



Deer Park School District

Harassment, Intimidation & Bullying The New Legislation

FAQs

Applying the Washington State HIB Law in our
District

Learning Goals –

Welcome: What do we need to know about the new legislation?.

Introduction:

In the spring of 2010, the State law addressing harassment, intimidation and bullying (HIB) was revised.

(RCW 28A.300.285)

There are some significant differences which we need to be aware of.

There are some new actions we are required to take.

We are here to look at the changes and the requirements.

We will also look at some resources available to us.

New Law

QUESTION: Why do we have this new law?

ANSWER:

The original legislation was passed in 2002.

It was revised to include electronic forms of bullying in 2007. (This is commonly known as **cyberbullying**.)

However, the Legislature saw no significant improvements in bullying rates over that time.

The new legislation strengthens both policy and procedure as effective 1st steps to lower those rates.

State Policy and Procedures/ Training

QUESTION: What's new in the 2010 legislation?

ANSWER:

The legislation required OSPI to develop new state policy & procedures.

It requires districts:

- **to adopt the state policy & procedures** (at a minimum) by August 1, 2011.
- **to designate** a primary HIB contact person
- **to post** their HIB policy and other information **on the OSPI Safety Center** website.

OSPI's Partners

QUESTION: Who were OSPI's partners in this work?

ANSWER:

There were several organizations working together over many months. They include:

- WSSDA and AWSP
- The Office of the Education Ombudsman (OEO)
- The ACLU and The State PTA
- Seattle-King Co Public Health
- Patterson, Buchanan, Forbes, Leitch & Kalzer Law Firm
- WA Schools Risk Management Pool
- Representatives from various districts & agencies

Has it changed the previous definition

QUESTION: Has the new law changed our legal definition of harassment, intimidation and bullying?

ANSWER:

No, it has not.

The definition in the original 2002 legislation was revised to include “electronic” forms of HIB in 2007.

This is commonly referred to as “cyberbullying.”

Actual legal definition

QUESTION: What *is* that definition of HIB?

ANSWER:

Harassment, intimidation, or bullying is an intentional electronic, written, verbal or physical act that

- 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.

Any special protections

QUESTION: Does the policy give special protection to any particular group?

ANSWER:

No. However, certain groups experience higher levels of HIB than others. These groups need to be named and protected by your district policy and procedures.

Bullying versus other conflict

QUESTION: How does bullying differ from other forms of conflict?

ANSWER:

Other Conflict/ Fighting *

Between friends/equals/peers
Spontaneous/occasional
Accidental/not planned
No serious, lasting harm
Equal emotional reaction
Not for domination/control
Often a sense of remorse
May try to solve problem

Bullying *

Not friends/imbalance of power
Repeated over time
Intentional
Physical/emotional harm
Unequal emotional reaction
Seeking control/possession
No remorse-blames target
No effort to solve problem

* Please remember that specifics will vary with each incident.

HIB training requirements

QUESTION: Is HIB training required?

ANSWER:

Yes. For both staff *and* students.

Staff: annual training on the district's policy & procedures; roles & responsibilities; monitoring, and use of the district's Incident Reporting Form.

(Sample: <http://www.k12.wa.us/safetycenter/bullyingharassment/default.aspx>)

Students: annual, age-appropriate information on HIB recognition and prevention, including the Incident Reporting Form.

Adult HIB – Not included in this law

QUESTION: What about adult HIB?

ANSWER:

Harassment, intimidation and bullying of students is prohibited.

The aggressor may be another student **or** it may be an adult member of the district or school staff.

However, ***adult-on-adult*** HIB is ***NOT*** included under the law, the policy or the procedures.

Requirements – Compliance Officer

QUESTION: Can you say some more about the requirement to have a **compliance officer**?

ANSWER:

The compliance officer will collect copies of the Incident Reporting Forms, whether they result in an investigation or not.

(Sample: <http://www.k12.wa.us/safetycenter/bullyingharassment/default.aspx>)

At the district's discretion, the compliance officer might also gather other, related information such as:

- climate data, staff feedback data,
- anonymous complaints,
- resolved complaints, etc...

Compliance Officer – Deer Park

School District

QUESTION: Who is our compliance officer?

ANSWER:

Our Compliance Officer is _Greg Swartz
phone (509) 464-5526 ; _
email: greg.swartz@dpsdmail.org

The compliance officer will receive all HIB Incident
Report Forms,

and

is responsible for implementation of the policy and
procedures

at a minimum.

Incident Reporting Form

QUESTION: Can we talk about the Incident Reporting Form?

ANSWER: Our Incident Reporting Form is at:

[http://www.dpsd.org/index.php?module=pagemaster&PAGE_user_op=view_page&PAGE_id=39.](http://www.dpsd.org/index.php?module=pagemaster&PAGE_user_op=view_page&PAGE_id=39)

We can also use the sample form on the OPSI Safety Center web site:

<http://www.k12.wa.us/safetycenter/bullyingharassment/default.aspx>

We *can* modify it to suit our district or school, but not in a way that would inhibit actual reporting.

All staff, students, and parents should know where to easily find, how to complete and where to return the form to report HIB. School Safety Center: <http://www.k12.wa.us/SafetyCenter/default.aspx>

Whose Responsibility?

QUESTION: Is the principal or his/her designee responsible for handling all Incident Reporting Forms?

ANSWER:

No: Every staff member, sub, temp or volunteer has to know how to

- intervene in HIB,
- support targeted students and
- receive **Incident Reporting Forms**.

When to use Incident Reporting Form

QUESTION: Does *every* instance of bullying require an Incident Reporting Form?

