



The Bullying Legal Guide



**An Essential Parent Resource on
Bullying and the Law**

Over the last couple of years, there has been an explosion of bullying cases as well as more attention to the issue of bullying and the damage it does to its victims. While bullying is definitely a national problem, there clearly have been some prominent headlines involving cases here on Long Island and in the tri-state area, including the suicides of Tyler Clementi, a Rutgers University student, and Alexis Pilkington, a West Islip high school student, both of whom were victims of bullying.

So What Exactly Is Bullying?

Bullying is any act done by an individual or group directed against a targeted person with the intent to ridicule, harass, humiliate, intimidate, physically injure or emotionally harm them.

This may include:

Verbal Bullying: name-calling, spreading rumors, teasing, sarcasm, ridicule, intimidation, harassment or threats.

Psychological Bullying: socially isolating a child from a group, tormenting or humiliating them.

Physical Bullying: fighting, shoving, kicking, punching, hitting or using any other type of violence

Racial Bullying: racial taunts, jokes, gestures or graffiti

Sexual Bullying: Unwanted physical contact, abusive comments or homophobic abuse

Cyberbullying: Use of social network sites, texts, emails, instant messaging and other technology communication to bully someone

How Can You Tell If Your Child Is Being Bullied?

Children who are being bullied are not likely to tell their parents or teachers. That is why it is so important for parents, teachers, and school staff to recognize signs of bullying and learn steps to take to help stop it and prevent it from occurring again. Common indicators that your child is being bullied include:

- ☐ Unwilling to go to school
- ☐ Avoiding the usual school route
- ☐ Avoiding the school bus
- ☐ Coming home from school hungry because they did not eat lunch
- ☐ Fear of social situations with other children
- ☐ Nightmares
- ☐ Physical injuries when they come home from school
- ☐ Slump in school performance
- ☐ Depression or moodiness
- ☐ Low self-esteem
- ☐ Withdrawal or becoming quiet, distant, sensitive, or passive
- ☐ Attempts or threats to commit suicide

It is important that parents talk to their children about school and about whether they have seen other children being bullied. Children are usually not willing to admit they are being bullied because they are frightened. But asking indirect questions may provide information into what is going on.

Some of the questions you may want to ask are:

- ☐ How was the walk to school (or bus ride) today?
- ☐ Who did you talk with on the way to school? What did you talk about?
- ☐ How was school today?
- ☐ How did you spend lunchtime?
- ☐ Who did you spend it with?
- ☐ What did you eat for lunch?

- ☐ What happened at lunchtime or recess?
- ☐ Who do you like at school? Why?
- ☐ Who do you not like at school? Why?
- ☐ Are there any kids you think are bullies? What makes them a bully?

What You Need To Do If Your Child Is Being Bullied

Here is a simple checklist of eight steps to make sure you take if you suspect your child is being bullied. Throughout this handbook, we will help guide you through each step.

1. Talk to your child. Find out exactly what is going on and create an open dialogue with your child to work together. Let your child know you are supportive and trustworthy.

Tell your child that you will help them sort out the problem and find out as much as you can before taking action. Find out:

- ☐ How and when the bullying began
- ☐ How many times it happened
- ☐ Where the bullying occurred
- ☐ Who saw it
- ☐ What children were involved
- ☐ If other children have been bullied by the bully

Before taking action, you should discuss your plan of action with your child so they feel important. Together you can gather important information that will help you figure out the best way to advocate for your child

2. Put the school on notice. Send a certified letter to the principal, the superintendent, the school board, and possibly the parents of the children doing the bullying. We have included helpful sample letters that can be used as templates. This is important in

protecting your legal rights. Once a school is put on notice, they have a legal obligation to take action to ensure the students are safe.

3. **Talk to your child's teacher, guidance counselor**, and anyone else you think can help. Take notes at these meetings. Ask them:

- ☐ If they ever suspected bullying happened? If yes, when did they notice it?
- ☐ Have they noticed any of the bullying? If yes, what did they do to stop it?
- ☐ Have they noticed your child being left out from activities in class or on the playground? If yes, what did they do about it?

Ask them what they plan to do to help end the bullying, and work with them to have a specific action plan.

4. **Keep accurate, detailed records** of each incident that occurs. Include as much information as you can—the date, time, location, the names of each bully as well as any witnesses, and a detailed account of the incident.

5. **Document any bruising or other injuries** with photographs and descriptions. If the child needs to see a doctor, get a medical report. If your child is suffering emotional distress, schedule a consultation with a social worker or psychologist and keep medical records.

6. **If your child is being cyberbullied, print out and save everything** that contains offensive comments, posts, pictures, or videos. This includes any social network pages, emails, phone texts, and instant message pages.

7. **Notify the police**. In cyberbullying cases, some police departments have specialists who deal with computer and internet investigations.

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8. **Find out if the school has a designated staff person trained for dealing with bullying.** New York recently passed the [Dignity for All Students Act](#) which requires, among other things, for schools to have at least one staff member trained in instructional and counseling methods for dealing with bullying. Though the law will take July 1, 2012, many schools are already beginning to comply by having staff members undergo training.

