

The Legal Status of Bullying: 360 Degree Anti-Bullying Training Plan

Part Three of a Three Part Series

By Mary Jo McGrath, Attorney at Law

You probably entered the field of education as a certificated or classified employee with a commitment to making a difference. At some point, you may have stepped into a larger accountability—that of an administrator or a department manager. You may even be a superintendent or other district-level administrator. Whatever your position, **as an educator you are concerned for the safety and wellbeing of each and every student.** This is a given. However, while your foremost concern will always be the protection of students, as an educator you are also responsible for protecting the school and yourself from the liability that may attach when bullying and harassment claims are not handled properly.

The courts have found the following bases for the duty of educational institutions to safeguard students from bullying, harassment, and abuse.

- School personnel have a duty to protect students from known or reasonably foreseeable harm occurring during or in connection with school activities.
- School personnel are responsible for properly monitoring and disciplining subordinates—students, teachers, and staff—over whom they exercise supervisory authority.

This duty includes a responsibility to train students and employees with respect to the issues that surround bullying and illegal harassment. While policy dissemination is a necessary part of this training, simply disseminating a policy is an insufficient response. Training is defined as “teaching (a person) a particular skill or type of behavior through practice and instruction over a period of time.”

Over this school year we have provided you 6 different excerpts from our Anti-Bullying curriculum for you to distribute to your personnel. **Now as you plan for the upcoming school year to comply with state legislation and local board policy, we are providing a road map for comprehensive training in this area.** The plan is made up of three component trainings; one for teachers, staff and volunteers, one for administrators and counselors, and one for students and their parents and guardians.

Congratulations on completing another school year and for the enormous difference you have made with our students throughout the course of 2006-2007. May your upcoming school year stand on the shoulders of your successes and move forward in providing safe and productive learning environments!

Key



Who to train in this curriculum

Who



How often to train this group

When



Vital knowledge and skills to cover in the training

What



Methods of delivery; qualifications of trainer

How

Awareness and Intervention



Who

Teachers; classified staff; athletic directors and coaches (full time or seasonal); monitors and chaperones of extracurricular activities and field trips.



What

- What constitutes bullying and what the school district's anti-bullying policy contains
- The behaviors that constitute various forms of illegal harassment based on race/national origin, gender, sex, sexual orientation, or disability
- Their duty to provide a safe learning environment for students and what the district may be liable for should they fail in this duty
- The signs and symptoms that a child is a target of bullying behavior
- Classroom or Playground interventions and disciplinary actions that they can implement
- Knowing the student code of conduct and procedures and consequences for violations



When

At least annually; throughout the school year, any new staff and substitutes must be oriented on this subject as well.



How

Bring in a specialist to conduct a district-wide program. Site administrators should be trained to provide follow-up training and development and review sessions via a training of trainers model.

McGrath has this type of training is also available online. An advantage to this format is that the district has secure records of the training, including pre- and post-test scores, for every user who completes the course.

For Athletic Directors and Coaches, anti-bullying and harassment may be one topic in a full day athletic liability workshop. Particular attention should be given to hazing prevention. Given the risks involved in athletics, annual training by an expert in athletic liability is recommended.

Complaint Intake, Management and Investigation



Who

School site administrators, Title IX officers, school psychologists and counselors, district level administrators, investigators.



What

- Bullying and harassment complaint management, intake and investigation
- Applicable laws and procedures
- Psychodynamics of victims, perpetrators and witnesses
- Processing of a complaint from initial intake through determination of appropriate action
- Guidelines for determining if a formal investigation is warranted
- Who should conduct the investigation



When

Annually

After first year, train new people in the basics, others should receive a review and advanced



training

How

Bring in a professional. The trainer must be an expert in the law as it pertains to bullying and harassment, not just an expert on socio-emotional aspects of this behavior. Warning: The law is complex and ever evolving. Do not attempt to use books and articles to train others on your own. The cost of getting it wrong is too high.

Self-paced online training is also available for this topic.

Student and Parent Awareness



Parents and Students at every grade level, male and female

Who



What

- Bullying and harassment awareness: How it looks and feels
- Student rights & responsibilities
- What to do if you experience or observe bullying or harassment behavior
- How to report
- Standing up for others
- School District Policy including consequences (in age-appropriate language)



When

At least annually; build modules into health and citizenship classes.



How

This is a sensitive topic and program delivery requires quality preparation and a high degree of sensitivity to children's emotions and possible trauma that may be triggered. School counselors are the ideal group to deliver the training. They should be trained by a bullying and harassment professional via a training of trainers model.

Additional McGrath Resources:

School Bullying: Tools for Avoiding Harm and Liability

By Mary Jo McGrath, Attorney at Law - Corwin Press, Copyright 2007

- Get the latest research on the "new" bullying - girls, cyberbullying, and more
- Learn the legal basis for bullying and lawsuits
- Tools for daily intervention and cultural transformation
- Step-by-Step investigation approach.

[Purchase the book](#) for additional tools and resources on Complaint Management including: Sample Complaint Intake Forms, Decision Trees outlining the Initial Processing of a Complaint and Determining Who Investigates.

McGrath Bullying and Harassment: Minimize the Risk Curriculum

- **Bullying and Harassment: Fundamentals of Detection, Identification, and Intervention** (for faculty and staff)
- **Bullying and Harassment Complaint Intake and Investigation** (for school administrators)
- **Bullying and Harassment - Proactive Awareness for Students and Parents** (K-12)
- **DVD/Video Education System & Training of Trainers Program**

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