

**MODEL LOCAL EDUCATION  
AGENCY BULLYING AND  
HARASSMENT  
PREVENTION POLICY**

**SEPTEMBER 2020**

**Model Language,  
Commentary,  
and Resources**

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## INTRODUCTION

All students have the right to feel safe and included in K-12 schools including those who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ+). Schools should be places of liberation where LGBTQ+ identities are affirmed and all students can thrive and achieve their full potential. In order to ensure student safety and wellbeing, local education agencies (LEAs) should adopt enumerated bullying and harassment prevention policies that specifically protect LGBTQ+ students who often have multiple intersecting marginalized identities, including but not limited to race, ethnicity, ability, and immigration status.

The following model policy for LEAs is intended to provide a framework that helps educators address bullying and harassment in schools. This resource is intended to be adaptable to the specific needs of LEAs and schools. The model policy considers federal and state policy frameworks. It includes the LEA components GLSEN recommends in the model state anti-bullying and harassment legislation, along with additional components from LEA policies across the country.

## ABOUT GLSEN

GLSEN is a national education non-profit organization, leading the movement to create safe and inclusive K-12 schools for all since 1990. We work tirelessly to ensure that all children can have a high quality education where they feel safe and affirmed. We envision a world in which every child learns to respect and accept all people, regardless of sexual orientation, gender identity, and/or gender expression, and in turn is respected and accepted themselves.

Each year, GLSEN programs and resources reach millions of students and educators in K-12 schools, via action at the national, state, and local level, including through a national network of state and local volunteer GLSEN Chapters. Over nearly three decades of work, GLSEN has improved conditions for LGBTQ+ students across the United States and launched an international movement to address LGBTQ+ issues in education and promote respect for all in schools.

## DEFINITIONS

### **Bullying:**

Bullying is a form of conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student(s) in fear of physical harm. This can include, but is not limited to, conduct based on a student's actual or perceived race, color, national origin, sex, disability status, sexual orientation, gender identity or expression, ethnicity, religion, or association with a person or group with one or more of these actual or perceived characteristics. Bullying can be verbal, physical, written or electronic communication.

### **Harassment:**

Harassment is a form of conduct that adversely affects the ability of one or more students to participate in or benefit from a school's educational programs or activities because of the conduct. This can include conduct based on a student's actual or perceived race, color, national origin, sex, disability status, sexual orientation, gender identity or expression, ethnicity, religion, or any other distinguishing characteristics or is based on association with a person or group with any person with one or more of the actual or perceived characteristics listed here. Harassment can be verbal, physical, written or electronic communication.

### **Cyberbullying:**

Cyberbullying is the use of any electronic communication technology to bully or harass, as defined above, regardless of the location or type of communication used.

## ENUMERATION

### DISCUSSION OF MODEL POLICY

While the goal of any anti-bullying and harassment policy is to protect all students, research has continually shown that enumeration,<sup>1</sup> or the specification of particular categories of students, is critically important for an effective policy. Enumeration that includes characteristics like race, religion, sex, disability, sexual orientation, gender identity, gender expression is absolutely necessary to protect all students, particularly those who have multiple intersecting marginalized identities. Research has consistently shown<sup>2</sup> that students experience less bullying and harassment, they feel safer overall, and teachers are more likely to intervene to prevent incidents of bullying and harassment in a school with an enumerated anti-bullying and harassment policy.

## SCOPE, PROHIBITION AND RESPONSIBILITIES

### Scope:

The [LEA] is committed to providing a safe, positive, and productive learning, and working environment.

This policy is applicable to all staff, educators, students, parents/guardians, and volunteers working at or attending facilities under the jurisdiction of this LEA. This policy covers conduct that takes place in schools, on school properties, school sponsored events and activities, on school buses, vehicles, and at bus stops. This policy also pertains to the usage of electronic technology or communication that is used to bully or harass.

### Prohibition:

Bullying and harassment are prohibited in the schools and facilities within the jurisdiction of this agency. Retaliation, or threats of retaliation that are meant to intimidate the victim of bullying or harassment, witnesses, bystanders, or those involved in the investigation of incidents are also prohibited.

Knowingly false reports of bullying or harassment will be regarded as serious, and will result in an appropriate response and/or sanctions.

