



FACT SHEET

THE RIGHT TO BE FREE FROM BULLYING & HARASSMENT

August 2026

All students have the right to be free from bullying and harassment in school – whether it is verbal, written, graphic, physical, or online. All forms of bullying and harassment are not permitted and require your school to investigate and intervene to ensure that the bullying and harassment do not continue.

Data and surveys show that students are disproportionately subjected to bullying and harassment on the basis of race, disability, sexual orientation, gender identity, national origin, and religion and that students at the intersection of these identities report even higher rates of bullying.¹ The problem emanates from individual bias, as well as deeply rooted structural and systemic racism.

In the United States, 20% of K-12 students are bullied,² and in Pennsylvania, 25.7% of students report being bullied.³ Race is the leading identity factor for students experiencing bullying.⁴ Due to historic and systemic racism, societal stereotypes, and implicit individual biases, Black students make up the largest percentage nationally of students who are bullied, representing 37% of students who report being bullied at school despite making up only 15% of the U.S. K-12 population.⁵

This problem must be addressed promptly, as students who are bullied are at increased risk of experiencing health problems and academic struggles and are more likely to drop out of school.⁶

This fact sheet is also available in [Spanish](#) and [Chinese](#).

WHAT IS BULLYING?

In Pennsylvania, a child meets the legal definition of being bullied if the situation meets ALL of the following four criteria:

- Another student or group of students did something or said something on purpose (intentionally);
- The other student's action(s) took place in school (including virtual school), on school property, at a bus stop, or at a school event;
- The other student's actions are severe, persistent, and/or something that the other student did repeatedly; AND

- The other student's conduct is so significant that it makes a big difference in the targeted student's education, creates a threatening environment for the targeted student, or keeps the school from running normally.⁷

WHAT IS CYBERBULLYING?

Pennsylvania law requires schools to adopt policies related to cyberbullying.⁸ The law defines cyberbullying as bullying using electronic technology or communication, including data, computer software or online platforms regardless of their origin; or using a device, system, network, internet service, email, social media, or other digital means, including artificial intelligence-generated or modified media, when the conduct meets the criteria of bullying. This conduct must (1) be directed at another student or students, (2) be severe, persistent, or pervasive, and (3) interfere with a student's education, create a threatening environment, or substantially disrupt school operations.⁹ More information about cyberbullying can be found in our fact sheet [here](#).

WHAT IS HARASSMENT?

Harassment occurs if other students are targeting your child because they are a member of a **"protected class,"** which could include race, disability, ancestry, national origin (including immigration status and English proficiency), religion, or sex (which includes gender identity and expression, sexual orientation, pregnancy, and sexual harassment).¹⁰ Unlawful harassment can take place on the basis of poor treatment, or on the basis of membership in one or multiple "protected classes." It is important to learn about how federal and state laws define discrimination in each category.¹¹

WHAT IS THE DIFFERENCE BETWEEN BULLYING AND HARASSMENT?

The key difference between bullying and harassment is WHY other students are targeting the student being harmed. If other students are targeting your child because your child is a member of a "protected class" (as listed above), then your child may be experiencing harassment. Keep in mind that certain insults or statements based on stereotyping can be signals that they are targeting your child based on the child having traits associated with a protected class. Some cities and school districts also provide additional legal protection on other bases. For example, the School District of Philadelphia specifically lists English language proficiency, marital status, and veteran status as protected classifications.¹²

Know Your Rights Under Pennsylvania's CROWN Act

The Pennsylvania CROWN Act (Creating a Respectful and Open World for Natural Hair) protects students from racial discrimination based on hair textures and protective hairstyles, as well as head coverings and hairstyles historically associated with religious practice.

Protected hairstyles include, but are not limited to:

Locs • Braids • Twists • Coils • Bantu Knots • Afros • Extensions

The CROWN Act [amended the Pennsylvania Human Relations Act \(PHRA\)](#) and took effect on January 24, 2026.

Learn more:

- Read the [Pennsylvania CROWN Act](#).
- Download [ELC-PA's CROWN Act Fact Sheet](#).

