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Meeting the Needs of Students who Experience Bullying in the School District of Philadelphia

*Comments to the Policy Committee of the
Board of Education of the School District of Philadelphia¹
November 14, 2019*

My name is Kristina Moon, and I am a staff attorney at the [Education Law Center-PA](http://www.ELC-PA.ORG) (“ELC”). Our mission is to ensure that all of Pennsylvania’s children have access to quality public education. In working on behalf of all public schoolchildren, we focus our litigation and policy advocacy efforts on the students who have historically been – and continue to be – the most underserved by schools, including students with disabilities, students of color, and students living in poverty. **We provide these comments in response to the proposed revisions to the School District of Philadelphia’s Policy 249 Bullying/Cyberbullying and Administrative Procedures for Bullying/Cyberbullying (the “Policy” and “Procedures” respectively) being considered by the Board of Education Policy Committee.**

Bullying and harassment are pervasive problems across the United States, Pennsylvania² and here in Philadelphia public schools. Every week ELC hears from multiple parents calling our Helpline to report concern and frustration about their children in the District who are suffering from persistent and serious bullying that is unaddressed by school staff. Students who are bullied are at increased risk of experiencing health problems, academic struggles, absenteeism and more frequently drop out of school.³ For many families, their trust in their school erodes significantly as a result of their school’s failure to investigate bullying complaints or institute effective

¹ An abridged version of these comments will be presented in oral testimony at the Committee’s November 14, 2019 meeting.

² See e.g. GLSEN, School Climate in Pennsylvania 1 (2019) (reporting that LGBTQ students experience high rates of harassment in Pennsylvania schools); National Bullying Prevention Center — Bullying Statistics, <https://www.pacer.org/bullying/resources/stats.asp> (last visited May 11, 2019) (“More than one out of every five (20.8%) students report being bullied.”).

³ See Preventing Bullying through Science, Policy, and Practice 115–29 (Frederick Rivara & Suzanne Le Menestrel eds., 2016) (finding that students who were bullied are more likely to experience depression, anxiety, and feelings of loneliness); Jaana Juvonon, et. al., Bullying Experiences and Compromised Academic Performance Across Middle School Grades, 31 J. OF EARLY ADOLESCENCE 152, 167 (2011) (noting how poor academic performance may manifest for bullied youth).

interventions and the District's refusal to consider transferring their child to another school. Many parents believe they have no choice but to leave District schools for a charter school or cyber program. In fact, this is one of the most common reasons parents cite for choosing a charter school.

Bullying is a multi-faceted problem that can be sensitive to address on the individual student level, but there are some straight-forward common fixes the District can and must undertake to ensure all school staff understand and effectively implement bullying policy and procedures with fidelity. In addition, certain student populations, such as students with disabilities and students who identify as LBGQTQ, are more likely to be bullied and must be protected from discrimination. Students with disabilities are also entitled to additional legal protections to ensure they receive a free, appropriate, public education.

In 2017, ELC filed a [Complaint](#) with the United States Department of Education's Office for Civil Rights ("OCR") on behalf of children with disabilities who were discriminated against due to pervasive bullying and harassment that was unanswered by the District due to a systemic failure to promptly and appropriately investigate their complaints and address their educational needs. As detailed in the Complaint, most of these students were in elementary school and while they previously loved school, they begged their parents not to go to school following months of pervasive bullying. Some parents asked the District to transfer their children to new schools but the District refused. Instead, in several cases, the District prosecuted parents in truancy court in response to school aversion related to the bullying. **The District's failure to promptly and appropriately address alleged incidents of bullying, including consideration of whether the bullying resulted in the denial of a free appropriate public education (FAPE) and referrals to truancy court for absences relating to bullying, constituted discrimination on the basis of disability.**

In response to ELC's Complaint, OCR opened an investigation and in February 2019 OCR notified ELC that it had entered into a Resolution Agreement with the District which awarded individual relief to named complainants, including reviewing truancy referrals and expunging records when appropriate and required the District to review and revise its anti-bullying and anti-harassment policies and procedures, provide staff training on disability discrimination, and the duties of school personnel to report, investigate, and appropriately address incidents of bullying and harassment.

Informed by our experiences in handling these matters and OCR's Resolution Agreement, ELC makes several core recommendations and has provided a mark-up with specific suggested revisions to the Policy 249 Proposed Revisions (See Appendix A). We focus on three overarching issues here.

First, the process for reporting of bullying must work for parents and students and ensure that all complaints are documented, promptly investigated, and the results of the District's investigations are communicated to parents. Parents, many of whom are concerned for their children's safety, report that they have made multiple reports of bullying to staff at the school

level or through the online portal but fail to receive any notification or response and their complaints are not in fact investigated. All parents are entitled to a clear description of the District's Policy and Procedures, written communications confirming that their complaints have been heard, documentation that their complaints are being investigated and addressed, whether the complaint was lodged at the school building level or through the online portal. The District's Online Bullying Complaint Process must be carefully reviewed and modified to be operationalized.

Second, the investigations of bullying complaints conducted by the school principal or their designee must be more robust and impartial. The District's extremely low report of 19 bullying incidents in 2018-19 and 39 incidents in 2017-18⁴ is highly suspect, given the large number of students in the District and the dozens of credible complaints ELC and other community partners receive on a weekly basis. Many of the children who were the subject of our OCR Complaint and investigation failed to receive help and were denied a free, appropriate, public education due to the failure to conduct a robust, impartial investigation.

Third, the District must be proactive in both identifying and addressing bullying as part of its obligation to ensure that all students are safe and able to learn in all district schools. Principals and District administrators must take a more active role in providing oversight and review of the reporting, investigation, and intervention process that utilizes evidence-based practices, programs, and interventions to address of bullying. For students with disabilities, IEP Teams and 504 Teams must be convened to address bullying and harassment which discriminates against students on the basis of disability and deprives these students of a FAPE. In addition, a transfer to another school must be an option for all students to ensure their safety, well-being, and attendance, and is required as an option to ensure the provision of a FAPE for students with disabilities.

