

BE POSITIVELY POWERFUL

AN ACTION PLAN FOR TEENS AND
PARENTS OF CHILDREN OR TEENS
WHO ARE BULLIED OR HARASSED OR
OTHER HELPFUL ADULTS TO
DOCUMENT AND INSIST ON A
POSITIVE RESPONSE BY THE SCHOOL

NANCY WILLARD, M.S., J.D.

EMBRACE CIVILITY IN THE DIGITAL AGE

INTRODUCTION

This Empowerment Action Plan is a supplement to *Be Positively Powerful: An Empowerment Action Plan for Teens Who Are Bullied or Harassed*.

This Guide will provide parents with insight into how to document what is happening to your child or teen and insist that the school better respond.

This Guide will also provide insight for counselors, social workers, parent advocates, and others who are working with parents and young people who are being bullied or harassed on how to best help these young people and their parents prepare the appropriate documentation and insist on a positive response.

WHY WHAT SCHOOLS ARE DOING IS NOT WORKING

This section is a repeat of Chapter 1 in *Be Positively Powerful*.

What schools are going to try to stop bullying and in response to students reporting they have been bullied is not working. If you purchased this book because you are being bullied, you already know this.

I could assure you that if you report that you are being bullied to your school, the principal would help to make things better. Based on the research, this would not be an accurate statement. So I am not going to tell you something that is not accurate in most schools.

Schools have been trying to better address bullying for over a decade. Unfortunately, there is no evidence that what most schools are currently doing is reducing bullying behavior or achieving an effective response when students report.

Educators clearly do not want to see bullying happen. They want students to tell them if they are being bullied. They think that if students do ask for help, this will make things better.

The data from a national student survey called the Youth Risk Behavior Survey indicates that there has not been any reduction in student reports that they are being bullied since the survey started asking this question in 2009.

Ample research demonstrates that the majority of students do not think educators are doing a good enough job, that most staff ignore bullying, and that reporting will just make things worse.

Some of the barriers educators face are outside of their control. These include mandates for testing, little time in class for discussions on social issues, over-crowded classrooms, and lack of sufficient funding.

There are also challenges related to the fact that students come to school from widely different backgrounds, with different values. Bullying at school can be encouraged by social or community values that are also outside of the control of educators.

ABOUT BULLYING BEHAVIOR

There are also problems related to what educators have been told about bullying. Educators have been told that the students who engage in bullying are “problem students” who need to be subjected to sanctions to stop.

There are students who have experienced serious challenges and could be being hurtful to you. These are students who have themselves likely been abused or neglected at home and have been bullied and excluded at school.

Punishment will not change the hurtful behavior of these students. They need comprehensive support to recover from the trauma they have experienced.

If a student such as this is being hurtful to you, it is likely the principal will try to do something about this because the principal already knows this student has challenges.

Please tell the principal that you want to see this student being supported, not simply punished. If there are any times where it would be safe for you to reach out to be kind to this student, this would also likely be helpful.

However, these “problem students” are not the primary source of bullying. The students who are the source of most bullying are the higher social status students who are not considered “problem students.” They are compliant to school staff.

These students have a “privileged” and “entitled” social status in your school. They are considered “popular” and “cool.”

They are being hurtful to achieve dominance and higher social status. They will denigrate and exclude students who they consider “different.” They also will engage in battles with rivals or those they perceive to be rivals.

They are socially skilled and have empathy. They know exactly how to stab you in the back and twist the knife ever so slightly to make you feel miserable—without alerting attention from school staff. What they lack is compassion.

Realize that what these students are trying to do is show off their personal power to others by being hurtful to you. The most important reasons for their actions may have little to do with you, unless they perceive you as a rival. Their actions are designed to get attention from other students and prove their power to those others.

Unfortunately, if you report to the school that one or more of these students are being hurtful to you, the principal will not likely believe you. These students are not considered “problem students.”

WHAT SCHOOLS HAVE BEEN TOLD TO DO

In addition, the way schools have been directed to address bullying under state statutes is another part of the problem. Schools have been told to create a policy against bullying, tell students to report, investigate to determine whether a student violated the policy, and, if so, suspend this student.

Students are told that if they are being bullied they should tell a staff member, because the staff member will make things better. The majority of students do not report to the school because most of them think this will make things worse.

The perspective of students is accurate, based on research. A recent study found that about two thirds of bullied secondary students did not report. For those who did report, things got worse a third of the time, stayed the same a third of the time, and only got better a third of the time. Overall, this translates to a 10% level of effectiveness of the “tell an adult” approach.