If discrimination or discipline occurs:

- Request your student's records (FERPA Request for [parents](#) and [eligible students](#)).
- [Request expungement of suspensions](#).
- Learn about students' rights to be [free from bullying and harassment](#).
- Access [ELC-PA's tool for filing a complaint to the PHRC](#).
- Review [ELC-PA's Equitable Codes of Conduct resources](#).

SCHOOLS MUST ADDRESS BULLYING OR HARASSMENT

School policies must explicitly address bullying and cyberbullying and how school officials will handle these issues.¹³ Teachers, administrators, and staff must report bullying or harassment they see. Schools have a legal duty to investigate and take action to keep children safe. This includes providing supports and interventions when bullying or harassment occurs outside of school (including on social media) if it is substantially interfering with your child's education or causing a threatening environment.¹⁴ Bullying negatively impacts student attendance, so it is also important for schools to have procedures for addressing bullying, which enables students to attend school in safe environments.¹⁵ Under a new law adopted in 2026, after a school investigates a claim of bullying or cyberbullying and determines that either took place, they must notify the parents or legal guardians of all the students involved in the incident as soon as possible.¹⁶ Finally, schools have additional specific obligations to ensure a free, appropriate public education for students with disabilities.

Pennsylvania law also requires public schools to adopt a policy or amend their existing policy relating to bullying and cyberbullying and incorporate it into the school entity's code of student conduct. The policy must set forth disciplinary consequences for bullying and may provide for prevention, intervention, and education programs. It must also identify appropriate school staff to receive reports of incidents of alleged bullying.¹⁷

In 2025, the Pennsylvania Human Relations Commission (PHRC) released new guidance on evaluating bullying and harassment claims. This guidance reiterates that “[e]ducational providers should seek to remedy and prevent all forms of bullying and harassment, to protect students from the physical and emotional harm that it may cause.”¹⁸ It also explicitly states that Pennsylvania students have a right to a school environment free of unlawful discrimination. Bullying or harassment can be considered “unlawful discrimination” when it is based on a student being a member of one or more protected classes and creates a hostile school environment that interferes with the student’s education.¹⁹ It should be noted that under this guidance, students are also **protected from discriminatory cyberbullying** – through social media or other online mechanisms – that is reasonably forecast to be disruptive at school and interferes with other students’ rights.²⁰ You can view the updated guidance, including best educational practices, [here](#).

WHAT CAN I DO IF MY CHILD IS BEING BULLIED OR HARASSED?

It is important to promptly report all bullying and harassment every time it happens, as soon as it happens, in as much detail as possible. You should keep notes that include:

- When the bullying/harassment took place.
- Details about what the other school community members said or did (including any screenshots).
- Details about why the school community member may be engaging in the bullying/harassing behavior and targeting.
- The names of the people targeting your child (or their descriptions if you do not know their names).
- Details about when and to whom you reported the bullying/harassment.
- The response you received after reporting.

Submit this information in writing to the staff person responsible for investigating bullying and harassment complaints at your child’s school. Use ELC-PA’s [Bullying or Harassment Complaint Form Checklist](#) to support you in making a comprehensive report to your child’s school.

You should use your school’s complaint form or, if it does not have one, you can use our [sample form](#) to request a bullying/harassment investigation. If you are not satisfied with the school’s investigation of your complaint, you can use the school’s appeal process.

You can also testify before the school board and ask them to take action.

You should also ask the school to create a safety plan if you are concerned about your child's safety. To see a sample safety plan with possible interventions, see [Model Safety Plan and Possible Interventions](#) and [Model Safety Plan Options worksheet](#) on ELC-PA's [Bullying and Harassment Resource Page](#).

You also have the option of submitting a complaint regarding harassment to the state civil rights agency, the PHRC, and/or to the U.S. Department of Education's Office of Civil Rights (OCR). Learn more with ELC-PA's resource [How to File a Complaint with PHRC](#).

If your child is being disciplined for conduct or behavior that they engaged in as a response to bullying or harassment, you should raise this issue with the school and share your records of the bullying and harassment and any requests for an investigation. Please see ELC-PA's [toolkit on suspensions and expulsions](#) for more information.

WHAT CAN I DO IF MY CHILD WITH A DISABILITY IS BEING BULLIED OR HARASSED?

