



AFC'S GUIDE TO

Preventing & Addressing Bullying

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

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This guide does not constitute legal advice. This guide attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

INTRODUCTION

Your child has the right to attend a school where your child is safe and supported and there is no bullying, harassment, or discrimination. This guide describes bullying behavior and signs a child may be bullied. It also includes the education rights of students who are bullied or engaged in bullying behavior and attend New York City Department of Education (DOE) schools, including special protections for students with disabilities.

WHAT IS BULLYING?

Bullying is aggressive behavior that is meant to hurt another person who did not cause the aggressive behavior. The person doing the bullying says or does something on purpose to harm the other person physically or emotionally. The person doing the bullying has (or others think they have) more power and strength than the person being bullied. Power can be in age, physical strength, or popularity. The behavior often happens again and again.

Bullying is physical, verbal, social, written, or electronic behavior that creates a hostile environment by:

- Substantially interfering with a student's learning;
- Substantially interfering with a student's mental, emotional, or physical well-being;
- Causing or reasonably expecting to cause a student to fear for her safety; OR
- Causing or reasonably expecting to cause physical injury or emotional harm.

Examples of behavior that may be bullying:

- Physical violence, stalking, threats, taunts, or teasing.
- Aggressive or menacing gestures.
- Using offensive language, making offensive jokes, name calling, or using slurs.
- Leaving someone out from a group to humiliate or isolate the person, such as: "I don't let fat girls sit next to me" or "I don't talk to him because he's actually a girl."

Electronic bullying behavior includes using any kind of technology such as: the Internet, email, social media, blogs, chat rooms, cell phones, and gaming systems.

HOW MUST THE DOE PROTECT MY CHILD AGAINST BULLYING, HARASSMENT, AND DISCRIMINATION?

The New York City Department of Education (DOE) does not allow bullying, harassment, and discrimination for any reason, including a student's actual or perceived sexual orientation, gender, gender identity, gender expression, sex, disability, weight, race, color, ethnicity, national origin, immigration status, religion, or religious practice.

The DOE does not allow bullying, harassment, and discrimination by students or school staff.

To report harassment or discrimination by school staff, contact 311 or the Office of Special Investigations at (718) 935-3800 or https://www.nycenet.edu/offices/osi/CPR_Form/form.aspx. To report verbal abuse by school staff, contact 311 or the Office of Equal Opportunity at (718) 935-3320 or <http://tinyurl.com/OEOComplaintForm>.

Each school must:

- Pick a **Respect for All (RFA) Liaison** to help students and staff prevent and address bullying, harassment, and discrimination.
- Post a Respect for All poster (logo shown at right) with the RFA Liaison contact information.
- Train all students and staff on anti-bullying policies.



Where and when is bullying not allowed?

Bullying, harassment, and discrimination is not allowed on school grounds before or after school, in DOE cars, and at DOE-sponsored events. The behavior is also not allowed if it takes place outside of school and disrupts your child's learning or would harm the school community. For example, it is bullying behavior if a student uses social media at home at night to threaten to hurt another student at school.

Can I or my child get in trouble for reporting bullying?

No one can be punished for reporting bullying, harassment, or discrimination.

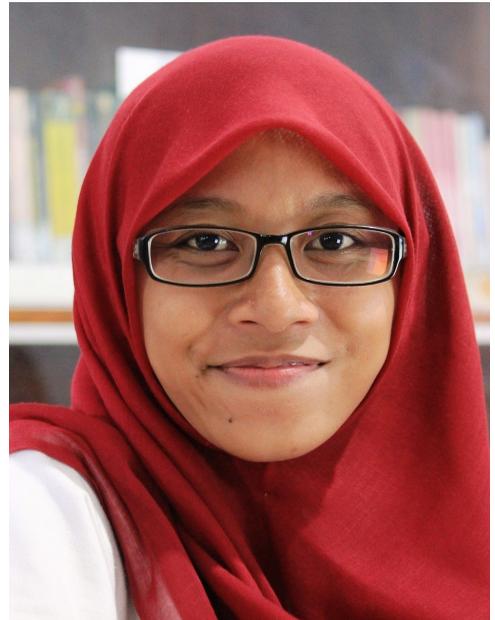
HOW DO I KNOW IF MY CHILD IS BEING BULLIED, HARASSED, OR DISCRIMINATED AGAINST?

Your child may tell you about being bullied. Ask your child questions to find out what happened, such as:

- Who was there?
- What was going on?
- What was said?
- Where was this going on?
- Were other kids around?
- What were the other kids doing?
- Were there any adults around?
- What were the adults doing?
- What did you do?
- How did you feel?

