



Resource Guide to Bullying and Harassment

Bullying Definition

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems.

In order to be considered bullying, the behavior must be aggressive and include:

- An Imbalance of Power: Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- Repetition: Bullying behaviors happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

Types of Bullying

There are three types of bullying:

1. Verbal bullying is saying or writing mean things.
Verbal bullying includes:
 - Teasing
 - Name-calling
 - Inappropriate sexual comments
 - Taunting
 - Threatening to cause harm
2. Social bullying, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships.
Social bullying includes:
 - Leaving someone out on purpose
 - Telling other children not to be friends with someone
 - Spreading rumors about someone
 - Embarrassing someone in public

3. Physical bullying involves hurting a person's body or possessions.

Physical bullying includes:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's things
- Making mean or rude hand gestures

Where and When Bullying Happens

Bullying can occur during or after school hours. While most reported bullying happens in the school building, a significant percentage also happens in places like on the playground or the bus. It can also happen travelling to or from school, in the youth's neighborhood, or on the Internet.

Continuum of Behaviors



Generic bullying and harassment



Rude, disrespectful behavior

- Single incidents of:
- Ignoring someone
 - Talking down to someone
 - Making faces at someone
 - Rolling your eyes at someone
 - Sneering at someone
 - Laughing at someone
 - Calling someone a derogatory name (not related to a protected category)

Bullying (legal definition)

Student to student **ONLY**

For **ANY** reason:

- Weight
- Clothes
- Where you live
- Height
- Age
- Hair
- Socioeconomic status

Happens over a period of time and is repeated

Need to look at the **intent** of the alleged bully

Includes off-campus cyberbullying as of May 2011

HOWEVER, if there is **overt** reference to a student's protected category status, treat the incident as possible harassment

Harassment (legal definition)

Student to student AND between students and adults

Based on **ACTUAL OR PERCEIVED** student's or student's family member's membership in a protected category:

- Race
- Creed (religion)
- Color
- National Origin
- Marital Status
- Sex
- Sexual Orientation
- Disability
- Gender Identity

Includes off-campus cyberharassment as of May 2011

Happens over a period of time and is repeated **OR** a single severe incident

Need to also look at **impact** of alleged conduct on the target

Criminal behavior

Can include:

- Physical/sexual assault
- Hate crimes
- Disorderly conduct via electronic communications
- Cyberstalking

A school can contact the police or advise parents to contact the police but the school should also do its own investigation of bullying or harassment complaints that may have a criminal element.

Defer to police and/or DCF investigations (legitimate reasons for delaying start of a harassment investigation)

Protect Your Child with Disabilities from Bullying at School

Use the Individualized Education Program (IEP)

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) will have an IEP. The IEP can be a helpful tool in a bullying prevention plan. Every child receiving special education is entitled to a free, appropriate public education (FAPE), and bullying can sometimes become an obstacle to receiving that education.

The IEP team, which includes the parent, can identify strategies that can be written into the IEP to help stop the bullying. It may be helpful to involve the child, when appropriated, in the decision-making process.

Such strategies include:

- Identifying an adult in the school whom the child can report to or go to for assistance
- Determining how school staff will document and report incidents
- Allowing the child to leave class early to avoid hallway incidents
- Holding separate in-services for school staff and classroom peers to help them understand a child's disability
- Educating peers about school district policies on bullying behavior
- Reassurance from the school staff to the student that they have a right to be safe and that the bullying is not their fault
- Shadowing by school staff of the student who has been bullied; shadowing can be done in hallways, classrooms, and playgrounds

Work with the School

Every school must have a policy that prohibits bullying and harassment in school settings.

When parents learn about a bullying situation, they should be supportive and explain to the child that being bullied is not their fault. Once parents have reassured their child, they can meet with the school principal or staff responsible for investigating bullying and harassment complaints. They should share what they know, explain how the situation is affecting their child, and ask what the school can do to keep their child safe at school and on the bus. Parents should keep a written record of what happened at this meeting, including names and dates.

If a bullying situation is not resolved after meeting with school staff, parents should send a brief, factual letter or e-mail to the district superintendent requesting a meeting to discuss the situation. Copies of this letter can also be sent to the principal, special education director, and chair of the school board. Parents should make sure to keep a copy. [A sample letter](#) pertaining to children with disabilities is available at PACER.org/bullying.

Know the Law

If bullying is based on a child's disability, it may violate that child's federal legal rights under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

In a [Letter to Colleagues](#) issued on October 21, 2014, the U.S. Department of Education's Office for Civil Rights (OCR) informed all U.S. public schools that bullying and harassment, including harassment of one student by another, can be a form of prohibited discrimination. Federal law prohibits discrimination, including harassment, in education programs and activities on the basis of disability, race, religion/creed, color, national origin, sex, gender identify, sexual orientation or marital status.

