Comprehensive Bullying Prevention Review Service

Maine-Endwell Central School District

December 2011
A Balanced Rationale

Legal Liability

Moral Obligation
Dignity for All Students Act of 2010

Reporting Discrimination or Harassment

• Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment, who acts reasonably and in good faith in reporting such information or initiates informal or formal proceedings, has immunity from any civil liability that may arise. No school district or employee may take, request or cause retaliatory action against a person who, acting reasonably and in good faith makes a report or initiates informal or formal proceedings.
Dignity for All Students Act of 2010

Requirements Set for School Districts:

• Develop policies intended to create a school environment that is free from discrimination and harassment.

• Include in the school district’s code of conduct an age-appropriate version of the policy, written in plain language.

• Develop guidelines to be used in school training programs to discourage discrimination and harassment. The guidelines must be designed to:
  ➢ Raise the awareness and sensitivity of school employees to potential discrimination or harassment.
  ➢ Enable employees to prevent and respond to discrimination or harassment.
  ➢ Support the development of nondiscriminatory instructional and counseling methods.

• At least one member of each school’s staff must be trained to handle human relations in the areas in which discrimination and harassment are prohibited.
OCR Dear Colleague Letter

• Under this new guidance, schools must do the following:

1. Recognize when harassment or bullying is based on a student’s disability, and consult with the district’s 504/ADA coordinator; and

2. Adopt a “comprehensive approach to eliminating the hostile environment” for the victim by disciplining the bully, training school staff on recognizing and responding to bullying, and monitoring the situation so that the bullying does not recur.
Defining Disability “Harassment”

• Section 504 of the Rehabilitation Act provides protection from discrimination and harassment of special education students: Special education students are protected from discrimination and harassment based on their disabilities under Section 504 of the Rehabilitation Act, a federal law prohibiting discrimination and harassment. If there is an allegation of discrimination under Section 504, the federal Office for Civil Rights (OCR) will conduct an investigation.

• The U.S. Department of Education issued a letter on July 25, 2000 to school personnel regarding disability harassment.
Disability Harassment

• Should be treated in the same context as sexual harassment

• Examples of things that could create a hostile environment for a student with a disability:
  ➢ Students teasing a student with dyslexia, calling him dumb and retarded
  ➢ Students placing objects and barriers in the path of classmates with physical impairments
  ➢ Students with disabilities denied access to lunch, field trips, etc. because of absences related to disability
Scope of Review

Policies & Handbooks
- Codes of Conduct
- District-wide Procedures

Communication Practices
- Internal
- External

School Climate
- Data
- Stakeholder Perceptions

Investigatory Procedures
- Reporting Forms
- Data Tracking
Scope of Review

Staff Development
- Comprehensive
- Ongoing and Systematic

Student Programming
- Alignment
- Consistency

Appendices
- Model Forms
- Suggested Plans & Policies

Resources
- Articles
- Research
- Legal Standards
District Policies

Findings:

• The District policy manual is available to the public on its website. The District has adopted the following policies pertinent to this review:
  – 4610 “Sexual Harassment”
  – 4611 “Anti-Discrimination”
  – 5131 “Code of Conduct”
  – 6213 “Internet Protection Policy”

• Many stakeholders could not identify a District definition for bullying.

• There was lack of clarity regarding the existence of a policy.
District Policies

Commendations:

• Overall, the policies of the District are thorough and complete. The District has developed a document named “Title IX Compliance Guidelines: Anti-Discrimination and Sexual Harassment” which provides staff members with an excellent summary of these policies in plain language and outlines the grievance procedures in a clear format.
District Policies

Recommendations:

• Adjust policy #4611’s title to be named “Non-discrimination and Anti-Harassment in the School District.” The policy should include the title and contact information for the compliance officer.

• Update policy #4611 to add language of “actual or perceived” and include the following protected classes: race, color, national origin, religion, marital status, military status, sex, age, sexual orientation, gender (identity, expression), disability, predisposing genetic characteristic, ethnic group, religious practice, or weight.

• Include “cyber-bullying” as component of Internet Safety Instruction or at least cross reference policy #7552.
District Policies

Recommendations:

• The District does not currently have a specific policy concerning the prevention of bullying and harassment. District should adopt a policy in advance of the July 1, 2012 mandate of the Dignity for All Students Act.

