



AFC'S GUIDE TO

# Preventing & Addressing Bullying in Charter Schools

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Advocates for Children of New York  
Protecting every child's right to learn

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This guide does not constitute legal advice. This guide attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

# INTRODUCTION

Your child has the right to go to a school where there is no bullying, harassment, or discrimination, and where they feel safe and supported. This guide is for families with children in charter schools in New York City. It doesn't apply to other kinds of schools. It describes bullying and signs your child may be bullied. It also describes your rights if your child is bullied or accused of bullying others, including special protections for students with disabilities. For information about bullying in NYC Department of Education schools, see AFC's *Guide to Preventing and Addressing Bullying*: [https://www.advocatesforchildren.org/sites/default/files/library/bullying\\_guide.pdf](https://www.advocatesforchildren.org/sites/default/files/library/bullying_guide.pdf).

## WHAT IS BULLYING?

Bullying is aggressive behavior meant to hurt another person who did not start the aggressive behavior. The person doing the bullying says or does something on purpose to hurt the other person physically or emotionally. The person doing the bullying has (or others think they have) more power (like age, physical strength, or popularity) than the person being bullied. The behavior often happens again and again.

**Bullying is physical, verbal, social, written, or electronic behavior that creates a hostile environment by:**

- Substantially getting in the way of a student's learning, opportunities, or benefits;
- Substantially getting in the way of a student's mental, emotional, or physical well-being;
- Causing or reasonably expecting to cause a student to fear for their safety; OR
- Causing or reasonably expecting to cause physical injury or emotional harm.

Examples of behavior that *may* be bullying:

- Physical violence, stalking, threats, taunts, or teasing.
- Aggressive or menacing gestures.
- Using offensive language, making offensive jokes, name calling, or using slurs.
- Leaving someone out from a group to humiliate or isolate the person.

**Electronic bullying** includes using any kind of technology like email, social media (like Snapchat, Instagram, Facebook, etc.), message boards, blogs, chat rooms, text messages, and chatting on gaming systems if it gets in the way of a student's progress at school or harms the school community.

# HOW MUST THE SCHOOL PROTECT MY CHILD FROM BULLYING, HARASSMENT, AND DISCRIMINATION?

New York State law does not allow bullying, harassment, and discrimination in charter schools for any reason, including a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Even though charter schools are independent schools, people who work there can't ignore, allow, or engage in bullying.

## Where and when is bullying not allowed?

- On school grounds
- On a school bus
- At a school activity
- Outside of school if it gets in the way of your child's learning or would harm the school community. For example, it is bullying if a student uses social media at home at night to threaten to hurt another student at school.

## How can I report bullying?

Students or families can tell any school staff, but it's best to tell the principal. School staff who find out about bullying, harassment, or discrimination must tell the principal within one school day and write a report about it within two school days.

## What do charter schools need to do to prevent bullying?

Your charter school must have:

- Policies on how to report bullying, how the school will investigate bullying, and how the school will respond to bullying on its website;
- A strategy to prevent bullying, harassment, and discrimination; and
- At least one **Dignity Act Coordinator (DAC)**. A DAC is a staff member who has special training about how to handle bullying, harassment, and intimidation for any reason, including a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- Guidelines for anti-bullying training programs.

## Can I or my child get in trouble for reporting bullying?

No one can get in trouble for reporting bullying, harassment, or discrimination. You can report it to the charter school's board of trustees if you think school staff are targeting you or your child for reporting bullying.

# HOW DO I KNOW IF MY CHILD IS BEING BULLIED, HARASSED, OR DISCRIMINATED AGAINST?

Your child may tell you about being bullied. Ask your child questions to find out what happened, like:

- Who was there?
- What was going on?
- What was said?
- Where was this going on?
- Were other kids around?
- What were the other kids doing?
- Were there any adults around?
- What were the adults doing?
- What did you do?
- How did you feel?

Your child may not tell you about being bullied. Here are some warning signs that a child may be bullied:

- Injuries, marks, or bruises that a child cannot explain.
- Lost or destroyed items.
- A lot of headaches or stomachaches; often feeling sick or pretending to be sick.
- Trouble sleeping or nightmares.
- Low grades or loss of interest in school.
- Not wanting to go to school.
- Low self-esteem.



## **REMEMBER!**

Not all children will show the same warning signs, and some may not show any.

