Bullying and Harassment: The Rights of Students and Parents



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April 2022

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Legal Services of Eastern Missouri advances justice through legal representation, education and supportive services. We partner with the community to improve lives, promote fairness and create opportunities for those in need.

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ABOUT US

The EJP at Legal Services of Eastern Missouri keeps children and youth in school by addressing unequal, race-based school practices. EJP targets the root causes of education inequity in Missouri through systemic advocacy, helping children and youth get a quality education, whether they are in school, suspended, or expelled. Central to this mission is working to disrupt the "school-to-prison pipeline"[2] by ensuring that every child receives a good education, in a safe school, no matter what a child looks like or where a child is from. EJP uses a race equity lens and a community lawyering model in all of its work.

Students and caregivers who are interested in contacting EJP can call our hotline at 314-256-8789 or email us at ejp@lsem.org. Our website is www.lsem.org/education-justice-program/. Additional know-your-rights information about school discipline and school access can be found on our EdRights App at www.edrights.lsem.org.





INTRODUCTION

As many students and caregivers know, students who are bullied are more likely to do worse academically, miss school, and feel alienated or depressed.[3] Every family looks different, so this manual uses the term “caregiver” when possible to include the parents, guardians, grandparents, aunts, uncles, foster parents, step-parents, and friends who take care of children in different arrangements.

Bullying is an aggressive relationship in which the initiator has more power or is thought of as having more power than their target and in which the aggressive actions have the potential to be repeated.[4] Although bullying is aggressive, it includes more than physical violence – it can include verbal and subtle acts.[5] With increased use of phones and computers, bullying can now be done electronically as “cyberbullying.”[6]

Nationally, the Centers for Disease Control and Prevention (CDC) reported in 2019 that 15.7% of high school students are cyberbullied, and 19.5% of high school students are bullied on school property.[7] In that same 2019 CDC report, 21% of Missouri high school students reported being bullied on school grounds,[8] and 18.1% of Missouri students reported being bullied online.[9]



There are steps that caregivers can take to protect children and create change in their school district to help bring about the end goal of statewide progress.

This report supports caregivers by discussing bullying in Missouri, the difference between bullying and harassment, and further actions caregivers can take if their child is being bullied.

BASIC TIPS

- Report bullying and harassment as soon as possible.
- Take detailed notes of the incidents and communications with the school. Your notes should include:
  - When the student was bullied or harassed,
  - Who targeted the student (names and grades or staff positions),
  - What was said or done to the student,
  - Where the bullying happened,
  - Who witnessed the bullying,
  - Whom the student told about the bullying,
  - When you reported the bullying and whom you reported it to,
  - The response of whomever you reported it to, and
  - Any other relevant information.
- Keep copies of letters, reports, or other materials you receive or give to the school.
- Consider emotional or mental health support for your child (see resources below).
- Go to school meetings.
- Follow up with school officials.

RESOURCES



- General Information: www.stopbullying.gov
- Your district's[10] officer in charge of reporting: see Appendix 1
- School counselor or school psychologist
- Courage2Report Missouri
  - 24-Hour Toll-Free Report Line: 1-866-748-7047
  - Report Online: https://rb.gy/yteazy
- Missouri School Boards' Association Center for Education Safety: www.mosba.org/ces
- Missouri's bullying laws: www.stopbullying.gov/resources/laws/missouri
- Information on bullying or harassment of students with disabilities: https://rb.gy/ast4l0
- More resources available on the Missouri Department of Elementary and Secondary Education (DESE) website: https://bit.ly/3qZ7SoR
  - Complete this survey from DESE to learn who can help you with bullying issues: www.surveymonkey.com/r/BullyingIssues

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DOES MY CHILD'S EXPERIENCE QUALIFY AS BULLYING OR HARASSMENT?

What Is Bullying?

Under Missouri law, **bullying** is:

- Intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated, **and**
  - Causes a reasonable student to fear for their personal safety or property, or
  - Substantially interferes with the educational performance, opportunities, or benefits of any student, or
  - Substantially disrupts the orderly operation of the school.[11]

Bullying can look like:

- Physical actions, including gestures, or
- Oral, cyberbullying, electronic, or written communication, or
- Threat of retaliation for reporting any of the above.[12]





Cyberbullying is bullying done over an electronic device like a computer or a phone.[13] It remains unclear how far a school can go to discipline a student's speech, including cyberbullying, when it is off campus. In a recent U.S. Supreme Court case, *Mahanoy Area School District v. B.L.*, the Court declined to create a guiding rule for how students' free speech rights should interact with schools' and other students' concerns about bullying and harassment that takes place off-campus.[14]

What Is Harassment?