The focus in policies is on more serious hurtful incidents, like fights or threats. If you are being treated badly through ongoing negative comments or actions where the individual incidents are more minor—and you did report this, it is very likely that your principal decided that what happened to you was not serious enough to do anything about it.

These ongoing hurtful incidents are causing you just as much, if not more harm, than more serious incidents. But principals are less likely to recognize this.

The reason for this is that your principal is thinking only in terms of the disciplinary code and the possibility of suspending the other student. Principals do not think they should suspend students for minor incidents.

Further, principals have also been told to stop suspending students. This is because it is well known that suspensions are totally ineffective in changing bad behavior and many schools suspend black and brown students far more frequently than other students. When students are suspended, they often retaliate.

Basically, principals are being told to do two different things, that are in conflict: “Suspend. No, don’t suspend.”

Principals are also highly unlikely to suspend higher social status students who are the primary source of bullying. These students are not considered to be “problem students.” They also have high social status parents who would complain.

RATIONALIZATIONS

Since the only option principals think they have is to suspend the hurtful student, they frequently will rationalize that the hurtful behavior just does not meet the statutory definition of “bullying” and, therefore, the school has no responsibility to do anything. Students will also rationalize their hurtful behavior.

People like to think of themselves as being “good.” So when they engage in hurtful or inappropriate behavior, they create what are called “rationalizations”—excuses they tell themselves to justify their behavior. By rationalizing their actions, they can make it appear that their hurtful behavior wasn’t actually hurtful or was justified. (To learn more, try a browser search using these keywords: mechanisms of moral disengagement.)

The four common rationalizations are:

- **Spin It.** A more neutral term is used to describe the action as not that bad. “I was just joking around.” “It was a prank.”
- **Deny Personal Responsibility.** This can occur someone else can be blamed—or a reason is provided for not taking action: “Everybody does it.” “It wasn’t my fault.” “This wasn’t bullying, so it is not a violation of the policy.” “This was off-campus. It is not my job to respond.”
- **Deny the Harm.** The harm that was caused is minimized. “What happened wasn’t that bad.” “You are overreacting.”
- **Blame the Other.** Those who are targeted are blamed. “You deserved it.” “You don’t belong here” “If you would stop (describe behavior), this wouldn’t happen.”

RESTORATIVE PRACTICE OR MEDIATION

More recently, it has been recommended that they use Restorative Practices. Restorative Practices are really good. However, in many schools, what is considered to be a Restorative Practice ends up being forced mediation.

Mediation does not work if one student has lots more power than the other. Mediation often ends up with a forced apology, a forced acceptance of that apology, and nothing more.

TEENS WANT TO BE SELF-SUFFICIENT

Teens want to be able to resolve these kinds of situations by themselves. Telling you to tell the school often feels like telling you to admit failure.

It is totally appropriate for you to insist the school take steps to stop the harm you are experiencing. This is not admitting a failure. If someone was burglarizing your house, would you think your parents were “failures” because they called the police rather than confronting the burglar themselves? Of course not.

However, it is important that you insist to the school that you remain an active player in resolving the situation.

WHAT SCHOOLS SHOULD BE DOING

Bullying behavior is socially motivated. Students are engaging in behavior they think will increase their dominance and status in the schools. Schools cannot reduce this hurtful behavior by issuing rules or expectations. They can’t reduce this behavior by giving students they see behaving rewards.

The only way they can reduce this hurtful behavior is by fully engaging students in the creation of a positive school environment. They must engage consistently kind and compassionate students as leaders in this effort. They must teach all students the skills necessary to feel empowered and respond effectively in hurtful incidents—as a witness, the one treated badly, and the one being hurtful.

If a serious or chronic hurtful situation becomes known, the principal must conduct a comprehensive investigation to find out what is happening, identify the motivations, and determine whether any involved students need to be better supported by the school. They also must determine whether ways in which the school operates may need to be changed. This may include correcting staff behavior.

To effectively intervene, schools should:

- Hold those who are hurtful and their supporters accountable to accept personal responsibility and take steps to remedy the harm.
- Provide additional support to any involved student who has challenges in interpersonal relationships.
- If specific actions should be taken to better protect a student who is being bullied, identify and implement those protections.
- Correct any aspects of the school environment that appear to be supporting the hurtful situation—including correcting staff behavior, if necessary.

BOTTOM LINE

If you are constantly experiencing others be hurtful to you even if in more minor ways—day after day, week after week—what you are experiencing is obviously causing you harm and is interfering with your right to receive an education and participate in school activities. This is not right.