If your child with a disability is being bullied or harassed, you can follow the steps listed above. In addition, you should send a written request for an emergency meeting to the child's IEP team or 504 Plan team (see [Self-Advocacy Tool: Request to Convene an IEP Meeting](#)). This should be sent to the IEP team or 504 Plan team, and you should copy the principal and the director of special education. During that meeting, you should discuss the bullying and harassment incidents, what your child needs, and what the school should do to address the harassment. If bullying or harassment has interfered with your child's progress in school, consider making changes to the child's IEP, conducting a new functional behavioral assessment, or revising a positive behavior support plan. See our guidance about [Resolving Disagreements through the IEP Process](#) and our [Bullying and Harassment Resource Page](#) for additional legal options.

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC-PA advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ youth, children experiencing homelessness, and children at the intersection of multiple underserved identities.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice — visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.

¹ U.S. Dept. of Educ., *2015-2016 Civil Rights Data Collection: School Climate and Safety Report* (2018), <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>; U.S. Gov't Accountability Off., *Students' Experiences with Bullying, Hate Speech, Hate Crimes, and Victimization in Schools* (November 2021), <https://www.gao.gov/assets/gao-22-104341.pdf>; Chardee A. Galan et al., *Exploration of Experiences and Perpetration of Identity-Based Bullying Among Adolescents by Race/Ethnicity and Other Marginalized Identities*, JAMA NETWORK OPEN (July 2021), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2782217?resultClick=3>. See also Chad A. Rose & Nicholas A. Gage, *Exploring the Involvement of Bullying Among Students with Disabilities Over Time*, 83 EXCEPTIONAL CHILDREN, 298-314 (2017), <https://doi.org/10.1177/0014402916667587>; Haile et al., *Bullying Victimization Among Teenagers: United States, July 2021-December 2023*, Center for Disease Control (October 2024), <https://www.cdc.gov/nchs/data/databriefs/db514.pdf> (finding that students with developmental disabilities and LGBTQ+ identities make up 44.4% and 47.1% of reported instances on bullying among 12-17 year olds).

² Nat'l Ctr. for Educ. Stat., *Fast Facts: Bullying*, (2024), <https://nces.ed.gov/fastfacts/display.asp?id=719>.

³ See Pennsylvania Commission on Crime and Delinquency et al., *2025 Pennsylvania Youth Survey* (April 2026), <https://www.pa.gov/content/dam/copapwp-pagov/en/pccd/documents/juvenile-justice/pays/2025-pays/2025-state-of-pennsylvania-profile-report.pdf>.

⁴ Yukun Yang & Jessica McKnight, *Students of Color are Disproportionately Bullied and Harassed at School*, PUB. HEALTH POST (April 28, 2023), <https://publichealthpost.org/health-equity/students-of-color-are-disproportionately-bullied-and-harassed-at-school>.

⁵ *Id.* (citing Nicholas A. Gage et al. *Disproportionate Bullying Victimization and Perpetration by Disability Status, Race, and Gender: A National Analysis*, ADV. NEURODEV. DISORD. 5, 256-268 (2021), <https://doi.org/10.1007/s41252-021-00200-2>).

⁶ Frederick Rivera & Suzanne Le Menestrel, *Preventing Bullying Through Science, Policy, and Practice*, 115-29 (2016) (finding that students who experience bullying are more likely to experience depression, anxiety, and feelings of loneliness); Jaana Juvonen et al., *Bullying Experiences and Compromised Academic Performance Across Middle School Grades*, 31 J. EARLY ADOLESCENCE 152, 167 (2011) (noting evidence of decreases in academic performance among youth who experience bullying due to harm caused by this experience); Christina Spears Brown, *The Educational, Psychological, and Social Impact of Discrimination on the Immigrant Child*, MIGRATION POL'Y INST. (Sep. 2015), <https://www.migrationpolicy.org/research/educational-psychological-and-social-impact-discrimination-immigrant-child> (noting how discrimination evokes similar stress responses to PTSD and advocates for anti-bullying policies as a means of preventing discrimination against immigrant students).

⁷ See 24 PA. STAT. ANN. § 13-1303.1-A.

⁸ 24 P.S. § 13-1303.1-A(A).

⁹ 24 P.S. § 13-1303.1-A(E).