Harassment is treatment that causes a "hostile environment" that is so "severe, pervasive, or persistent" that it "interfere[s] with or limit[s] a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school."[15] The key difference between bullying and harassment is **why** a student is being targeted. If a student is being targeted because they are a member of a "protected class," they may be experiencing harassment.



What Is a Protected Class?

The law provides special protection for certain groups because their members have and continue to face discrimination. These groups are protected classes. State and federal laws prohibit discrimination in schools based on:

- Race,[16]
- Color,[17]
- National origin,[18]
- Ancestry,[19]
- Religion,[20]
- Sex (including gender identity and sexual orientation),[21] and
- Disability.[22]

Under Missouri law, information about protected classes cannot be in bullying manuals.[23] However, just because you do not find details about protected classes in bullying manuals doesn't mean protections don't apply. Harassment based on a protected class is prohibited by federal law. If a student is harassed because of their identity in any of these protected classes, that student or their caregiver can file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR).

Harassment Based on Race

Harassment based on race violates Title VI of the Civil Rights Act of 1964 (Title VI).[24] There are two different ways that OCR looks at discrimination based on race in schools: where there is different treatment by a school district and where there is a hostile environment.[25] Different treatment based on race violates federal law where there is "[r]acially based conduct that has such an effect and that consists of different treatment of students on the basis of race by [school districts'] agents or employees, acting within the scope of their official duties."[26]

A hostile environment violates federal law because a school district has subjected a student to different treatment based on race when the school district actually or constructively knows about it and the hostile environment "is created, encouraged, accepted, tolerated or left uncorrected by [the school district]."[27] The racially hostile environment must be "sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by [the school district]."[28]





Harassment Based on LGBTQ+ Identity

Schools cannot allow anti-LGBTQ+ discrimination. In June 2020, the U.S. Supreme Court ruled that discrimination against LGBTQ+ employees is illegal.[29] The Supreme Court based its decision off a law[30] that bans sex discrimination in employment. This law is incredibly similar to the law that bans sex discrimination in education, Title IX of the Education Amendments of 1972 (Title IX), and courts tend to interpret them similarly. Since then, things have moved quickly, and federal agencies have interpreted the Supreme Court's decision to apply to anti-LGBTQ+ discrimination in education. Both the U.S. Department of Education[31] and the U.S. Department of Justice[32] have said that Title IX bars discrimination because of sexual orientation or gender identity.

Although it is not as powerful as a court ruling, the U.S. Department of Education's interpretation of sex discrimination in education means that there is federal avenue if a student is harassed because of their LGBTQ+ identity.

Harassment of Students with Disabilities

If your child is a student with a disability and is being harassed in school, the school may be violating various civil rights law such as:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794
- Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134
- Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.
- Missouri Human Rights Act (MHRA), Mo. Rev. Stat. § 213 et seq.

Additionally, both harassment because of disability and general bullying of a student with a disability may be a denial of a free appropriate public education (FAPE).[33] Harassment based on a disability may also be a denial of an equal opportunity for education.[34] Harassment based on disability is barred under IDEA and Section 504 when it creates a hostile environment that "interfer[es] with or den[ies] a student's participation in or receipt of benefits, services, or opportunities" from school.[35]

If a student has an Individualized Education Program (IEP), the IEP Team should come together and decide whether the IEP is still providing a meaningful educational benefit.[36] Convening an IEP Team meeting is not something that only a school can do – you can request an IEP Team meeting, too.[37] See Appendix 5 for a sample letter to request a team meeting.

If the situation continues to be unresolved, you may want to pursue a complaint with OCR, one of the options we describe in *What Can Caregivers Do?* (see page 9). If you file a complaint with OCR, you should know that in order for OCR to find illegal disability-based harassment, they need to find that: 1) the bullying was based on a disability, 2) it created a hostile environment, 3) school officials knew or should have known, and 4) they did not respond appropriately.[38]





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WHAT IS THE SCHOOL DISTRICT REQUIRED TO DO?

Anti-bullying Policies

Missouri requires each school district to implement anti-bullying policies.[39] At the very least, anti-bullying policies have to include:

- A requirement that school district employees report bullying that they know of first-hand within two days, and
- Procedures for reporting bullying, include:
  - A designated staff person to receive reports of bullying, and
  - Procedures for investigating bullying, such that
    - The school principal must start an investigation within two school days of a report.
    - The investigation must be completed within ten school days from the date of the report, unless there is *good cause* to extend it.
- A statement that bans retaliation against people who report bullying, and
- The process for discussing the anti-bullying policy with students and training staff.[40]

Your school district's bullying policy should be accessible through its website. Refer to Appendix 1 for anti-bullying policies. If your school is not complying with its anti-bullying policy, you can contact your district's compliance officer.

