

Harassment, Intimidation and Bullying Policy Strengthened

In 2002, Washington state passed its original law prohibiting harassment, intimidation and bullying in public schools. Over the past eight years, Legislators amended the law several times to strengthen the protections for students in the school environment.

In 2007, the Legislature addressed cyberbullying by changing the law to prohibit acts of harassment, intimidation or bullying “conducted via electronic means by a student while on school grounds and during the school day.” Districts were required to incorporate these cyberbullying provisions into their policies by August 1, 2008.

The most recent law changes occurred during the 2010 Legislative session. These Legislative revisions focused on a greater awareness and reporting of bullying, harassment and intimidation in the school environment. The legislation includes a specific requirement that each district designate a contact person to respond to complaints. However, the focus of the legislation was a directive to the Office of the Superintendent of Public Instruction (OSPI), to work with WSSDA and the Office of the Education Ombudsman (OEO) to enhance the existing policy and procedure to ensure greater protections were provided to students. The intent section of the legislation states that “despite widespread adoption of anti-harassment policies by school districts, harassment of students continues and has not declined since the law was enacted.”

WSSDA convened a workgroup to identify key topics for the revised policy and procedure and to identify critical issues that required resolution. The workgroup agreed to create a “road map” for students, parents and administrators to follow in the event that an incident of harassment, intimidation or bullying occurred. The workgroup also desired an overarching goal of making the document readable and translatable. Another objective was to ensure that districts responded appropriately to acts of persistent harassment, intimidation and bullying. The OEO gathered additional input from parents, students and families regarding their experiences. OSPI submitted the final document to the Legislature and is responsible for monitoring districts’ compliance through the OSPI School Safety Center.

The documents, developed collaboratively among the three entities, creates a new complaint process, specific timelines for a district to respond to complaints and greater protections for targeted students. In response to the directive that schools widely disseminate anti-harassment documents, districts are required to provide information on the policy and procedure, and training to all staff and students. Other elements of the policy and procedure dramatically expand the tools, information and strategies used in districts to create respectful learning communities.

WSSDA model policy and procedure 3207, *Prohibition of Harassment, Intimidation and Bullying*, have been updated and are included with this issue of *Policy News*.

Policy Changes

In addition to clarifying existing language, four new sections are added to the WSSDA model policy 3207. The four sections address prevention, intervention, retaliation/false allegations and appointment of a compliance officer.

Prevention

Districts are encouraged to provide students with strategies to prevent the occurrence of harassment, intimidation and bullying incidents. The type of training made available to students is at the discretion of each school district. Possibilities include providing information in the student handbook, presentations at community open house events and disseminating information during student assemblies. These are examples of potential venues currently available to districts for conveying anti-harassment messages to students, staff and community.

Interventions

The importance of appropriate district interventions is highlighted in model policy 3207 and described in greater detail in the procedure. Interventions are very situation-specific so it is impossible to identify the exact type of intervention that will occur in each situation. However, the policy identifies those factors that the board expects

administrators to take into consideration when resolving disputes. Those include the frequency of the incidents, the age of the student and the severity of the conduct. District interventions are applicable to the target, as well as the perpetrator.

Retaliation/False Allegations

To maintain the integrity of the reporting process, the policy prohibits retaliation and false allegations. The goal is to allow victims or targets to report on incidents without fear of the chilling effect that potential retaliation can cause. Equally important is the need to protect members of the school community from false allegations. The model policy identifies both types of behavior as unacceptable and subject to appropriate district discipline.

Compliance Officer

The law requires each district to designate one person as the primary contact regarding the anti-harassment policy. Specific responsibilities for the primary contact are provided in the law, those duties include receiving copies of complaints, ensuring implementation of the policy and procedure and serving as the primary contact for the district when responding to OSPI or the OEO.

The amended WSSDA model policy directs the superintendent to appoint a compliance officer as the primary district contact. The compliance officer is required to assist with all formal and informal complaints. Designating one individual in the district as a central point of contact will be extremely helpful for parents, students and administrators and should assist districts in monitoring and responding to incidents of harassment, intimidation and bullying.