**LEA/Agency Responsibilities:**

The superintendent and/or Agency head shall identify the appropriate administrator(s) responsible for collecting and responding to incidents of bullying and harassment.

The Agency shall provide reports on the aggregate complaints of bullying and harassment, and document the responses to these complaints to the Board annually. These reports shall be made available to the public on the Agency's website and/or upon request.

The Agency shall make available the means by which complaints from students, educators, staff, or parents alleging that a school or Agency staff member is failing to implement this policy.

This policy will be distributed annually, will be included in all agency-wide student codes of conduct, student and employee handbooks, and on the Agency website.

Schools under the jurisdiction of this Agency will:

- Include a copy of bullying and harassment forms in informational packets provided to students, parents, and guardians at the beginning of the school year.
- Make forms available in the school's main administrative offices, the counseling office, nurses offices, classrooms, and other locations determined by the principal or Agency designee.
- Make forms available on the school's and Agency's website.
- Provide the school community, including administrators, staff, volunteers, independent contractors, students, and parents or guardians with written notice of its policies for reporting acts of bullying and retaliation.
- Provide a description of the reporting procedures and resources, including the name and contact information of the Agency designee, that will be incorporated in student and staff handbooks, and on the school or Agency's website.

## COMPLAINT PROCEDURE

Complaints or reports of bullying, harassment, or retaliation can be made by staff, students, parents, or guardians, and may be provided verbally or in writing. Verbal reports made by or to a staff member must be recorded in writing by the staff member. All staff are obligated to report complaints promptly to the principal, headmaster, or Agency designee when they receive such a complaint, become aware, or witness an incident.

Reports made by students, parents/guardians, volunteers, or other non-employees, may be made anonymously. The Agency and schools in its jurisdiction will make reporting resources available to the school community, including, but not limited to a reporting form available on the Agency's and school's website. Use of this form is not required as a condition to make a report. If a report or form is incomplete, the principal, headmaster, or designee shall take reasonable measures to contact individuals involved to determine if an investigation should be pursued.

A staff member will report promptly (in writing) to the principal, headmaster, or designee when they witness or become aware of conduct that may be bullying or harassment. The requirement to report to the principal, headmaster or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with Agency policies and procedures for behavior management or discipline.

Upon receiving a written or verbal complaint of bullying or harassment from any student, educator, staff member, parent or guardian, the designated Agency administrator shall:

- Before investigating, the principal, headmaster, or designee will take steps to assess the need to restore a sense of safety to the alleged victim (target), to protect them from possible further incidents.
- Provide notification to the parents or guardians of all involved students, provided that such notification does not endanger the health, safety or well-being of any student [see below re: notification].
- When safety and notification have been assessed, the Agency designee shall begin an investigation into the reported incident(s). This investigation should be prompt and thorough.
- All aspects of the complaint and investigation shall be recorded in a written or electronic document, along with any safety, intervention, or disciplinary actions taken [see below re: discipline].
- Responses to promote safety during the investigation may include, but not be limited to:
  - creating a personal safety plan (a written plan is preferable); predetermining seating arrangements for the victim (target) and/or the alleged perpetrator (aggressor) in the classroom, at lunch, or on the bus; identifying a staff member(s) who will act as a “safe person” for the ‘victim’ (target);



- and altering the alleged perpetrator's (aggressor's) schedule, and access to the 'victim' ('target') (for example, by revising the alleged perpetrator's entry into and exit from the school building, and his/her hallway and stairwell routes during transition times).
- The confidentiality of students and witnesses reporting alleged incidents of bullying will be maintained to the extent possible given the school's obligation to investigate and respond appropriately to the matter.
- Disciplinary action, if necessary, will follow immediately at the conclusion of the investigation. All disciplinary action will be included in the report of the incident [see below re: discipline]
- A final report on the complaint, investigation, and any disciplinary measures taken will be provided to all involved students, parents, guardians, and educators, while prioritizing the safety and privacy of any involved students. This report will be kept on file by this Agency and the school/facility in which it occurred.
- School administrators shall also use this procedure to investigate complaints of retaliation or threats of retaliation meant to intimidate the victim of bullying and/or harassment, or toward those investigating incidents thereof.

