Understanding the New Bullying Law and District Policies

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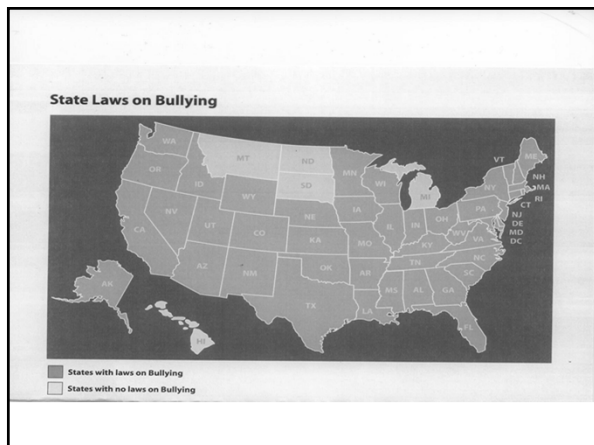email: Aprylle.Desrosiers@ed.state.nh.us

Policy and Law

- Some might say "a policy is not going to solve this problem." And they're right -- by itself, a policy won't end bullying. But there can be no solution to this problem without a clear policy.
- When we put in place clear policies, we set expectations for student conduct and empower educators to uphold standards for good behavior. Without policies, that work becomes all that much harder if not impossible.
- We know that a policy alone can't solve the bullying problem, but it's the foundation on which a solution can be built.
  - ➢ Kevin Jennings, OSDFS USDOE

USDOE Response

- All States are working on this.
- Technical assistance has been provided by Arne Duncan, USDOE Secretary of Education, for states with clear expectations for designing state law and district policies. (http://www.bullyinginfo.org)
- We are ALL doing this work not just NH.

State Laws on Bullying

NH RSA 193-F
Pupil Safety and Violence Prevention

- Law was amended in a 2010 legislative session.
- Effective July 1, 2010
- Legislation reaffirms that *"one of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools."* (RSA 193-F:2, 1).

Introduction

- All pupils have the right to attend public schools that are safe, secure, and respectful environments.
- The standards for school approval also direct that a district provide a safe and secure culture.
- The intent of the law is for schools to protect against and address bullying & cyberbullying.

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Policy

- All school boards shall adopt a written policy prohibiting bullying and cyberbullying.
- Policies acknowledge that bullying and cyberbullying can occur both in the school setting and out of the school if it interferes with a student's educational opportunities or disrupts a school day or event.

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Policy

- Policies should be put in prominent places , such as sitting areas outside offices. Public information.
- Addresses the 14 issues outlined in the law.
- Policies must be in place by January 1, 2011.

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14 Areas to be Addressed

1. Prohibition
2. Retaliation
3. Protection
4. Consequences
5. Dissemination

Reporting (6-9)

6. Incidents
7. Internal
8. Parents
9. Waiver

10. Investigating
11. Response
12. Accountability
13. Notification
14. Point Person

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14 Areas to be Addressed

Prohibition

A. a statement prohibiting bullying & cyberbullying

Retaliation

B. a statement protecting all students from retaliation and false accusations, and a process for developing a plan as needed to protect students from retaliation

Protection

C. a statement that all students are protected

Consequences

D. a statement of consequences for bullying & cyberbullying behavior

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14 Areas to be Addressed

Dissemination

E. a statement about how the policy is going to be disseminated to the whole school community.

Reporting (F-I)

Incidents

F. a clear procedure for students and others to report incidents.

Internal

G. internal procedure for reporting within the SAU/Charter community.

Parents

H. a clear process for notification of parents/guardian of both the perpetrator and the victim within 48 hours of the report.

14 Areas to be Addressed

Waiver

I. a procedure for the superintendent to grant a waiver, in writing, from the notification requirement if the superintendent or designee deems the waiver to be in the best interest of the victim or the perpetrator.

14 Areas to be Addressed

Investigating

J. a written procedure for investigation of reports (within 5 days) and identification of the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant an additional 7 school days. All parties must be notified of the extension.

14 Areas to be Addressed

Response

K. a response is required by principal or designee to remediate any substantiated incident in order to reduce risk of future incidents. This includes retaliation protection.