(1) Reform the Reporting Process To Ensure That All Complaints Are Considered, Documented, and Investigated

Parents from different schools across the District consistently report to ELC that they have complained to a counselor, classroom teacher, or principal that their child is experiencing bullying, but no action is taken at the school. Contrary to the requirements of the Policy and Procedures, these parents' complaints are not documented or entered into a District reporting system and they are not investigated. Too often, school staff fail to make parents aware of the District Policy and Procedures or assist parents in completing the reporting form. Instead, these complaints fail to move forward to an investigation.

⁴ See Safe Schools LEA Report for Philadelphia City School District, 2017-18 and 2018-19, available at www.safeschools.pa.gov

The parents who do find the District's Online Bullying Complaint Process describe submitting all the information that the website calls for, but receive no confirmation or response. They are never contacted by the school or the District in response to the online complaint submission. As ELC staff, I consistently advise parents to submit their complaints in the Online Bullying Complaint Process, and have myself completed the online form for those parents who do not have a computer at home or do not read English - and I have never witnessed any confirmation receipt or subsequent action or documented investigation arising from the online complaint submission.

Centralizing the complaint process through an online portal makes sense, but the District has failed to successfully operationalize that process or to integrate options of reporting a complaint at the school building level. Whether through the recent purchase of a HIBSTER database platform or otherwise, the District must ensure that all parents are able to submit complaints, including at the school building level, that all complaints are promptly investigated, and that parents receive written communications acknowledging their complaint, explaining the investigation undertaken by the District, the results of that investigation, action to be taken by the District, and notifying parents of their right to appeal.

We highlight additional documentation and communication gaps in our mark-up of the Policy and Procedures, including the need for parent notification that an investigation has begun, written findings of the investigation, and any actions being taken in response.

(2) Provide Training and Support to Ensure Robust Bullying Investigations by Impartial, Trained Staff

ELC received approximately 80 calls over the last year from families in the District complaining about unaddressed bullying. There are several other organizations in the city that also receive direct calls from parents seeking help to address bullying in District schools. Yet the District reported a total of only 19 incidents of bullying in 2018-19 and 39 incidents of bullying in 2017-18. The District's reported numbers suggest serious problems in the investigation of complaints, as well as in data collection and reporting.

Parents routinely describe to ELC that their complaints of bullying are ignored or brushed aside or never fully investigated. When complaints are investigated, it is exceedingly rare that a school principal or designee finds a complaint of bullying in their school to be substantiated or founded. In fact, with regard to the Office of Civil Rights Complaint filed by ELC in July 2017 regarding the bullying and harassment of students with disabilities, many of the complaints were determined to be unfounded despite significant evidence to the contrary.

The District should mandate that all principals and their bullying designees participate in an in-depth training such as *Olweus* to learn how to conduct a robust and impartial investigation of a

complaint, document that investigation, and provide clear written findings to the parent or complainant. The District must assess why there is such a low number of bullying incidents identified by the District. Is there a disincentive to find bullying substantiated in one's school? Do principals and designees have a clear understanding of an appropriate "standard of proof" in these matters? The District should identify and explain, with examples, a consistent standard for the investigations. For example, the policy could state: *A report of bullying shall be deemed substantiated where credible evidence demonstrates that it is more likely than not that a student experienced bullying as defined under the Policy.*

(3) Expand District Oversight and Monitoring Through Data Collection, Analysis and Interventions

The implementation of current Policy 249 and Administrative Procedures is widely inconsistent across the District with significant variance in different schools. It is ultimately the District's responsibility to ensure all students have a safe and affirming learning environment, and the District must take a more proactive role in the identification of students who are bullied and oversight of this Policy and its implementation. In the current framework, there is no clear chain of responsibility and from a parent's perspective it appears as if schools are not held accountable for bullying that happens in their building. The District needs to publicly identify a staff person dedicated to the coordination and implementation of this Policy, and to provide oversight for the collection and analysis of multiple data points to enable the District to identify problem spots and provide prompt and effective intervention supports in the schools that receive the most complaints.

To that end, we recommend that the Office of Climate and Safety be specifically identified and utilized to provide oversight and monitoring of the handling of bullying incidents in the District and that families and parents can turn to this person if there are problems, particularly at the school building level. There should also be an individual person or role identified as responsible and publicly accountable to parents and students on this important issue. The District previously identified a Bullying Compliance Manager, but that role was too limited and seems to have been discarded. We strongly urge the Board to create a new role for a **"District Bullying Intervention Coordinator."**

The Revised Procedures suggest discarding language describing who parents may contact in the District with concerns about the failure to investigate bullying incidents or the failure of bullying interventions to prevent recurring bullying. The District has provided an Appeal Process but this does not sufficiently address the various school functions that require District oversight. The Appeal Process is only available for complaints that have been investigated and determined to be unfounded. But the vast majority of parent complaints are never properly investigated at all – those parents need a specific contact at the District who is responsible for holding schools accountable to these Policy and Procedure requirements. We urge the Board to retain in the

Procedures a clear description that a District Bullying Intervention Coordinator who would be responsible and available to review parents' concerns about unanswered complaints, and insufficient action at their school.

(a) Adopt A Clear Policy Which Includes Safety Transfer

Permitting a student to transfer to attend a different District school (a "safety transfer") is needed in some situations to safeguard the safety and educational rights of students where other interventions do not work and a particular school environment is no longer safe for a student. In the absence of this option, many children become truant, receive instruction solely through cyber programs, or are unable to concentrate while in school, causing them to fall drastically behind. Unfortunately, parents often receive incomplete and conflicting information about whether a student may receive a "safety transfer."