Be Positively Powerful will provide you with guidance you can use to become better empowered to reduce the times this is occurring and so that you know how you can more effectively.

There is additional guidance on my website on how you and your parents can better document what is happening to you and insist that the school take appropriate steps to see that this is stopped.

POWERFULLY INSIST ON A POSITIVE RESPONSE BY THE SCHOOL

Note: I have written this section directed at a teen reader. The reason for this is it is my desire to ensure that teens are fully involved in the process of documenting and insisting that schools engage in the actions necessary to stop the harm. Teens, as well as younger children, will require assistance in implementing the steps recommended.

If other students, or if school staff, are routinely treating you badly it is important that you insist that the school respond in a positive way to stop this hurtful situation.

It would likely be best to work with your parent to accomplish this. However, it is important that you be actively involved. Decisions about you should not be made without consulting with you.

If you are a member of a group of students within a “protected class”—such as students with a minority sexual orientation or identity, students with disabilities, students of a minority race or religion—and members of your group are consistently being treated badly, the guidance that is provided can also be followed by your group. It is likely wisest to work with a local, state, or national advocacy group in this effort.

TATTLING OR TELLING

The concept that someone who is being treated badly by another should not “tattle” or “be a snitch” is a strategy used by powerful people—students and others—who are being hurtful to stop those who are being victimized from reporting the situation to someone in a position of greater authority. This is the way these hurtful people seek to avoid being held accountable.

Do not fall for this scheme. If someone is being hurtful to you it is right and appropriate for you to seek assistance from someone in a position of authority to get the harm to stop. If someone is burglarizing your house, it is appropriate to call the police.

Tattling is also something that people who treat others badly—until they trigger and retaliate—do to try to get those they are victimizing in trouble for fighting back. It is best if you can self regulate so you do not trigger and retaliate. If you do, it is best to accept personal responsibility for your wrongdoing—and then take the steps necessary to hold those who are being hurtful to you also accountable.

THE BASICS: POLICIES AND LAWS

BULLYING POLICY

Your school district has a disciplinary policy that addresses bullying and harassment. This is included in a document that should have been provided to you at the beginning of the school year. If you do not have this, you can ask for a copy in the front office of your school or find this online at the district web site.

This district policy was likely adopted by the district to be in compliance with a state statute. You might want to also look at the state statute. (Search: name of your state, bullying statute.)

Make sure that you have a copy of the district’s policy so that you know how and what school staff should do to address these situations.

Additionally, this policy will hopefully provide guidance on how you can proceed if your report to the principal does not achieve a positive result. This involves filing a complaint with the district or even the state, which will be discussed below.

One concern, however, is that in any situation where a student is accused of violating the disciplinary code, a number of important protections come into place for the accused student. This includes due process protections.

What too often happens in these situations is that the question shifts from how can the school resolve this hurtful situation to a question of whether or not the accused student should be punished under the disciplinary policy.

Additionally, if the student is punished in accord with the policy, the school is prohibited by the Federal Educational Rights and Privacy Act (FERPA) from telling you anything about any disciplinary consequence. This creates a horrible situation for you because the principal will tell you, “I did something, but I can’t tell you what I did because of privacy.”

Often, if there is not clear independent evidence against the accused student or the hurtful act does not precisely fit the policy definition of “bullying,” the principal may simply conclude that this was not a disciplinary code violation—and do nothing to address the underlying hurtful situation.

As was presented in Chapter 1, the way principals have been told to address bullying has caused principals to consider only the more serious incidents to constitute “bullying.” This is leading them to not pay attention to the chronic persistent or pervasive hurtful situations that are causing harm to so many students.

In addition, if you or your parent pressure the principal to suspend student who is being hurtful this is most likely not going to make things better for you—and could very well make things worse. Suspensions do not stop hurtful behavior. Further, the principal is unlikely to find that what from his/her/their perspective is a more minor hurtful incident that justifies a suspension.

In addition, if the student or students who are being hurtful to you are not already considered to be a “problem students”—if this or these students are socially skilled, dominant “leadership” students, the principal is highly unlikely to consider it appropriate to suspend these students.

If the principal tries to resolve this situation through “mediation”—asking you to sit down with the hurtful student to resolve the situation—may work in a situation where this is a conflict and you and the other student have equivalent social status and personal power.

However, asking you to engage in “mediation” when the hurtful student has much higher social status and greater personal power than you generally results in this student making a forced apology that is meaningless. You are then forced to accept this apology. The principal thinks this has resolved the situation. Most often this approach just leads to retaliation because the student being hurtful knows that nothing bad will happen to him/her/them.

