

THE NEXT STEP IS OURS

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WASHINGTON STATE PTA'S GUIDE TO IMPLEMENTATION OF THE ANTI-BULLYING BILL

Created by the Washington State PTA

For use by WSPTA Councils and Local Units to advocate for sound implementation of
the 2002 Law requiring school districts to prohibit harassment, intimidation,
and bullying between students.

Adapted from various sources, including the Office of the State Superintendent of Public Instruction
and articles in Volume 1 No. 4 of the School Information and Resource Service magazine.

October 2002

Dear Council and Local Unit PTA leaders:

Washington State PTA proudly supported and advocated the passage of the Anti- Harassment, Intimidation and Bullying Act of 2002. Our members identified this legislation as their top priority, and grassroots members worked tirelessly contacting legislators and explaining the importance of this bill. Our efforts came to fruition when the legislation was passed by the 2002 Legislature and signed into law by Governor Gary Locke.

Having a bill on the books is great, but a policy that remains on the books and doesn't get into the schools and into the classrooms is but a "half loaf." The real challenge now is for parents to work together with each school district and each school to implement the Safe Schools legislation. WSPTA has created an advocacy kit for members to use as they participate in the process of implementing a meaningful anti-bullying policy in their school district, *The Next Step is Ours- WSPTA's Guide to Implementation of the Anti-Bullying Bill*.

WSPTA leaders have a unique opportunity, and a responsibility, to help insure that this law is implemented effectively. We are onsite, we know the children and we know what is happening in our neighborhoods and in our schools. We can be the glue that binds administrators, teachers, parents and students together to put a policy and procedure in place that makes this law work for all children. We can also be the force that assures that reluctant and unresponsive school boards and district administrators do the right thing. We can work together to eliminate harassment, intimidation and bullying in our schools.

This guide is designed to assist you as a PTA leader and to encourage your activism in the implementation of this law. We do not expect you to be an expert on every phase of the complex issue of harassment, intimidation, and bullying. We do encourage you to use your skills and talents to lead your councils and local units as they work with their schools to see that a truly effective anti-bullying policy is adopted by the deadline of August 2003, and that sound implementation of the law continues in the future.

A video and discussion guide entitled *Gum in My Hair: How to Cope with a Bully* is included with this kit. The video talks to students to help them understand what bullying is, the fact that it is not normal or acceptable, and that there are ways to deal with this problem safely and effectively.

If you have questions regarding the WSPTA's efforts to implement meaningful anti-bullying policies in all Washington State public schools please contact our office at 1-800-562-3804, or e-mail us at wapta@wastatepta.org.

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THE NEXT STEP IS OURS
WSPTA ADVOCACY KIT:

A Guide to Implementing Local Anti-Bullying Policies

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Also included: *Gum in My Hair: How to Cope with a Bully* videotape

HOW TO USE THIS GUIDE

This guide provides:

- 1) Background on the Anti-Harassment, Intimidation and Bullying Bill of 2002
- 2) Suggested questions you should be asking your school administrators and school boards to ensure implementation in your school district.
- 3) Steps you can use to find out about the state of the problem in your local area
- 4) How to create a focused plan to work with the school community for the adoption and implementation of effective policies and procedures.

We have many allies in our efforts to create meaningful policies to protect children. Work with other education organizations that also have a stake in implementation of this bill. Seek out the key administrators who will be putting this policy in place, the teachers' association, and the principals' group to see how you can work with them to make this a positive and successful experience. Also contact community organizations that may have some expertise in the subject to help in the formulation of the procedures and plans of action to deal with the matter.

The reference section will lead you to information from a variety of sources that will give you a good working understanding of the bill and how the policy is to be implemented from a state perspective. The Office of the Superintendent of Public Instruction (OSPI) will be an especially useful source of information.

Lastly, do not hesitate to ask for assistance from your region director and your council leaders. Of course, your state leaders and state office are also available to help.

STATEMENT OF WSPTA EXPECTATIONS FOR THIS GUIDE

The expectation of the Washington State PTA for the use of the Guide is to build a stronger advocacy capacity in our organization at all levels, and to empower our members to effect positive change for all children in our schools, communities and state.

The expectation for Washington State PTA in helping achieve effective implementation of the 2002 Anti-Harassment, Intimidation and Bullying Bill is to fulfill the promise of our support for the Anti-bully bill as a top issue and ensure that our schools are safe for all students. The work you do to assist in this effort will truly help build a better world for all children.