# WHAT CAN I DO IF MY CHILD IS BULLIED, HARASSED, OR DISCRIMINATED AGAINST?

## Immediately report the incident to school staff or to the school's board of trustees.

You or your child can report bullying to any school staff, such as the principal, guidance counselor, or Dignity Act Coordinator (DAC). The school's code of conduct or discipline code should tell you how to report a bullying incident. See below.

You can tell school staff in person or in writing. Give as much information as you can. Try to answer these questions:

- What happened?
- Who was involved?
- When did it happen?
- Where did it happen?
- How did it hurt your child?

School staff who see or find out about bullying, harassment, or discrimination must tell the DAC or principal about it within one school day and file a written report within two school days. Ask for a copy of the written report.

If you don't feel comfortable reporting the incident to school staff, or if you already made a report to the school but the bullying has continued, you may:

- Call 311; or
- Call or email the DOE Office of Charter Schools at (212) 374-5419 or [charterschools@schools.nyc.gov](mailto:charterschools@schools.nyc.gov).

### TIP:

If you make a report in writing, keep proof. Send it by certified mail, return receipt requested, by email with confirmation, or by fax with confirmation. You can also hand-deliver the report to the school and have a copy stamped with the date it was given. If you make a report in person or over the phone, write down what you report, who you report it to, and when you report it.

### TIP:

Each charter school has its own code of conduct. It's usually in the school's parent or family handbook. You can ask for a copy and some schools have it on their website. It should have specific information on how to report bullying, how the school will investigate bullying, and how the school will respond to bullying.

# WHAT HAPPENS AFTER A REPORT OF BULLYING IS MADE?

**The principal, superintendent, or DAC must investigate reports promptly and decide if there was bullying, harassment, or discrimination.**

The investigation may include:

- An interview with the student who has been allegedly bullied, harassed, or discriminated against.
- An interview with the student accused of bullying, harassment, or discrimination.
- Interviews and written statements from any witnesses.

The school should think about many factors like the students' chronological and functional ages, what happened, how serious the behavior is, how often the behavior happened and how long it lasted each time it happened, the setting where the behavior happened, the number of students involved, and if the behavior harmed the student's education.

## **NOTE:**

If your child is *being bullied or accused of bullying others*, the school should follow all the steps listed here.



**The school should share the results of the investigation with all of the families involved.**

If the incident was bullying, harassment, or discrimination, the school must act promptly to end the behavior and stop it from happening again. The school should follow its code of conduct and use the incident as a “teachable moment” when deciding how to address the behavior.

**The school should recommend supports and interventions for all students involved in bullying. This includes students who are bullied and students accused of bullying others. You can also ask for them. Some examples are:**

- Individual counseling
- Positive behavioral supports
- Education services
- Social skills training
- Learning skills to cope with emotions
- Restorative practices
- Conflict Resolution
- Mediation

If the principal decides that the student's behavior violated the school's code of conduct, the principal may try to suspend the student. If the principal decides to suspend your child, you and your child have rights. See AFC's *Guide to Charter School Discipline*: [https://www.advocatesforchildren.org/sites/default/files/library/charter\\_school\\_discipline.pdf](https://www.advocatesforchildren.org/sites/default/files/library/charter_school_discipline.pdf).

## HOW CAN I WORK WITH THE SCHOOL TO PREVENT FUTURE BULLYING?

You can ask the principal, social worker, guidance counselor, or DAC to hold a meeting with you to create a **safety plan** for how the school will keep your child safe at school. A safety plan may:

- Change your child's seat or schedule to avoid incidents;
- List the adults your child should talk to if your child feels unsafe;
- List strategies to teach your child how to tell adults they felt unsafe without getting singled out;
- Describe ways your school will teach your child how to self-soothe;
- Discuss ways your school can address tensions between students or staff;
- Schedule trainings for students and staff on bullying; and
- Create a buddy system for your child during certain times of the day.

### LEARN MORE:

PACER's National Bullying Prevention Center ([www.pacer.org/bullying/](http://www.pacer.org/bullying/)) and the NYC Department of Education (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>) have lots of resources for students, parents, and teachers on preventing and addressing bullying at all grade levels.



# WHAT IF THE BULLYING DOES NOT STOP AFTER I REPORT IT?

## The school must make sure that the bullying stops.

If the bullying **does not stop**, or you **do not agree** with how the school described the incident or did the investigation, follow the order of steps below.