Requesting a restorative intervention that holds the student or students who are being hurtful accountable for accepting personal responsibility for their actions and taking steps to remedy the harm to you is a better approach. This is discussed below.

CIVIL RIGHTS LAWS

Several federal laws, as well as state laws, govern discriminatory harassment based on “protected class.” These laws are enforced through agency actions by the U.S. Department of Education’s Office for Civil Rights (OCR) or your state department of education. At this point in time, it is likely better to work at the state level. These statutes also provide the basis to file a law suit against the school.

- **Title IX of the Education Amendments of 1972.** Prohibits discrimination on the basis of sex by an educational program or activity receiving federal funds. Title IX also prohibits gender-based discrimination, including sex-role stereotyping based on sexual orientation or identity.
- **Title VI of the Civil Rights Act of 1964.** Prohibits discrimination on the basis of race, color, or national origin in any educational program or activity receiving federal funds. Title VI includes discrimination based on religion, if grounded in national origin.

- **Section 504 of the Rehabilitation Act of 1973 (Section 504).** Prohibits discrimination on the basis of disability in programs or activities receiving federal funds.
- **The Americans with Disabilities Act of 1990 (ADA).** Prohibits discrimination on the basis of disability.

Remember that we use the term “harassment” when “bullying” is based on “protected class” status.

The legal standard is this: Public school districts violate civil rights laws when harassment based on race, color, national origin, sex, or disability is sufficiently serious, persistent, or pervasive that it has created a hostile environment that is significantly interfering with a student's right to receive an education and participate in school activities, and school staff encourage, tolerate, do not adequately address, or ignore such harassment. Let's break this down to questions:

- Was a student repeatedly harassed by one or more students or staff member based on the student's membership or perceived membership in a “protected class?”
- Was the harassment sufficiently serious to significantly interfere with the student's learning or activities at school? If this is the case, this is considered a “hostile environment.”
- Did a staff member who had authority to take corrective action, which includes teachers, know or should this person have known of the hurtful conduct?
- Did the school fail to take prompt and effective steps reasonably calculated to end the hurtful conduct, correct the hostile environment, prevent it from recurring, and remedy its effects?

Then, it would appear the school is in violation of federal and state civil rights laws and the ongoing hurtful behavior directed at you should be considered discriminatory harassment.

Unfortunately, if you are not a member of a protected class or perceived to be, the level of protection you have is less. My recommendation is that you insist on the same kind of protective actions as would be provided for a student who is within a protected class. You should argue that the following protective actions should also be provided to you.

SEXUAL HARASSMENT OR ASSAULT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Sexual harassment is a broad term, including many types of unwelcome verbal and physical sexual attention. Sexual assault refers to sexual contact or behavior, often physical, that occurs without the consent of the victim. A student or a staff member could engage in sexual harassment or assault.

Some forms of sexual harassment include:

- Verbal harassment of a sexual nature.
- Unwelcome sexual advances.
- Unwanted talk of sexual relations, stories, or fantasies.
- Pressure to engage with someone sexually.
- Sexual exposure in person.
- Unwanted sexually explicit images, emails, or messages.
- Making grades or involvement in school activities dependent on sexual favors, either explicitly or implicitly.

Sexual harassment generally violates civil laws—you have a right to learn without being harassed. Sexual assault usually refers to acts that are criminal. Some forms of sexual assault include:

- Rape, or attempted rape.
- Forcing a victim to perform sexual acts, such as oral sex or penetration of the perpetrator's body.
- Unwanted touching or sexual physical contact.

CORRECTING A HOSTILE ENVIRONMENT

Under federal civil rights regulations and guidelines, if there is an indication that a hostile environment exists there are clear requirements for school actions. This is why it is so important for you to take the time to document that what you are experiencing is a hostile environment, as outlined below.

What the school is required to do under civil rights regulations and guidelines is conduct a prompt, thorough, and unbiased investigation. This investigation must figure out what is happening and why to determine what steps need to be taken to stop the hurtful situation—the hostile environment—from continuing.

If a hostile environment is found to exist, the school is required to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Depending on the circumstances, these steps, which were outlined to schools in a Dear Colleague Letter from the U.S. Department of Education's Office for Civil Rights in 2010, may include:

- Take steps to stop further harassment and prevent any retaliation against the target, the person who made the complaint, or against those who provided information as witnesses.
- Separate the accused harasser and the target, provide counseling for the target and/or harasser, or take disciplinary action against the harasser.
- Provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond.
- Provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment.
- Make sure that the harassed students and their families know how to report any subsequent problems, conduct follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and respond promptly and appropriately to address continuing or new problems.