BRIEF BACKGROUND ON THE ANTI-BULLYING BILL

After several years of debate and work on the part of child advocates, including WSPTA, the 2002 Legislature passed and Governor Locke signed a bill requiring school districts to prohibit harassment, intimidation and bullying between students. School Districts have until August 1, 2003 to review and amend, if necessary, existing policy or adopt a new policy prohibiting bullying (as used in the bill, harassment, intimidation and bullying are synonyms and bullying will be used to refer to all three in this discussion). The Office of the Superintendent of Public Instruction (OSPI) was delegated the task to work with a variety of experts to develop a model policy and procedure. State Superintendent of Public Instruction Terry Bergeson encourages districts to take this policy requirement seriously, "It is another opportunity to create skilled and caring citizens for the 21st century." For parents, this bill is an opportunity to see that our school districts and schools do indeed take the problem of bullying seriously and act to put in place effective policies and programs to ensure that our schools are safe places for learning.

The model policy should be used as an outline of things to be considered in a local district policy. It can either serve as a checklist for reviewing an existing policy or a framework for a new policy. The one legal requirement that should be included in every district's policy is a prohibition of bullying consistent with the legislature's definition:

"Harassment, intimidation, or bullying means any written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional written, verbal, or physical act: (a) Physically harms a student or damages the student's property; or (b) Has the effect of substantially interfering with a student's education; or (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) Has the effect of substantially disrupting the orderly operation of the school. Nothing in this section requires the affected student to actually possess a characteristic that is a basis for harassment."

The sample policy lists the characteristics included in the statute (race, color, religion, ancestry, national origin, gender, sexual orientation, or mental or physical disability). Districts may want to list other characteristics that serve as a cause of bullying in the schools, and some examples of what these might be are also included in the model policy. The model procedures are also to be used to review current harassment procedures or modification to adopt new procedures. The purpose of the policy and procedure is to respond to all incidents reasonably and proportionally with the goals of helping the bullied student, restoring the respectful culture of the school and changing the bully's behavior. Early and effective intervention is the key to achieving all of these goals.

The legislation says that "The policy *should* be adopted or amended through a process that includes representation" of parents, employees, volunteers, students and community members. Districts are encouraged to develop such a process, which is one reason that adoption of the policy was put off until August 2003. Having a couple of parents, even though they are PTA members, included in the official process is not a substitute for PTA advocacy in your school district or your school. PTAs have a responsibility and opportunity to monitor the process and make sure that the policy and procedure proposed for adoption meets the requirements of the law and the needs of your community. Vigilance and collaborative working with other parts of the community in addition to the official committee will assure that the policy and procedure adopted by your district works for the children of your community. PTAs also have the opportunity to make sure that the policy and procedures when adopted are actually used in a positive and effective way to deal with harassment, intimidation and bullying and engender safe schools.

(Adapted from *Policy News*, April 2002, Washington State School Directors' Association, with additional PTA comments on parent involvement).

Prohibition of Harassment, Intimidation and Bullying

The District is committed to a safe and civil educational environment for all students, employees, volunteers and patrons, free from harassment, intimidation or bullying. "Harassment, intimidation or bullying" means any intentional written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), (race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability), or other distinguishing characteristics, when the intentional written, verbal, or physical act:

- Physically harms a student or damages the student's property; or
- Has the effect of substantially interfering with a student's education; or
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying. "Other distinguishing characteristics" can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, gender identity, and marital status. Harassment, intimidation or bullying can take many forms including: slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions. "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other district policies or building, classroom, or program rules.

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and is to be implemented in conjunction with comprehensive training of staff and volunteers, including the education of students in partnership with families and the community. The policy is to be implemented in conjunction with the Comprehensive Safe Schools Plan that includes prevention, intervention, crisis response, recovery, and annual review. Employees, in particular, are expected to support the dignity and safety of all members of the school community.

Depending upon the frequency and severity of the conduct, intervention, counseling, correction, discipline and/or referral to law enforcement will be used to remediate the impact on the victim and the climate and change the behavior of the perpetrator. This includes appropriate intervention, restoration of a positive climate, and support for victims and others impacted by the violation. False reports or retaliation for harassment, intimidation or bullying also constitute violations of this policy.

The superintendent is authorized to direct the development and implementation of procedures addressing the elements of this policy, consistent with the complaint and investigation components of procedure 6590, Sexual Harassment.