ANSWER:

No: In a school with a *well-implemented* bullying prevention program and a *well-trained* staff, incidents of severe and persistent bullying may not arise or may be very rare.

Every staff member will know how to

- recognize and intervene in HIB,
- support targeted students and
- and take appropriate actions.

When do you involve the principal?

QUESTION: When is the principal or his/her designee responsible for handling Incident Reporting Forms?

ANSWER:

If situations are severe, persistent, can't be resolved, or the staff person doesn't know what to do next, then

the incident and the Incident Reporting Form should be referred to the principal/designee.

Does every incident need to be documented?

QUESTION: Is it correct to say that not every incidence of bullying has to be documented on an Incident Report Form?

ANSWER:

Yes. In a school with a **well-implemented prevention program** there would be little bullying and harassment to report.

Everyone would know **policies & procedures**, and would use **appropriate** on-the-spot, classroom and school-wide **interventions**.

In such a school, very few Incident Report Forms would go to the principal/designee.

Timelines about investigation

QUESTION: Can you speak to new timelines around the investigation of a bullying incident?

ANSWER:

When a principal/designee receives an Incident Report Form, and the incident reached the unresolved/severe/persistent threshold, *it requires an investigation*:

The principal/designee then has **12 school days** to respond:

- **2 school days** – to contact families to let them know;
- **5 school days** – from initial complaint or Incident Report Form to complete the investigation;
- **2 school days** - after the completed investigation to contact families and inform them of the outcome, and
- **within 5 more school days**, implement whatever corrective actions are warranted.

Complex bullying incident

QUESTION: Can we discuss the timelines around the investigation of a complex bullying incident?

ANSWER:

If the investigation is long and complex, it might take more than 5 days. If that's the case, then the district will:

- provide weekly updates for the target family;
- take “reasonable measures” to ensure student safety;
- if necessary, develop a safety plan for the targeted student, and
- ensure that there is no retaliation against him/her.

Anonymous form

QUESTION: What if someone receives an anonymous form?

ANSWER:

That person may be *the trusted adult* in the student's life.

The form will give you some information to work with:

- an incident,
- a location,
- possibly a student(s) you may want to check with,
- a potential “teachable moment.”

Use that information.

Share the form with your Compliance Officer. It may be part of a pattern.

Child Safety is Paramount!

QUESTION: What if we are reluctant to contact the family about the bullying incident?

ANSWER:

The safety of the child is paramount!

There may be rare situations where contacting home may threaten the health and safety of the student.

If this is the case:

- consult with other appropriate staff such as
- counselors, psychologists, or social workers.
- Determine what is in the best interest of the child.
- You may be able to involve the family at a later time.

Appeals process

QUESTION: Why is there a separate HIB appeals process?

ANSWER:

There is an appeals process for disciplined students in WAC 392.400.235.

The HIB appeals process is for the targeted student.

If the **target student's family disagrees** with the findings of the principal/designee's investigation, they can appeal that decision to the **superintendent** and the **school board**.

The timelines here, are entirely different from the discipline appeals process.

Is discipline the final response?

QUESTION: Once an aggressor has been disciplined, is the school done?

ANSWER:

No. The procedure also calls for:

- support for the targeted student,
- interventions to change the negative behavior of the aggressor, and
- restoration of a positive school climate.

What can you share with parents?

QUESTION: Parents of the target students often ask about discipline for the aggressor.

What can we say? What can we not say?

ANSWER:

Tell them that the situation has been resolved and that you are continuing to monitor all students involved.

Also remind them that all students have a right to privacy and you are not at liberty to share more.

Can staff be disciplined for HIB?

QUESTION: Earlier we said that HIB applies to students and staff. Can staff be disciplined for HIB?

ANSWER:

Yes. Remember, “staff” includes everyone on staff - administrators, teachers, counselors, nurses, bus drivers, kitchen staff, custodians, paraprofessionals, substitutes, temps, volunteers....

Staff who bully students may be subject to disciplinary action up to and including termination.

Remember, though, that the legislation / policy **does not apply** to **adult-on-adult** HIB.

School District Responsibilities

QUESTION: What do we have to post to the OSPI web site?

ANSWER:

The legislation requires each district to report its

- policies & procedures,
- programs,
- partnerships, vendors, and
- training & instructional materials

to OSPI School Safety web site.

How is it reported?

QUESTION: And how will we do that?

ANSWER:

OSPI will collect the required information through the EDS system along with the annual attendance and weapons data **annually by August 15th.**

Questions about HIB policy/ procedures?

QUESTION: Are there any final questions?



HIB Resources

RESOURCES

The following is a starter list of HIB resources.
Check the School Safety web site for more.

1. <http://www.cyberbullying.us> – Cyberbullying Resource Site
2. <http://www.cfchildren.org> – The Committee for Children
3. <http://www.olweus.org> – The Olweus Bullying Prevention Program
4. <http://www.stopbullying.gov> – The White House Site
5. <http://www.stopbullyingworld.org> – International Bullying Prevention Assoc.
6. <http://webhost.bridgew.edu/marc> - MA Aggression Reduction Center Site

HIB Resources and Information

For More Information and Resources

Please visit

The School Safety Center Web Page

<http://www.k12.wa.us/SafetyCenter/default.aspx>

Or contact:

Jeff Soder

Jeff.soder@k12.wa.us

Mike Donlin

Mike.donlin@k12.wa.us

Documentation of Training

- Please sign that you have received the HIB training
- If you have any questions please contact your building principal or supervisor
- You may also contact the District Compliance Officer – Greg Swartz