Anonymous reports will be investigated with the same procedure, timeliness, and vigor as other reports. However, disciplinary action cannot be taken solely based on an anonymous report. Further investigation must be involved before disciplinary action is taken.

If a complaint is determined to be false, appropriate disciplinary action may be taken.

If a complainant believes this Agency did not correctly analyze, investigate, or respond to a complaint of bullying or harassment, or if they are dissatisfied by any aspect of response or discipline, they may request an independent review. Requests for an independent review must be made in writing to the Superintendent of the Agency. Upon receipt of this request, the Superintendent shall promptly initiate an independent review by a neutral third party, with full compliance of school and Agency staff and educators. This review can include interviews with the complainant, relevant school officials, students, and/or others involved in the incident.

## NOTIFICATION

When a complaint of bullying or harassment is filed, the Agency's designated administrator shall notify the parents or guardians of the involved students only so long as doing so will not endanger the health, safety, or well-being of any student. Additionally, when the investigation is completed, the designated administrator shall issue a report in a timely manner regarding the complaint, investigation, and any disciplinary measures taken to the parents or guardians, while maintaining the privacy of the students involved to whatever extent possible. Private educational or personal data regarding an alleged victim or perpetrator who is a student or employee in the Agency's jurisdiction shall not be disclosed. In certain circumstances, disclosure of the basis for which a student is bullied may result in additional negative consequences to the student's health and wellbeing. Prior to notification of any parent or guardian regarding any incident of bullying or harassment, school authorities must consider the issue of notification as they would any other educationally-relevant decision, taking into account the health, wellbeing, and safety of any students involved in the incident.

If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or collaborative school, the principal, headmaster or designee first informed of the incident will promptly notify by telephone the principal, headmaster or designee of the other school(s) of the incident (and documenting the communication) so that each school may take appropriate action.



## DISCIPLINE AND COUNSELING

Upon the principal, headmaster, or designee determining that bullying, harassment or retaliation has occurred, the school or Agency will use a range of responses that balance the need for accountability with the need to teach the perpetrator (aggressor) appropriate behavior.

If the principal/headmaster or Agency designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal/headmaster or Agency designee, including the nature, frequency, and seriousness of the conduct, the length of time the prohibited conduct has occurred, whether the perpetrator has engaged in any prior acts of bullying or retaliation, the age of the students involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline procedures for students with disabilities are governed by the Federal Individuals with Disabilities Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

Consequences should also include recognition for positive behavior exhibited by the student who has previously exhibited bullying behavior, the bullied student who is implementing strategies to offset past problems, and the bystander who has taken an active role in addressing bullying behaviors.

Under no circumstances should corporal punishment be used to address bullying or harassment. All consequences should be grounded in restorative justice practices, which focus on resolving conflicts, repairing relationships, and building community.<sup>3</sup>

## PREVENTION, TRAINING, AND PROFESSIONAL DEVELOPMENT

Each school under the jurisdiction of this Agency will provide, at minimum, an annual professional development seminar for administrators, educators, staff, and volunteers to increase awareness of the prevalence, causes, and consequences of bullying, and the use of evidence-based strategies for preventing bullying. Additional professional development shall be provided for new employees.

Agency-wide evidence-based anti-bullying and harassment programs will be implemented as a part of a system of positive behavioral supports and school improvement efforts at all grade levels.

This Agency will collaborate with families and the community to inform parents and guardians about the prevalence, causes, and consequences of bullying, including its central role as a public health hazard, and the means of preventing it.

This Agency will collect and annually report [as may also be required by the State Education Agency] disaggregated data based on enumerated characteristics, while maintaining student confidentiality, on the prevalence and characteristics of bullying that is used to guide prevention, intervention, and professional development programs.

Each school shall present in age-appropriate language the Agency's policy on bullying and harassment as part of any student orientation program. This will include instruction on how to prevent bullying and harassment, the process for filing complaints, the seriousness of false complaints, and the process/consequences that will result from the complaint. This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school and district websites.

## ADDITIONAL RESOURCES

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<sup>1</sup> Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools. New York: GLSEN.

<sup>2</sup> Id.

<sup>3</sup> Replacing Punitive Discipline with Restorative Policies and Practices (GLSEN 2020). Available at <https://www.glsen.org/activity/restorative-discipline>