Bullying: How to Identify it and What to do About it

Presented by:

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Advocates for Children of New York
Protecting every child's right to learn since 1971

What is Advocates for Children (AFC)?

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

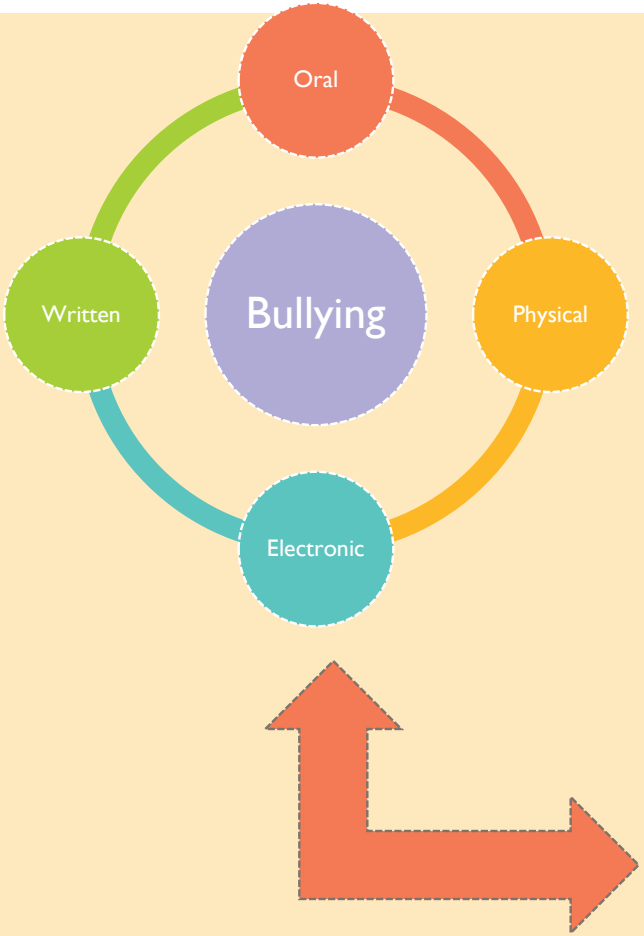
Our Services:

- 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

- 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
- Social Emotional Supports for Students
- Resources

What is Bullying?



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?



Cyber-bullying

- 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

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

- 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

How Are Students Protected from Bullying?