• The District does not currently have a specific policy or administrative procedure concerning Disability Harassment. District should enact procedures including a prohibition, reporting procedure and investigatory guideline.

• The District should consider enacting a Bullying and Harassment Prevention plan which can be easily distributed to members of the school community.
Handbooks

Findings:

- The District Handbook states under the Internet Protection Policy, “All users are prohibited from accessing, transmitting or retransmitting any material which is violent, derogatory, inflammatory or which otherwise constitutes cyber bullying.” The section on School Bus Conduct contains the following prohibited student behavior “Fighting, physical threats, extortion, harassment, and verbal abuse.” In addition, the Sexual Harassment and Anti-Discrimination policies are included in this handbook.
Handbooks

Findings:

• Homer Brink’s “Principal’s Handbook for Teachers” no mention of bullying. Homer Brink also produces a “Family Handbook.” In the Code of Conduct section, under the category of “Right Choices” it states “Say no to fighting, horseplay and/or bullying.” There is also reference to the District policy related to Harassment.

• Maine-Memorial’s “Student Handbook.” Contains no specific rule against bullying or harassment.

• No other handbooks were produced for review.
Handbooks

Commendations:

• The Student and Family handbooks are overall well-written and logically constructed.

• The Student Code of Conduct outlined in the Homer Brink Elementary School Student Handbook is an excellent tool to provide clarity of understanding of responsibilities for students.

• The inclusion of the Sexual Harassment Policy and Anti-Discrimination Policy is appropriate and in good form.
Handbooks

Recommendations:

- Each handbook should be updated to include the following policies:
  - Updated Policy #4610 “Sexual Harassment of Students”
  - Updated Policy #4611 “Anti-Discrimination”
  - New Bullying and Harassment Prevention Policy
  - New policy or administrative procedure on Disability Harassment

- All or part of the Bullying/Harassment Prevention Plan At the very least, the plain language definition of bullying and harassment and rules prohibiting bullying and harassment should be included in all handbooks.
Handbooks

**Recommendations:**

- Handbooks should have specific bullying/harassment reporting instructions for both students and staff.
- Handbooks should be updated to contain an up-to-date version of the District’s “Title IX Compliance Guidelines: Anti-Discrimination and Sexual Harassment” form.
- Handbooks should contain Dignity Act Coordinator and Title IX and 504 Compliance Officers and their contact information.
- Handbooks should be updated to contain additional resources on bullying or directions for students and staff of where they can find additional resources.
Code of Conduct

Findings:
The Code of Conduct contains the following pertinent information:

“Prohibited Student Conduct
“E. Engage In Any Conduct That Endangers The Safety, Morals, Health Or Welfare Of Others. Examples of such conduct include:

3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
Code of Conduct

Findings:

5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee.
Code of Conduct

Commendations:

• Although stakeholders could not specifically point to a policy prohibiting bullying and harassment, they believed such polices were in place and consistently pointed to the Code of Conduct as the location where such behaviors were addressed.

• It is clear that the Code of Conduct is widely distributed and viewed as comprehensive in nature.
Recommendations:

• The Code of Conduct, under Prohibited Student Conduct #4, should be updated to include all protected classes included in the Dignity for All Student Act.

• Update the Code of Conduct to state the following: “Off-campus misconduct that endangers the health and safety of students or staff within the school or that which can be reasonably predicted to substantially disrupt the educational process is prohibited. Examples of such misconduct include but are not limited to:
  – Cyber-bullying (i.e. inflicting will and repeated harm through the use or electronic text)
  – Threatening or harassing students or school personnel over the telephone, internet or other electronic medium.”
Communication Practices

Findings:

• The majority of stakeholders had a limited degree of knowledge of DASA.

• The stakeholders could provide an educated guess as to what Disability Harassment is. No stakeholder was aware of the Office of Civil Rights (OCR) guidance in regards to Disability Harassment.

• The stakeholders could not identify a District definition of bullying. Stakeholders did express a broad personal definition of bullying.

• There appeared to be general confusion as to where to find definition, procedures and policies regarding bullying.