Necessary Actions

When harassment is brought to their attention, or when schools know or should have known about harassment:

- They must take immediate and appropriate action to investigate what happened. The investigation must be prompt, thorough, and impartial.
- If the school's investigation proves there was harassment, then the school must:
  - Stop the harassment,
  - Put an end to any hostile environment,
  - Make sure that the person who reported the harassment and the person who was harassed are not retaliated against,
  - Make sure that students who was harassed knows how to report any future problems, and
  - Prevent future harassment.[41]

Depending on the situation, schools may need to:

- Provide training to the harassers and to the entire school,
- Provide services to the student who was harassed, and
- Issue new anti-bullying policies.[42]





WHAT IS RETALIATION?

When reporting concerns with bullying or harassment concerns to a school, the school must not retaliate in response. This means that the school cannot react in a negative or harmful way in response to a caregiver's advocacy or voicing of concern about a school's response or lack of response.

Any advocacy on behalf of a student with a protected status as set out above on issues related to their civil rights is a protected activity.

If a school retaliates in response to a caregiver's or student's advocacy, it could mean legal consequences for the school.





WHAT CAN CAREGIVERS DO?

Recognizing the Signs of Harassment

Try to talk to your student about what is and is not okay for them to be experiencing. Let them know that other people should treat them the way you expect your student to treat others. If they come to you or a teacher and say they are being bullied or harassed, take the next steps.

Signs of harassment can include:

- The student reports that a teacher or another student is being mean to them.
- The student starts to dread going to school even though they once loved going to class.
- Other caregivers or students report that students are saying similar things about the teacher or the student.[43]





Next Steps

1. Keep detailed records. Write down everything your child tells you. Include names, dates, and what was said or done. This can be hard to do when your child comes to you with these problems, but keeping a detailed record will be helpful as you follow up. For a record-keeping template, see Appendix 3.
2. Locate your school district's bullying/harassment policy to find out how to report and whom to report to. See Appendix 1 for policies for districts in the St. Louis area.
3. Ask the school to take action.
   a. Report bullying to the school, share records, and ask for an investigation. Under federal law, schools must address harassment that they know about or should have known about.[44] See Appendix 7 for a sample request for an investigation. See Appendix 2 and Appendix 3 for a sample safety plan and guidance on safety planning.
   b. If the student has an IEP or 504 Plan, you can request an emergency team meeting to address bullying or harassment. You can do this by emailing your principal and director of special education. Even if the student's disability is not the reason why they are being targeted, these meetings offer an opportunity to make your concerns known. See Appendix 5 for a sample letter to request a team meeting.
   c. If the student does not have an IEP or 504 Plan and you believe they would benefit from one, you may request an evaluation. You can do this by emailing your principal and director of special education. See Appendix 6 for a sample letter to request an evaluation.
4. Participate in the team meeting or evaluation. Share your records with the team members. You may bring an advocate with you.
5. Follow up. You should submit a bullying/harassment form for each day your child is harassed.
6. Testify before the school board. If the school or district is not helpful in stopping the bullying or harassment, you can speak to the board to tell them about your child's experiences. See Appendix 8 for guidance on this process.
7. Depending on the situation, there may be a legal option.
   a. When a school district has violated either federal or Missouri law by ignoring patterns of bullying and harassment, some parents have been able to find legal relief. It is important to exhaust your options with the school and school district before taking more serious steps like filing a lawsuit.
   b. Consider filing a complaint with OCR.





When Can I File a Complaint with the Office for Civil Rights?

You can file a complaint with OCR if your child was discriminated against because of their race, color, national origin, ethnicity, or ancestry. This includes if your child is harassed because they are an English learner or if your child was harassed because of their sex.

How to Ask OCR to Investigate

You can ask OCR to investigate if your child was harassed and the school failed to respond within the last 180 days. You can submit a complaint form online (https://bit.ly/3r28hqG) or by mail. If you send a complaint by mail, include the following information:

- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.

Additional information on the process can be found on OCR's website (https://bit.ly/3r9rl0N).

When Can I File a Complaint Under IDEA?

