

GUIDANCE ON

STATEWIDE BULLYING POLICY

As you may recall, in 2011 the General Assembly directed the Department of Education to prescribe by regulation a statewide bullying policy to ensure a consistent and unified statewide approach to the prohibition of bullying at school. This law is known as the “Safe Schools Act” and can be found at R.I.G.L. 16-21-33 and 34. The Statewide Bullying Policy was promulgated by RIDE effective June 30, 2012. Since then, the state’s public and private schools have been utilizing this Policy to address and prevent the bullying of students. Local oversight of schools’ implementation of the Statewide Bullying Policy is placed with school committees and school governing boards. The Policy requires that a summary report of incidents, responses and other bullying-related issues be provided by the school principal, director or head of school to the governing body at least twice annually. Pursuant to my obligation under R.I.G.L. 16-60-6(9)(vii) to require the observance of all education laws, I am charged with ensuring that the Safe Schools Act and the Statewide Bullying Policy are effectively implemented. In this capacity, as well as in my capacity to hear and decide disputes arising in our public schools or involving students with disabilities, I have dealt with bullying issues. Members of my staff have also worked with local school staff to resolve complaints from parents and advocates. In some instances, it has been shown that procedures required by the Statewide Bullying Policy have not been followed and that protections set forth in the Policy have not been provided. Also, on October 21, 2014, the United States Department of Education Office for Civil Rights issued additional guidance with regard to disability-based harassment and encouraged SEAs and LEAs “to reevaluate their policies and practices in light of this letter, as well as OCR’s and OSERS’s prior guidance.” In

light of the above, I would like to take this opportunity to offer the following clarifications of the Statewide Bullying Policy.

First, in its October 26, 2010 “Dear Colleague Letter: Harassment and Bullying,” the United States Department of Education, Office for Civil Rights, stated:

When responding to a bullying allegation, “a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school’s investigation will vary depending on the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.” [Emphasis added].

In order to demonstrate that a school’s investigation has met these requirements, it is imperative that the steps taken to investigate an allegation, the determination of whether or not bullying occurred, and the response/intervention measures taken by the school are documented. RIDE has received complaints from parents and advocates that allegations of bullying have been ignored or not adequately addressed at the school level. Creating documentation that describes the steps taken in the investigation, the finding made with regard to the credibility of the allegation of bullying, and the response/ intervention by the school will enable the school to establish compliance with the Statewide Bullying Policy. The attached Investigation/Response Form can serve as a blueprint for compliance that will better ensure that an allegation of bullying was addressed promptly, thoroughly and impartially. The Form also complements the Report Form that accompanies the Statewide Bullying Policy.

Second, it is permissible for the principal, director or head of school to designate another member of the school staff to investigate an allegation of bullying and recommend an appropriate response/intervention when found to be needed. This designation is consistent with

the Safe Schools Act and consistent with current practice in the field. We have learned that, given the practical constraints on a school leader's time, it is not necessarily the school principal, director or head of school who follows up on every allegation of bullying. It is often more efficient to designate an assistant principal/director, school social worker, or other member of the school staff to address an allegation.

In addition to these clarifications, I also would like to offer my appreciation and gratitude for the hard work that I know has been expended in implementing the Safe Schools Act and the Statewide Bullying Policy. It is my hope that, with this guidance, the implementation of these measures will be more efficient and effective.

U.S. Department of Education Dear Colleague Letters:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

SAMPLE

INVESTIGATION/RESPONSE FORM

Investigation start date _____

Witness Interviews:

Name	Brief Summary of Information Provided	Date

Documentation Reviewed:

Item	Brief Summary of Information Provided	Date

Other Facts:

Finding: Bullying* **did** **did not occur.** **Date** _____

***(Finding to be based upon all of the facts and circumstances and whether it is more likely than not that bullying occurred)**

RESPONSE:

_____ measures to provide the student with a safe educational environment; describe in detail here: _____

_____ disciplinary action against the perpetrator(s) proposed to school authorities;

_____ assessment by school psychologist and/or social worker (for both the victim and the perpetrator);

_____ referral for appropriate counseling and/or social services;

_____ notification to local law enforcement agency (when circumstances warrant criminal charges);

_____ notification to student's IEP team (when victim is a student with a disability);

_____ notification to parents/guardians of the victim and the perpetrator of finding and response, if finding is that bullying occurred (specific information about discipline imposed on the perpetrator may not be disclosed to the parents of the victim);

Investigation/Response completion date _____

Follow up to ensure that Response(s) to bullying are adequate on _____(date)

Signature of School official designated to conduct investigation and determine Response (if someone other than the Principal)

Date

Signature of the Principal

Date

***Bullying, Cyberbullying and Retaliation are prohibited under the RI Safe Schools Act**