The District currently grants safety transfers only on an extremely limited basis with no public description of the process and no explanation why some transfers are permitted and others are not. Unlike other large school districts, the District does not have a formal policy that permits parents to seek safety transfers at all. In contrast, many other school districts across the country, and in Pennsylvania, maintain objective, transparent, and accessible safety transfer policies that apprise parents of their rights, applicable standards, and provide a mechanism for relief, including an appeal process. For instance, New York City and Pittsburgh both maintain administrative safety transfer policies that permit parents to request a school transfer and stipulate a formal process for decision-making and appeals.⁵

Rather than supporting students to remain in school, the District's rigid position opposing school transfers and its lack of transparency with respect to the transfer process, coupled with its failure to appropriately respond to allegations of bullying in an appropriate and consistent manner, create the opportunity for unchecked bullying and harassment to flourish in violation of students' civil rights, particularly since it is well-established that students with disabilities in the District and elsewhere are more likely to be bullied than their peers without disabilities. The District is legally obligated to ensure that students with disabilities receive a FAPE under federal and state laws. This includes the option to transfer to another school in order to receive a FAPE. We ask that the District adopt a formal "safety transfer" policy enabling students to change schools based on clearly defined objective criteria and that parents and students receive be a description of this criteria and the process for seeking a safety transfer in the new policy.

⁵ See New York City policy, available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a101-admissions-readmissions-transfers-english>; School District of Pittsburgh policy, available at <https://www.pghschools.org/cms/lib/PA01000449/Centricity/domain/19/policies/Board-Policy-Workshop/Approved-Policies/205-AR-1-of-1-Student-Transfer-Procedures.pdf>

(b) Ensure Bullying of Students with Disabilities is Promptly Addressed within the IEP Process

The Resolution Agreement entered into between the District and OCR requires the District to ensure that students with disabilities are not discriminated against on the basis of disability due to a failure to promptly and effectively address alleged incidents of bullying, including consideration of whether the bullying resulted in the denial of a free appropriate public education (FAPE). Referrals to truancy court for absences relating to bullying also constitute discrimination based on disability.

The requirements of the Resolution Agreement, entered into in December 2019 should be reflected in the District's revised policy and must include notifying parents of students with disabilities of their additional rights and protections, including their right to a FAPE in this context mandatory staff training on disability discrimination and the duties of school personnel to report, investigate, and appropriately address incidents of bullying and harassment, and ensuring that where a student with disabilities complains of bullying or harassment, an IEP Team or 504 Team is immediately convened to end the harassment, prevent future bullying, and identify additional or different services a child may need to ensure a FAPE.

We appreciate the Board's consideration of these recommendations and urge that the vote on current proposed revisions be delayed until there can be further review and discussion with district staff to address these important concerns.

Appendix A

Education Law Center PA Comments

THE SCHOOL DISTRICT OF
PHILADELPHIA

No. 249
SECTION: 200 Pupils
TITLE: 249
Bullying/Cyberbullying
ADOPTED: September
22, 2010
REVISED:

249 BULLYING/CYBERBULLYING

Purpose

The School Reform Commission Board of Education (“Board”) is committed to providing a safe, positive learning environment for all district students in the School District of Philadelphia (“District”). The SRC Board recognizes the negative impact that bullying has on student health, welfare, and safety and on the learning environment at school. The SRC Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the SRC Board prohibits bullying by all District students.

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Bullying: Bullying means an intentional electronic, written, verbal, nonverbal, psychological or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following: [1]

1. Substantially interfering with a student’s education;
2. Creating or maintaining a threatening school environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying is often identified by the following three (3) common characteristics:

1. It is unwanted aggressive behavior or intentional harm doing.
2. It is repeated, or has the potential to be repeated over time.
3. It occurs between people where there is an observed or perceived imbalance of power (e.g. physical strength, mental capacity, popularity or social skills).

Bullying can take many forms and can include a variety of behavior. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;
2. Verbal – racial slurs, —including but not limited to racial, gender-based, or religious—name-calling, teasing, taunting, harassment, gossiping; spreading rumors;
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking; cyberbullying (bullying that occurs by use of electronic communication devices through means of social networking, email, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites);
4. Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and
5. Cyberbullying - any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.

Commented [KM1]: The U.S. Department of Education definition is broader: Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance and is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. Bullying may be verbal, physical, or social. <https://www.stopbullying.gov/what-is-bullying/index.html> It is critical that this list not be viewed as required criteria because it excludes a lot of behavior that could fit the actual bullying definition.

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- Deleted:** larger, stronger
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- Deleted:** or
- Deleted:** socially more powerful

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It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying of a student on the basis of his or her disability may result in a disability-based harassment violation. Section 504 of the Rehabilitation Act of 1973 requires the District to provide a free appropriate public education (FAPE) to each qualified student with a disability who is in the District's jurisdiction, regardless of the nature or severity of the disability. Harassment or bullying of a student with a disability on any basis may result in a denial of FAPE that must be remedied.

Commented [KM2]: This policy should notify families of students with disabilities of their right to a FAPE in this context in accordance with the OCR Resolution Agreement. This narrative is taken from other District publications.

School staff have an obligation to take immediate and appropriate action to promptly investigate and respond to disability-based bullying or harassment that it knew or should have known about, including convening an IEP Team or 504 Team to end the harassment, prevent future bullying, and identify additional or different services a child may need to ensure a FAPE.

Bullying designee: The school-based staff person who receives reports of incidents of alleged bullying, conducts investigations, and determines whether an allegation is substantiated. **This person is also responsible for collecting the school's data on complaints, investigations and resolutions and reporting this data to the District Bullying Intervention Coordinator.**

District Bullying Intervention Coordinator: A staff person based in the Office of Climate and Safety responsible for coordinating the District's efforts to comply with this Policy and administrative procedures, and applicable laws and regulations relating to bullying, including coordinating with the Office of Specialized Services to ensure that students with disabilities are not discriminated against on the basis of disability. This position is responsible for collecting data from schools as well as other District sources to analyze and publicly report as required by this Policy, and to assess which schools the District needs to provide targeted interventions and support.

Commented [KM3]: The District needs to identify and publicly name a role with the oversight and coordination responsibilities missing from this Policy and Procedures

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Online reporting process: The process for reporting or submitting complaints of alleged bullying/cyberbullying behavior and documenting investigations, accessible on the District's website at: <https://www.philasd.org/bullying/>

Commented [KM4]: What is the District's online process for documenting investigations? How are parents informed of this process? At present, this information does not appear to be described publicly or made available to parents. Parents should receive notice and documentation of how investigations were conducted.

