

Bullying: What Must Schools Do About Bullying?

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



What is Advocates for Children (AFC)?

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AFC is an independent agency that protects the education rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Free legal services to low-income families

Today's Training

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- Introduction
- What is Bullying
- How are Students Protected from Bullying
- How is Bullying Reported
- How is Bullying Investigated
- How is Bullying Determined
- How Should Schools Respond to Bullying
- Transfers
- What Are the Rights of Students with Disabilities
- Resources

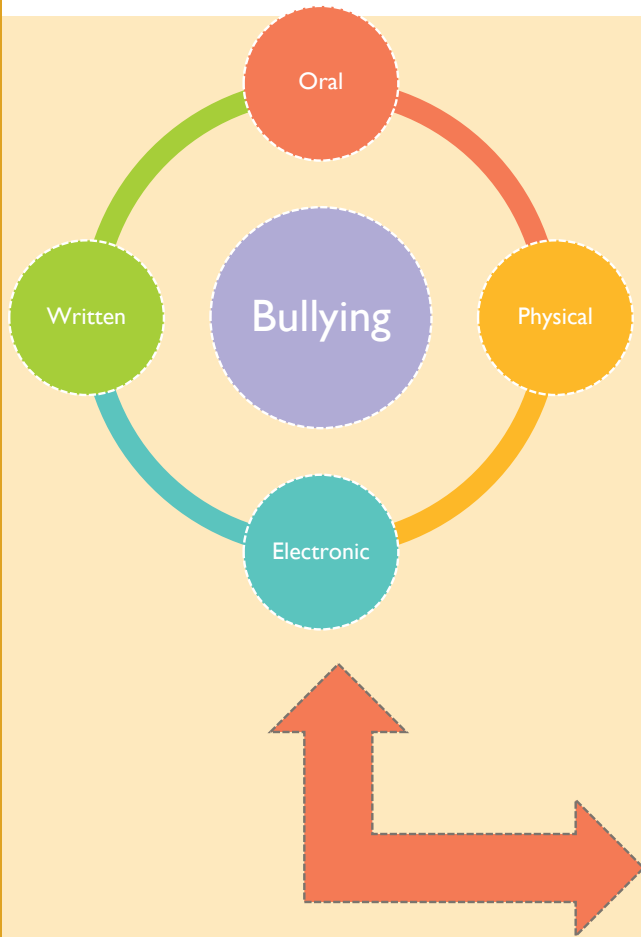
Pre-Test: True (A) or False (B)



1. If a school staff member makes an oral report of bullying, they don't have to follow up with a written report.
2. Cyberbullying can include actions that happen on social media *outside* of school hours.
3. If a school investigates an incident and decides it was not bullying, the school can't do anything to help the student who thinks they were the target of bullying.

What is Bullying?

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Substantially interferes with student learning

Substantially interferes with students mental, emotional & physical wellbeing

Hostile Environment

Reasonably causes fear for safety

Reasonably expected to cause physical injury or emotional harm

What Kinds of Behavior May Be Forms of Bullying?

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Physical violence

Stalking

Threats, taunts, teasing

Aggressive or menacing gestures

Derogatory language, name calling, or slurs

Exclusion from peer groups designed to humiliate or isolate

Cyber-bullying

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- Written or graphic material, including graffiti, photographs, drawings, or videos, containing comments or stereotypes that are **electronically circulated** or are written or printed.
 - Snapchat
 - Facebook
 - YouTube
 - Zoom chat
 - Google classroom



Recognizing Bullying

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Characteristics of Bullying

- Power difference
- Actual or intention to cause harm
- Repetitious

Most likely to Occur

- Toward commonly targeted groups
- Low adult presence (important to pay attention to online spaces)

Bias-based Bullying

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- Some bullying can be based on a student's membership in a group
 - race
 - color
 - creed
 - ethnicity
 - national origin
 - citizenship/immigration status
 - religion
 - gender
 - gender identity
 - gender expression
 - sexual orientation
 - disability
 - weight
- Membership can be actual or perceived



Questions?