If the student has a disability and is bullied or harassed, the bullying or harassment should be addressed in their IEP or 504 Plan. Students with disabilities have the right to a FAPE. Any harassment or bullying that interferes with the student's ability to attend school or make progress in school may be a denial of a student's right to a FAPE. As a result, a student may be entitled to compensatory education if the school did not address the bullying or harassment as they should have.

How Can I File a Complaint Under IDEA?

In Missouri, parents or students may file a due process complaint with the Department of Elementary and Secondary Education's Office of Special Education on allegations of violations that happened not more than two years before the date the parent or student knew or should have known about the alleged action that forms the basis of the due process complaint. A due process model request form can be found here: https://dese.mo.gov/media/pdf/mo5003156pdf.





Appendix 1: District Bullying Policies and Compliance Officers in Public School Districts in St. Louis City and St. Louis County[45]

AFFTON

- Board Policy (bullying): https://bit.ly/3wXWYnb
- Board Policy (anti-discrimination/harassment): https://bit.ly/3J6k3WU
- District Compliance Officer:
  Chris Daughtry, Assistant Superintendent for Curriculum/Instruction
  8701 Mackenzie, Affton, MO 63123
  314-638-8770
- In the event the Compliance Officer is unavailable:
  Travis Bracht, Superintendent
  314-638-8770

BAYLESS

- Board Policy (bullying): https://bit.ly/36Xfkd8
- Board Policy (anti-discrimination/harassment): https://bit.ly/3K8z1NJ
- District Compliance Officer:
  Kim Arnold, Director of Human Resources
  karnold@bayless.k12.mo.us
  4530 Weber Road, St. Louis, MO 63123
  314-256-8605
- In the event the Compliance Officer is unavailable:
  Ronald J. Tucker, Superintendent
  rtucker@bayless.k12.mo.us
  314-256-8601

BRENTWOOD

- Board Policy (bullying): https://bit.ly/3r3eRNt
- Board Policy (anti-discrimination/harassment): https://bit.ly/3uRs9xR
- District Compliance Officer:
  Steven Rettke, Human Resources and Operations Manager
  1201 Hanley Industrial Court, Brentwood, MO 63144-1631
  srettke@brentwoodmoschools.org
  314-962-4507
- In the event the Compliance Officer is unavailable:
  Brian Lane, Superintendent of Schools
  blane@brentwoodmoschools.org
  314-962-4507

CLAYTON

- Board Policy (bullying): https://bit.ly/3qZHWJy
- Board Policy (anti-discrimination/harassment): https://bit.ly/36LJSPf
- District Compliance Officer:
  Anthony Arnold, Assistant Superintendent of Human Resources
  anthonyarnold@claytonschools.net
  #2 Mark Twain Circle, Clayton, Missouri 63105
  314-854-6012
- In the event the Compliance Officer is unavailable:
  Robyn Wiens, Assistant Superintendent of Student Services
  robynwiens@claytonschools.net
  314-854-6013

CONFLUENCE ACADEMY

- Board Policy (bullying): https://bit.ly/35PY214
- Board Policy (anti-discrimination/harassment): https://bit.ly/3jf8C51

FERGUSON-FLORISSANT

- Board Policy (bullying): https://bit.ly/3LEWJRR
  (see page 20)

HANCOCK PLACE

- Board Policy (bullying): https://bit.ly/38r58tP
- Board Policy (anti-discrimination/harassment): https://bit.ly/36TnTWz
- District Compliance Officer:
  Dr. Thomas Dittrich Jr. Executive Director of Student Services
  9417 S. Broadway St. Louis, MO 63125
  tdittrich@hancock.k12.mo.us
  314-544-1300 ext. 501
- In the event the Compliance Officer is unavailable:
  Dr. Tim McInnis Assistant Superintendent
  tmcinnis@hancock.k12.mo.us
  314-544-1300 Ext. 404

HAZELWOOD

- Board Policy (bullying): https://bit.ly/3K522tn
- Board Policy (anti-discrimination/harassment): https://bit.ly/3JcMFOh
- District Compliance Officer:
  Superintendent or Designee
  Hazelwood School District
  15955 New Halls Ferry Rd., Florissant, MO 63031
  314-953-5000
- In the event the Compliance Officer is unavailable:
  Ronald J. Tucker, Superintendent
  rtucker@bayless.k12.mo.us
  314-256-8601

JENNINGS

- Board Policy (bullying): https://bit.ly/3LGuJxj
- Board Policy (anti-discrimination/harassment): https://bit.ly/37chtkY
- District Compliance Officer:
  Director of Human Resources
  2559 Dorwood Drive, Jennings, MO 63136
  314-653-8000
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-653-8000