School setting: School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

Student shall mean an individual enrolled in a District school.

Authority

The **SRCBoard** prohibits all forms of bullying by **d**District students. The **SRCBoard** encourages students or parents/guardians of students who **believe they** have been bullied or witness bullying **behavior** to immediately report such incidents **using the online reporting process or** to the building principal or **bullying** designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators. Any staff member who receives such a report of **alleged bullying** shall immediately notify the principal or **bullying** designee of same, **in writing**. If the behavior continues or if the school does not take action, students or parents/guardians should report the incident to the district hotline number at 215-400-SAFE.[1][1][2]

Commented [KM5]: The District needs to identify a clear chain of responsibility by naming a staff person who is accountable to parents concerns that schools are not conducting a robust investigation or interventions.

The **SRCBoard** directs that complaints of **alleged** bullying shall be investigated promptly and thoroughly, and corrective action shall be taken when allegations are substantiated. **If the school does not take action within the**

The District hotline number is not consistently staffed or answered so there needs to be a back-up staff person to contact.

time frame required by this policy and its administrative procedures, students or parents/guardians should report the alleged bullying to the District hotline number listed in the administrative procedures to this policy or contact the District Bullying Intervention Coordinator.

Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations. All parties will be treated with dignity and due process.

No reprisals or retaliation shall occur as a result of good faith reports of **alleged bullying or participation in an investigation of allegations of bullying.**

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits bullying, the Board authorizes SRC shall designate a District Compliance Officer to the Office of Climate and Safety or other office designated by the Superintendent, to coordinate the District's efforts to comply with this policy and applicable laws and regulations, including: [1]

1. **Ensuring that this policy and administrative procedures are reviewed with students within 90 days of adoption of this policy and on an annual basis; and**
2. **Annually providing the following information with the Safe School Report in a public report to the Board of Education:**
 1. **This policy and administrative procedures;**
 2. **Report of the following data, disaggregated by school and reflecting the complaining student's grade, race, gender, and disability status:**
 - **(a) Number of bullying complaints made at each school, and through the District's online complaint process relating to each school;**
 - **(b) Number of bullying incidents investigated at each school;**
 - **(c) Number of bullying incidents determined to be substantiated/founded following investigation; and**
 - **(d) Description of action taken and type of intervention provided with regard to each incident;**
 - **(f) Percentage of students with disabilities who submitted bullying complaints for whom IEP meetings or 504 meetings were convened to ensure a FAPE related to bullying;**
 - **(g) Percentage of students with disabilities who received compensatory education services for deprivation of a FAPE.**
 3. **Information on the development and implementation of any and all research-based bullying prevention and intervention programs.**
3. **Informing and training all school staff about this policy and Administrative Procedures, including the availability and use of the online reporting process, trainings on how to conduct a robust and impartial investigation, and trainings on disability harassment;**
4. **Posting this policy and administrative procedures on the District's website; and**
5. **Collecting and analyzing the data specified in this Policy and Administrative Procedures to identify schools in need of supports, trainings and intervention programs to ensure a safe, affirming environment throughout the District;**
6. **Reviewing this policy every three years and recommending necessary revisions to the Board.**

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

Each student shall be responsible to respect the rights of others and to ensure an atmosphere that is conducive to learning and free from bullying. A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include counseling within the school, parental

Commented [KM8]: The Office of Student Support Services does not appear external-facing and is difficult to find on the website. Doesn't the work sit with the Office of Climate and Safety? Parents need to be provided a clear source of authority and oversight in the District

Deleted: Office of Student Support Services,

Commented [KM9]: Does this refer to the Annual School Safety Report to PDE? The terminology should be consistent with PDE

conference, loss of school privileges, disciplinary transfer, exclusion from extra-curricular activities and athletics, detention, suspension or expulsion. [1][3][4]

The Superintendent or designee, **through the Office of Student Support Services** shall develop administrative procedures to implement this policy. ~~The Superintendent or designee shall ensure that this policy and administrative procedures are reviewed annually with staff, students, and parents/guardians.~~[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the SRC ~~Board~~. [1]

District administration shall annually provide the following information with the Safe School Report: [1] A.

~~The SRC Board's Bullying Policy.~~

B. Report of bullying incidents.

C. Information on the development and implementation of any and all research-based bullying prevention and intervention programs.

Mandatory Regulatory Procedures:

The Code of Student Conduct, which shall incorporate this policy, shall be disseminated annually to students. [1][2][3]

This policy shall be accessible in every classroom, posted in a prominent location within each school building and posted on the District website. The policy shall be made available in English and all other languages necessary to facilitate understanding by District residents.

Education

The district Superintendent, through the Office of Student Support Services or designee, shall implement research-based bullying prevention and intervention programs in all schools. Such programs shall provide training for District staff on this policy and for effectively responding to and investigating complaints, intervening in and reporting incidents of alleged bullying. [1][4][5]

All schools shall implement processes to prevent and mitigate acts of bullying, including:

1. Posting this policy in every classroom and in a prominent location within each school building; [1]
1. Mandating professional development for all staff and school administration on the prevention, identification, reporting, investigation and resolution of allegations of bullying and cyberbullying, including the right of students with disabilities to be free from discrimination and receive a FAPE;
1. Informing students and parents/guardians about this policy and Administrative Procedures, including the availability and use of the online reporting process, during orientation/open house sessions within the first month of school, and through appropriate school communication (i.e., school website, email, parent/student handbook, posters, flyers); [1]
1. Informing students and parents/guardians that bullying and cyberbullying will not be tolerated and providing student training on the definitions of bullying and cyberbullying, examples of bullying/cyberbullying, the reporting process, and consequences of participating in bullying/cyberbullying towards students and staff;
1. Conducting developmentally appropriate prevention activities such as:
 1. Holding frequent classroom meetings or town hall meetings with students to discuss safety concerns;
 2. Establishing, teaching, and reinforcing rules against bullying/cyberbullying;

Commented [KM10]: District staff need training about how to conduct a robust and impartial investigation of a bullying complaint, and document findings in writing to the parent/complainant.

