

# Your Right to Be Safe in School

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## Your Right To Be Free From Harassment And Bullying

- You have the right to be free from all forms of bullying in school -- verbal, written, graphic, cyberbullying, or physical.
- You have additional rights if bullying qualifies as “harassment” – offensive conduct that relates to your race, color, national origin/ethnicity, gender, age, disability, or religion. To establish that you have been harassed, you must show that:
  - the conduct relates to your race, color, national origin/ethnicity, gender, age, disability, or religion and therefore you were harassed in a discriminatory way. For example, you might show that a bully used derogatory language or only targeted certain student populations.
  - the conduct was “severe, pervasive, and objectively offensive” and goes beyond “teasing and name calling.” The harassment does not have to be physical or sexual, but it must be of such an egregious level that most people would find it offensive and unacceptable. If the conduct occurred for a prolonged period of time or if there were many perpetrators this can help prove that it was severe.
  - the conduct had negative effects on your education. The school must address bullying and harassment that hurts a child’s ability to get an education. You may be able to prove that the child’s education was harmed by showing that her academic performance declined, that she began avoiding/skipping school, that she developed psychological symptoms (depression, post-traumatic stress disorder, anxiety), or left the school.

## Your Right To Have Your School Take Action to Address Bullying & Harassment

- No matter how severe the bullying or harassment may have been, a school is only required to address the harassment if they have notice that it has taken place. Notice must be provided to a school or district official who has the authority

to address the alleged harassment and institute corrective actions. In order to ensure that you have given the school appropriate notice that your child is being harassed, it is a good idea to notify school officials, including the school principal and the superintendent, about the harassment in writing. The letter should explain what is happening to your child, who was involved, what happened as part of the harassment, who saw it happen, and when and where it occurred. You should include your suggestions for how the school should handle the problem to make sure the bullying stops.

- If you are alleging that the child is being harassed, make sure to show that the harassment 1) related to or occurred because of the child’s race, color, national origin/ethnicity, gender, age, disability, or religion; 2) was severe, pervasive, and objectively offensive; and 3) had negative effects on the child’s education.

## You Have the Right to Have Your School Comply With School District Bullying Policies

- In Pennsylvania, every district and charter School must have a written policy against bullying. Many districts have different policies for bullying and harassment. Once the school or district has notice that a child is being bullied or harassed, they must follow their district’s policy including any complaint procedures outlined in the policy. You should be able to find your district’s bullying and/or harassment policies on their website or in their Code of Student Conduct. If not, you should call the school and request a copy.

## You Have the Right to Present Your Complaint To Your School District

- If the policy names a staff person in charge of addressing bullying issues, you should contact that person. If the policy does not include such a contact or that person is not helpful, you should reach out the superintendent’s office and/or the school board. You can write the school board a letter or speak at one of their public meetings.

## BULLYING CHECKLIST

### Keep Detailed Records

- Describe the nature of the bullying (verbal taunts, physical abuse, sexual harassment, social exclusion, etc), including who was involved, what they did, and where it happened.
- Create a timeline to show how long the bullying has been going on.
- Write down the effects the bullying has had on your child.
- Write down the names of school employees whom you or your child have talked to about the bullying. Include dates and descriptions of what these individuals said to you.

### Ask the School to Take Action

- Get your school district's bullying and/or harassment policy.
- Contact the staff person identified in the bullying policy.
- Write a letter to school officials, including the principal and superintendent, describing the bullying. Send, email, or hand deliver this letter.
- File a complaint using the complaint procedures outlined in your district's policy.
- Write a letter to your school board or speak at a board meeting.

### Seek Additional Help

- Reach out to one or more of the advocacy organizations listed in the Bullying Factsheet.
- Consider filing a complaint with one of the government agencies listed on page 4.

### You Have the Right to Have Your District Take Steps "Reasonably Calculated" to Deter Harassment

- When a District is presented with a case of harassment they must take steps that are reasonably calculated to deter known bullies from repeating the harassment. This means the District cannot simply ignore the harassment. They must take steps that are likely to actually stop the harassment from continuing.

*The information presented is not legal advice and should not be relied on as such. Every situation is different. To learn about how these laws may apply in your particular situation, please contact an attorney of your choice or contact the Education Law Center for a referral.*