¹⁰ See Pennsylvania Human Relations Act, 43 Pa. Stat. Ann. § 953; 43 PA. STAT. & CONS. STAT. § 954(bb)-(dd) (West 2026); 43 PA. STAT. ANN. § 955; 16 Pa. Code § 41.205 (defining religious creed discrimination), § 206 (defining sex discrimination) and § 207 (defining racial discrimination), adopted by Pennsylvania Bulletin, Vol 53, No. 24. June 17, 2023, effective 8/16/2023, available at <https://www.pacodeandbulletin.gov/secure/pabulletin/data/vol53/53-24/53-24.pdf>. See 42 U.S.C.A. § 2000d; 42 U.S.C.A. § 12182; 20 U.S.C.A. § 1681. See, e.g., *Davis Next Friend LaShonda D. v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629, 650 (1999) (ruling that student-on-student sexual harassment is a form of discrimination and, if severe enough, is an actionable violation of Title IX).

¹¹ For example, while disability is not a suspect class under the Fourteenth Amendment of the federal constitution, disability discrimination is recognized under federal law, e.g., Title II of the Americans with Disabilities Act 42 U.S.C. §§ 12131-12134 and Pennsylvania state law under the PHRA. 16 Pa. Code § 44.5. Courts have recognized that disability discrimination may occur where a public entity refuses to provide a reasonable accommodation to a qualified individual with disabilities who needs an emotional support animal. *Bittenbender v. Fam. Servs. Ass'n of Bucks Cnty.*, No. 25-CV-5920, 2026 WL 561128, at *4 (E.D. Pa. Feb. 26, 2026) (citing *Furgess v. Pa. Dep't of Corr.*, 933 F.3d 285, 287 (3d Cir. 2019)).

¹² See The School Dist. of Phila., *Policy No. 248: Harassment and Discrimination - Students* (Revised Feb. 27, 2025).

¹³ 24 P.S. § 13-1303.1-A(A).

¹⁴ See *MacLean v. Borough of Hellertown*, No. 5:17-cv-02085-LKC (E.D. Pa. 2018) (plaintiff was subject to racial discrimination and harassment, which led to monetary settlement and injunctive relief where the school had to provide an anti-bullying program and anti-bias training); *Wible v. School District of Philadelphia*, No. 15-043169 (Phila. Cty. Ct. of Comm. Pls. 2018) (finding that school district violated Pennsylvania's antidiscrimination statute and acted with deliberate indifference to the bullying experienced by plaintiff, who was harassed for multiple years due to her gender presentation and not conforming to gender stereotypes); *Evancho et al. v. Pine-Richland School District*, No. 2:16-cv-01537 (W.D. Pa. 2016) (complaint by plaintiff who was transgender and not permitted by the school district to use her preferred bathroom resulted in settlement and injunctive relief, where the school district rescinded its bathroom policy and updated its nondiscrimination policy to include gender identity); *United States v. School District of Philadelphia*, No. 10-cv-7301-SD (E.D. Pa. 2010) (U.S. Department of Justice's complaint alleging that school district failed to stop verbal and physical harassment against Asian students resulted in settlement, where school district agreed to address the harassment by implementing anti-harassment policies, training staff, and collecting data on complaints); *Enright v. Springfield School District*, No. 464, No. 04-cv-1653-JCJ (E.D. Pa. 2006) (school district found responsible under federal laws for sexual harassment of a young girl with a disability while on a school bus).

¹⁵ Anne Williford, Paula Fite, Kathleen Diaz & A. Singh, *Associations between different forms of peer victimization and school absences: The moderating role of teacher attachment and perceived school safety*, 58 *PSYCHOLOGY IN THE SCHOOLS* 185, 185-202 (2021), <https://doi.org/10.1002/pits.22438>. See also 24 P.S. §§ 13-1326 (Pennsylvania's compulsory attendance law).

¹⁶ 24 P.S. § 13-1303.1-A(A).

¹⁷ See 24 P.S. § 13-1303.1-A; Pa. Code § 12.3(c).

¹⁸ See Pa. Hum. Rel. Comm'n, "Harassment in Educational Settings" Guidance on Evaluating Claims of Bullying and Harassment under the Pennsylvania Human Relations Act (2025), <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/documents/education/phrc> (last accessed on June 26, 2026).

¹⁹ *Id.* at 5.

²⁰ *Id.* at 10-11.