

Hidden Bullying

What to do about it ...

What Brookline Public Schools does
about it

Numbers don't lie

“The percentage of students who reported being bullied was lower in 2013 (22 percent) than in every prior survey year (28 percent each in 2005, 2009, and 2011 and 32 percent in 2007).”

~U.S. Department of Education and U.S. Department of Justice, Indicators of School Crime and Safety 2014; page vi.

One in five

But the question is, with all the emphasis and efforts to stop bullying, why do **over 20 percent** of students age 11-18 still report being bullied?

That equals **4 students in every classroom of 20!**

Presentation hint

The slides in this presentation are fairly wordy. The **bold typeface** is typically added by me within quoted passages.

You can have a copy of the presentation so don't try to read the slides at this time. We will concentrate on the **highlighted words**.

First, definition ...

Bullying, pursuant to M.G.L. c. 71, §370, means the **repeated** use by one or more students of a **written, verbal or electronic expression** or a **physical act or gesture** or any combination thereof, directed at a target that:

- (a) causes physical or emotional harm to the target or damage to the target's property;
- (b) places the target in reasonable fear of harm to himself or herself or damage to his or her property;
- (c) creates a hostile environment at school for the target;
- (d) infringes on the rights of the target at school; or
- (e) materially and substantially disrupts the education process or the orderly operation of a school. Bullying shall include cyberbullying.

~MA DESE 603 CMR 49.03

Definition (continued)

“Repeated”

If it happens just once, it is NOT bullying. Twice, maybe. More than that, yes, it may be bullying.

Definition (continued)

“written, verbal or electronic expression or a physical act or gesture ...”

- If it is a note, an email, a letter, written on a locker, a desk, in writing of any form ...
- If it is said, screamed, whispered, sang, verbally taunted ...
- If it is texted, iMessaged, Tweeted, im'd, commented on a blog, posted on Facebook, ...
- If there is a punch, kick, push, unwanted touching, inappropriate touching, ...
- If it is a gesture such as showing the middle finger, or other offensive actions ...

Definition (continued)

Causes one or more of the following ...

- **(a) causes physical or emotional harm to the target or damage to the target's property;**
- If it causes physical pain, bruises, tripping, falling, ...
- If it causes torn clothing, missing items, broken items, ...
- If it causes anxiety, depression, confusion, lack of focus ...

Definition (continued)

(b) places the target in reasonable fear of harm to himself or herself or damage to his or her property;

- If it causes fear of physical pain, bruises, tripping, falling, ...
- If it causes fear of torn clothing, missing items, broken items, ...

Definition (continued)

(c) creates a hostile environment at school for the target;

- “Hostile environment”, a situation in which bullying causes the school environment to be permeated with **intimidation, ridicule or insult** that is sufficiently severe or pervasive **to alter the conditions of the student’s education.** (MA General Law Part I/TITLE XII/CHAPTER 71/Section 370)

Definition (continued)

(d) infringes on the rights of the target at school;

- Civil Rights, human rights, right to an education

(e) materially and substantially disrupts the education process or the orderly operation of a school.

- If it causes classes, lunch room, recess, etc. to operate differently

Bullying includes Cyberbullying

Cyberbullying is bullying that takes place using **electronic technology**. Electronic technology includes devices and equipment such as cell phones, computers, and tablets **as well as communication tools including social media sites, text messages, chat, and websites.**

Public Service Announcement

[CLICK HERE TO WATCH THE VIDEO](#)

A day at work does not look like this.

And a day at school?

Retaliation

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying **is also prohibited.**

False definition

“One of the main characteristics of bullying is an imbalance of power.”

- This is **NOT** in the law (*any* law)
- This is **NOT** in the district bullying policy
- This is **NOT** in the district bullying plan
- This is **NOT** in any student handbook

So where is this quote from?

District training failure

The district trains its personnel about bullying with materials that clearly state, and teach, this falsehood.

Bullying does not need to have anything to do with an “imbalance of power.” PERIOD.

Yet teachers have told me “They are in the same grade, it cannot be bullying, there is no imbalance of power.” ~Baker IEP team

Here is your meaningless
imbalance of power ...

[CLICK HERE TO WATCH THE VIDEO](#)

Takeaway #1

- “imbalance of power” is poppycock

Reporting

- **Reports of bullying or retaliation** may be made by staff, students, parents/guardians, or others, and **may be oral or written**. Oral reports made by or to a staff member shall be recorded in writing. **Staff members report immediately** to the Headmaster/Principal/Superintendent/School Committee or designee **any bullying or retaliation the staff member becomes aware** of or witnesses. PSB has incident report forms available on its website for reporting, and encourages families to report incidents of bullying or retaliation.
- **Use of a Bullying Incident Report Form is not required** as a condition of making a report. ...
- The Bullying Incident Report Form is available in the most prevalent language(s) of students and parents/guardians.