Commented [KM11]: This training must be mandatory and it must specifically include how to conduct an investigation. The current results of investigations suggest that no bullying complaint is ever substantiated/founded, which is not credible.

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3. Incorporating social and emotional learning into the curriculum whenever possible;
4. Conducting classroom lessons on relevant topics such as inclusion, sensitivity, empathy, diversity, communication, problem solving, and tolerance;
5. Including bullying/cyberbullying on every agenda for building committee/leadership team, grade group, and/or school-based staff meetings;
6. Celebrating the annual national bullying awareness month (October); and
7. Conducting student and/or parent focus groups or administering school-wide surveys to assess the nature and prevalence of bullying at the school, and identify bullying hot spots in and around the building.

Maintenance Schedule

The Superintendent, or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the SRC. [1]

Complaint Procedure Step 1—Reporting

A student or his/her parent/guardian who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators.

A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal or designee. The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2—Investigation

Upon receiving a complaint of bullying, the building principal or designee shall investigate the complaint, unless the building principal or designee is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in, and witnesses to the complaint. The complainant shall not be required to meet face-to-face with the accused.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or other investigation of the incident is pending or has been concluded.

Consequences for Violations

If the allegations are confirmed, the building principal or designee shall:

1. Inform the student(s) found to have violated this policy and his/her parents/guardians of the results of the investigation, including the actions of the student and the consequences for his/her actions.
2. Review the definition of bullying and the District's policy on bullying with the student(s) and his/her

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parents/guardians:

3. Administer the consequences for the behavior relative to the number of offenses and the severity of the behavior.

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which shall include: [1][3][5]

1. First Offense – documented warning and parent/guardian notification.
2. Second Offense – parent/guardian conference, loss of school privileges, exclusion from school-sponsored activities, detention, and/or counseling within the school.
3. Third Offense – suspension or transfer to another classroom, school building or school bus.

If the first offense is notably severe, a student may immediately be disciplined in accordance with the Code of Student Conduct. This could result in a long-term suspension (4-10 days); a referral for placement in an alternative education program; or expulsion. [5]

Legal References:

1. [24P.S. § 1303.1-A](#)
2. [22 Pa. Code § 12.3](#)
3. [Policy 218](#) - Code of Student Conduct
4. [Policy 233](#) - Suspension and Expulsion
5. [24P.S. § 1302-A](#)
6. [Office of Civil Rights Resolution Agreement, School District of Philadelphia OCR Complaint No. 03-17-1331 \(December 2018\)](#)

1. 24P.S. 1303.1 A
2. 22PA Code 12.3
3. Pol. 218
4. 24P.S. 1302 A
5. Pol. 233
6. Pol. 236
7. Pol. 237
8. Pol. 248
9. Pol. 815

Administrative Procedures:

249 administrative procedure

**Administrative Procedures for Bullying/Cyberbullying
FOR THE SCHOOL DISTRICT OF PHILADELPHIA**
(Attachment for Policy No. 249) ~~Effective September 9, 2013~~

PURPOSE:

The purpose of these procedures is to maintain a healthy, safe, and positive school environment that is conducive to learning; to ensure that school administrators, teachers, and staff take appropriate measures to prevent and intervene in incidents of bullying and harassment; and to prohibit the reprisal or retaliation against individuals who report these acts.

~~In accordance with the provisions of the Pennsylvania Public School Code, 24 P.S. Sec. 1301 A et seq 1303.1 A, and State Board of Education Regulations, 22 PA Code Sec. 12.3, The School District of Philadelphia (“the District”) adopted SRC Policies 248 and 249 to address bullying and harassment.~~

BOARD POLICY:

~~It is the intent of the District to maintain safe environments for all District students. Therefore, it is the District’s policy to prohibit all forms of bullying and harassment.~~

DEFINITIONS:

The following words and phrases, when used in these procedures, shall have the meaning given to them in this section:

Bullying: ~~Bullying means a~~ An intentional electronic, written, verbal, nonverbal, psychological or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering ~~ingenee~~ with a student’s education;:-
2. Creating ~~on~~ of a threatening environment;:- **or**
3. Substantially disrupting ~~on~~ of the orderly operation of the school.

Bullying is **often identified** by the following three (3) **common characteristics:**

1. It is **unwanted** aggressive behavior or intentional harm doing.
2. It is **repeated or is likely to be repeated over time.**
3. It occurs **between people** where there is an **observed or perceived** imbalance of power (e.g. **physical strength, mental capacity, popularity or social skills**).

Bullying can take many forms and can include a variety of behavior. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;:-

Commented [MM12]: We recommend the same revisions proposed in Policy 249. See above.

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Deleted: **multiple times or** carried out repeatedly over time, ...

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Deleted: **within an interpersonal relationship**

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Deleted: oneperson is physically larger, stronger, mentally quicker or socially more powerful).

2. Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;–
~~spreading rumors.~~
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;–
~~cyberbullying (bullying that occurs by use of electronic communication devices through means of social networking, email, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites).~~
4. **Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and**
5. **Cyberbullying - any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.**

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: The school-based staff person who receives reports of incidents of alleged bullying, conducts investigations, and determines whether an allegation is substantiated. This person is also responsible for collecting the school's data on complaints, investigations and resolutions and reporting this data to the District Bullying Intervention Coordinator.

District Bullying Intervention Coordinator: A staff person based in the Office of Climate and Safety responsible for coordinating the District's efforts to comply with this Policy and Administrative Procedures, and applicable laws and regulations relating to bullying. This position is responsible for collecting data from schools as well as other District sources to analyze and publicly report as required by this Policy and Procedures, and to assess which schools the District needs to provide targeted interventions and support.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Online reporting process: The process for reporting or submitting complaints of alleged bullying/cyberbullying behavior and documenting investigations, accessible on the District's website at: <https://www.philasd.org/bullying/>

School setting: ~~School setting means in~~ **In** the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

“Bullying” can be exhibited by an intentional physical, psychological, verbal, nonverbal, written, or electronic act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent or pervasive, and has the effect of doing any of the following:

1. Substantial interference with a student’s education.
2. Creation of a threatening and hostile learning environment.
3. Substantial disruption of the orderly operation of the school.

