

BULLYING
LAWS AND POLICIES

*Amanda Bigbee,
KISD General Counsel*

Bullying is defined by law and Policy FFI

- “Bullying” means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:
 - (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
 - (2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
- (b) Conduct described by Subsection (a) is considered bullying if that conduct:
 - (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
 - (2) interferes with a student's education or substantially disrupts the operation of a school.

Let's



What happened?

Written expression?



Verbal expression?



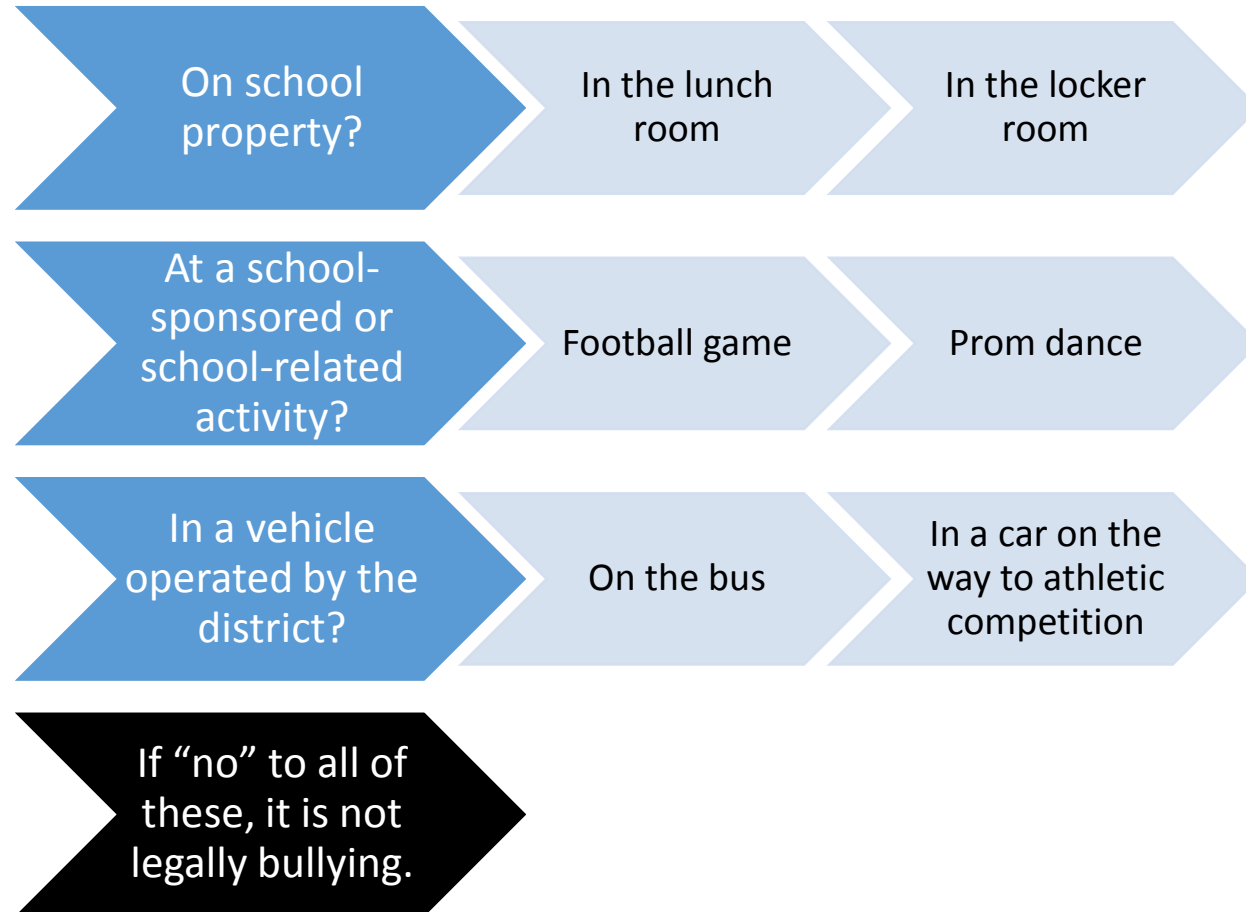
Expression through electronic means?