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How Are Students Protected from Bullying?

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Dignity for All Students Act (DASA) Chancellor's Regulation A-832

Right to a safe learning environment. Students should not be afraid to go to school

No bullying, harassment, and discrimination because of actual or perceived race, color, creed, ethnicity, national origin, citizenship, immigration status, religion, gender, gender expression, sexual orientation, disability, or weight

School districts must report bullying incidents at the end of every year to the New York State Education Department (NYSED)

New York State Human Rights Law also protects students from bullying

What Must Schools Do?

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Plan

Create plan to prevent and address harassment, intimidation & bullying

Publicize

Share Respect for All with students and parents annually

Make CR A-832 available to parents

Train

RFA-trained liaison on staff at school

Train all students and staff on bullying policies by 10/31 annually

Act

Report
Investigate
Stop

What Must Schools Do?

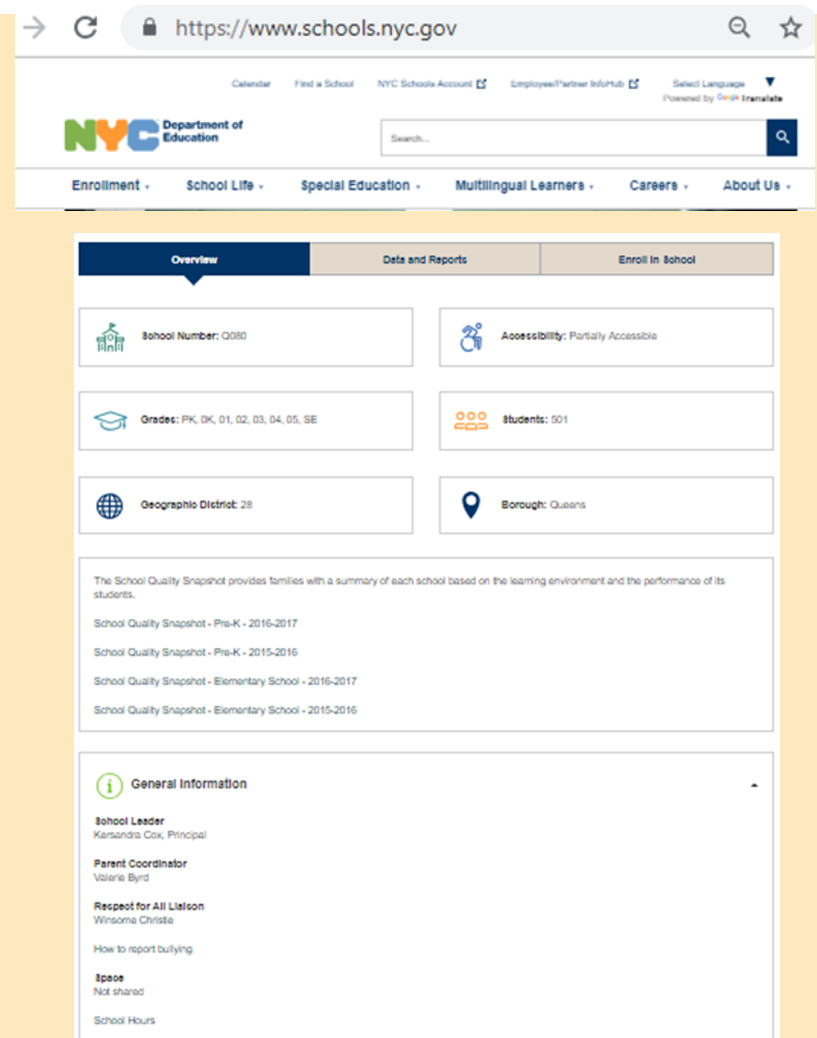
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- Respect for All (RFA) Liaison:
 - School staff member trained in bullying, discrimination, and harassment issues and reporting, investigation, and responses.
 - Each school must have an RFA Liaison
 - It can be someone with other responsibilities
 - ✦ Example: Parent Coordinator, Assistant Principal
- Goal of RFA Liaison is to **prevent** bullying, harassment and discrimination in schools