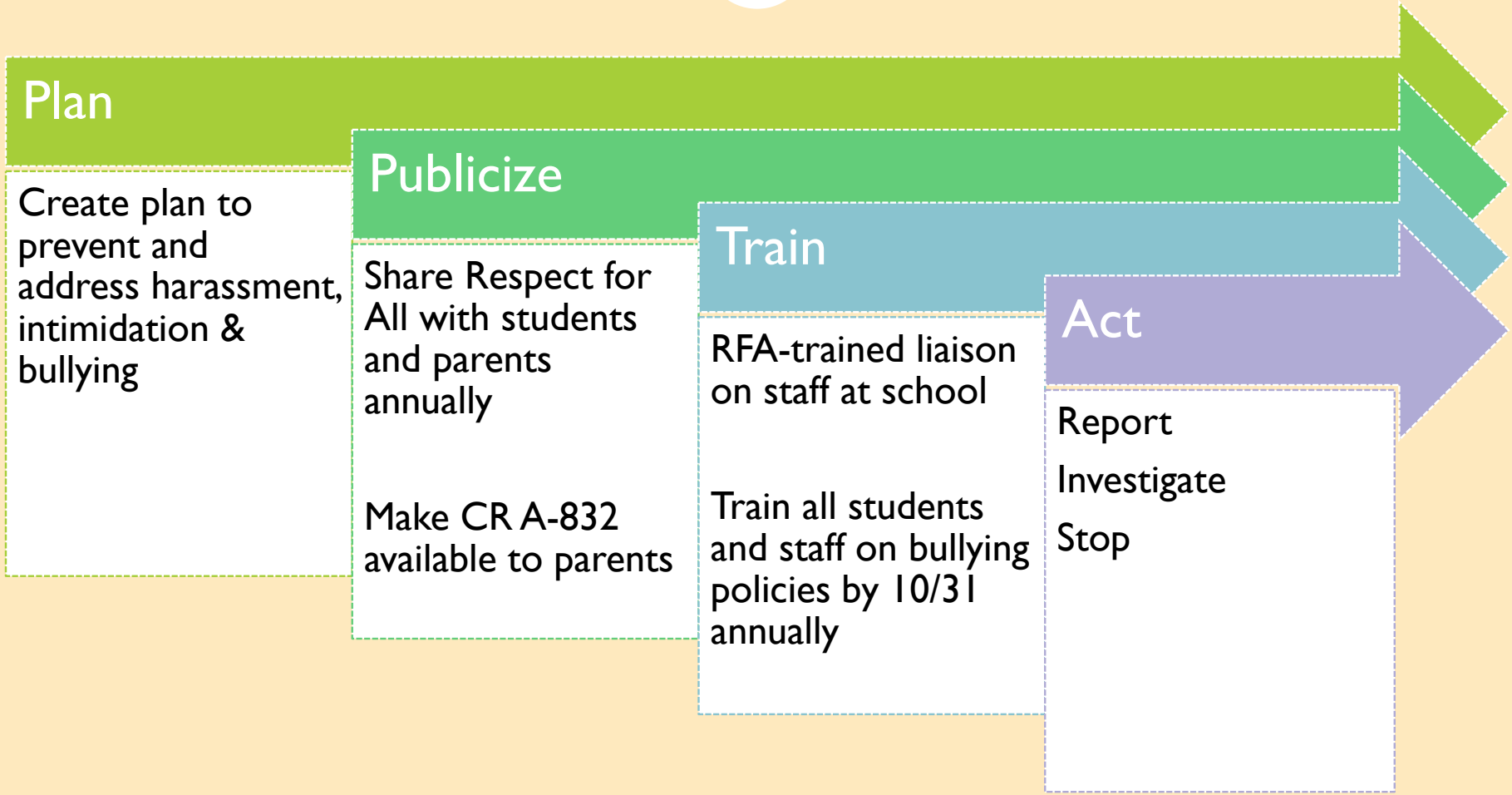
Dignity for All Students Act (DASA) Chancellor's Regulation A-832

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

NYC DOE Respect for All Webpage with FAQs

What Must Schools Do?



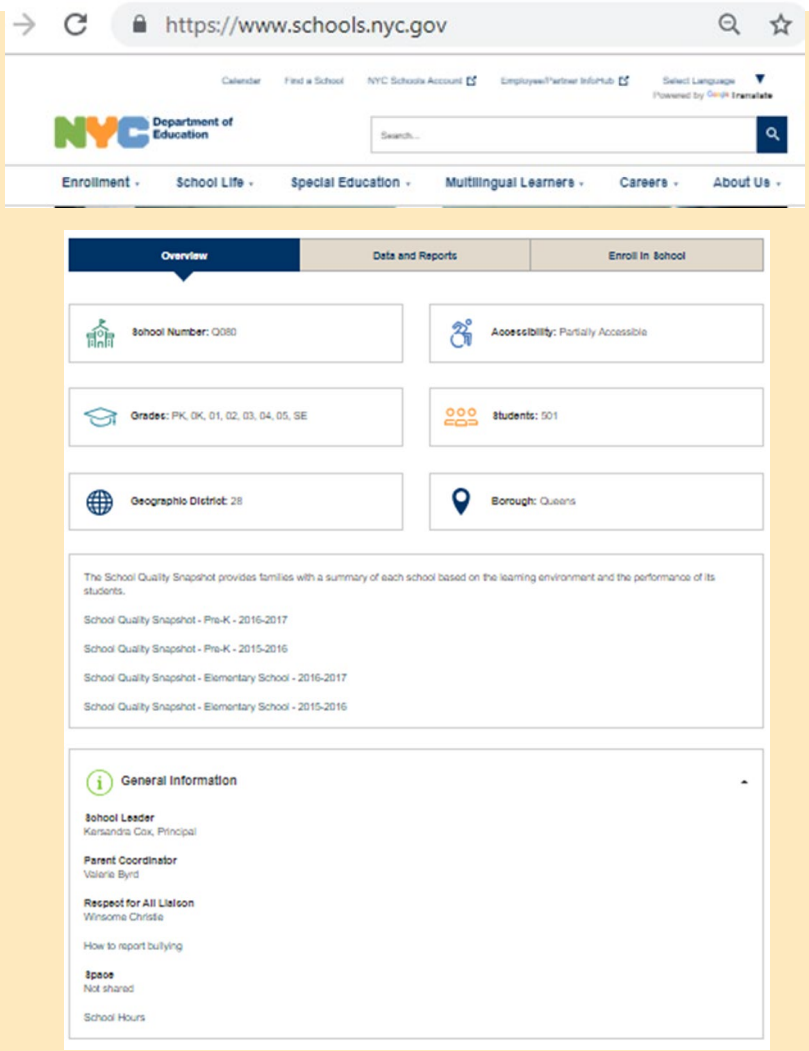
What Must Schools Do?