KIPP: ST. LOUIS

- Board Policy (bullying): https://bit.ly/37w45IR
- Board Policy (anti-discrimination/harassment): https://bit.ly/37w45IR
- District Compliance Officer:
  DaVonna Young, Director of Human Resources
  dyoung@kippstl.org

KIRKWOOD

- Board Policy (bullying): https://bit.ly/3LEifX8
- Board Policy (anti-discrimination/harassment): https://bit.ly/3ue4Or7
- District Compliance Officer:
  Matthew Bailey, Assistant Superintendent of Data, Intervention, and Supports
  11289 Manchester Rd., Kirkwood, MO 63122-1122
  matt.bailey@kirkwoodschools.org
  314-213-6100
- In the event the Compliance Officer is unavailable:
  David Ulrich, Superintendent
  david.ulrich@kirkwoodschools.org
  314-213-6100

LADUE

- Board Policy (bullying): https://bit.ly/3ue4Tep
- Board Policy (anti-discrimination/harassment): https://bit.ly/3r17CG1
- District Compliance Officer:
  Dr. Julie Helm, Assistant Superintendent of Human Resources
  jhelm@ladueschools.net
  314-984-5314
- In the event the Compliance Officer is unavailable:
  Dr. Derrick Wallace, Director of Student Services
  dwallace@ladueschools.net
  314-984-5314

LIFT FOR LIFE

- Board Policy (bullying): https://bit.ly/3LLiXSk
- Board Policy (anti-discrimination/harassment): https://bit.ly/3LLiXSk
- District Compliance Officer:
  David LeMay
  1731 S. Broadway, St. Louis, MO 63104
  d.lemay@liftforlifeacademy.org
  314-231-2337

LINDBERGH

- Board Policy (bullying): https://bit.ly/3NMuVNy
- Board Policy (anti-discrimination/harassment): https://bit.ly/3LHo4mK
- District Compliance Officer:
  Dr. Brian McKenney, Chief Human Resources Officer
  BmcKenney@lindberghschools.ws
  314-729-2480
- In the event the Compliance Officer is unavailable:
  Dr. Tara Sparks, Chief Academic Officer
  tsparks@lindberghschools.ws
  314-729-2480

MAPLEWOOD-RICHMOND HEIGHTS

- Board Policy (bullying): https://bit.ly/3r1felj
- Board Policy (anti-discrimination/harassment): https://bit.ly/3uP8LBn
- District Compliance Officer:
  Roxanna Mechem, Ed.S., Assistant Superintendent
  roxanna.mechem@mrhschools.net
  314-644-4400

MEHLVILLE

- Board Policy (bullying): https://bit.ly/3u4P1ul
- Board Policy (anti-discrimination/harassment): https://bit.ly/3r3gn25
- District Compliance Officer:
  Office Administrator Responsible for Student Services
  Mehlville School District R-9
  3120 Lemay Ferry Road, St. Louis, MO 63125-4416
  314-467-5100
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-467-5100

NORMANDY

- Board Policy (bullying): https://bit.ly/3uQXFvU
- Board Policy (anti-discrimination/harassment): https://bit.ly/3J3KcWn
- District Compliance Officer:
  Chief Human Resources Administrator
  Normandy Schools Collaborative
  3855 Lucas and Hunt Road, St. Louis, MO 63121-2919
  314-493-0400
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-493-0400

PARKWAY

- Board Policy (bullying): https://bit.ly/3DztkWF
- Board Policy (anti-discrimination/harassment): https://go.boarddocs.com/mo/pkysd/Board.nsf/files/C9FS3B705D7A/$file/AC.BP_Prohibition%20Against%20Illegal%20Discrimination%2C%20Harassment%20and%20Retaliation.pdf
- District Compliance Officer:
  Director of Pupil Personnel and Diversity
  760 Woods Mill Road, Ballwin, MO 63011
  cijei@parkwayschools.net
  314-415-5061
- In the event the Compliance Officer is unavailable:
  Deputy Superintendent
  cwatson@parkwayschools.net
  314-415-8007

PATTONVILLE

- Board Policy (bullying): https://bit.ly/3LyMLS2
  (see Policy JFCF, Bullying)
- Board Policy (anti-discrimination/harassment): https://bit.ly/3qYoe0M
  (see Policy AC, Prohibited Discrimination/Harassment)
- District Compliance Officer:
  Director of Student Services
  314-213-8090
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-213-8001