(Public Schools of Brookline Bullying Prevention and Intervention Plan, December 30, 2013)

Reporting (continued)

That means **any oral or written** report of bullying to a staff member then **requires** the staff member to **record the report in writing** to the Principal, etc.

Just mentioning it in an email, on the street to a teacher, etc. **CONSTITUTES A REPORT OF BULLYING** and it **must be passed on**, in writing, by the staff member.

Reporting (continued)

MGL c.71, §370 states that the district bullying plan shall include ...

“a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;”

THIS IS VITAL TO UNDERSTAND!

Anonymity

Again, an anonymous bullying report will result in ***NO DISCIPLINARY ACTION***.

One major way to discourage bullying?
Consequences.

Anonymous report = No consequences

Quiz

The next slide is a screenshot of the Brookline Public Schools web page offering various Bullying Reporting Forms.

What is wrong with this picture?



BULLYING

[Report Bullying](#) >[Bullying Prevention Policy](#) >

Anonymous Bullying Report Form

Students, parents and any member of the Brookline community can anonymously report bullying by completing the form below. Reports will be forwarded via email directly to the appropriate building principal for investigation. Reports may be made anonymously; however, adding more information to the report will aid the principal in dealing with the report more effectively. The Brookline Public Schools will fully investigate all reports, anonymous or otherwise, and will notify parents of both the target and the aggressor, as required by law. However, no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.

To begin, select the school where the incident occurred.

[Brookline High School](#)[Lawrence](#)[Baker](#)[Lincoln](#)[Devotion](#)[Pierce](#)[Driscoll](#)[Runkle](#)[Heath](#)[Upper Devotion](#)

[Click Here](#) For Bullying Incident Report Form

[See the Bullying Prevention Plan](#) >

[See the Public Schools of Brookline Bullying Prevention Policy](#) >

- BULLYING**
- Report Bullying >
- Bullying Prevention Policy >

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Anonymous →

Signed →

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Reporting (continued)

This overwhelming drive to have reports *anonymously* submitted results in NO disciplinary action when bullying is confirmed.

I have questioned, and repeatedly objected to, this web page presentation to no avail. I have not seen this approach anywhere else.

Reporting (continued)

I have successfully resolved bullying issues and have seen report methods in towns including but not limited to:

Boston, Cambridge, Newton, Providence RI, Barrington RI, Baltimore MD, Sutton, Lexington, Somerset, and more.

No one else encourages anonymous reporting.

Reporting (continued)

- There is no way to check if anonymous reports are actually investigated or counted and they will not result in any action against the aggressor
- Although not officially necessary, always report bullying **in writing to the principal or superintendent**

Takeaway #2

- “imbalance of power” is balderdash
- anonymous reports are ineffective

Reporting (continued)

“Oral reports made by or to a staff member shall be recorded in writing. Staff members report immediately to the Principal / Superintendent / School Committee or designee any bullying or retaliation the staff member becomes aware of or witnesses.”

~PSB Bullying Prevention and Intervention Plan

Note: It does NOT say “The teacher will determine if there was bullying and may or may not then record it in writing ...”

Takeaway #3

- “imbalance of power” is malarkey
- anonymous reports are ineffective
- only Principal or designee investigates

Staff awareness

Again, the staff does not do the determination if there is bullying. That is what the investigation determines. It is incumbent upon the staff member who is aware that an issue exists to make sure a written report is submitted.

Responding to a Report of Bullying

Safety

“Upon receiving a report of bullying or retaliation ... prompt steps to assess the need to **restore a sense of safety to the alleged target(s)**, ... also takes steps to protect these individuals from possible further bullying or retaliation. **Responses** to promote safety may include, but not be limited to, **creating a personal safety plan; predetermining seating arrangements** for the target and/or the aggressor in the classroom, at lunch, or on a transportation vehicle; **identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target.**”

~PSB Bullying Prevention and Intervention Plan

SAFETY!

As soon as a report is received the following may be appropriate:

- Restore sense of safety (*and actual safety*)
- Safety plan
- Safe person
- Keep aggressor away (move aggressor NOT the target)

(BEFORE a determination if, in fact, “bullying” occurred)

Safety Plan

“Create and implement a safety plan that shall restore a **sense of safety** for the target”

~PSB Bullying Prevention and Intervention Plan

I would rather the plan *restore or ensure* actual **safety** for the target, not just “a sense” of safety.

Does NATO exist to make Turkey “feel” safe *or* “be” safe?

Safe Person

“This is a designated person in the school who the student can talk to and process social situations that are troubling, confusing, or agitating, including bullying, that may not be readily understood by the student.

