

BULLYING

Is a youth facing bullying in school

Issue-spotting	What does the law say?	What steps can you take?	Toolkit
<p><u>For all students</u></p> <p>Is the student facing bullying at school that is severe and/or persistent enough to create a hostile environment and/or make them reasonably fear for their safety?</p>	<p>North Carolina law requires that every school district have a formal, written policy governing the procedures for promptly investigating and, as appropriate, taking action to address reports of bullying.</p> <p>School staff who are made aware of incidents of bullying are required to report the bullying to the proper officials in the school/district.</p> <p>Students who report bullying have the right to be free from retaliation.</p>	<ol style="list-style-type: none"> 1. Review the <i>Bullying</i> overview. 2. If you have not already done so, put your bullying concerns in writing and submit to the principal. 3. Consider filing a grievance if the school fails to properly address the bullying. 4. <u>For youth with IEPs or 504 Plans</u>: Consider requesting an IEP or 504 Team meeting to implement extra supports to address bullying harms. 5. Refer to LANC if a complaint is needed to address a school’s, IEP Team’s, and/or 504 Team’s failure to properly address reported patterns of bullying. 	<p>pp51-54</p> <p>pp35-46 (IEP) pp26-31 (504)</p>
<p><u>For all students</u></p> <p>Is the bullying on the basis of the student’s race, color, national origin, sex, disability, or religion?</p>	<p>Federal civil rights law protects students from bullying on the basis of a protected class: race, color, national origin, sex, disability and religion.</p>	<ol style="list-style-type: none"> 1. Review the <i>Bullying</i> overview. 2. If you have not already done so, put your bullying concerns in writing and submit to the principal. 3. <u>For youth with IEPs or 504 Plans</u>: Consider requesting an IEP or 504 Team meeting to implement extra supports to address bullying harms. 4. Refer to LANC if a complaint is needed to address bullying based on a protected class and/or if IEP or 504 Teams fail to address reported patterns of bullying. 	<p>pp51-54</p> <p>pp35-46 (IEP) pp26-31 (504)</p>
<p><u>For students with IEPs and 504 plans</u></p> <p>Is the bullying impacting the student’s ability to learn or access the services and accommodations in their IEP or 504 Plan?</p>	<p>If the bullying is causing academic or emotional harm that impacts a student with a disability’s educational access or progress, their IEP or 504 Team must meet to discuss whether changes to their Plan are needed to address barriers.</p> <p>Changes should not remove the student from their placement or setting, unless it would not be their best interest to remain in that setting and their needs can’t otherwise be met there with accommodations and extra services.</p>	<ol style="list-style-type: none"> 1. Review the <i>Bullying</i> overview. 2. If you have not already done so, put your bullying concerns in writing and submit to the principal. 3. <u>For youth with IEPs or 504 Plans</u>: Consider requesting an IEP or 504 Team meeting to implement extra supports to address bullying harms. 4. Refer to LANC if a complaint is needed to address a school’s, IEP Team’s, and/or 504 Team’s failure to properly address reported patterns of bullying. 	<p>pp51-54</p> <p>pp35-46 (IEP) pp26-31 (504)</p>

Bullying

(How can I protect my student from bullying?)

What is bullying?

- Under the law, bullying is different from the typical disagreements or conflicts that occur between friends or classmates in the school setting. Bullying is often part of a pattern of repeated, targeted, aggressive actions that make a student feel afraid and/or isolate the student from the school environment.
- Under North Carolina law, bullying only results in legal protections if:
 - a) It makes the student afraid that they or their property will be harmed **or** creates a hostile environment that substantially harms the student's ability to participate in and benefit from school; **and**
 - b) The fear or negative impact is reasonable under the circumstances.
- Bullying may also result in protections under federal law if:
 - a) It is based on a student's race, color, national origin, sex, disability or religion; **or**
 - b) It significantly interferes with the ability of a student with a disability who has an IEP or 504 plan to make meaningful progress in school.

What are my rights related to bullying?

- Students have a right to be free from bullying while at school, on the bus, or at a school-sponsored event (such as a sporting event or dance).
- Students who report bullying have a right to be free from retaliation or revenge.
- A school employee who has witnessed or has reliable information that a student has been bullied **must** report the incident to the appropriate school official (such as the principal).
- Every district **must** have and follow a written procedure for quick investigation of bullying reports.
- If a student with an IEP or 504 plan is being bullied for any reason, and the impact interferes with their ability to make meaningful progress in school, the student's IEP or 504 team **must** meet and update the student's IEP or 504 plan as needed to address the negative impacts of bullying.