RFA Liaison

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- You can find the name and contact information for your child's school RFA Liaison's on the school website
- Additional resources:
<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>



The screenshot shows the NYC Department of Education website. The browser address bar displays <https://www.schools.nyc.gov>. The page features a navigation menu with links for Enrollment, School Life, Special Education, Multilingual Learners, Careers, and About Us. A search bar is located in the top right. The main content area is divided into three tabs: Overview, Data and Reports, and Enroll in School. The Overview tab is active, displaying a grid of information cards:

- School Number:** Q080
- Accessibility:** Partially Accessible
- Grades:** PK, 0K, 01, 02, 03, 04, 05, SE
- Students:** 501
- Geographic District:** 28
- Borough:** Queens

Below the grid, there is a section for School Quality Snapshots, listing several reports for Pre-K and Elementary School levels. At the bottom, a "General Information" section provides contact details for the School Leader (Kassandra Cox, Principal), Parent Coordinator (Valerie Byrd), and Respect for All Liaison (Winsome Christie). It also includes links for reporting bullying, a "Space" section (Not shared), and School Hours.



Questions?

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How to Report Bullying

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School Staff MUST Report Bullying

- Orally report to Principal or RFA liaison within 1 day, AND
- File written report within 2 days

Any Person Can Report Bullying to School

- Email respectforall@schools.nyc.gov in any language
- Submit a complaint online: <https://www.nycenet.edu/bullyingreporting>
- Call 718-935-2288

How to Report Bullying

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- Actions by School Staff toward students and families can also be considered bullying, harassment or discrimination
- To report bullying, harassment or discrimination by School Staff:
 - Tell the principal
 - Email Respectforall@schools.nyc.gov
 - Call the Office of Special Investigations (OSI) at (718) 935-3800
 - File an OSI report at http://www.nycenet.edu/offices/osi/CPR_Form/form.aspx
- Discrimination against parents based on race, color, ethnicity, national origin, immigration status or religion:
 - Contact the Office of Equal Opportunity and Diversity Management's Complaint Unit (718) 935-3320.

Tips for Reporting Bullying

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- Report in writing with proof of date sent
 - Use email or online form
- Include details
 - What occurred
 - Who was involved
 - When did the incident(s) take place
 - Where did the incident(s) take place
 - How did the incident(s) harm the student
- Chancellor's Regulation A-832 protects people who report bullying from retaliation

How is Bullying Investigated?

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- Once a complaint is made it must be entered into the Online Occurrence Reporting System (OORS) within **24 hours** of receiving the oral report
- The principal must investigate the complaint within **five days of the oral report.**



How is Bullying Investigated?

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Interview the target

Request written statement describing behavior, location, time and witnesses

Documented conversation



Interview the accused

Advise to stop behavior if occurred

Document conversation

Request written statement



Interview witnesses

Document conversation

Request written statements

How is Bullying Investigated?

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- At the beginning of the investigation, the Principal or RFA liaison must contact the parents of all students involved to discuss the allegations
 - Exception: Schools cannot contact parents if there are safety concerns
- At the conclusion of the investigation, the Principal or RFA liaison must report the results of the investigation to the parents of all students involved

How is Bullying Determined?

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Any decision about what is considered bullying must consider the totality of circumstances, including:





Questions?

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How Should Schools Respond to Bullying?

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STOP bullying behavior

Prohibit retaliation against anyone involved

Recommend supports and interventions for all involved

- individual counseling, positive behavioral supports, education services, and collaborative problem solving

Use restorative practices

- Conflict resolution, mediation

Use progressive discipline if behavior violated discipline code

What if the School Does Not Respond or the Bullying Continues?