Can Parents Sue Their Child's School for Not Stopping Bullying?

Schools have an obligation to protect their students. Once a school has been put on notice—through the sample letters we have included, meeting with the teacher, etc.—they can be held responsible any injuries or damages that subsequently occur if they do not take any action to end the bullying.

Contact our office for further information. We can discuss your specific situation—no fee, no obligation.

How Can We Make Schools Safer?

Here are more things schools can do to prevent bullying:

- ❑ Provide better supervision in the hallways, bathrooms, lunchrooms, and playgrounds of the school.
- ❑ Conduct a school survey to find out where students are being bullied, and use the survey to determine the locations where bullying is more likely to occur. Install cameras in those areas, or provide more supervision in areas that are “hot spots” for bullies.
- ❑ Provide more support for teachers with large numbers of students.

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- ☐ Provide training for staff members to help them learn more about the issue of bullying.
- ☐ Develop clear rules for children that bully.
- ☐ Create a buddy system to help protect students who have been bullied.

New York State schools have a responsibility to provide a safe learning environment. Federal and State laws require school districts to create bullying prevention policies and make competitive grants available for school districts to create antibullying programs.

New York's Dignity for All Student Act

On September 8, 2010, New York Governor David Peterson signed into law the Dignity for All Students Act, which will go into effect in on July 1, 2012, but many schools have already incorporated some or all of its requirements.

The Dignity for All Students Act requires school districts to:

- * Revise their codes of conduct and adopt policies intended to create a school environment free from harassment and discrimination.
- * Ensure protection of those specifically targeted by "race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex."
- * Adopt guidelines to be used in school training programs to raise awareness and sensitivity of school employees to these issues and to enable them to respond appropriately.
- * Designate at least one staff member in each school to be trained in instructional and counseling methods for dealing with bullying.
- * Report bullying to the New York State Department of Education.

"Every student has the right to a safe and civil educational environment, but far too often young people are ruthlessly targeted by bullies," Governor Paterson said. "Bullying and

harassment have disrupted the education of too many young people, and we in government have a responsibility to do our part to create learning environments that help our children prosper. I am proud to sign this bill into law as it will help ensure that students are protected from harassment, discrimination and bullying at school grounds and at school functions."

Federal Laws

The No Child Left Behind (NCLB) Act of 2001 requires states to address bullying and provides that:

- ☐ Students in a persistently dangerous school, or a student who is victimized at school, can transfer to a safer school.
- ☐ States report on school safety to the public.
- ☐ School districts implement drug and violence prevention programs that show that they work.
- ☐ Districts that get Safe and Drug-Free School funds have a detailed plan for keeping schools safe. The plan must include:
 1. Appropriate discipline policies
 2. Security
 3. Prevention activities
 4. Student code of conduct
 5. A crisis management plan for responding to violent events at the school

With racial and sexual harassment, the federal government's Office of Civil Rights (OCR) has policies that do not allow discrimination for any school activities that receive federal money.

Racial bullying can include:

- ☐ Racially motivated physical attacks against a student or group of students

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- ☒ Racial slurs on school walls or other property
- ☒ Racially hostile environment that limits the students ability to participate in school activities

In student bullying, sexual harassment can include unwelcome conduct of a sexual nature that is so severe, lasting, or pervasive that it affects a student's ability to participate in classes or activities.

In either case, schools that receive federal money must not allow a sexually or racially hostile environment to continue. Federal law requires schools that receive federal funds to designate at least one employee to oversee sex discrimination law and investigate complaints.

The Rehabilitation Act, Section 504, ensures that children with disabilities are not left out of educational opportunities given to other children. This includes the right to a safe learning environment. Schools must ensure that children with disabilities are not in danger by other students, merely because they are disabled.

Bullying is an issue that affects children from all walks of life. By staying in regular contact with the school and keeping clear records of what happens, you can take an active role in combating bullying.

We hope that this booklet has provided helpful information. There is a great deal that you as a parent can help fight bullying and protect your children's legal rights.

Sample Letter #1: Incident Report to Teacher and Principal

Date

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr./Ms. _____,

My [*son/daughter*], [*child's name*], informed me that [*he/she*] has been bullied by [*insert name of bully/bullies if known or a fellow classmate*] on several occasions. I am concerned that these incidents of bullying are negatively impacting my child's ability to learn and develop and would like to set up a meeting to discuss my concerns at your earliest convenience.

I am available to meet with you on the days and times listed below. Please contact me at [*phone number*], to set up a meeting.

Date:

Time:

Date:

Time:

Thank you in advance for your prompt attention to this issue.

Sincerely,

[*Your Name*]

Copies to: Child's record

Sample Letter #2: Follow-Up to Teacher and Principal

Date

Teacher/Principal's Name

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr./Ms. _____,

Thank you for taking the time to meet with me on [date] regarding my child's complaints that he/she has been bullied by, [*insert bully's name if known*], another student in the school.