Your child may not tell you about being bullied. Here are some warning signs that a child may be bullied:

- Injuries, marks, or bruises that a child cannot explain.
- Lost or destroyed items.
- A lot of headaches or stomachaches; often feeling sick or pretending to be sick.
- Trouble sleeping or nightmares.
- Low grades or loss of interest in school.
- Not wanting to go to school.
- Low self-esteem.



REMEMBER!

Not all children will show the same warning signs, and some may not show any.

WHAT CAN I DO IF MY CHILD IS BULLIED, HARASSED, OR DISCRIMINATED AGAINST?

Immediately report the incident to the school.

You or your child can report the incident to any school staff member, such as the principal, guidance counselor, or Respect for All (RFA) Liaison.

You can report the incident in person, over the phone, or in writing in any language. Give as much information as you can.

- What happened?
- Who was involved?
- When did it happen?
- Where did it happen?
- How did it harm your child?

TIP:

If you make a report in writing, keep proof. Send it by certified mail, return receipt requested, by email with confirmation, or by fax with confirmation. You can also hand-deliver the report to the school and have a copy stamped with the date it was given. If you make a report in person or over the phone, write down what you report, who you report it to, and when you report it.

School staff who see or learn about bullying, harassment, or discrimination must:

1. Orally report the information to the RFA Liaison or principal within one school day and file a written report within two school days of the oral report.
2. After the incident is reported, school staff must enter it into the DOE's **Online Occurrence Reporting System (OORS)** within 24 hours. You can ask for a copy of the OORS report and reference number.

If you do not feel comfortable reporting the incident to school staff, or if you made a report to school staff but the bullying has continued, you can:

1. Call 311.
2. Email the **Office of Safety and Youth Development (OSYD)** at RespectforAll@schools.nyc.gov. The report can be anonymous and in your main language. After making the report, remember to keep the reference number.
3. Call the school's Superintendent (the phone number is on the school website).
4. Call or email the School Climate Manager at your school's Field Support Center (contact information: <https://sites.google.com/a/strongschools.nyc/contacts/>).

WHAT HAPPENS AFTER A REPORT OF BULLYING IS MADE?

Within 5 days of a bullying report, the principal must investigate it and decide whether there was bullying, harassment, or discrimination.

The investigation should include:

- An interview with the student who has been allegedly bullied, harassed, or discriminated against.
- An interview with the student accused of bullying, harassment, or discrimination.
- Interviews and written statements from any witnesses.

The DOE should provide an interpreter for any student who does not speak English.

The principal must decide whether the behavior is bullying, harassment, or discrimination. The principal should consider many factors such as the students' ages, what happened, how serious the behavior is, how often the behavior happened and how long it lasted each time it happened, the context in which the behavior happened, where the behavior happened, the number of students involved, and whether the behavior harmed the student's education.

The parents of the students bullied and engaged in bullying should be told the results of the investigation.

The DOE should tell the parents in a language they understand.

NOTE:

If your child is *accused* of bullying behavior, the school should follow all the same steps listed here.



The school should recommend supports and interventions for all students bullied and engaged in bullying behavior. You can also ask for supports and services for your child.

Examples include:

- Individual counseling
- Positive behavioral supports
- Education services
- Social skills training
- Learning skills to cope with emotions
- Collaborative problem solving

If all students want to try to work things out, the school may recommend or you can ask for restorative practices, conflict resolution, or mediation.

If the principal decides that a child's behavior violated the Discipline Code:

- The principal may hold a parent conference or formal restorative conference; or
- The principal may try to suspend the student. If the principal decides to suspend the child, the parent and child have rights. See AFC's *Guide to School Suspensions*: http://www.advocatesforchildren.org/sites/default/files/library/suspension_guide.pdf.

If you think your school needs help supporting your child, you may contact the School Climate Manager at the school's Field Support Center (contact information: <https://sites.google.com/a/strongschools.nyc/contacts/>).

The principal must make sure that the behavior stops.

If the behavior **does not stop**, or you **do not agree** with how the school describes the incident or did the investigation, you can:

1. Talk to the principal again.
2. Call 311.
3. Email RespectforAll@schools.nyc.gov.
4. Call your school's Superintendent's office.
5. Call or email the School Climate Manager at your school's Field Support Center.

Chancellor's Regulation A-832 lists the steps your child's school must follow. It can be found here in 10 languages:

<http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/VolumeA>.

TIP:

If the behavior still does not stop, reach out to us via our Helpline (see the back cover of this guide for contact information).

HOW CAN I WORK WITH THE SCHOOL TO PREVENT FUTURE BULLYING?

You can ask the principal, guidance counselor, or Respect for All Liaison to hold a meeting with you to create a **safety plan**. A safety plan is a plan for how the school will keep your child safe at school.