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File Complaint with
DOE

- Email respectforall@schools.nyc.gov or form on the DOE's website
- Call 311 or 718-935-2288
- Contact Superintendent's Office or Borough Field Office (Escalation Staff Assistance Form on RFA page)

File Complaint with
DOE Office of Civil
Rights (OCR)

- Must be within 180 days of incident(s)
- Bullying, harassment or discrimination must be on the basis of race, color, national origin, ethnicity, ancestry, sex, transgender status, religion, limited English proficiency, disability, religion, or age

How Can Parents Work With The School?

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Create Safety Plan/ Individual Support Plan (ISP)

Change seat, schedule, program, lunch, dismissal time(s)

Request counseling for students

Notify staff of bullying history

Restorative practices

Suggest staff/student trainings

Designate “safe” adult for student

Ask staff to keep lookout for conflict

Responses to Cyberbullying

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Request that the school teach all students about “digital citizenship”, so they know how and understand the importance of responsible online behavior

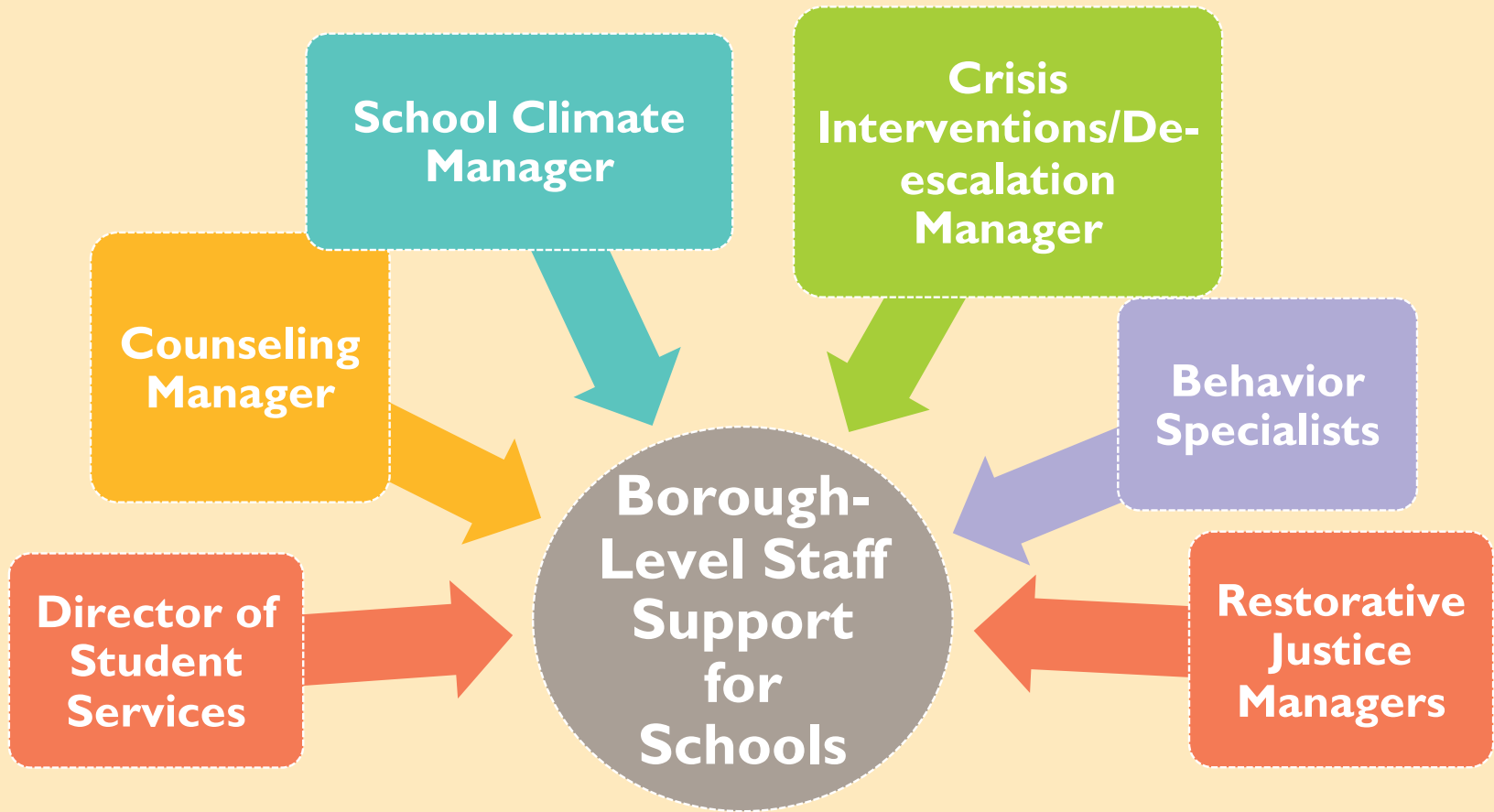
Request that the teacher monitor chats and other spaces where there is a high likelihood of cyberbullying and address issues immediately when they occur