I appreciate your candor and your willingness to take action to address this issue. As we discussed, you have agreed to work towards making sure the bullying stops by doing the following:

- ☐ Investigating the reports of bullying
- ☐ [*Insert Action Plan*]
- ☐ [*Insert Action Plan*]

I look forward to meeting with you concerning these bullying incidents and your progress in addressing these issues at our next meeting on: [date].

Sincerely,

[*Your Name*]

Copies to: Child's record

Sample Letter #3: Letter to the Superintendent

Date

Superintendent's Name

School District Name

Address

Re: Child's full name

Date of Birth

Dear Mr./Ms. _____,

My name is [**name**] and my [**son/daughter**] attends [**school name**]. I write to ask your assistance in addressing a series of bullying incidents at [**school name**], which have compromised my [**son/daughter's**] right to learn in a safe learning environment.

My child first told me that [he/she] was being bullied by [**insert name of bully/bullies if known**] at the school on [**date**]. On [**date**], I met with my child's teacher and on [**date**] I also met with my child's school principal on [**date**] about the incidents. To date, however, the bullying has continued. In my opinion, the school has failed to take the necessary actions to stop the bullying incidents. Specifically, the school promised, but has failed to do the following:

☐ [**Insert Action Plan**]

☐ [**Insert Action Plan**]

I am concerned for my child's safety, well-being, and ability to learn in this environment. As such, I would like to meet with you to discuss a way the school board could intervene to address these incidents of bullying.

I would like to set up a meeting to discuss this and can be reached at [**phone number**]. Thank you in advance for your prompt attention to this issue.

Sincerely,

[**Your Name**]

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Sample Letter #4: Letter to the School Board

Date

School Board Rep's Name

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr./Ms. _____,

My name is [**name**] and my [**son/daughter**] attends [**school name**]. I write to ask your assistance in addressing a series of bullying incidents at [**school name**], which have compromised my [**son/daughter's**] right to learn in a safe learning environment.

My child first told me that [he/she] was being bullied by [insert name of bully/bullies if known] at the school on [date]. On [**date**], I met with my child's teacher and on [**date**] I met with my child's school principal about the incidents. To date, however, the bullying has continued. In my opinion, the school has failed to take the necessary actions to stop the bullying incidents. Specifically, the school promised, but has failed to do the following:

☐ [**Insert Action Plan**]

☐ [**Insert Action Plan**]

I am concerned for my child's safety, well-being, and ability to learn in this environment. As such, I would like to meet with you to discuss a way the school board could intervene to address these incidents of bullying.

Please contact me at [**phone number**], to set up a meeting. Thank you in advance for your prompt attention to this issue.

Sincerely,

[**Your Name**]

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Sample Letter #5: Letter to Parents of Bully/Bullies

Date

Parent's Name

Address

Dear Mr./Ms. _____,

My name is [**name**] and my [**son/daughter**] attends [**school name**] with your child. I am writing about a series of bullying incidents which have involved your child. Specifically, [describe incidents].

I want to make you aware of these incidents and am hoping with your help we can put a stop to these incidents and prevent them from occurring in the future.

I would like to discuss this with you. I can be reached at [**number**] and perhaps we can work this situation out together.

Sincerely,

[**Your Name**]

Record of Incidents

Date/Time	Location	Summary of Incident, including parties involved	Witnesses	Actions Taken/Response	Notes

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Long Island Resources on Bullying for Parents and Kids

Child Abuse Prevention Services (CAPS)

516-621-0552 or 631-289-3240

Long Island's leading organization dedicated to preventing bullying and child abuse, CAPS takes calls and emails from parents and children, provides expert guidance and helps work with the school to resolve bullying. They also do free workshops in schools across Long Island to help inform kids about bullying.

Long Island Gay and Lesbian Youth (LIGALY)

631-665-2300

An affiliate organization of The Long Island GLBT Health and Human Services Network, they have specific resources to help gay and lesbian youth who are targeted by bullies because of their sexual orientation.

Long Island Crisis Center

Middle Earth Hotline: 516-679-1111

Provides 24/7 free, anonymous, confidential support, information, counseling and referrals.

BiasHELP, Inc.

Toll-Free Hotline: 1-877-END-BIAS (1-877-363-2427)

An affiliate of LINCS (The Long Island Network of Community Services) based in Hauppauge, they are dedicated to the prevention of bias crimes, hate-related harassment, bullying, cyberbullying, and discrimination.

Nassau County Department of Social Services

516-227-8519

Suffolk County Department of Social Services

631-854-9935

Emergencies after 4:30pm and weekends: 631-854-9100

If you have any questions about bullying in the schools or cyberbullying, Goldstein and Bashner is offering free advice and consultations to help arm you with the information you need to stop the bullying and take legal action if warranted. Contact us for a free consultation. We have handled many bullying cases and our lawyers are sensitive to the emotional issues involved with bullying and understand how difficult these cases can be for a child.

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Goldstein and Bashner has offices located on Long Island and in New York City. Contact our lawyers for a free consultation. Call today- 516-222-4000

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