A safety plan can include:

- Changing your child's seat or schedule, such as sitting near the teacher or leaving a class or school at a different time to avoid incidents;
- Adults your child can talk to if your child feels unsafe;
- Ways your school will teach your child how to self-soothe;
- Ways your school can address tensions between students or staff; and
- A buddy system for your child during certain times of the day.

If you or the school would like help creating a safety plan, you may contact the School Climate Manager at the school's Field Support Center (contact information: <https://sites.google.com/a/strongschools.nyc/contacts/>).



LEARN MORE:

For more information on the DOE's policies on bullying, harassment, and discrimination, visit the Respect for All website at <http://schools.nyc.gov/RespectforAll>. You can also check out PACER's National Bullying Prevention Center, which has lots of resources for students, parents, and teachers on preventing and addressing bullying at all grade levels: www.pacer.org/bullying/.

CAN MY CHILD WHO HAS BEEN BULLIED OR ENGAGED IN BULLYING BEHAVIOR TRANSFER TO ANOTHER SCHOOL?

Your child has a right to stay at the school even if your child has been bullied, harassed, or discriminated against. The principal must make bullying behavior stop so that your child feels safe at school.

However, you may decide to ask for a transfer so that your child can go to another school. A **Safety Transfer** is given when it is unsafe for a student to stay at the student's school. You can pick one of these two ways to ask for a safety transfer:

1. Ask the Principal, Dean, or Assistant Principal at your child's school. The school staff will send documents to the Family Welcome Center to ask for the safety transfer. The documents include the incident (OORS) report and safety transfer forms.
2. Go to a Family Welcome Center. Bring a copy of documents to support your request, such as the incident (OORS) report, written statement by you or your child, medical records, letter from someone who saw the incident, or a letter from your child's health provider. You do NOT need a police report.

You can ask for your child to transfer to a certain school that has available seats. The Office of Student Enrollment must make a decision within 5 business days.

A **Guidance Transfer** may be an option if your child has been bullied or engaged in bullying behavior. You can ask for a Guidance Transfer if your child is not progressing or succeeding academically or socially and a new school would address these concerns.

To ask for a guidance transfer:

1. Go to a Family Welcome Center. Bring copies of documents to support your request such as report cards, assignments, progress reports, suspension letters, incident reports, etc.
2. The Family Welcome Center may contact the school for more information.

NOTE:

You can find a list of Family Welcome Centers at <http://schools.nyc.gov/welcomecenters>.

WHAT ARE MY RIGHTS IF MY CHILD HAS A DISABILITY AND HAS BEEN BULLIED OR ENGAGED IN BULLYING BEHAVIOR?

If your child has an IEP and has been bullied or engaged in bullying behavior, you have the right to ask for an IEP meeting to talk about the incidents and your concerns.

You can ask the IEP team to change the IEP to add your concerns about bullying and add supports and services for your child. Examples of IEP changes to ask for are:

- Individual counseling;
- A social skills group;
- Learning skills to identify and cope with emotions;
- Positive behavioral supports and interventions;
- A paraprofessional;
- Adding a safety plan into the IEP (see page 9 of this guide for more information);
- Special Education Teacher Support Services (SETSS) in or out of the class; and
- Changing your child's program so your child has classes only with students who have the same disability or classification as your child.

If you think your child's behavior is harming your child's ability to learn, you can ask the school to do a Functional Behavioral Assessment (FBA).

An FBA is an evaluation to understand when and why your child behaves a certain way. You can ask the IEP team to use the FBA to create a **Behavioral Intervention Plan (BIP)**. A BIP is a plan to support your child in changing your child's behavior. Make sure the IEP team adds the BIP to the IEP. For more information on FBAs and BIPs, see AFC's Fact Sheet on FBAs and BIPs: http://www.advocatesforchildren.org/sites/default/files/library/positive_interventions_FBAs_and_BIPs.pdf.

You or your child's school may contact the Special Education Administrator or Behavioral Specialist at the school's Field Support Center to help the school support your child (<https://sites.google.com/a/strongschools.nyc/contacts/>).

For more information on supporting students with disabilities, please see AFC's *Guide to Special Education*: http://www.advocatesforchildren.org/sites/default/files/library/special_ed_guide.pdf.



Our Mission

Advocates for Children of New York (AFC)'s mission is to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. AFC achieves this through four integrated strategies:

- Free advice and legal representation for families of students;
- Free trainings and workshops for parents, communities, and educators and other professionals, to equip them to advocate on behalf of students;
- Policy advocacy to effect change in the education system and improve education outcomes; and
- Impact litigation to protect the right to quality education and to compel needed education reform.

Still have more questions? Please call the Jill Chaifetz Education Helpline:

Monday through Thursday

10 am to 4 pm

866-427-6033 (toll free)

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