Physical conduct?

If the answer is “no” to all of these, the behavior is not legally “bullying”.

Where did it happen?



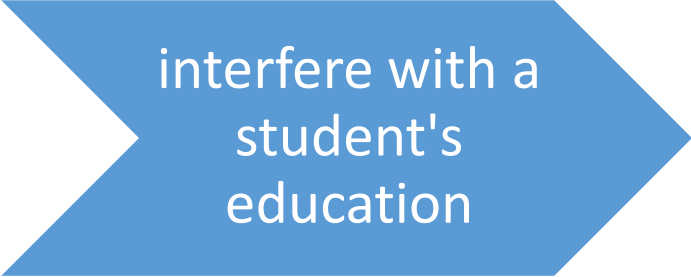
Does the behavior...

exploit an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct?

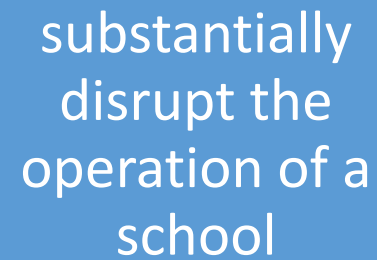


If no, the behavior is not legally bullying.

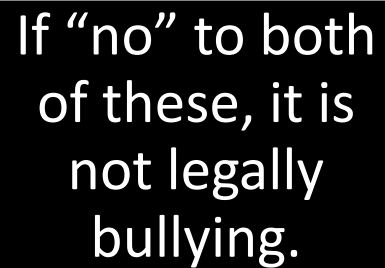
Does the conduct...



interfere with a
student's
education



substantially
disrupt the
operation of a
school



If "no" to both
of these, it is
not legally
bullying.

What was the impact of the behavior?

has the effect or will have the effect of

OR

is sufficiently severe, persistent, and pervasive enough that the action or threat creates an

physically harming a student

damaging a student's property, or

placing a student in reasonable fear of harm to the student's person or of damage to the student's property.

intimidating,

threatening, or

abusive educational environment for a student

If the answer is “no” to both of these, the behavior is not legally “bullying”.