Bullying is characterized by the following three (3) criteria:

1. It is intentional or deliberate aggressive behavior or harm doing;
2. It is carried out repeatedly over time; and
3. It occurs within an interpersonal relationship where there is an imbalance of power (e.g. one (1) person is physically larger, stronger, mentally quicker, or socially more powerful).

Bullying takes many forms and can include a variety of behaviors. As defined in SRC Policy 249, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical — touching, hitting, kicking, pushing, shoving, getting another person to hurt someone.
2. Verbal — name calling, teasing, taunting, gossiping, and spreading rumors.
3. Nonverbal — threatening, intimidation, obscene gestures, isolation, exclusion, stalking, cyber bullying (bullying that occurs by use of electronic or communication devices through means of social networking, e mail, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, bash boards, or web sites).

“Intimidation” is intentional behavior that would cause fear of injury or harm in a person of ordinary, reasonable sensibilities.

“School setting” means in the school, on school grounds, in school vehicles, at a designated bus stop, in transit to and from school or at any off site activity sponsored, supervised or sanctioned by the school.

“Electronic communication” means a communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computer.

“Harassment” is unwelcome verbal, written, graphic or physical conduct relating to an individual’s gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single

incident of harassment may implicate more than one protected class. For example, a student may be targeted because of his race and sexual orientation.

Harassment can create a hostile environment when it:

- ~~1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment;~~
- ~~2. Has the purpose or effect of substantially or unreasonably interfering with a student's education; or~~
- ~~3. Otherwise adversely affects an individual's learning opportunities, health, safety or well-being.~~

“Sexual harassment” is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

PROCEDURES:

Prevention

All schools will implement procedures to prevent and mitigate acts of bullying, harassment, and intimidation.

- ~~1. Each school principal will provide an annual review and offer professional development to all teachers and the entire school staff on the prevention, identification, reporting, investigation and resolution of allegations of bullying and harassment.~~
- ~~2. Schools will inform students and parents/guardians that bullying and harassment will not be tolerated. Student training shall include the definitions of bullying and harassment, examples of bullying and harassment, the reporting process, and consequences of participating in bullying and harassment towards students and staff.~~
- ~~3. Schools will inform students and parents/guardians about the availability and use of the *Bullying and Harassment Reporting and Investigation Form* during orientation/open house sessions within the first month of school, and through appropriate school communication (i.e., school web site, parent/student handbook).~~
- ~~4. *Bullying and Harassment Reporting and Investigation Forms (blank forms only)* will be available in the main office and other locations in each school.~~
- ~~5. *Bullying and Harassment Reporting and Investigation Forms (blank forms only)* will be available on the District's website and in the Parent Resource Centers.~~
- ~~6. Schools are required to conduct developmentally appropriate prevention activities~~

Commented [KM13]: Parent should still have a written paper option for submitting a complaint. The District should create a paper version of the online complaint form that a parent can complete in writing, for a staff person to input on the computer.

such as:

- a. ~~Holding frequent classroom meetings or town hall meetings with students to discuss safety concerns;~~
- b. ~~Establishing, teaching, and reinforcing rules against bullying and harassment;~~
- e. ~~Incorporating social and emotional learning into the curriculum whenever possible;~~
- d. ~~Conducting classroom lessons on relevant topics such as inclusion, sensitivity, empathy, diversity, communication, problem solving, and tolerance;~~
- e. ~~Including bullying and harassment on every agenda for building committee/leadership team, grade group, and/or school based staff meetings;~~
- f. ~~Celebrating the annual national bullying awareness month (October); and~~
- g. ~~Conducting student and/or parent focus groups or administer school wide surveys to assess the nature and prevalence of bullying at the school, and identify bullying hot spots in and around the building.~~

Reporting

A student or his/her parent/guardian or third party who believes ~~s/he~~ **the student** has been subjected to bullying and harassment is encouraged to immediately report the incident **in one of three ways:**

1. Using the online reporting process available at <https://www.philasd.org/bullying/>;
2. Orally reporting the incident to the building principal or bullying designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators;
3. **Completing a paper version of the online bullying complaint, available in all school offices, which will then be entered online by a staff person; or**
4. **Calling the Bully Hotline at: (215) 400-SAFE.**
5. **Contacting the District Bullying Intervention Coordinator**

The person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of this policy. ~~The complainant or reporting employee is encouraged to use the *Bullying and Harassment Reporting and Investigation Form*, but oral and electronic complaints shall be acceptable. The principal or designee, or reporting staff member, shall complete the *Form*~~ **document the complaint by entering the complaint in the online reporting process as soon as possible and within 2 days, if the complainant chooses to make an oral or electronic or paper report. All forms of complaint submission must result in an email or written receipt of submission for the parent or student complainant.**

Commented [KM14]: Parents should have an option to complete a paper version of the online bullying complaint, in cases where it is not possible for someone to enter the complaint "live" with them, and to ensure all the same information is collected.

Commented [KM15]: Parents report to us that when they call this number nobody answers the phone. When I called I was told that it redirected to the FACE Office and they are not allowed to take bullying complaints, and can only tell people to submit a report on the website.

Deleted: by using

Commented [KM16]: Far too often, parents are told that their oral complaint was never documented or submitted, or their written complaint was lost. All complaints must produce a written receipt for the parent.

All reports will be documented using the *Bullying and Harassment Reporting and Investigation Form*. ~~Reports-Complaints~~ will be promptly and appropriately investigated by the principal or principal's-bullying designee, consistent with the student's due process rights. **All complaints and investigations shall be documented using the online reporting process.** ~~, using the *Bullying and Harassment Reporting and Investigation Form*, within two (2) school days after receipt of the report.~~

NOTE: It is critical when receiving a ~~report-complaint~~ to determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

For complaining students who have an IEP or 504 Plan, or who have requested a special education evaluation, the bullying complaint must be shared immediately to the IEP or 504 Team and a meeting convened.