Prohibition of Harassment, Intimidation and Bullying

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of harassment, intimidation or bullying. At the building level, programs may be established for receiving anonymous complaints. Such complaints must be appropriately investigated and handled consistent with due process requirements.

Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or designated staff person when they receive complaints of harassment, intimidation, or bullying, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

Informal remedies include an opportunity for the complainant to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district harassment, intimidation and bullying policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

Formal Complaint Process: Anyone may initiate a formal complaint of harassment, intimidation or bullying, even if the informal complaint process is being utilized. Complainants should not be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearings may result. Efforts should be made to increase the confidence and trust of the person making the complaint. The district will fully implement the anti-retaliation provisions of this policy to protect complainant(s) and witness(es). Student complainants and witnesses may have a parent or trusted adult with them, if requested, during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

A. All formal complaints shall be in writing. Formal complaints shall set forth the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, intimidation or bullying. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.

B. Regardless of the complainant's interest in filing a formal complaint, the compliance officer may conclude that the district needs to draft a formal complaint based upon the information in the officer's possession.

C. The compliance officer shall investigate all formal, written complaints of harassment, intimidation or bullying, and other information in the compliance officer's possession that the officer believes requires further investigation.

D. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

E. The superintendent or designee, who is not the compliance officer, shall respond in writing to the complainant and the accused within thirty days, stating:

1. That the district intends to take corrective action; or
2. That the investigation is incomplete to date and will be continuing; or
3. That the district does not have adequate evidence to conclude that bullying, harassment or intimidation occurred.

F. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

G. If a student remains aggrieved by the superintendent's response, the student may pursue the complaint as one of discrimination pursuant to Policy 3210, Nondiscrimination or a complaint pursuant to Policy 4220, Complaints Concerning Staff or Programs.

A fixed component of all district orientation sessions for employees, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing harassment, intimidation or bullying. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated or professionally licensed staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of harassment, intimidation or bullying. Classified employees and regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation and bullying, and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of harassment, intimidation and bullying.

The Role of the School Administrator

Adapted from an article by AWSP staff in the SIRS magazine, Fall 2001, Vol. 1, No. 4.

(Consider the serious note of responsibility of the school administrators in the implementation of this law, and the positive and necessary role of parents in the process, [*editorial note*]).

The district superintendent and the building principal (along with their key staff) must be the leaders for implementation of the anti-bullying policy and procedure in their districts and school buildings. Parents, teachers and students must look to these administrators to provide the positive and active leadership that will insure safe schools. The Office of the Superintendent of Public Instruction in collaboration with the Association of Washington School Principals (AWSP) and the Washington State School Directors Association (WSSDA) are providing training for school administrators on the implementation of the Anti-Bully Bill. They understand that implementing this law will directly impact the day-to-day activities in our schools.

The workshops that school administrators will attend this fall and at other times as appropriate, are designed to prepare administrators, especially those at the building level, to fulfill their responsibilities under the new law. These workshops will cover the following:

- Conducting training on the law for staff;
- Creating a school environment that stresses the prevention of harassment, intimidation, and bullying by integrating prevention and intervention into the school's comprehensive safe school plan;
- Including students, parents/guardians, employees and volunteers in designing the harassment, intimidation, and bullying policy and communicating it to everyone; and
- Developing a grievance and appeals process.

The legislation requires school districts to adopt a policy and procedures by August 1, 2003. District and building administrators must implement the policy and carry out the procedures. Effective implementation is needed to create the safe and secure environment and avoid possible litigation. School staff should be trained to identify and effectively intervene on bullying behaviors to ensure a system-wide positive learning and social environment.

STEPS TO TAKE FOR IMPLEMENTATION

The following steps can be taken to put together a local campaign that will lead to successful school board adoption of an effective anti-bullying policy and procedures for your school district. They are based on tried and true advocacy techniques, and will give you a plan for action. In most school districts there will be a PTA Council which can take on the leadership and coordination role for all PTA members and schools in the district. In other areas, ask your WSPTA region director to help facilitate district-wide action.

Research the problem – The first step towards a safe school comes from understanding the bullying problem your school confronts. This gives parents a powerful tool for effecting change. Conduct individual school reviews and consider having a district-wide forum through your council, or if you are not in a council, with the assistance of the WSPTA region director.