RITENOUR

- Board Policy (bullying): https://bit.ly/3DApD2R
  (see Policy JCFC, Bullying)
- Board Policy (anti-discrimination/harassment): https://bit.ly/3K9j7CB
  (see Policy AC, Equal Opportunity, Discrimination, Harassment and Retaliation)
- District Compliance Officer:
  Administrator for Human Resources
  2240 Woodson Road, St. Louis, Missouri 63114
  314-493-6061
- In the event the Compliance Officer is unavailable:
  Administrator for Student Services
  2420 Woodson Road, St Louis, MO 63119
  314-493-6055

RIVERVIEW GARDENS

- Board Policy (bullying): https://bit.ly/3j4zuEA
- Board Policy (anti-discrimination/harassment): https://bit.ly/3uQLkrv
- District Compliance Officer:
  Executive Director of Human Resources
  1370 Northumberland, St. Louis, MO 63137-1413
  314-869-2505
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-869-2505

ROCKWOOD

- Board Policy (bullying): https://bit.ly/3DBrlRo
- Board Policy (anti-discrimination/harassment): https://bit.ly/3LHp1vk
- District Compliance Officer:
  Terry Harris, Exec. Director of Student Services
  harristerry@rsdmo.org
  636-733-2189

ST. LOUIS PUBLIC SCHOOLS

- Board Policy (bullying): https://bit.ly/3K7qYAG
- Board Policy (anti-discrimination/harassment): https://bit.ly/3DAjCDp
- District Compliance Officer:
  Chief Human Resources Officer
  801 N. 11th Street, St. Louis, MO 63101
  HRCompliance@slps.org
  314-345-2650

SPECIAL SCHOOL DISTRICT

- Board Policy (bullying): https://bit.ly/3DDoZS9
- Board Policy (anti-discrimination/harassment): https://bit.ly/3u2JmoO
- District Compliance Officer:
  Superintendent or Designee
  12110 Clayton Rd, St. Louis, MO 63131
  314-989-8100
- In the event the Compliance Officer is unavailable:
  David Ulrich, Superintendent
  david.ulrich@kirkwoodschools.org
  314-213-6100

UNIVERSITY CITY

- Board Policy (bullying): https://bit.ly/3qXA9fq
- Board Policy (anti-discrimination/harassment): https://bit.ly/3DFAGIf
- District Compliance Officer:
  Director of Pupil Personnel, Assistant Superintendent for Human Resources
  8136 Groby Road, St. Louis, MO 63130
  314-290-4045
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-290-4002

VALLEY PARK

- Board Policy (bullying): https://bit.ly/35Aqi7N
- Board Policy (anti-discrimination/harassment): https://bit.ly/3J2k9yR
- District Compliance Officer:
  Assistant Superintendent
  Valley Park School District
  One Main Street, Valley Park, MO 63088-1529
  tsavage@vp.k12.mo.us
  636-923-3500
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  tdilg@vp.k12.mo.us
  636-923-3500

WEBSTER GROVES

- Board Policy (bullying): https://bit.ly/36Xiv4y
- Board Policy (anti-discrimination/harassment): https://bit.ly/3NMZaUe
- District Compliance Officer:
  Director of Learning Support and Director of Diversity, Equity, and Inclusion
  400 E. Lockwood, Webster Groves, 63119
  314-961-1233
- In the event the Compliance Officer is unavailable:
  Superintendent of Schools
  314-961-1233

Appendix 2: Model Safety Plan

STAFF RESPONSIBILITIES

The following teachers, administrators, and school personnel will be apprised of this plan and will make every effort to implement it: _____

_____

_____.

Any staff member who witnesses bullying or harassment directed toward _____ will report the incident to _____.

GUARDIAN/FAMILY RESPONSIBILITIES

Guardians and family members agree to monitor and support the student with this plan.

The school will immediately apprise the family of any new bullying or harassment incidents.

The school will meet with guardians on _____ [date or frequency] to discuss and update this plan if necessary.

STUDENT RESPONSIBILITIES

The student will make reasonable efforts to avoid face-to-face or online confrontations with aggressors.

The student will report any breaches of this plan to all parties involved (teachers, administrators, parents, etc.)