Note how much more extensive this required response is than what principals currently think they should do. Correcting a hostile environment requires more actions than simply investigating to determine whether the hurtful student violated the disciplinary code, deciding on a punishment, and then telling you the situation has been handled.

However, to ensure that the principal responds in this manner will require that you thoroughly document that a hostile environment exists. How to do this is discussed below.

SPECIAL EDUCATION LAW

If you have a disability and are receiving education services on an Individualized Education Plan (IEP) you receive additional protections under the Individuals with Disabilities Education Act (IDEA). Under IDEA you have a right to receive a Free and Appropriate Public Education (FAPE).

If you are being harassed and this is interfering with your ability to learn or to participate in school activities, then you are being denied FAPE. Your school is supposed to conduct an investigation of the situation and then address this in an IEP meeting.

While one focus in this meeting might be on helping you improve your social relationship skills, because your rights are also protected under the civil rights law Section 504, the primary focus in the meeting must be on the action items to correct a hostile environment.

DOCUMENTING CONCERNS AND COMMUNICATIONS

DOCUMENTING SERIOUS OR ONGOING CONCERNS

The approach you take after reading this book is going to depend on the situation you are in. Many times, students have stopped reporting incidents to the principal because nothing is ever done to address the concerns—or what has been done has just made things worse.

Sometimes, there are serious incidents that should immediately be reported. This includes any incidents where there has been physical harm or threat of harm. To report this kind of a situation, document what has happened, who was involved, where, and when, and identify any witnesses. Put this in writing. Turn this into the office in addition to reporting verbally. Make sure ask the staff at the front desk to make a copy of what you have written for you to keep.

More often, students are experiencing many repeated incidents, each of which is not all that serious and may involve different students, but are emotionally distressing because these hurtful incidents are ongoing. Students often do not report these more minor incidents because they know from past experiences that the school is not likely to respond.

To insist the school respond to this kind of a hurtful situation will require effective documentation of each of these incidents. It is necessary to document a pattern of hurtful behavior over time—as well as the harmful impact on you.

The focus on the harmful impact is especially important. Do not just focus on the hurtful things that have been happening. Also fully document how this is making you feel and the harmful impact on your learning and participation in school activities.

Keeping a written record of what is happening is going to be necessary and will be your responsibility—because you are the one who is present when students are being hurtful to you.

Get a notebook that you use solely for documenting concerns of being treated badly. Make sure this notebook also has a pocket you can put separate pieces of paper into, so that you can also collect statements from witnesses or keep copies of documents you have submitted to the school.

As you are likely just starting this documentation of concerns, you might want to go back and write about things that have happened in the past.

Note that every time you write something in this notebook, also take the time to shift to positive by writing down five positive things that have recently happened. It is exceptionally important that keeping this notebook not become a source of distress for you.

This kind of documentation can also be gathered by a group of “protected class” students. In this kind of a situation reaching out to an advocacy group to assist in this process would likely be helpful.

DIGITAL DOCUMENTATION

Realize that a great benefit of social and digital media is that evidence of wrongdoing can be more readily available and retained in a permanent format. Save all digital communications and public posts. If any hurtful communications are on a social media platform where what was posted may disappear, capture these as an image.

Be very mindful of what you are posting and sending because this will also provide evidence of how you are handling the situation. Make sure that your communications will present your actions in a good light.

In some situations, it may be possible to obtain what would be similar to a confession by messaging the one who was hurtful, accurately describing the incident, and making a written demand that this stop. This student or staff member’s response may very well provide a validation of the fact that what you described had occurred. You could also message a witness, describing the situation and ask for their thoughts on what you could do. The response of either the one who was hurtful or a witness that does not correct what you said happened essentially provides an acknowledgement that what you stated happened did in fact happen.

If your being treated badly is predictable in any specific location or time, ask a friend to be present and record what happens on their cell phone. Or ask a friend to record this whenever it starts. It is best not to do a hidden audio recording because in some states this is considered to be illegal.

WHAT YOU NEED TO DOCUMENT

The following is the information you will want to be able to present to the school, the district, or the state department of education to document the concern that a hostile environment exists for you because of how you are being treated by students and possibly by staff.

