to (1) remove the child from his or her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities; (2) assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a determination that the conduct at issue was not a manifestation of the child's disability or (3) assign the student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement described in this Administrative Regulation apply.

When a student with a disability has committed an act that would result in a suspension from school all regular disciplinary procedures must be followed. If the proposed suspension is longer than the 10/15 day limits or involves the exclusion of a student with Intellectual Disability, it is considered a change of educational placement as defined in 22 Pa. Code 14.143. Any recurring, part-day removals may constitute a change of placement just as recurring full day removals of the student from the class constitute a change in placement.

If proposed discipline would result in a change in placement, then in addition to other applicable procedures, within ten school days of any decision to change the placement of a student with a disability, the relevant members of the IEP team must conduct a manifestation determination as set forth below.

Emergency Exclusions for Students with Intellectual Disability

The protection afforded students with intellectual disability in the Commonwealth concerning suspension is greater than the protection afforded other students with disabilities. For students with intellectual disability, any suspension is a change in placement; however, the regulations provide a mechanism for emergency exclusions of students with intellectual disability, where necessary.

If a discipline problem with a student with intellectual disability is so immediate or severe as to warrant immediate action, the District, via the Director of Individualized

Student Services, with the approval of the Secretary of Education or a designee, may implement an interim change in educational placement, including exclusion from school, as long as notice is provided to the parent(s)/guardian(s) and a due process hearing is scheduled as soon as possible. The Secretary approval process is available only for an exclusion of a student with intellectual disability for ten (10) school days or less. A school district proposing to exclude a student with intellectual disability must first notify the student's parent(s)/guardian(s) in writing requesting approval. If the approval is not given, the parent(s)/guardian(s) and/or the District has/have the right to a due process hearing to determine whether a change in placement is appropriate.

In the event of a weapons incident, the appropriate procedures are followed including police notification, documentation for state reporting and recommendation to the Superintendent by administration for discretionary action if warranted.

#### IEP/Multidisciplinary Team Consideration

Within ten (10) school days after the decision to change the placement, the relevant members of the IEP team as determined by the parent(s)/guardian(s) and the Administration, must consider whether the student's behavior is attributable to the student's disability. In making this determination (hereafter called the manifestation determination), the IEP team must review all relevant information in the student's file, including the IEP, any teacher observations and any relevant information provided by the parent(s)/guardian(s) to determine: (a) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability; and (b) whether the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines that the answer to either of these questions is "yes", then the conduct shall be deemed a manifestation of the student's disability.

#### Conduct Deemed a Manifestation of Disability

If the conduct is deemed a manifestation, then the IEP team must (a) conduct a functional behavioral assessment of the student unless such an assessment was previously conducted and develop and implement a behavior intervention plan, unless such a plan has already been developed; or (b) if a behavior intervention plan was previously developed, then the IEP team must review the plan and modify it as necessary to address the behavior.

The behavioral intervention plan will provide the vehicle in the determination of what constitutes a change in educational placement for each student's program. If the IEP team has included certain school responses to student behavior in the behavior intervention plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to the placement from which the student was removed unless (a) the parent(s)/guardian(s) and the District agree to a change in placement as part of a behavioral intervention plan; or (b) the special circumstances for emergency placements

set forth in this Administrative Regulation apply. If the conduct in question involved any of these special circumstances, then the District may assign the student to an alternative educational setting for not more than forty-five (45) school days, regardless of whether the conduct was a manifestation of the student's disability.

If the conduct is deemed a manifestation, but the District believes that maintaining the current placement is substantially likely to result in injury to the child or others, then the District may request an expedited due process hearing which must be scheduled within twenty (20) school days of the request. The student must remain in the current placement pending the hearing officer's decision, unless the District and the parent(s)/guardian(s) agree to an alternative placement.

#### Conduct Not a Manifestation of Disability

If the conduct is not deemed a manifestation of the student's disability, then the District may proceed with the disciplinary measures applicable to students without disabilities in the same manner and for the same duration as they would apply to students without disabilities. The District is still required to provide a free appropriate public education to the student, but it may provide the education in an alternative setting. If a hearing before the Board is necessary, then the Board must receive the complete special education and disciplinary record of the child.

If the parent(s)/guardian(s) disagree(s) with determination that the behavior was not a manifestation of the student's disability, then the parent(s)/guardian(s) has/have the right to an expedited hearing to challenge the determination. During the appeal, the student must remain in the interim alternative educational setting until the disposition of the appeal or until the expiration of the period of exclusion, whichever occurs first, unless the District and the parent(s)/guardian(s) agree otherwise.