- 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

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



How to Report Bullying

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

- Notify a school staff member, such as the RFA liason
- Email respectforall@schools.nyc.gov in any language
- Submit a complaint online: https://www.nycenet.edu/bullyingreporting
- Call 718-935-2288
- If the issue involves sexual or gender-based harassment, contact the Title IX coordinator

NYC DOE Respect for All Webpage with FAQs

How to Report Bullying By School Staff

- **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 https://www.nycenet.edu/cpu
- Discrimination against parents based on race, color, ethnicity, national origin, immigration status or religion, can also contact:
  - The NYC DOE Office of Equal Opportunity and Diversity Management's Complaint Unit (718) 935-3320.

Tips for Reporting Bullying

- Report in writing with proof of date sent
- 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
  - If you believe school staff are retaliating against you for reporting bullying, you can complete an Escalation Staff Assistance Form and send it to the Family Support Coordinator for your district.

How is Bullying Investigated?

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



How is Bullying Investigated?



The school may also ask for videos, text messages, or social medial posts

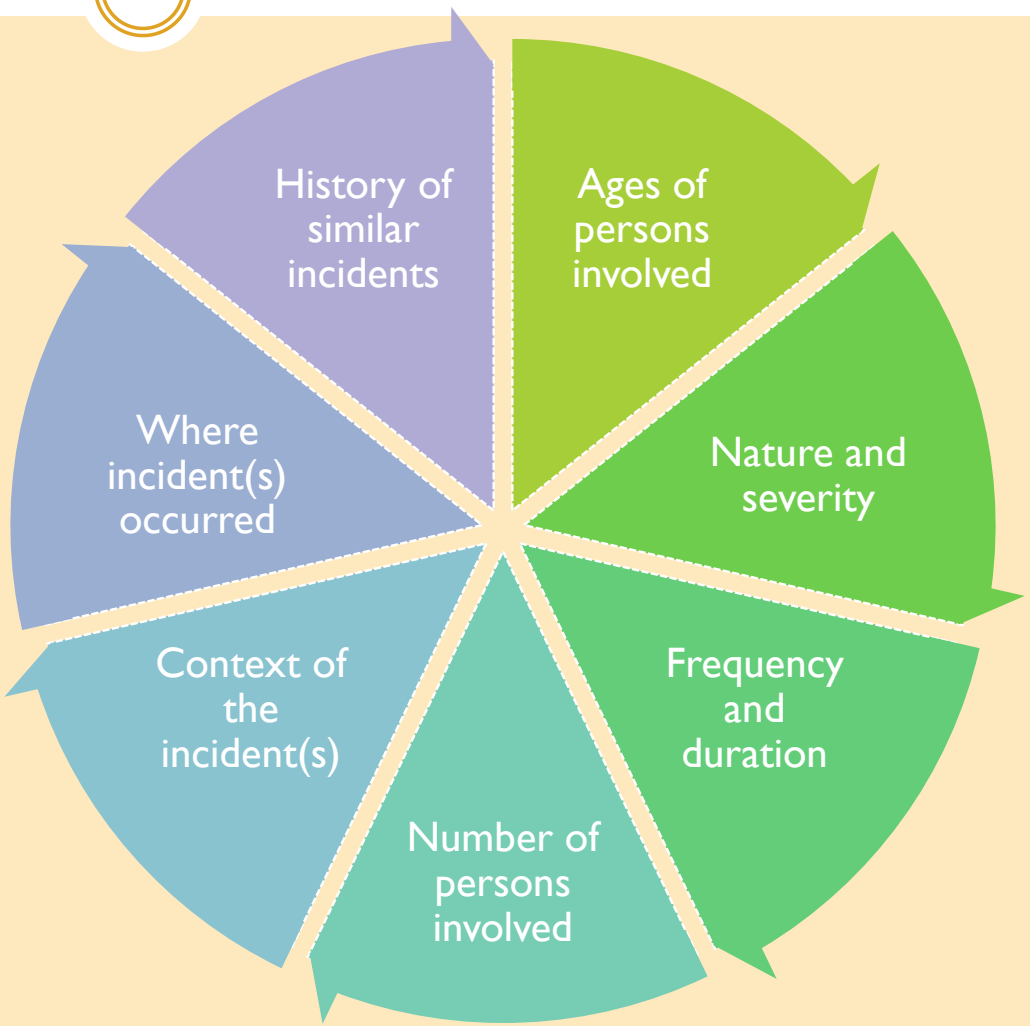
How is Bullying Investigated?