According to the OCR and Department of Justice, however, not all bullying constitutes "harassment," and the specific conduct must be examined to determine if civil rights were violated. Read the [definition of "disability harassment"](#) as stated by the OCR and the Office of Special Education and Rehabilitative Services.

Although children with disabilities face a higher risk of being bullied, parents can take proactive steps to ensure their child's safety. Promoting innovative ideas such as Peer Advocacy Programs, using the IEP as a bullying prevention tool, working with the school, and knowing the law can help parents protect children with disabilities from bullying.

Record Keeping and Bullying

Billy, a 12-year-old diagnosed with an anxiety disorder, had been a target of bullying since the first day in his new school. He told his parents about the behavior right away. Billy's dad bought a journal and has recorded each of Billy's conversations about the bullying incidents. Billy's father started a second section of the journal after he began having conversations with Billy's teachers and other school personnel. When the parents decided to write the school a letter, they were able to easily refer to the journal for an accurate and thorough account of the events.

When a child is a target of bullying, parents need to document the events and develop a record (or history) of what is happening to their child. This record is useful when talking with school educators, law enforcement personnel, or other individuals who may need to assist parents in intervening against bullying.

Parents, as the most invested party, should do their best to keep track of events. In this way, emotions alone do not drive the discussion. Records can help parents keep a concise, accurate timeline of events. Parents may think they are going to remember the events, but it is easier to use a written record when referring to events versus trying to recreate them afterward. The record can

also help in determining if the bullying behavior has increased or decreased in frequency or duration. The record should be factual and based on actual events. Do not add opinions or emotional statements. Data is important. Remember—if it is not in writing, it does not exist.

Content should include:

- written information about the bullying incidents,
- the date of the event,
- the persons involved,
- and the child’s account of the event.

Also include:

- all communication with professionals (teachers, administrators, etc.)
- the date of the communication
- discussion (summary) of the event
- the responses of the professional
- the action taken
- reports filed by the school in accordance with the school district policy

Other methods for recording events may include pictures taken of the child after a bullying incident to document any physical evidence, health care records that indicate bullying, or a recording of the child talking about the bullying.

Notifying School Administrators of Harassment Concerns

A Gebser letter is the most powerful letter you will ever write on behalf of your child and their ability to get a free and appropriate public education. The formula for the Gebser letter comes from US Supreme Court Justice Sandra Day O’Connor in the Gebser case. They spelled out that unless the school district has actual knowledge of something going on you can’t get damages from them so in keeping with that US Supreme Court case special education lawyers like Reed Martin have interpreted the case and have come up with a cookbook formula for parents to utilize so that they can get the services that your child deserves.

The following are 10 suggested steps to follow when parents choose to write a “Gebser letter” to the School District (These are taken from the late attorney Reed Martin’s “10 steps to making a successful complaint”).

1. In writing, address the notification to a specific person and date the letter.
2. Write the letter to a person who has the authority to investigate and the authority to correct the wrong.
3. Note that the school district is a recipient of federal financial assistance.
4. State the past or continuing discriminatory activity against your child.
5. State that the school district has control over both the site of the discrimination and over any school personnel involved.
6. Explain that the discrimination was not a single act but was severe and pervasive.

7. Tell how the discrimination excluded your child from continued participation in school or denied your child the benefits to which other students in school have access.
8. Explain, as well as you can, what you would like the school to do to stop the discrimination or to remediate the harm the discrimination has done to your child.
9. Ask for a copy of a school district grievance procedure under Section 504 (even if your child has an IEP under IDEA). Not having this information may result in continued discrimination.
10. State that if the person receiving this letter does not investigate or does not take effective corrective action, that you may claim that the district showed deliberate indifference to the discrimination. You may also want to add a date you expect to hear back from the district in regards to your letter.

Resources

Two sources of federally collected data on youth bullying

- The [Youth Risk Behavior Surveillance System](#) (Centers for Disease Control and Prevention).
- The [School Crime Supplement](#) (National Center for Education Statistics and Bureau of Justice Statistics).

Vermont Agency of Education resources

- [Model Procedures on the Prevention of Harassment, Hazing and Bullying of Students](#)
- [Vermont Agency of Education School Climate page](#) including information on Independent Reviews of Harassment Complaints

Vermont Legal Aid and Complaint Process

- [Vermont Legal Aid Bullying and Harassment in Vermont Schools](#)
- Instead of filing a complaint through the school, you may file a complaint with:
 - [Vermont Human Rights Commission](#), or
 - [U.S. Office for Civil Rights](#)

Other resources on bullying/harassment

- [StopBullying.Gov](#) is a federal government website managed by the [U.S. Department of Health & Human Services](#)
- PACER's National Bullying Prevention Center [Cyberbullying Information](#)
- [Cyberbullying Research Center](#)
- PACER information on starting a [peer advocacy program](#)
- [Eutopia Resources to fight Bullying and Harassment at School](#)
- Harvard Graduate School of Education [Bullying Resource List](#)
- Bully Free World [Special Needs Toolkit](#)