Learn about the Law and the Model Policy and Procedures - Consult the outside resources listed in this kit, and contact your State PTA resources for assistance. Learn what is possible and what is necessary in a sound anti-bullying policy and procedure package.

Build support – After completing your research, develop a core group of people (committee) to launch your campaign. This should be a representative group of your members, and may include advisory members from other groups.

Establish your priorities – The committee should determine exactly what issues you want addressed in the policy and procedures. A clear position on reporting, covert and overt bullying, bias bullying, adult intervention, parent notification, and other priorities pertinent to your school need to be stated. Use the model policy and procedures developed by OSPI as a starting place.

Share the draft policy with local PTA members: Conduct meetings with local units and gather input from members. Revise policy and procedures to address concerns and questions.

Approach school district staff to support your policy draft – Meet with teachers, bus drivers, classroom assistants, office staff, administrators, maintenance and cafeteria staff to determine their position on your policy. Modify when appropriate. This is the time to build a coalition of those concerned around a common goal.

Meet with individual school board members – Determine your support and opposition. Work with members to alleviate concerns and to educate them on the issue.

Develop and implement a strategic plan of action – Use grassroots pressure, coalition building, media coverage, etc. Use the methods and information in WSPTA's *Primer on Advocacy* for this work. Have a plan ready to move forward.

Work with your Superintendent and other Administrators – See where you have agreement and where you differ. If you can work out an effective policy and procedure agreement here, the next step will be easy. Get PTA members on the district committee that may be formed to advise the Board on a policy and procedures. Make an assessment of any proposal that comes out of this committee against what your members want and your needs assessment tells you. If agreement is not possible at this stage, take the next step.

Present your proposal to the school board for formal adoption – Line up your votes, prepare your speakers, fill the room with supporters, and provide written background data. Be prepared to tell them why your proposal will work, and why it matters to parents and the community.

Celebrate your success and start preparing for implementation in each school – Once a good policy and procedure are adopted by the school district, your work is not over. In order to be truly effective in seeing the law implemented, each local unit PTA should start working on a plan to see that the policy and procedures work in their school. Follow the steps here adapted to the smaller community of your school, and work with your principal to see that each school in your district is truly a safe school.

Questions PTA Members Should Ask

Questions to ask at the school district level:

- Who should parents contact to get a copy of the district's current harassment policy and procedures?
- What records or reports are available relating to the administration of the current policy and procedures, if any?
- What plans has the district developed, or is planning to develop, to implement the new law by reviewing current policy and devising new policy and procedures?
- How will the school district involve parents in the development of these plans?
- What is the process for having the policy and procedures adopted by the school board by August 1, 2003?
- How will the school district work with schools to implement the policy and procedures once they are adopted?
- What type of training is or will be provided to school administrators and personnel on the new law?
- What type of technical assistance will be provided to schools having difficulty implementing the new policy and procedures once adopted?
- What type of reporting and evaluation of the progress of implementation of the new policy and procedures will be required from the individual schools, and when?

Questions to ask at the local school level:

- What records or reports are available relating to incidents of past harassment and/or bullying in the school, if any?
- What process does the school plan to use to implement the new district policy and procedures?
- What type of training will be provided to the school administrators and school personnel on the implementation of the policy and procedures in the building?
- What type of training will be provided to parents on the implementation of the policy and procedures in the building?
- How will parents and community members be involved in the development of implementation plans and strategies in the school?
- What plans will be developed to monitor and report to the public on the progress of implementation of the policy and procedure at the school?
- What plans will be developed for training and evaluation of compliance with the policy and procedures on an ongoing basis for the future?
- How can parents in general, and the PTA in particular, be of positive assistance in the development of the school plan and the ongoing compliance efforts for the policy and procedure?
- What plans will be developed for informing parents and the community once the school plan for implementing the policy and procedure is put in place?

LINKS TO HELPFUL WEBSITES AND OTHER RESOURCES

Washington State PTA website: www.wastatepta.org

The OSPI website: www.k12.wa.us/safetycenter/bullying.asp

WSSDA website: www.wssda.org

Learning First Alliance: www.learningfirst.org

Learning First Alliance: *Every Child Learning: Safe and Supportive Schools*, Nov. 2001

School Information and Research Center: Leadership Information Vol. 1 No. 4
Preventing Harassment, Intimidation and Bullying in Our Schools

Public Health – Seattle & King County: Public Health Data Watch, August 2002
Bullying and Bias-Based Harassment in King County Schools