“This person should be **familiar to the student and have a trusting relationship already established**. This needs to be a **person chosen with the student and parents** who understands the student and can help him or her de-escalate a situation or calm down and resume the normal school day routine. This **does not need to be a specialist or a teacher** but can be a staff member who knows and understands this student and can help him or her interpret confusing situations. The Safe Person must be familiar with practices known to be helpful when working with students with disabilities that affect communication and social awareness.”

~DESE

I have had elementary students choose the janitor, and rightfully so!

Takeaway #4

- “imbalance of power” is bunkum
- anonymous reports are ineffective
- only Principal or designee investigates
- school **MUST** take action upon receiving report

Investigation

The Principal/Superintendent/School Committee or designee **investigates all reports of bullying** or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. Specifically, the Principal/Superintendent/School Committee or designee **shall complete the investigation** within a reasonable amount of time, **not to exceed 15 school days** following the date of the report.

(Note: Not the teacher, not the lunch aide, etc.)

Bullying, Disability, and Civil Rights

If your child has a 504 plan or an IEP then it has been determined that your child has a disability. Depending on the type of bullying, the civil rights of your child may be being violated. THIS IS A BIG DEAL. Taunting someone as being a “retard” or “stupid” is disability based bullying. Imitating someone’s physical disability is disability based bullying.

Civil Rights

When investigating disability-based harassment, the Office of Civil Rights considers several factors, including, but not limited to:

- Was a student with a disability bullied by one or more students based on the student's disability?
- Was the bullying conduct sufficiently serious to create a hostile environment?
- Did the school know or should it have known of the conduct?
- Did the school fail to take prompt and effective steps reasonably calculated to end the conduct, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects?

Civil Rights (continued)

If the bullying involves areas of civil rights, and the school does not act quickly and decisively, a civil rights complaint can be filed. The US Department of Education, Office of Civil Rights (OCR) has a simple method of filing a complaint.

The OCR's authority to resolve complaints extends to allegations of discrimination based on **race, color, national origin, sex, age or disability**. Note that Title IX's sex discrimination prohibition extends to claims of discrimination based on **gender identity or failure to conform to stereotypical notions of masculinity or femininity** and OCR accepts such complaints for investigation.

OCR Dear Colleague Letter

- The label used to describe an incident (*e.g.*, **bullying**, hazing, teasing) **does not determine how a school is obligated to respond**. Rather, the **nature of the conduct itself must be assessed for civil rights implications**. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is **obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR**.
- **When the behavior implicates the civil rights laws**, school administrators should look **beyond simply disciplining** the perpetrators. While disciplining the perpetrators is likely a necessary step, it often is insufficient. A **school's responsibility is to eliminate the hostile environment** created by the harassment, address its effects, and take steps to ensure that harassment does not recur. Put differently, the unique effects of discriminatory harassment may demand a different response than would other types of **bullying**.

~OCR October 26, 2010 Dear Colleague letter

Takeaway #5

- *imbalance of power* is nonsensical
- anonymous reports are ineffective
- only Principal or designee investigates
- school **MUST** take action upon receiving report
- school **MUST** consider civil rights issues

Random notes

- Aggressor or target being in special education or general education is moot.
- The aggressor's intent or understanding of his/her actions is moot.
- "School Staff ... an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional."
- "When the alleged aggressor is a staff person, the matter will be investigated at the requisite level by the relevant administrator, up to and including the superintendent and the school committee."

How to report bullying

- Submit a signed, written report to Principal or Superintendent (not necessary, but, well ... yes, it is necessary)
- Follow up with an email that ends with:
 - “I fully expect that this will be handled in accordance with the Brookline Public Schools Bullying Prevention and Intervention Plan (updated July 2014), the Commonwealth's Laws and Regulations (603CMR 49.00), and all the applicable federal civil rights statutes and regulations enforced by both the U.S. Department of Justice's and U.S. Department of Education's Office of Civil Rights.”
- Insist on immediate safety plan if appropriate
- Insist on completion within 15 school days

Wrap up

- The schools CAN stop bullying in its tracks
- The schools have the tools to do it
- The schools MUST prevent or deal with retaliation
- The schools MUST follow *their* policy
- The schools MUST follow *their* plan

Every child deserves a SAFE environment

DO MORE THAN RAISE YOUR CHILDREN • LIFT THEM UP



HALLER ADVOCACY

WORKING TOGETHER FOR THE SUCCESS OF YOUR CHILD

SPECIAL EDUCATION ADVOCACY

- Initial Evaluations
- IEPs and 504 Plans
- Meeting preparation and participation
- Review / explain documents
- Draft letters, requests, documentation, and complaints to school, district, or the State
- Teaching and advising parents and districts

BULLYING

- General Ed and Special Ed students
- We will stop the bullying and protect your child
- Meetings, safety plans, complaints as needed

MEDICAL AND OTHER ADVOCACY

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