Accountability

L. a requirement that the principal or designee report all substantiated incidents to superintendent or designee.

14 Areas to be Addressed

Notification

M. written procedure to communicate with parents of victim and perpetrator within 10 school days of completion of the investigation regarding the school's remedies and assistance.(FERPA)

Point Person

N. the policy needs to state clearly (by job title) who is responsible for implementing the approved policy.

Training

All SAU's and Chartered public school shall provide:

- Training on prevention of bullying and cyberbullying as outlined in the policies must be offered for all of the community within 9 months of effective date (effective date July 1 and training by April 1) this section and annually thereafter
- Education in Pupil Safety and Violence Prevention must be provided for students and parents/guardians

Definitions

I.(a) "Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- (1) Physically harms a pupil or damages the pupil's property;
- (2) Causes emotional distress to a pupil;
- (3) Interferes with a pupil's educational opportunities;
- (4) Creates a hostile educational environment; or
- (5) Substantially disrupts the orderly operation of the school.

Definitions

(b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Definitions

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

Definitions

IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying.

V. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated.

11/12/2015

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

HANDOUT/TRANSPARENCY 7H
Sexual Harassment versus Flirting

SEXUAL HARASSMENT VERSUS FLIRTING

Sexual Harassment makes the receiver feel:	Flirting makes the receiver feel:
Bad	Good
Angry/sad	Happy
Demeaned	Flattered
Ugly	Pretty/attractive
Powerless	In control
Sexual Harassment results in:	**Flirting results in:**
Negative self-esteem	Positive self-esteem
Sexual Harassment is perceived as:	**Flirting is perceived as:**
One-sided	Reciprocal
Demeaning	Flattering
Invading	Open
Degrading	A compliment
Sexual Harassment is:	**Flirting is:**
Unwanted	Wanted
Power-motivated	Equality-motivated
Illegal	Legal

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Important Reminders:
- Sexual harassment is against the law.
- The target decides whether the behaviors are harassing or flattering.
- Men and women often perceive sexual attention differently.
- "No" means "No."
- Sexual harassment is based on a need for power, **not** physical attraction.

Reporting to DOE

Bullying per RSA193 F Pupil Safety and Violence Prevention

28. _____ Number of incidents of bullying *reported* during the past year (of any kind).
29. _____ Number of incidents of cyber bullying *reported* during the past year.
30. _____ Number of incidents of *investigated and actual* bullying during the past year (of any kind).
31. _____ Number of incidents of *investigated and actual* cyber bullying during the past year.
32. Number of incidents of *investigated and actual* bullying during the past year that were:
_____ Based on gender
_____ Based on sexual orientation
_____ Based on race, color, or national origin
_____ Based on disability
_____ Based on physical characteristics
_____ Based on any other basis

Reporting to DOE

33. _____ Number of *actual* bullying incidents that were a single significant event.
34. _____ Number of *actual* bullying incidents that were a pattern of deliberate harmful events.
35. _____ Number of *actual* bullying incidents that included physical harm to the victim.
36. _____ Number of *actual* bullying incidents that included harm to the victim's property.
37. _____ Number of *actual* bullying incidents that used social/emotional alienation or tactics.
38. _____ Number of *actual* bullying incidents that interfered with the victim's educational opportunities.
39. _____ Number of *actual* bullying incidents that substantially disrupted the orderly operation of the school.

Immunity

193-F:7 Immunity. A school administrative unit employee, school employee, chartered public school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this chapter. The department of education shall be immune from civil liability for its good faith conduct in making recommendations under this chapter.

PIP Strategy

- Prevention
- Intervention
- Protection

Notes to All

- Know your district's new policy.
- Know who to report bullying to (point person) or simply report it to the principal.
- Know how to report bullying.
- Follow up to see if it has stopped.
- Be familiar with characteristics of bullies (perpetrators), victims (targets), and bystanders (witnesses).

The Three-Tiered Prevention Model

- The first tier, or primary prevention, focuses on protection and prevention of bullying.
- Primary prevention should include a school-wide anti-bullying policy that affects all students, all parents, and all staff including teachers, administrators, secretaries, and playground staff (Walker & Shinn, 2002).

The Three-Tiered Prevention Model

- Primary prevention strategies may include effective academic and social skill instruction, violence prevention skill training, and an effective school-wide behavior plan.

The Three-Tiered Prevention Model

- Secondary prevention strategies focus on targeting *intervention* efforts to those students who have been identified as at-risk for being a bully or victim. Such interventions are typically implemented on an individual or small group basis to students who need more intensive support than provided via the primary prevention tier.

The Three-Tiered Prevention Model

Tertiary prevention programs are targeted at students with severe needs, including those students who are perpetual bullies or victims, and those that have threatened violence to peers and/or teachers and staff.

The Three-Tiered Prevention Model

• It is important that all three tiers be implemented in schools and that the three tiers are supported by evidenced-based research (Walker & Shinn, 2002).

Source: Davidson and Demaray for National Association Of School Psychologists

http://www.guidancechannel.com/default.aspx?M=a&index=1933&cat=17

Together we create the changes we envision.