- 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.
- Parents of the students involved in an incident will only receive information about their own child. The school will not tell families about supports or discipline for another student.
- Should be informed of the outcome within 10 school days.

How is Bullying Determined?

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

including:



How Should Schools Respond to Bullying?

STOP bullying behavior

Prohibit retaliation against anyone involved

Recommend supports and interventions for all involved

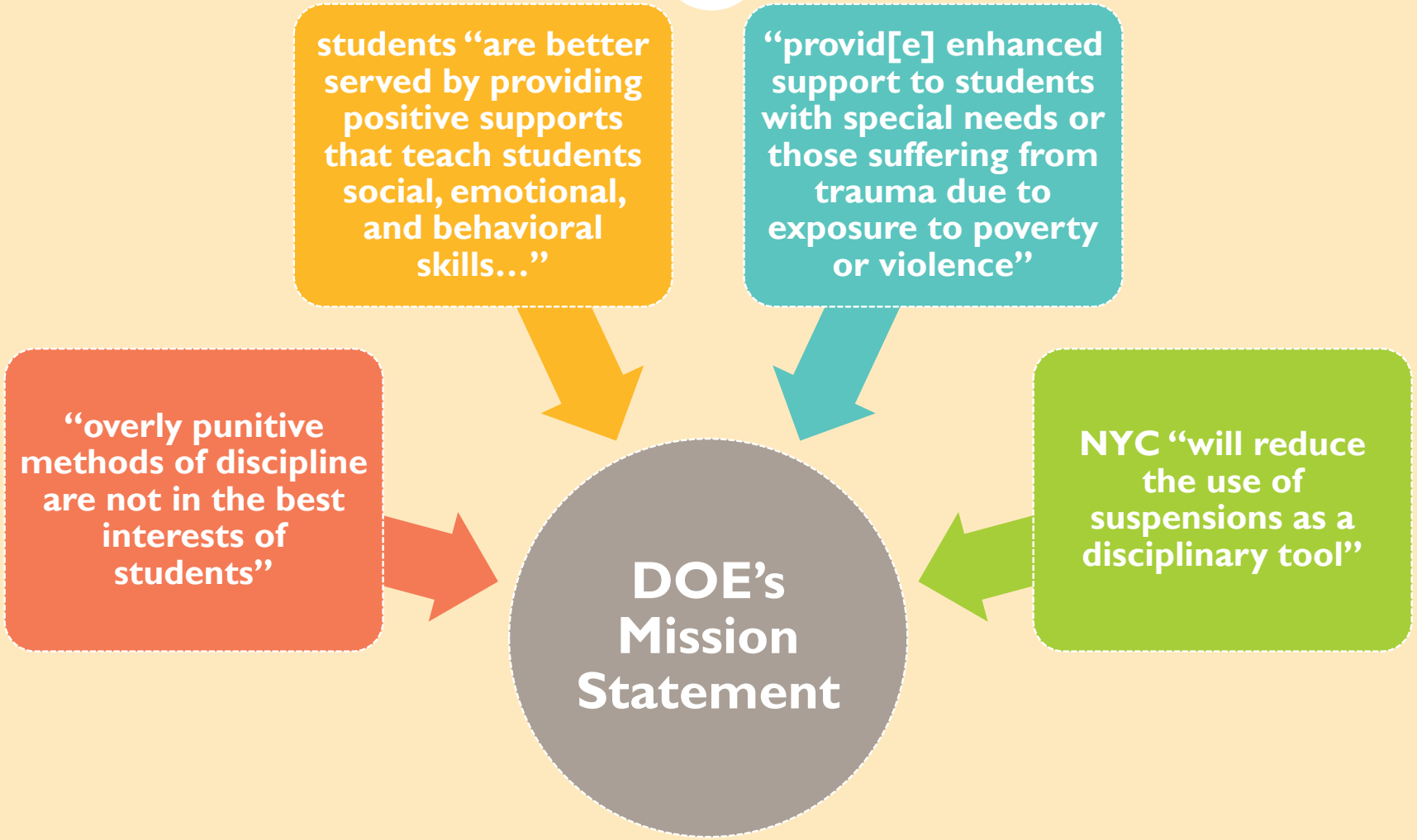
- Individual counseling, positive behavioral supports, education services, and collaborative problem solving