Guardian Signature: _____ Date: _____

Student Signature: _____ Date: _____

Principal/Administrator Signature: _____ Date: _____

Teacher(s)/Counselor Signature(s): _____ Date: _____

Appendix 3: Safety Plan Options

THINGS THE SCHOOL CAN DO

- Agree to immediately inform guardian when an incident occurs
- Select someone who will periodically apprise you of how the plan is working and who will periodically check in on the student so they have an opportunity to report incidents
- Change the location of the student's or aggressor's locker, classes, seating chart, schedule, bus route, etc., to minimize opportunities for incidents
- Remind teachers and staff of their obligations to report bullying and harassment
- Increase supervision
- Assign student buddies
- Increase teacher/staff training
- Train for students to be more accepting of their classmates

THINGS THE STUDENT CAN DO

- Agree to a specific person they can report to
- Agree to counseling sessions
- If a student has trouble reporting when they are bullied or harassed, they could agree to work on their self-advocacy skills

THINGS GUARDIANS CAN DO

- Agree to report incidents, take notes, and communicate with the school

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Appendix 4: Template for Keeping Notes of Bullying/Harassment Incidents

[DATE]	
What happened?	
Was it based on membership in a protected class?	
Who did it?	
Who saw it?	
Where did it happen?	
Whom did the student tell about it and when?	
Describe injuries, if any, and medical attention necessary	
What did you do?	
What was the impact on the student?	

Appendix 5: Sample Letter to Request a Team Meeting to Address Bullying/Harassment

After you edit this letter to match your circumstances, keep a copy for your record.

Dear Principal _____,

I am the [parent/grandparent/guardian] of _____, whose date of birth is _____.

I am writing to request that you **please schedule an IEP team meeting** as soon as possible to address my child's needs. My child's education has been suffering due to bullying/harassment. [Since the bullying began, my child has been diagnosed with mental health problems related to the bullying/ started seeing a therapist.]

In addition to the required attendees for the IEP team meeting, I would like to include the following people with knowledge of the bullying/harassment: _____ _____.

I will also be bringing: _____.

I am available at the following times:_____.

If you have any questions or would like to contact me about this request, you can reach me at this phone number: _____, or this email: _____.

Thank you.

Sincerely,

_____

Appendix 6: Request for an Initial Special Education Evaluation

After you edit this letter to match your circumstances, keep a copy for your record.

Dear Principal _____,

I am the [parent/grandparent/guardian] of _____, whose date of birth is _____.

I am writing to request an evaluation/reevaluation to determine whether my student needs special education services, and if so, what services are needed. I am particularly concerned that the ongoing bullying/harassment my student is experiencing is interfering with their ability to receive an education. [Since the bullying/harassment began, my student has been diagnosed with mental health problems related to the bullying/harassment.]

I would like to help the school staff to decide what testing is needed and what information about my student should be collected. I would also like to know when the testing will be done, and when any meetings will be held so that I can attend. [As my student has struggled to be able to report the bullying when it occurs, I am requesting that the team consider administering a Functional Behavior Assessment to determine if my student needs assistance with their self-advocacy skills.]

If you have any questions or would like to contact me about this request, you can reach me at this phone number: _____, or this email: _____.

Thank you.

Sincerely,

_____

Appendix 7: Letter Requesting Investigation into Bullying/Harassment

After you edit this letter to match your circumstances, keep a copy for your record.

Dear Superintendent _____,

I am the [parent/grandparent/guardian] of _____, whose date of birth is _____.

My student is being bullied/harassed at school. I am therefore requesting an investigation pursuant to Missouri law that requires prompt investigation within two days of a complaint of bullying or harassment. The incidents occurred [insert dates, times, location other details].

Witnesses of the incident include _____.

These incidents have had a negative impact on my student. As a result of this bullying/harassment, my student has [check all that apply and provide description]:

☐ Been doing worse academically: _____

_____

☐ Avoided school and/or certain classes/activities: _____

_____

☐ Experienced psychological symptoms (depression, anxiety, PTSD): _____

_____

☐ Withdrawn or considered withdrawing from your school: _____

_____

☐ Other: _____

☐ The harassment is related to my student's status as a member of a protected class, specifically:

_____

_____

_____

I request that the school interview all persons who were involved in or who witnessed the harassment. Pursuant to your obligations under federal law, after the investigation, please intervene with the student(s)/staff responsible in order to ensure that the bullying/harassment stops.

Should you have any questions about this request, please contact me at [phone number/email].

_____

Sincerely,

_____

Appendix 8: Guidance for Testimony to the School Board

Use the below information to record and support your testimony to the School Board.

- Look up the date of school board meetings on your school website
- Register to speak before the meeting
- Ask how long speakers are allowed to speak
- Make sure to include:
  - The student's school
  - How long and how often the bullying or harassment has been going on
  - How often your child is bullied or harassed
  - Things the aggressors said or did that would illustrate to the Board how serious the problem is
  - How the bullying or harassment has impacted the student
  - How you've tried to get the school to take action
  - What you would like the Board to help you with

CITATIONS

1 Education Law Center, *What to Do When Your Child is Bullied or Harassed* (2019), www.elc-pa.org/wp-content/uploads/2019/07/Parents-Guide-on-Bullying-Harassment-in-Schools-Final-w-App072619.pdf.