Ask for school to provide students with social emotional supports

Request restorative practices to help address conflict



Borough Office Supports



Borough Office Contacts: <https://sites.google.com/a/strongschools.nyc/contacts/>



Questions?

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Other Options: School Transfers

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Safety Transfers

- Can be difficult to get
- Details are important
- Get as many documents as you can (school documents, police report, medical records)

Guidance Transfers

- You aren't progressing academically or socially
- A transfer would help you
- You must request -- Your school can't use this to force you out
- Superintendent must approve if for attendance or academics

Additional Transfers

- See A-101 for other categories (medical, travel, sibling) <https://www.schools.nyc.gov/enrollment/enrollment-help/transfers>

Students with Disabilities: Considerations

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- Bullying can impact the child's academic, social, emotional, or behavioral functioning
- If the student is **engaging in or experiencing** bullying
 - Request an IEP meeting to address bullying behavior
 - Discuss this concern at an IEP meeting
 - IEP should include a plan to prevent and address bullying; account for behavior of other students
 - Consider requesting
 - ✦ A Functional Behavioral Assessment (FBA) to develop a Behavioral Intervention Plan (BIP)
 - ✦ IEP goals that account for bullying behavior
 - ✦ Supplementary aids and services

Students with Disabilities: Considerations

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REMEMBER!!!: Students with disabilities have discipline rights *even if the alleged behavior is considered bullying*

- Entitled to a Manifestation Determination Review (MDR) to determine if the behavior is a manifestation of the student's disability, see [AFC Guide on MDRs](#)



Post-Test: True or False



1. If a school staff member makes an oral report of bullying, they don't have to follow up with a written report.

FALSE

2. Cyberbullying can include actions that happen on social media *outside* of school hours.

TRUE

3. If a school investigates an incident and decides it was not bullying, the school can't do anything to help the student who thinks they were the target of bullying.

FALSE

Resources



- **Dignity for All Students Act**
 - www.p12.nysed.gov/dignityact/
- **Respect for All**
 - <https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>
- **Developing an IEP that stops and prevents bullying**
 - abilitypath.org/2015/10/11/bullying-special-needs-iep/
 - www.pacer.org/publications/bullypdf/BP-4.pdf
 - www.bridges4kids.org/articles/2004/3-04/IdealLives3-04.html
 - www.cpacinc.org/wp-content/uploads/2012/03/IEP-and-Bullying-PACER.pdf
- **Cyberbullying/Digital Citizenship**
 - <https://cyberbullying.org/Top-Ten-Tips-Educators-Cyberbullying-Prevention.pdf>
- **AFC Guides & Resources**
 - https://advocatesforchildren.org/get_help/guides_and_resources/general_rights



Wrapping up: Reminders!

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- Fill out our survey!
- If you need help, ask! We are Open!
- Things change, check for updates: <https://www.advocatesforchildren.org/covid-19-updates>
- Call Our Helpline: 866-427-6033
 - Toll free
 - Monday-Thursday
 - 10am-4pm
- Email Us: Info@advocatesforchildren.org