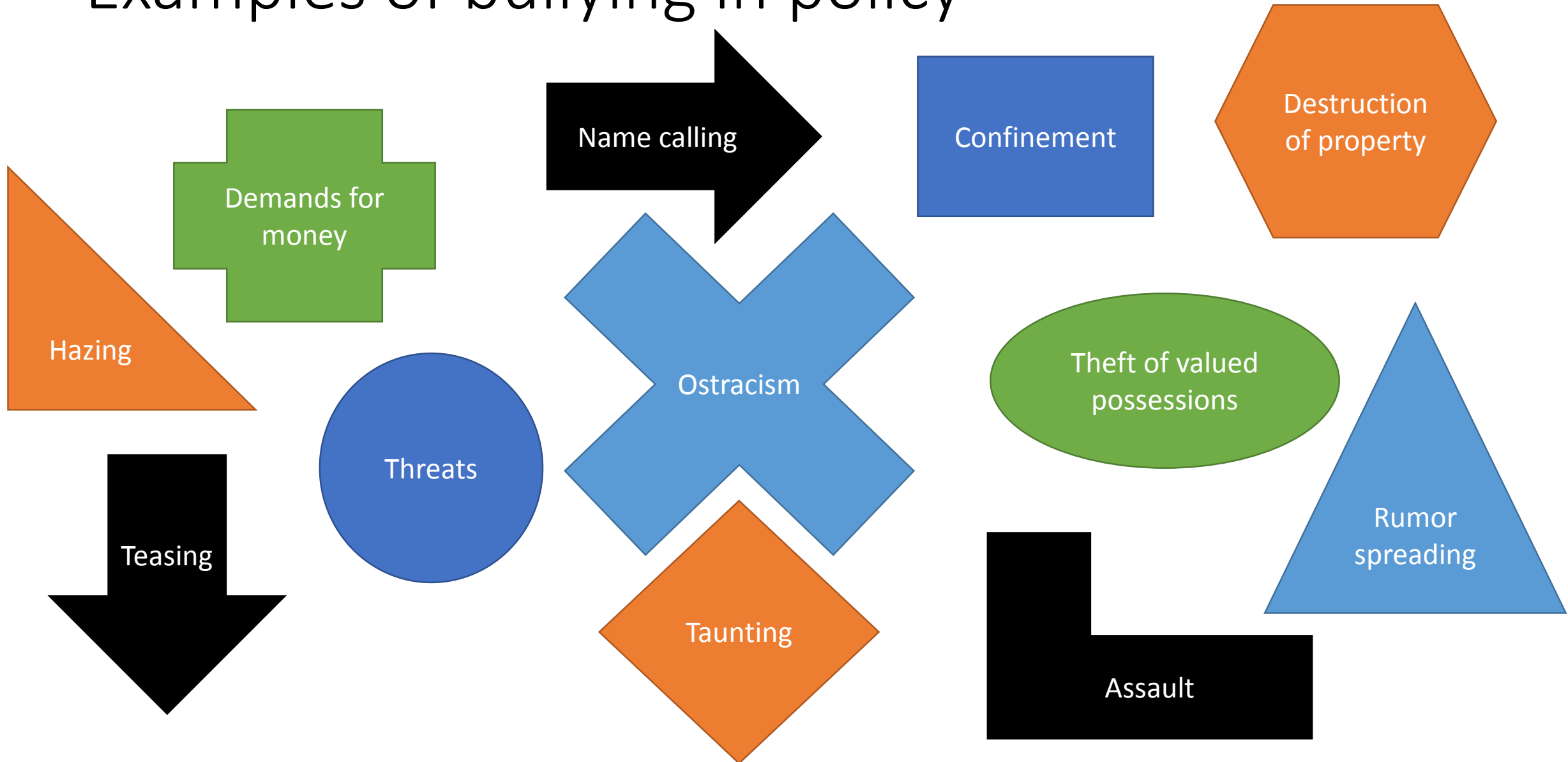
Bottom Line

- Bullying is a term that applies to very specific behavior.
- Not all student “bad acts” are bullying.
- Just because it isn’t bullying doesn’t mean it won’t be handled and potentially disciplined.

What else is in the bullying policy?



Examples of bullying in policy




Retaliation



Potentially Unexpected Student Discipline

- The bully can be disciplined, but can others?



Those who
make false
claims

Those who
make false
statements

Those who
refuse to
cooperate in
an
investigation

Timely Reporting

- It is critical that administration know about bullying as quickly as possible.
- Investigations are more difficult as time passes
- Students get fuzzier with details over time



Investigation Process

1. Once a report is made, the campus will **notify** the guardians of both the alleged victim and the alleged perpetrator.
2. Campus administration will take **interim action** calculated to prevent bullying/harassment and avoid retaliation during the course of the investigation, if appropriate.
3. Campus administration will refer complainants to **law enforcement** authorities where appropriate;
4. An **investigation** into the matter will start quickly by trained staff and every effort will be made to complete the investigation within 10 school days (some exceptions);
5. Witnesses will be interviewed and any other **evidence** will be reviewed;
6. Every effort will be made to maintain **confidentiality** of the complainant and investigation of the complaint to the extent possible;
7. Once all of the information is gathered, the campus administration will make **determinations** as to whether or not the conduct at issue (1) occurred and (2) constitutes bullying or harassment;
8. All investigations are **reviewed** at the District level to ensure all processes were followed and determination is supported by evidence;
9. Guardians of both the alleged victim and alleged perpetrator will be **notified** of the campus's findings.