1. Talk to the principal again and/or call or email the DOE Office of Charter Schools at (212) 374-5419 or [charterschools@schools.nyc.gov](mailto:charterschools@schools.nyc.gov).
2. File a formal complaint to the school's board of trustees. You can get contact information for the board members by asking someone in the school's main office.
3. Appeal to the school's authorizer. The DOE, SUNY and New York State Education Department are all charter school authorizers. Find out which authorizer is assigned to your school by checking the NY State Education Department Charter School Directory, <http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html>, or ask the charter school.
4. Appeal to the NY State Education Department's Charter School Office by email ([charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov)) or mail:  
The NY State Board of Regents  
NY State Education Department  
Charter School Office, Room 465 EBA  
89 Washington Avenue  
Albany, NY 12234.

For more information about filing complaints, see <https://www.schools.nyc.gov/school-life/support/get-help-at-your-charter-school/file-a-formal-complaint-at-your-charter-school>.

### TIP:

If the behavior still does not stop, contact AFC's Helpline (see the back of this guide for contact information).



## WHAT IF SCHOOL STAFF ARE BULLYING MY CHILD?

If you think that anyone who works at the school, including the principal, is bullying your child, you should send a letter or email to the chairperson of the charter school's board of trustees.

If you think that school staff are targeting you or your child for reporting bullying, you can contact the school's board of trustees to report it. If the school's board does not respond or does not respond appropriately, you can reach out to the school's authorizer and ask that the authorizer order the school to address your concerns.

## CAN MY CHILD ATTEND ANOTHER SCHOOL?

If your child has been bullied, harassed, or discriminated against, the charter school must make sure that the behavior stops at that school.

Still, you may decide to send your child to a different school. Your child has a right to leave their charter school and attend a school within the New York City Department of Education (DOE).

If your child is in an elementary school or a middle school, you can go to your child's zoned DOE school to enroll, or enroll at a Family Welcome Center. If your child is in high school, you must go directly to a Family Welcome Center to enroll the student in a DOE school.

### **NOTE:**

You can get a list of Family Welcome Centers at <https://schools.nyc.gov/welcomecenters> or by calling 311.

If you want your child to go to another charter school, you can contact the school you want them to go to and ask about openings and the admissions process. Each school has its own process. For more information on finding and applying to most charter schools in NYC, go to: <https://nyccharterschools.schoolmint.net/>.

# WHAT ARE MY RIGHTS IF MY CHILD HAS A DISABILITY AND HAS BEEN INVOLVED IN A BULLYING INCIDENT?

**If your child has an IEP and has been bullied or bullying others, you have the right to ask for an IEP meeting to talk about the incidents and your concerns.**

You can ask the IEP team to change the IEP to add your concerns about bullying and add supports and services for your child to address the bullying. Examples of IEP changes to ask for are:

- Individual counseling;
- A social skills group;
- Learning skills to identify and cope with emotions;
- Positive behavioral supports and interventions;
- A paraprofessional;
- Adding a safety plan into the IEP (see page 8 of this guide for more information);
- Special Education Teacher Support Services (SETSS) in or out of the class; and
- Changing your child's program so your child has classes only with students who have the same disability or classification as your child.

**If you think your child's behavior is harming your child's ability to learn, you can ask the school to do a Functional Behavioral Assessment (FBA).**

An FBA is an evaluation to understand when and why your child behaves a certain way. You can ask the IEP team to use the FBA to create a **Behavioral Intervention Plan (BIP)**. A BIP is a plan to support your child in changing your child's behavior. Make sure the IEP team adds the BIP to the IEP. For more information on FBAs and BIPs, see AFC's *Fact Sheet on FBAs and BIPs*: [www.advocatesforchildren.org/sites/default/files/library/positive\\_interventions\\_FBAs\\_and\\_BIPs.pdf](http://www.advocatesforchildren.org/sites/default/files/library/positive_interventions_FBAs_and_BIPs.pdf).

For more information on supporting students with disabilities, please see AFC's *Guide to Special Education*: [www.advocatesforchildren.org/sites/default/files/library/special\\_ed\\_guide.pdf](http://www.advocatesforchildren.org/sites/default/files/library/special_ed_guide.pdf).



## Our Mission

Advocates for Children of New York (AFC)'s mission is to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. AFC achieves this through four integrated strategies:

- Free advice and legal representation for families of students;
- Free trainings and workshops for parents, communities, and educators and other professionals, to help them advocate on behalf of students;
- Policy advocacy to effect change in the education system and improve education outcomes; and
- Impact litigation to protect the right to quality education and to compel needed education reform.

### **Still have more questions? Please call the Jill Chaifetz Education Helpline:**

Monday through Thursday

10 am to 4 pm

866-427-6033 (toll free)

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