Procedure Changes

The model procedure is a detailed guide to help districts to implement the enhanced prevention, intervention and discipline strategies. The OSPI-developed procedure contains numerous mandated actions requiring district implementation. It is important that district administrators review the model policy and procedure carefully to gain a thorough understanding of these new requirements. Some, but not all, of the key provisions are highlighted below.

Prevention

In response to the Legislative directive for greater dissemination of information regarding harassment, intimidation and bullying, the model procedure requires that the district perform the following steps:

Each school must post information on harassment, intimidation and bullying; the district website must contain information on how to report harassment, intimidation and bullying, including the name of an administrator or the compliance officer that should be contacted;

The district must have copies of the policy and procedure available in languages that families can understand;

The contents of the policy and procedure must be summarized in the student handbook;

Annually, students must be informed on recognizing and preventing bullying and on how to access an Incident Reporting Form; and

Staff must receive annual training on the district's policy and procedure.

Compliance Officer

The district compliance officer's duties are described in detail in the model procedure. The duties listed are expanded beyond the statutory requirements of receiving complaints and serving as a contact. Some of those expanded duties include assessing the needs of staff and students, using the information to identify patterns of behavior and areas of concern, and facilitating meetings in the event a safety plan for a student needs to be developed.

Filing Reports

Individuals are given the option of filing a report anonymously, confidentially or non-confidentially. However, action cannot be taken based solely upon an anonymous report. A confidential report refers to reports from individuals who do not want their identity revealed. This type of report also places limits on the ways in which the district can respond. A non-confidential report is one in which the individual consents to having their identity

revealed. A non-confidential report provides the most flexibility to the district in using information. However, information must still be restricted to those individuals with a specific need to know.

The first response from a staff member who receives a complaint of harassment is to resolve the complaint as expeditiously as possible, to the satisfaction of all parties.

If the bullying is unresolved, severe or persistent, it must be recorded and submitted to the principal. For those situations, the procedure outlines a comprehensive process for addressing the dispute.

Unresolved, Severe, Persistent Harassment, Intimidation or Bullying

The district must investigate situations where the bullying activities are severe, persistent and unresolved; and it must take action within the designated timeline created by OSPI. Following is an overview of some of the major timelines.

Within two (2) days of receiving the Incident Reporting Form, notify families of the complaint (there are exceptions if the student may be in danger);

The investigation must be completed within five (5) school days of the initial complaint;

Within two (2) school days after the investigation is complete, parents of the complainant and the aggressor must be notified of the investigation results; and

Corrective actions will be instituted within five (5) school days after notification to the families.

The targeted student has a right to appeal the outcome of the investigation. This right to appeal is also subject to a set of timelines.

The student may appeal to the superintendent within five (5) school days of receiving the written decision; and

If dissatisfied with the superintendent's decision, the targeted student may appeal to the school board within five (5) school days of receiving the superintendent's decision. The board must hear the case within ten (10) school days of receiving the notice of appeal. The decision of the board is the final decision of the district.

Corrective Actions

The corrective actions that the district implements remain within the discretion of school officials and will be determined based on the nature of the behavior, the age of the student or the student's history of problem behaviors and performance. The district is also encouraged to provide appropriate support services for targeted students.

OSPI's very comprehensive process for preventing, intervening and responding to incidents of harassment, intimidation and bullying was developed in response to significant legislative concerns about the alarming increase in the incidence of bullying and harassment of students. Districts that fully implement the procedures will be assured of taking the prompt and effective steps necessary to end harassment, intimidation and bullying and to eliminate a hostile learning environment for students.

Adoption dates for Districts

By August 1, 2011 every school district is required to adopt a revised harassment, intimidation and bullying policy and procedure that, at a minimum, incorporates the provisions recommended by OSPI.

By August 15, 2011 each district must provide the OSPI a brief summary of its policies, procedures, programs, partnerships, vendors and instructional and training materials aimed at preventing harassment, intimidation and bullying.