The following is the information to document in situations where another student or students are being hurtful:

- Describe how you have been the target of hurtful acts by other students while at school, the target of off-campus digital speech by other students from the school.
 - What has happened? Where and how has this happened? Who was being hurtful? Who was supporting the hurtful acts?
 - Save and provide all hurtful digital communications or posts.
 - If your friends were present, obtain written statements from them describing what happened. Note the identity of other students who you think may be supportive of you who witnessed this.
 - Tell student witnesses you will not give what they write to anyone other than the principal and they can put on the top of the page a notation “Confidential, only to be shown to (name of principal.” Make sure there is a date on this document.
 - Describe aspects of the school environment that appear to be reinforcing the bullying of certain students. This may include behavior management approaches, like behavior charts or token rewards, that publicly shame and exclude students who have greater challenges managing their behavior.
- Describe any hurtful incidents involving other students that occurred in the presence of staff members or that you reported to a staff member.
 - What staff member was present? Did you tell a staff member? How did the staff member respond?
 - If your friends or others were present and saw how school staff responded, obtain written statements from them describing what happened, in the manner described above.
- If you are a member of a protected class protected under federal or state civil rights statutes and some of the hurtful acts have been based on your membership in this class—or a perception thereof—these are the things to describe:
 - Describe how you are a member of a protected class as defined by federal or state civil rights laws. Alternatively, describe how you are being treated badly based on the perspective that you are.
 - Describe how the hurtful acts appear to be related to your “protected class” status, or perceived status. Demonstrate this based on what been said, written, or other acts.
 - Describe aspects of the school environment that appear to be reinforcing the disparagement and harassment of certain students based on their protected class status.
 - This may include district policies, school practices, statements made by staff, curriculum choices, as well as overall aspects of the school climate.
- If you have experienced a sexual assault, call the police and let them take responsibility. If you are being sexually harassed, these are the things to describe:
 - Describe the nature of the harassment. What has happened? Where and how has this happened? Who was engaging in harassment? Who was supporting?
 - Save and provide all digital communications or posts that relate to what has or is happening.

- Note who witnessed the harassment and obtain written statements.
- Describe how, as a result of these hurtful acts, you are feeling. This can be after each act or in general.
 - Are you feeling anxious or really sad, wanting to retaliate against people or to hurt yourself? Are you having headaches, problems sleeping, stomach pain? Are you avoiding people?
- Describe how as a result of these hurtful acts, there has been an interference your learning and/or participate in school activities. This also can be after each act or in general.
 - Have you skipped school one or more days, skipped a class one or more times, had difficulties concentrating in class, found it hard to complete assignments, received lower grades, or not felt comfortable participating in class discussions or class activities?
 - Have you avoided riding the bus, certain areas of the school building, using the bathroom, using the locker room, going into the cafeteria, participating in school clubs, participating on a school sports team, attending school activities?
 - Describe this interference in detail, including locations and dates where possible or appropriate.
- Describe any incidents or situations where you became triggered and engaged in retaliation or fought back. Be sure to accept personal responsibility for your actions.
 - What was happening before you engaged in inappropriate behavior?
 - What was any consequence to you? Was this reported? Were you punished? Did you try to explain the entire situation? What was the result?
 - Provide extensive background. Specifically describe incidents in the past:
 - When school staff saw you being treated badly and did nothing or just laughed.
 - Prior incidents that were reported and nothing was done or what was done was not effective or made things worse.
 - Incidents when you have been denigrated or shamed by staff in front of other students.

A situation where a school staff member is denigrating, bullying, harassing, or sexually harassing you can be very challenging to handle. To address this concern, you are going to have to have very excellent documentation.

- Pay attention to what other staff members were close by.
 - If staff members witness another staff being hurtful, they are supposed to report this.
- Identify what other students were close by.
 - Hopefully, some of these students will be willing to provide you with a written description of what they saw. Tell them that if they are concerned about being identified, they can ask the school to keep this confidential.
- If this is happening regularly and can be predicted, ask a friend to be prepared to capture what is happening on their cell phone video.

One additional form of documentation is recommended.

- Arrange for a meeting with your doctor and/or a counselor and explain what is happening to you. Ask them to write a letter to the school explaining what you have told them is happening and the harmful impact they think this is having on you—based on what they know from you and the research. Having a report from professionals like this can be exceptionally helpful because of their increased credibility.

COMMUNICATIONS

It is also exceptionally important to write down any communications you have with a staff member about these concerns. This is to avoid ending up in a “they said, you said” dispute. Also ask your parent to fully document any communications that have been made on your behalf.