If the conduct is not deemed a manifestation, then the District must, as appropriate, provide a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

#### Special Circumstances for Emergency Placements

The Administration can remove a student with disabilities to an interim alternative educational setting for a period of forty-five (45) school days regardless of whether the conduct in question was a manifestation of the student's disability under the following circumstances:

##### Weapons

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises, on a school vehicle, or to or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified).



Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

#### Controlled Substances

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, on a school vehicle, or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). The term “illegal drug” means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional. This does not include a legally-prescribed drug. A “controlled substance” is a substance as defined in the Controlled Substances Act (21 U.S.C. § 812(c).) Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

#### Serious Bodily Injury

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises, on a school vehicle, or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as “bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then the District can impose discipline beyond the forty-five (45) school days to the extent and for the duration that it would impose such discipline on students without disabilities. If the District proposes such a placement beyond the forty-five (45) school day alternative placement, then the District must offer a formal hearing as it would for students without disabilities, in accordance with Board Policy and applicable law.

#### Procedures for Suspensions of Students with Disabilities

For suspensions of one to three school days and four to ten school days for all students with disabilities, except those who have intellectual disability, follow procedures used for regular education students. In addition, the principal should notify the appropriate special education supervisor of the suspension and the readmission date.

For special education students who are being suspended for periods of time longer than the 10/15 school day limits:

1. Prior to the student actually serving any suspension in excess of the 10/15 school day limits, the relevant members of the IEP team must conduct a manifestation determination.
2. If the IEP team determines the conduct was a manifestation of the student's disability, then the IEP team must conduct a functional behavioral assessment, unless one was already conducted and develop/modify a behavior intervention plan. Additionally, the student may not be suspended in excess of the 10/15 school day limits unless the special circumstances for emergency placement set forth above apply (dangerous weapon, illegal drugs/controlled substance, inflicted serious bodily injury on another). If special circumstances do not apply and the District believes that maintaining the current placement is substantially likely to result in injury to the student or others, then the District can request an expedited due process hearing.
3. If the IEP team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day limits. The decision of the IEP team need not be unanimous and can be made over a parent/guardian objection, subject to the parent(s)/guardian(s) having a right to contest the determination.
4. If the conduct is deemed not a manifestation, then the District issues a Notice of Recommended Educational Placement (NOREP) with a copy of the Parents' Rights letter indicating the alternative educational placement as the placement and (under "Reasons for the Recommendations") indicating that the IEP team determined that the conduct was not a manifestation of the student's disability.
5. If the student's parent(s)/guardian(s) do/does not reject the NOREP or otherwise request a hearing, the suspension or expulsion and alternative placement may be implemented as if the student were a regular education student. If the suspension is in excess of ten (10) consecutive school days, the District must offer a formal hearing in the same manner as it would for any regular education student. This hearing may be waived by parental consent. If the conduct involved special circumstances for emergency placement, then a formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (45) school days.
6. If the parent(s)/guardian(s) reject(s) the NOREP, then the student can be assigned to the interim alternative educational placement and an expedited due process hearing on the manifestation determination must take place within twenty (20) school days of the date of the request and must result in a determination within ten (10) school days after the hearing. If the removal exceeds ten (10) school days, and the conduct involved does not involve the special circumstances for emergency placements, then a formal hearing must be offered as it would be for students without disabilities. If the conduct involved the special circumstances for emergency placement, then a formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (45) school days.

7. If the District prevails in the due process proceedings, then it can continue to implement the alternative placement for the duration of the exclusion as if the student were in regular education (subject to the formal hearing requirement, if applicable).

Suspension of a Student Who Has NOT Been Determined to be Eligible for Special Education

1. The District may expel the child for more than ten (10) school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that
  - a. the District did not have knowledge that the child was a child with a disability before the violation occurred; and
  - b. if an evaluation is requested after the violation occurs, the District conducts the evaluation in an “expedited manner.”
2. The District will be deemed to have knowledge of a disability if, prior to the violation,
  - a. the parent(s)/guardian(s) expressed a concern, in writing, to supervisory or administrative personnel or a teacher of the child, that the child requires special education and related services; or
  - b. the teacher of a child has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Individualized Student Services or other supervisory personnel; or
  - c. the parent(s)/guardian(s) has/have requested an evaluation.
3. The District will not be deemed to have knowledge of a disability if:
  - a. the parent(s)/guardian(s) of the child has/have not allowed an evaluation; or
  - b. the parent(s)/guardian(s) of the child has/have refused services; or
  - c. the child has been evaluated and it was determined that the child was not a child with a disability under the IDEA.