Investigation

Principals or the principal's-bullying designee will determine whether bullying/cyberbullying ~~or harassment~~ occurred by taking the following steps:

1. All investigation shall be completed within fourteen (14) school days from the date of the complaint of bullying/cyberbullying.
2. If the complaint alleges sex or gender based discrimination or harassment or behavior that can be interpreted to fall within the provisions of Board policies or laws against other forms of discrimination **including race, disability, national origin, gender identity and sexual orientation**, the investigation should be completed in accordance with Policy 248, Harassment and Discrimination of Students, including notification to the Title IX Coordinator in the Office of Student Support Services or Policies 103 or 103.1 regarding nondiscrimination.
3. **If the complaint is made by a student who has an IEP or 504 Plan, or who has requested a special education evaluation, the bullying complaint must be shared immediately with the IEP or 504 Team and a meeting convened.**
4. The investigation should consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.
5. The investigator shall attempt to secure statements from all participants in, and witnesses to, the incident(s). The complainant shall not be required to meet face-to-face with the accused.
6. When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The limited English proficiency of a complainant, witness, or the accused is not an acceptable reason for failure to secure a statement from him or her.
7. ~~Inform the complainant that s/he may be accompanied by a parent/guardian during~~

Commented [KM17]: What is this online investigation documentation? Does it mirror the "Bullying and Harassment Reporting and Investigation Form" that was previously used? This documentation should be made available to parent after the investigation is completed, and these forms must be filed with the Office of Climate and Safety and District Bullying Intervention Coordinator for review and analysis.

Commented [KM18]: The complaint – not waiting until after an investigation and finding of substantiated bullying – must be the trigger to notify and convene an IEP or 504 Team. Whatever conduct is being complained of could be impacting that child's receipt of FAPE and must be addressed by the team promptly.

Commented [KM19]: The complaint – not waiting until after an investigation and finding of substantiated bullying – must be the trigger to notify and convene an IEP or 504 Team. Whatever conduct is being complained of could be impacting that child's receipt of FAPE and must be addressed by the team promptly.

Commented [KM20]: Why was this removed? Many children will be most comfortable recalling and reporting difficult incidents with a parent present.

~~all steps of the complaint procedure.~~

8. Ensure that complainants are notified of available resources, such as counseling, health, and mental health services, and, **if applicable**, their right to file a complaint with local law enforcement.
9. Notify the complainant and the accused of the progress at appropriate stages of the investigation, **including written notice when an investigation has begun and when an investigation has concluded.**
10. In cases involving potential criminal conduct, determine whether appropriate law enforcement authorities should be notified. [1]
10. Document findings from the investigation and actions taken **within the online reporting process system.** ~~on the *Bullying and Harassment Reporting and Investigation Form.*~~ **Written notice of the investigation findings must be provided to the parent of the complaining student.**
11. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.
12. The obligation to conduct this investigation shall not be negated by the fact that the complainant cannot identify the accused.
13. ~~If the bullying or harassment creates imminent danger or qualifies as a violation of the Code of Student Conduct, complete an EH 31, Serious Incident Report in the Serious Incident Management System (SIMS) and follow the appropriate procedures for Response to Instruction and Intervention (RtII) BHS Level 3 (grades 1-5) or an EH 21 request for disciplinary transfer (grades 6-12).~~
14. If the investigation determines that the accused engaged in conduct that constitutes a violation of this policy, the principal or the ~~principal's~~ **bullying** designee shall take prompt and effective steps reasonably calculated to end the bullying/**cyberbullying** ~~or harassment~~, eliminate any hostile environment and its effects, and prevent the bullying/**cyberbullying** ~~harassment~~ from recurring.
15. ~~Submit a copy of the completed *Bullying and Harassment Reporting and Investigation Form* to the Office of Attendance and Truancy at (215) 400 4223 (fax) or sdpbullyingprevention@philasd.org (email) within five (5) school days of the completion of the investigation.~~
16. **For each complaint, the complaint, documentation of the investigation and findings must be maintained in the online reporting system and shall be reviewable by the District Bullying Intervention Coordinator as indicated to identify schools in need of District support and training.**
17. ~~Copies of the forms must be maintained in the principal's confidential file. These forms are not to be filed in the student's pupil pocket.~~

Substantiated/Founded Complaints

IEP Team/Section 504 Team Notification

If a complaint of bullying/cyberbullying is **made** and either the offender or the victim is a student with a disability who has an Individualized Education Plan (IEP) or a Section 504 Plan, the principal or bullying designee must **immediately** notify the student's IEP Team or Section 504 Team (refers to Section 504 of the Rehabilitation Act of 1973).

~~Unless it is clear from the school's investigation that there was no effect on the student with a disability's receipt of a Free and Appropriate Public Education (FAPE), The~~ appropriate team must convene to make a determination of whether, due to the bullying/cyberbullying, the student's needs have changed. The student's IEP or Section 504 Team must determine the extent to which additional or different services are needed, if any, and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

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Commented [KM21]: The obligation to notify the IEP or 504 Team is at the submission of a complaint, not after an investigation and determination of substantiated bullying. Whatever incidents were complained of could impact the child's receipt of FAPE so the Team must be notified about the complaint. It is the initial role of the Team, not the Bullying Designee, to consider whether there is an impact on FAPE.

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Parental Notification

All complaints:

Parents/guardians of both the alleged victim and alleged offender shall be notified of the outcome of the investigation via a letter setting forth details of how the complaint was investigated and whether the complained upon behavior was founded or unfounded.

Founded complaints:

If ~~the complaint of bullying/cyberbullying or harassment is substantiated-founded~~, the principal or ~~principal's-bullying~~ designee will communicate with the parents/guardians of the victim and offender(s), and take the following steps:

1. The parent/guardian of the victim will be informed of the specific steps that the school will take to intervene in the reported behaviors, monitor future conduct, and protect the victim from reprisal or retaliation.
2. The parent/guardian of the victim ~~may~~**will** be invited to participate in the development of an intervention plan for their child~~-if one is created~~.
3. The parent/guardian of the offender will be informed of the specific steps that the school will take to intervene in the reported behaviors and monitor future conduct, as well as the proposed consequences as stipulated in the Code of Student Conduct.
4. The parent/guardian of the offender~~may~~**will** be invited to participate in the development of an intervention plan for their child~~-if one is created~~. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.