Know the policy: Review your local school board policies (online or at the district office) regarding bullying.

Report, report, report: Always report bullying in writing to administrators at your child's school. Schools are only responsible for addressing bullying that they know is occurring.

Submit a **formal grievance** if a school is not taking proper steps to address known bullying

If a bullied student is suspended for defending themselves, share information about past bullying when challenging the suspension.

Ideas to Suggest for the School to Address Bullying

Individual solutions

- Separation of bully and victim (note: the victim should not be the one moved from their classes/school unless that is what they want.)
- Closer supervision/monitoring by staff
- Counseling or other mental health services
- Tutoring (if victim missed class time due to bullying)

School-wide solutions

- Bullying prevention programs
- Class or school wide discussions about bullying
- School-wide surveys to determine extent of bullying
- Staff training on how to recognize and address bullying
- Revisions to bullying policy (if necessary)

Legal Aid of NC's Right to Education Project (REP)

For additional resources: www.legalaidnc.org/rep

To apply for legal services: **1-866-219-5262**



Reporting bullying to an administrator is generally the most important first step. You may want to contact a lawyer if your student is being bullied based on his race, color, national origin, sex, disability or religion, or if the bullying is significantly interfering with your student's ability to make progress in school and the school has not taken steps to address it.

The information included here is not legal advice and does not cover all rights and remedies, or apply in every situation

BULLYING REPORT

Victim/Person Bullied

Name	
Grade	
School	

Bully/Bullies

	Bully 1	Bully 2	Bully 3	Bully 4
Name				
Grade				
School				

Description of Bullying (Include all relevant facts, such as dates, times, locations, what happened, witnesses, and the impact on the victim. Attach additional pages if necessary.)

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Requested Remedies (i.e., what you want the school to do about the bullying)

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Information of Person Filing This Report

Name	
Relationship to Victim	
Phone	
Email	
Mailing Address	

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records, and then give the form to the principal at your student's school.*

BULLYING GRIEVANCE

Parent/Guardian

Name	
Phone	
Email	
Address	

Student

Name	
Grade	
School	

My child was a victim of bullying at school. (See the attached "Bullying Report" form.)

My child's school violated the state bullying statute (G.S. § 115C-407.15) and the local bullying policy for the following reason(s). (Check all that apply.)

<input type="checkbox"/>	The school did not take adequate steps to investigate the bullying.
<input type="checkbox"/>	The school did not take adequate steps to prevent the bullying from continuing.
<input type="checkbox"/>	The school did not take adequate steps to remedy the effects of the bullying.
<input type="checkbox"/>	The school retaliated against me/my student for reporting the bullying.

Additional Details (Describe why you checked the box(es) above.)

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records. Then, attach a copy of the "Bullying Report" form above and submit both forms. Read your school district's grievance policy to determine whether to file the grievance with the principal or superintendent.*

BULLYING GRIEVANCE APPEAL

Parent/Guardian

Name	
Phone	
Email	
Address	

Student

Name	
Grade	
School	

My child was a victim of bullying at school. (See the attached "Bullying Report" form.)

My child's school violated the state bullying statute (G.S. § 115C-407.15) and the local bullying policy. (See the attached "Grievance" form.)

The response to my grievance was not adequate for the following reason(s).

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records. Then, attach a copy of the "Bullying Report" form and a copy of the "Grievance" form above, and submit all three forms to the Board of Education. Read your school district's grievance policy to determine whether to file the grievance with the principal or superintendent.*

Form: Request for an Individualized Education Program (IEP) Team Meeting

Student Name	
Student School	
Parent/Guardian Name	
Parent/Guardian Address	
Parent/Guardian Phone	
Parent/Guardian Email	

Dear Principal:

I would like to meet with my student's Individualized Education Program (IEP) Team to discuss my student's: (Check all that apply.)

- Behavioral issues
- Academic issues
- Area of eligibility/disability
- Teacher(s)
- Special education services
- Related services
- Accommodations
- Other: _____

Additional information:

Please have someone contact me within 10 school days with a possible date, time, and location for an IEP Team meeting.

Thank you,

Signature of Parent/Guardian

Date Submitted to the Principal