Reporting & Investigation Procedures – Bullying, Hazing, Harassment

1. Students who have been subjected to bullying, hazing or harassment are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor.
2. Each building administrator or designee shall be responsible for reviewing and investigating any reports received alleging bullying, hazing or harassment.
3. The building administrator or designee responsible for reviewing and investigating such reports shall conduct a prompt and thorough investigation. Records shall be maintained documenting the investigation performed, the outcome, and any discipline

- imposed or corrective action taken. To the extent that the report involves allegations of sexual misconduct, including peer-on-peer sexual harassment or sexual violence, the staff member responsible for reviewing and investigating the complaint shall contact the Director of State and Federal Programs as the District's Title IX Coordinator under this Policy and Administrative Regulation.
4. Annually, the building administrator or designee shall assist the Superintendent or designee with the compilation of all incidents required to be incorporated into the District's annual report to the Pennsylvania Department of Education, Office for Safe Schools.

#### Special Provisions – Student Bullying Policy

As required by Pennsylvania law, the District shall make its bullying policy available on its publicly accessible website.

Building administrators or designees will also ensure that notification of the bullying policy is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting. (See Attachments A and B).

Once each school year, each building administrator or designee will review the District's bullying policy with its students.

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## BULLYING

### What is Bullying?

A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself.

Specific forms of bullying behaviors may include:

- Says hurtful, demeaning things to you or calls you names.
- Says scary things to you a lot because they want to make you feel frightened.
- Tells you they are going to hurt you or threatens you.
- Teases or taunts you a lot, especially if you asked the student to stop.
- Tells other people bad things about you.
- Tells other students not to play with you, talk to you, be around you, or include you.
- Writes you a lot of mean, threatening, demeaning letters, text messages or email messages.
- Makes cruel faces at you on purpose.
- Hits, kicks, slaps, punches, or pinches you on purpose.
- Tries to hurt your body in any way.
- Forces you or somehow gets you to do something that you do not want to do.
- Tells you lies a lot that make you feel upset.
- Makes you feel like you do not want to come to school or like you cannot concentrate in school.

### What Should You Do if You are Being Bullied?

- If you think that someone is bullying you, you should tell your teacher or an adult at school immediately.
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### What Will the School Do?

- Sometimes the school will decide to have a meeting with the bully's parents.
- Sometimes the school will take privileges away from the bully including school activities.
- Sometimes the bully will be suspended from school.
- Sometimes the police will need to talk to the bully, especially if the bully threatened someone or tried to hurt someone.

### What are Our School's Anti-Bullying Rules?

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know that someone is being bullied, we will tell an adult at school and an adult at home.

*Information taken from the Olweus Bullying Prevention Program, ©2007*

## BULLYING

### Definition of Bullying

Bullying is when a student or a group of students intentionally and repeatedly uses hurtful or intimidating words, actions or other behaviors against another student.

A student is bullying you if he or she does any of the following things **intentionally** and **repeatedly**:

Says unkind, harsh, demeaning, or abusive things to you or calls you names.

Threatens or intimidates you in writing, email, notes, messages, to you in person, or by any electronic means.

Teases, taunts, or harasses you.

Makes negative comments, slurs, or innuendos towards you.

Tells other people offensive or insulting things about you.

Ostracizes you, isolates you or tells other students not to talk to you, involve you, or be around you.

Writes threatening, demeaning, or intimidating letters or email messages to you.

Makes cruel faces or physical gestures at you.

Physically hits, kicks, slaps, punches, pinches or purposely assaults you in any way.

Forces, coerces, influences or manipulates you do something that you do not want to do.

Frequently tells you lies that make you feel upset or that affect you in a negative manner.

Makes you feel like uncomfortable to attend school or disrupts your concentration at school.

### What Should You Do if You are Being Bullied?

If you think that someone is bullying you during the school day, on school property, on a school bus, or at a school-sponsored activity, you should tell your teacher or an adult at school immediately.

### What Happens if You Report a Bully?

The school will investigate the situation.

The school may decide to have a conference with the bully's parents.

The school may take privileges away from the bully, including participation in extracurricular activities.

The bully may be suspended from school.

The police and law enforcement may need to be contacted, especially if the bully threatened someone or tried to hurt someone.