5. The parents/guardians of the victim and offender(s) will be provided with a copy of the intervention plan developed for their child **if one is created**. The intervention plan, Response to Instruction and Intervention (RtII) BHS domain, must be documented in the Infinite Campus Student Information System.

6. Separate conferences for the victim and offender(s) will occur within ten (10) school days after the conclusion of the investigation to ensure that the bullying and harassment has ceased, and to determine whether there is a need for additional intervention or support. Individual conferences may occur as part of the progress monitoring of the intervention plan.

7.A second conference will be held with the victim four (4) weeks after the initial conference to ensure that the bullying and harassment has ceased.

8.Where bullying has been substantiated, the complainant shall have the right to request a safety transfer to a different school to redress the bullying. A transfer is not guaranteed. The District Bullying Intervention Coordinator will review the request and provide a written determination within 7 business days. Safety transfers will be approved where the victim's continued presence in the school (a) is unsafe for the student or (b) will interfere with the student's ability to obtain a meaningful benefit from their educational program.

Commented [KM22]: This requirement for follow-up conferences is in the original Procedures and should not be deleted as is proposed. The nature of bullying can shift and change to different formats after initial interventions are put into place, so it is very important for schools to check in with students to be sure they are safe and assess if additional supports are needed.

Commented [KM23]: There are some circumstances where interventions do not work and a particular school environment is not safe for a student. The District currently only grants safety transfers on a very limited basis with no explanation why some transfers are permitted and others are not. Parents and students have the right to public notice of objective criteria that must be met for a safety transfer to be granted.

Unfounded Complaints:

If ~~the complaint of bullying/cyberbullying or harassment is substantiated~~ **unfounded**, the principal or ~~principal's~~ **bullying** designee will communicate with the parents/guardians of the alleged victim and alleged offender(s), **and document in writing the details of the investigation and findings.** the type of incident that occurred (i.e. mutual conflict or isolated incident) as well as the specific steps that the school will take to intervene in the reported behaviors and monitor future interactions.

Documentation of the complaint and investigation findings shall be maintained in the online reporting system, for review and analysis by the District Bullying Intervention Coordinator.

Unfounded complaints should also be reviewed for conduct which may not be proven to be bullying under this policy, but merits review and possible action under other Board policies.

Behavioral interventions

Schools must provide intervention and support to victims, offenders, and/or bystanders to address acts of bullying/~~cyberbullying and harassment~~. Suggested interventions include, but are not limited to, the following actions:

1. Parent/student conferences;
2. One-to-one counseling for the victim, offender, and/or bystander with appropriate professional staff;

3. Positive behavioral supports, such as, functional behavioral assessments and check in/check out;
4. Increased adult supervision in hot spot areas and during transition times (e.g., admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the victim; and
8. Daily report.

~~A comprehensive list of interventions may be found in Schoolnet — Response to Instruction and Intervention (RtII) BHS domain. The intervention plan and progress monitoring must be documented in Schoolnet.~~

Disciplinary action

While all incidents of bullying/~~cyberbullying and harassment~~ require student interventions, some incidents may require disciplinary action/consequences for the offender(s). Appropriate disciplinary action/consequences for persons committing acts of bullying/~~cyberbullying harassment~~, for persons engaged in reprisal or retaliation, and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying/~~cyberbullying and harassment~~. A range of disciplinary actions/consequences may be found in the Code of Student Conduct.

Appeal Procedure

If the complainant or accused is not satisfied with the finding of the investigation, either may submit a written appeal to the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker. Information about the appeal process is available here: <https://www.philasd.org/studentrights/>

Follow-up

- ~~1. Separate conferences for the victim and offender(s) will occur within ten (10) school days after the conclusion of the investigation to ensure that the bullying and harassment has ceased, and to determine whether there is a need for additional intervention or support. Individual conferences may occur as part of the progress monitoring of the intervention plan.~~
- ~~2. A second conference will be held with the victim four (4) weeks after the initial~~

Commented [KM24]: Why was this deleted? It is appropriate and necessary requirement for follow-up to ensure needs are being met. These items were moved to an earlier location in the document.

conference to ensure that the bullying and harassment has ceased.

Central office support-Review by the Office of Climate and Safety, District Bullying Intervention Coordinator

~~1. In instances wherein the bullying and harassment incident is reported and unresolved, and/or parents/guardians are not satisfied with the investigation or findings; support may be requested by the school or parent/guardian from the Office of Student Support Services.~~

Commented [KM25]: This acknowledgment of oversight responsibility by the District is critical and should not be eliminated. These procedures should be maintained and publicly identified as available. It is not sufficient to provide only an Appeal Process for the complaints that are investigated and found unsubstantiated because far more complaints are never properly investigated.

~~2. Support may be inclusive of, but not limited to, the following:~~

- ~~a. Independent review of the bullying and harassment report and investigation;~~
- ~~b. Interview of parties involved in data collection and disposition;~~
- ~~c. Review of disciplinary action as deemed appropriate, under the Code of Student Conduct related to the incident(s);~~
- ~~d. Consultation with the parent/guardian and school-based personnel on alternative strategies and supports; and~~
- ~~e. Consultation with other relevant offices regarding findings and recommended actions.~~

~~3. The Office of Climate and Safety will work with the school to ensure that the allegations/incident is reported, investigated, and that the resolution is sufficient. The Office of Climate and Safety may amend the findings and recommendations of the school pursuant to review.~~

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~~4. Appropriate professional development will be provided to all stakeholders annually to support the implementation of this procedure. Professional development includes trainings for administrators, teachers, staff, students, parents/guardians, and community stakeholders (e.g., community-based organizations, faith-based partners, city partners and contracted providers). Resources and materials are available on The School District of Philadelphia's website.~~

MAINTENANCE AND UPDATE OF THESE PROCEDURES:

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.

ATTACHMENT:

Bullying and Harassment Reporting and Investigation Form

Legal References:

1. 18 Pa. C.S. 2709