• Many stakeholders indicated the District has a “Zero Tolerance” policy regarding bullying.
Communication Practices

Commendations:

• All Board policies are available via the District website. Also available on the website is the District Handbook which also includes pertinent policies regarding anti-discrimination, anti-harassment policies and internet protection policy.

• Staff members reported that administration addressed issues of bullying seriously and promptly.
Communication Practices

Recommendations:

• Develop a communication plan to ensure that all stakeholders have read and can specifically know where to find district policies, student handbooks, and other documents that outline district requirements in addressing bullying. Include in the communication plan a specific procedure for documenting all bullying incidents.

• Add an Anti-Bullying link on the District website. This link should include definitions, stakeholder reporting procedures and general investigative procedures.

• Develop a bullying reporting form. Provide this form on the District website to be completed by students, staff and community members and sent directly to pertinent District personnel.
Communication Practices

Recommendations:

• Conduct staff training to ensure identification of bullying/harassment. Training should include all updated District policies and procedures. Include all staff (administration, teachers and support staff). Possible times for training could include opening or Superintendent’s day. Training/updates pertaining to bullying/harassment should occur at a minimum annually.

• Develop a mechanism to alert stakeholders of pertinent information and follow-up after an incident of bullying has occurred. This can be accomplished in writing through utilization of a bullying reporting form or orally during appropriate stakeholder meetings.

• Include anti-bullying information in District/building newsletters that are shared with both the community and staff.
School Climate

Findings:

- Stakeholders scored high marks for the district in terms feeling physically, emotionally and socially safe. Although, intellectually safe received solid ratings by stakeholders, it did indicate the most room for growth.

- Stakeholders acknowledged bullying does occur in the schools, but the majority felt not at a high level. Several interviewees indicated bullying occurs, but they had no or very little direct observation or experience with it.
School Climate

Findings:

• Stakeholders often directed the bulk of responsibility for anti-bullying efforts toward administration.

• Stakeholders indicated bullying, if any, typically occurs in unstructured areas (cafeteria, halls, buses). Bullying is not an issue in the classroom.

• Some stakeholders indicated concerns of adults bullying students.
School Climate

Commendations:

• Stakeholders acknowledge that there is bullying in the district.

• The district has implemented the Covey 7-Habits program. Many stakeholders have a strong awareness of its components and see it as the district’s approach to addressing bullying. Often, stakeholders said, “Leaders do not bully.” Since this effort has been relatively successfully integrated into the district, the opportunity and culture exists to build on this effort in order to address bullying.

• Schools in the district have for many years brought in programs and guest speakers whose message is either specifically or tangentially designed to be anti-bullying.

• Utilizing students as mentors of students new to the school is particularly strong, which can be a protective measure against bullying.

• Stakeholders expressed a desire for standardized, unified approach to both preventing and addressing bullying.
School Climate

Recommendations:

• Conduct surveys on a consistent basis. Survey students and staff to assess the school climate and determine the types, frequency, location, etc. of bullying.

• Build anti-bullying climate through the Implementation of a specific research-based program to address bullying at all levels.
Investigatory & Reporting Procedures

Findings:

• During the 2010-11 school year, a survey was administered to a sample of students as part of the SHARE Project. In addition, data has been gathered through surveys administered by the KYDS coalition.

• Stakeholders reported various degrees of disciplinary actions taken as a result of bullying depending on the severity of actions of the perpetrator. Investigations are consistent with those conducted for other disciplinary incidents.

• Stakeholders were hopeful DASA would be the impetus to provide more structured guidelines on how bullying is defined and addressed.
Investigatory & Reporting Procedures

Findings:

• The District does not have a specific reporting form for Bullying/Harassment. There does not appear to have a mechanism to easily report incidents of bullying and harassment remotely or anonymously.

• The District’s student management software does not have a means to effectively track incidents of bullying and harassment. Staff members did not have a clear protocol of when and if they should report incidents of bullying and harassment that occurred within the classroom which they considered resolved.

• Stakeholders were hopeful DASA and this review process would be the impetus to provide more structured guidelines on how bullying is defined and addressed.
Investigatory & Reporting Procedures

Commendations:

• Administering a survey is a key step in gathering information by which appropriate actions to reduce bullying and harassment can occur. The District is to be commended for the administration of these surveys.
Investigatory & Reporting Procedures

Recommendations:

• It is recommended that a system for tracking incidents of bullying and harassment be developed and implemented within the District’s student management software.