Use restorative practices

- Conflict resolution, mediation

Use progressive discipline if behavior violated discipline code

DOE Embraces Progressive Discipline



Restorative Justice

Restorative Justice

- An intervention that replaces punishment and focuses on repairing relationships

Types of Restorative Practices

- Collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing

Why Advocate for it?

- Can improve a student's behavior
- Lowers incidence of repeated misbehavior
- Contributes to more positive school environment by fostering respect for one another

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

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 Escalation Staff Assistance Form on webpage: NYC DOE Respect for All Webpage with FAQs

File Complaint with NYS Department of Human Rights

- Department of Human Rights (DHR) Complaint Form: https://dhr.ny.gov/complaint
- Call DHR's toll-free discrimination hotline: 1-888-392-3644

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
- OCR Complaint Form

How Can Parents Work With The School?

- 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

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

Ask for school to provide students with social emotional supports

Request restorative practices to help address conflict

Students with Disabilities: Considerations

- 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**

Functional Behavioral Assessment (FBA)



Function

- Why does the behavior occur?



Behavior

- What behavior needs to change?



Assessment

- When does the behavior occur? Where?
- How often? For how long?

What goes in a BIP?



Data from FBA

Classroom observations	Reports	Interviews

BIP

Prevent behavior from occurring	Manage the behavior	Measure progress

Behavior Management Tools

Use of a visual daily schedule	Cognitive breaks between tasks	Movement breaks	Verbal and visual cues for directions and staying on task
Use of a behavioral contract	Behavior chart – reward system for appropriate behavior	Consistent use of positive reinforcement	Daily teacher feedback to student and parent

Students with Disabilities: Considerations

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

Manifestation Determination Review (MDR) to determine if the student cannot be suspended from school for behavior that is a manifestation of the student's disability, see AFC Guide on MDRs.



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!

- If you need help, ask! We are Open!
- Things change, check for updates on our website: www.advocatesforchildren.org.
- Call Our Helpline: 866-427-6033
  - Toll free
  - Monday-Thursday10am-4pm
- Email Us: Info@advocatesforchildren.org