- Any time you report to the school about a hurtful incident, put this into writing. Ask the front office to make a copy of what you wrote for you to keep. Put this in the pocket in your notebook.
- Write down all communications you have with any teacher or other staff member about your being treated badly—as soon after the time this communication occurred as possible.
- Immediately after any meeting with staff or the principal, write an email, or if your parent was present have your parent write an email, detailing everything that was discussed and all agreements that were made. Close this email with this statement: “This is my understanding of what we discussed and the agreements that were made. If this is any different from your understanding, please let me know.”
- Alternatively, if you are having a meeting with the principal, ask to be able to use your phone to record the conversation.

In this way you will have a recorded history of the commitments made by the school and they cannot at a later time indicate that they disagree with your recollection of what was discussed and the agreements that were made.

EFFECTIVE INVESTIGATION AND INTERVENTION

MAKING A COMPLAINT

Once you have kept this documentation for a sufficient period of time to show that you are being targeted in a chronic, persistent manner and this is having a harmful impact on you, you will have to make a choice: Will you provide this documentation only to the principal to give the principal the opportunity to respond in a more effective manner? Or will you file a complaint with the district?

In making this decision it is likely best to think about how responsive the principal has been to prior reports of concerns. If there has been a lack of effective response, it is likely best to proceed with a complaint at the district level—and then agree on an informal school level resolution, which will likely be offered. This way, someone at the district will be required to take responsibility for making sure the school responds effectively.

As discussed earlier, due to the language of most state bullying prevention statutes, many principals think the only thing they are supposed to do if someone reports bullying is investigate to determine whether the accused student should be suspended. Additionally, schools are under strong pressure to stop suspending students.

Because of this, there is a huge pressure on principals to decide that a reported incident is “not bullying” and not be willing to do any more. This perspective may also be held by staff at the district level.

RESTORATIVE INTERVENTION

As noted several times, suspending a student for being hurtful rarely is sufficient to stop the hurtful behavior. It is best to ensure that the principal engages in appropriate actions to hold those who have been hurtful and their supporters accountable in a restorative manner. It is best to request a restorative resolution that includes:

- The students who were hurtful and any identified supporters will enter into a written agreement where they acknowledge what actions they engaged in, the harm that was done to you, and the steps they will take to remedy the harm both to you and to the school community. If these students engage in any further harmful acts, they should know this will result in a suspension.
- A copy of this written agreement should be provided to you. If the school decides that the student or students being hurtful also require additional interventions or support to address their concerns, this information

should not be provided to you. (If the school protests that this is violating privacy, tell the school to look for Title IX guidance that states that it is not a violation of FERPA to provide you with information interventions that are directly related to your safety.

- If any staff members were hurtful or ignored hurtful situations that occurred in their presence, these staff members will also provide written acknowledgement of what actions they engaged in, the harm that was done to you, and outline the steps the staff members will take to make corrections.
- If you require any protections such as a safe passages agreement for hallways or rest rooms, a process and place you can do to if you are feeling unsafe or need to self regulate, or any other support, this will be set forth in a written plan.
 - This may also include removing any hurtful students from a class they have with you if they have been hurtful to you in this class. It is never acceptable for you to be the one removed from a class or a school organization or activities.
 - It would also be helpful to set up a process where you have a designated staff supporter or supporters who you can check in with every day.
- If any corrections need to be made to the school environment to ensure greater inclusion, the steps that will be taken to ensure this happens. This should include student involved activities to foster greater inclusion and kindness.
- The school agrees to engage in ongoing monitoring, especially of the hurtful students and supporters, and also checking in with you to ensure this approach has been successful.

IF YOU HAVE A DISABILITY

As noted, if you are on an IEP or a 504 and are being harassed, the school must hold an IEP or 504 meeting to discuss the situation and make plans to address the concerns. This is also supposed to happen if you triggered to being harassed and were hurtful to someone else.

Recognize that it is not possible to specifically address the behavior of other students in the context of your IEP or 504 plan. Changes to your IEP or 504 Plan should focus on supplemental supports and services to better address the hurtful behavior of others and correct any aspects of the school environment that may be supporting such hurtful acts. Your IEP or 504 Plan may also include objectives and strategies to support you in forming relationships with others.

In this situation, the school is required to do an effective investigation and present a plan of action. You or your parent should request the results of the investigation and the proposed plan of action. If you are on an IEP, and you and your parent have any concerns about this investigation and plan of action, you have the right to request an Independent Educational Evaluation, paid for by the district.

An Independent Educational Investigation is conducted by someone who is not employed by the district. It would be best to ask for a counselor or social worker to conduct this investigation and suggest a plan of action. A challenge, however, is that counselors and social workers have generally not received any training in how to do this.

Please provide the counselor or social worker with a copy of this book and ask him/her/them to look on my web site. I am developing resources for these professionals that provide them with guidance on how to conduct an effective investigation and prepare a report that sets forth a plan of action to remedy these concerns.