2 The school-to-prison pipeline is a path from school to prison in which school disciplinary practices like suspension and expulsion lead to a greater likelihood that children will be involved in court systems. Dennis Parker, Segregation 2.0: America's School to Prison Pipeline, MSN, May 17, 2014, www.msnbc.com/msnbc/brown-v-board-students-criminalized-msna324866.

3 Office of Special Educ. and Rehab. Serv., U.S. Dep't of Educ., Dear Colleague: Bullying of Students with Disabilities (2013), www.sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf.

4 *Id.*

5 *Id*.

6 *Id.*; Elizabeth Englander et al., *Defining Cyberbullying*,140 Pediatrics, Supplement 2, 148 (2017), www.doi.org/10.1542/peds.2016-1758U.

7 Kathleen C. Basile et al, *Interpersonal Violence Victimization Among High School Students*, 69 Morbidity and Mortality Weekly Report, Supplement 1, 28, 30 (2020), www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901-H.pdf.

8 Ctr. for Disease Control and Prevention, Youth Risk Behavior Surveillance System Missouri 2019 Results (2020), www.nccd.cdc.gov/youthonline/app/Results.aspx?LID=MO.

9 *Id*.

10 As used in this guide, the terms 'district' and 'school district' encompass all public local educational agencies, including public charter schools. The laws cited herein cover students in charter schools as well as traditional public schools.

11 Mo. Rev. Stat. § 160.775(2) (2016).

12 *Id*.

13 *Id*.

14 *Mahanoy Area Sch. Dist. v. B. L. by & through Levy,* 141 S. Ct. 2038 (2021).

15 Office for Civil Rights, U.S. Dep't of Educ., Dear Colleague: Harassment and Bullying (2010), www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf.

16 Mo. Rev. Stat. § 213.065(1) (2017); 42 U.S.C. § 2000d (1964).

17 *Id*.

18 *Id*.

19 Mo. Rev. Stat. § 213.065(1).

20 Mo. Rev. Stat. § 213.065(1); 42 U.S.C. § 2000d.

21 Exec. Order No. 13988, 86 Fed. Reg. 7023 (Jan. 20, 2021); Mo. Rev. Stat. § 213.065(1); 20 U.S.C. § 1681 (1986).

22 Mo. Rev. Stat. § 213.065(1); 29 U.S.C. § 794 (2015); 42 U.S.C. § 12182 (1990).

23 Mo. Rev. Stat. § 160.775.

24 Office for Civil Rights, U.S. Dep't of Educ., Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, (1994), www2.ed.gov/about/offices/list/ocr/docs/race394.html.

25 *Id*.

26 *Id*.

27 *Id*.

28 *Id*.

29 *Bostock v. Clayton Cty.*, Georgia, 140 S. Ct. 1731 (2020).

30 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq*.

31 U.S. Department of Education, Federal Register Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf.

32 Civil Rights Division, U.S. Dep't of Justice, Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972 (2021), www.justice.gov/crt/page/file/1383026/download.

33 Office for Civil Rights, U.S. Dep't of Educ., Dear Colleague: Responding to Bullying of Students with Disabilities (2014), www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf. This only applies to students with disabilities who are eligible to receive a FAPE under IDEA or Section 504. *Id.*

34 *Id.* "Disability harassment under Section 504 and Title II [two federal laws that apply to public schools] is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's program....When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations." Office for Civil Rights and Office of Special Educ. and Rehab. Serv., U.S. Dep't of Educ., Dear Colleague: Prohibited Disability Harassment (2000), www.ed.gov/ocr/docs/disabharassltr.html.

35 *Id.*

36 Schools cannot respond to the bullying or harassment of a student with a disability by changing the student's receipt of special education and related services by itself. The IEP team has to make these decisions. Office of Special Educ. and Rehab. Serv., *supra* note 4. This is true under both IDEA and Section 504.

37 *Id.*

38 Office for Civil Rights, *supra* note 33.

39 Mo. Rev. Stat. § 160.775(1).

40 Mo. Rev. Stat. § 160.775(4).

41 Office for Civil Rights, *supra* note 15.

42 *Id.*

43 For more information, consult www.stopbullying.gov/bullying/warning-signs.

44 Office for Civil Rights, *supra* note 15.

45 These are current compliance officers as of the 2021-2022 academic school year.


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