• The Bullying and Harassment Formal Complaint Form should be widely distributed and staff, students and parents should be made aware of its existence. This should become the means by which all incidents are reported and data is secured.

• It is recommended that a means to remotely report bullying and harassment be developed. Such a system could easily be incorporated into the District website with direct e-mail submission to the appropriate administrator.
Investigatory & Reporting Procedures

Recommendations:

• A protocol should be developed whereby staff members are directed to report incidents of bullying and harassment. Additional means for reporting should be clearly communicated to all stakeholders.

• A mechanism for anonymous reporting of bullying and harassment is encouraged.

• Additional follow-up to staff and parents following reports of bullying and harassment is recommended.

• Information gathered through the administration of surveys should be shared with stakeholders and used to determine necessary programming and additional needs such as heightened supervision and “hot spots” for bullying.
Staff Development & Training

Findings:

• The district has not clearly articulated a professional development plan for all district stakeholders in regard to bully prevention and harassment as required by NY State legislation.

• Stakeholders presented a limited knowledge of DASA and none were able to articulate knowledge of Disability Harassment.

• Stakeholders acknowledge “mention” of DASA but could not articulate formal professional development in terms of a deeper understanding or application of its requirements.

• Stakeholder interviews and document submissions do not indicate a clear articulation of district expectations for individual and systemic response to incidents of bullying and/or harassment.
Commendations:

• The District has created a culture supportive of professional development in its pursuit of becoming a Total Learning Community. This environment finds the district poised to proceed with professional development in bully prevention once a determination is made to move forward with an aligned, cohesive plan.
Staff Development & Training

Recommendations:

• Develop and implement a research-based scope and sequence for training of all employees in addressing and preventing bullying/harassment/disability discrimination. The Olweus Bully Prevention Program is highly recommended to achieve this end.

• The District should create a timeline for implementation of professional development (on-going for all employees.)

• Buildings and departments should leverage existing faculty or staff meeting times to address bullying/harassment.

• Create and implement a mechanism to track the completion of all professional development in relation to bully prevention, discrimination and/or harassment.
Student Programming

Findings:

• The District has invested extensively in the training and implementation of Steven Covey’s Seven Habits of Highly Effective People and Sean Covey’s Seven Habits of Highly Effective Teens. Bully prevention and harassment awareness are implied characteristics of this program and implemented to various degrees dependent upon the school building.

• Other programming includes: Morning Program, Think Tank, Words of the Month, Pictorial Code of Conduct, Kelso’s Choice, a Teacher Assistant lead character education curriculum, the Spartan Academy, Rachel’s Challenge, Rachel’s Friends welcoming new students, cell phone and technology safety curriculum, an anti-bullying unit in the MS health curriculum, and sportsmanship through Physical Education classes.

• Through interviews and documents review, it is evident that a cohesive, deliberate PK-12 bully prevention and awareness program does not exist.
Student Programming

Commendations:

• Stakeholders at the high school level spoke highly of the Spartan Academy and the positive impact of the mentor relationship between upper classmen and incoming freshman in creating an accepting environment.

• Character education based programs, including but not limited to the Seven Habits of Highly Effective People, exist at all grade levels thus allowing for the potential to incorporate bully prevention programming with ease.
Recommendations:

• Review the current implementation of the 7 Habits program and create explicit connections, curriculum, and or programming to address bully prevention or implement a supplemental program to address bully prevention such as the Olweus Bully Prevention Program.

• Review and align current PK-12 core curriculum offerings that address bully prevention, harassment, and or discrimination at all grade levels and content areas.
Summary

- The Maine-Endwell Central School District has a very positive culture with extensive programming and a strong commitment to students. Making these commitments explicit is the next necessary step. Relatively minor adjustments and additions will improve climate while simultaneously limiting liability.
Promote Change in the School

“Research indicates that creating a supportive school climate is the most important step in preventing harassment.”

U.S. Department of Education; Office for Civil Rights, January 1999, Protecting Students from Harassment and Hate Crime: A Guide for Schools
Final Thought...

“It is easier to build strong children than to repair broken men.”

-Frederick Douglas