FILE A COMPLAINT WITH THE DISTRICT OR STATE

Schools have a process to make complaints at a district level, with a possible appeal to the state department of education. Every state has a different statute and regulations. In some states, there is a state process and a requirement that each district adopt a district policy, and these district policies could vary. Therefore, the guidance provided in this section could vary based on your local complaint process guidelines.

The complaint process may be set forth in your district's disciplinary code. It may be necessary for you to look on the district web site for "complaint process." It may also be helpful to look on your state department of education's web

site to find out about the appeal process up to the state level. You may have to call this district to find out how to file a complaint.

There may be a different process to follow for a complaint if the concern is discriminatory harassment under civil rights laws, as compared to bullying under the state statute. There also may be a different process if you are receiving special education services. There may be a different process for a Title IX complaint for sex harassment. If there are multiple different complaint processes and several would fit with your situation file a complaint under all of these.

If you take this complaint through the district, it is probable the first effort will be informal effort to resolve this with the school. Then there is usually a district level process. Then there is a process where the complaint goes to the school board. This will be a closed door meeting. If you disagree with the district decision, it may be possible to appeal to the state.

Unfortunately, in some states students who are within a “protected class” can file an appeal with the state department of education, but students who are not in such a “protected class” cannot.

If this is the situation in your state, I advise you to reach out to your elected state representatives. Make sure you provide them with your documentation of what is happening to you and what the harmful impact of this has been. It is simply unfair and discriminatory for some students who are being treated badly to have the right to appeal these concerns to the state department of education and other students who are being treated badly not to have this same right.

These complaint processes are for complaints against the school and the district—not the student or students who are being hurtful. If the bullying or harassment has been ongoing and the manner in which the principal has responded has not been effective in getting it to stop, your complaint is not against the other students. Your complaint is against the principal who has failed to respond in an effective manner. Your complaint may also be against a staff member who has been hurtful or who has been ignoring the situations where students have been hurtful to you.

The complaint and review process in most districts starts with district level staff, either the superintendent or a designee. There may be a complaint form that asks these kinds of questions:

- Please briefly explain your concerns:
- What have you already done to try to resolve the problem?
- What results would you like to achieve?

If you simply state that you are being bullied, you have reported this concern to the principal and the bullying has continued, and you want to get the bullying to stop, you will likely not achieve much success. This is why the documentation described above of the hostile environment you are experiencing is so important.

If the concerns appear to be related to a staff member, this will make things more challenging. The union will get involved and this could turn into a battle.

If this is a staff member who appears to be overwhelmed and lacks classroom management skills, you can hopefully request a restorative intervention—that the staff member receive professional development and support to improve their skills.

If there are concerns of unacceptable bias related to “protected class,” it may be safer to work with a local or state advocacy group or an attorney to address this. Working together with other students who have experienced similar problems with this staff member may also be helpful.

After you file a complaint, the district will most likely try to arrange for a meeting with the principal and pursue an informal resolution. This is likely an appropriate way to proceed. However, it is suggested that you require that the following occur:

- Request that the principal’s investigation report of the situation be provided to you to allow you to make any necessary corrections or note where you disagree.

- If you agree with the findings of this investigation, you can proceed to the second step. If you disagree, ask that the district bring in an independent investigator.
- Following your approval of the investigation report, the principal/district should present a plan of action to you to correct the hostile environment that includes all of the above components.
 - This should be provided to you in advance, in writing, so you have the time to review and consider what has been proposed before any meeting.

If you think what has been outlined in an informal resolution process will make things better, then you can agree to this. If you do not think that what has been outlined will make things better, you might be able to request mediation with an independent certified mediator who would be retained by the district. This would be a better next step than an appeal within the district.

It is exceptionally important to note any timelines that are set forth in these regulations. If you do not approve of a decision that is made, you often have a very short time to appeal to a higher level.

Any time you agree to pursue a proposed path, be sure that you put in writing that you reserve your right to shift your complaint to a formal level, if things do not get markedly better quickly.

If you are a member of a “protected class” and other students within this protected class are also being harassed, you can work as a group to develop the documentation that a hostile environment exists in a school for all members of your “protected class.” It would likely be best to work with a local or state advocacy group to accomplish this.

If you are not a member of a “protected class” and the district responds that the investigation and intervention actions that are required under civil rights laws are not designed to protect you, make sure you get this in writing and send the documentation you have prepared to your representatives at the state legislature. Seek to raise this to the education committees of your state legislature.