

Harassment, Intimidation and Bullying (HIB) Policy and Procedure

Frequently Asked Questions

12/2010

Why do we have a new law (passed in 2010) requiring a revised HIB Policy?

The Legislature found that there have been no significant improvements in bullying rates in Washington State over the last eight years. In the absence of training funds and funds for evidence-based programs, strengthening policy and procedure were seen as effective first steps to lowering bullying rates.

What is new in the policy and procedure?

The statute gives the Office of Superintendent of Public Instruction (OSPI) the authority, with partners, to develop a model HIB policy and procedure. It requires each school district to adopt, at a minimum, the model HIB policy and procedure by August 1, 2011. Prior to 2010, the anti-bullying statute simply required districts to have an anti-bullying policy.

The statute also says that each school district shall designate a person as a primary HIB contact. School districts are also required to post their policies and bullying prevention activities on OSPI's Safety Center website. The statute also identifies the Office of Education Ombudsman (OEO) as the lead agency to provide parents and families with tools to address HIB in public schools.

Who had input into the model policy and procedure?

Major contributors included OSPI; Washington State School Directors Association; the Office of Education Ombudsman; Seattle King County Public Health; American Civil Liberties Union; Patterson, Buchanan, Fobes, Leitch & Kalzer Law Firm; Washington Schools Risk Management Pool; and the Association of Washington School Principals. Other stakeholders who participated included Seattle Public Schools; the OSPI Equity and Civil Rights Office; the PTA; Safe Schools Coalition of Washington, Tahoma School District, Sumner School District; the Achievement Gap Committee, parents, students and others. OSPI also shared drafts of the procedure with assistant principals in the field. The workgroup looked at other states' policies and curriculums.

Has the legal definition of harassment, intimidation and bullying changed?

No. The definition is identical to the original in 2002 legislation. Electronically transmitted HIB has been prohibited since 2007. Harassment, intimidation, or bullying is an intentional electronic, written, verbal, or physical act that:

- Physically harms a student or damages the student's property; or

- Has the effect of substantially interfering with a student’s education; or
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Does the HIB policy give special protections to any group?

No. You will notice, however, that the policy and procedure calls out certain groups that are known to experience HIB at a greater rate than the general population. These groups need to be named—and protected—in district policy and procedure. Under a different law—RCW 28A.642—some students are given special protections against discrimination based on race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, and mental or physical disability.

Is staff and student HIB training required?

Yes. Policy and procedure would be meaningless if staff and students didn’t know how to implement it. As with other district policies, at the beginning of the school year school staff must review with students HIB policy and procedure, including how to complete an incident report and the consequences for misconduct.

Does this policy and procedure also prohibit HIB by adults?

Yes. HIB of students is prohibited. The aggressor may be a student or a member of the school or district staff. Adult-to-adult HIB is not included under this policy and procedure because it is not covered by the law.

Whom do we assign to be a compliance officer?

Each district may handle the assignment of an HIB compliance officer differently. The statute says that the HIB compliance officer will receive all HIB complaints and be responsible for the implementation of the policy and procedure, among other duties.

The policy says that the compliance officer will receive all formal and informal reports of HIB. Would you clarify what is meant by formal and informal?

Compliance officers should collect copies of Incident Reporting Forms at a minimum, whether they result in an investigation or not. Districts will have to decide whether or not there is value in having compliance officers collect copies of building level information related to bullying, such as climate data, staff observations, anonymous complaints, complaints that do not rise to the level of HIB, resolved complaints, and other related data.

What's an Incident Reporting Form?

A student or parent/guardian should have an easy and effective way to report HIB, even if the student is new to campus, fears retaliation, doesn't want to get personally involved or is not a good writer of English. There is a sample Incident Reporting Form on the OSPI website under Safety Center. (<http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx>) It may be modified to suit a particular campus, but it shouldn't be altered in a way that inhibits reporting.

Isn't the principal or his/her designee responsible for handling all Incident Reporting Forms?

No. Every staff member, including but not limited to educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, and volunteers or paraprofessionals needs to be able to receive an Incident Reporting Form or help a student or parent/guardian fill one out. All staff members are also responsible intervening in an HIB situation. If an HIB incident can't be resolved, or if it is severe or persistent, or if the staff member is unclear about whether or not it warrants additional attention, they should refer the Incident Reporting Form to the principal or designee for further action.

Can I do anything with an anonymous form I find on my desk after class?

Yes. You may be the sole person the students trusts with the information he/she is sharing. Use discretion, but do something. The form will provide you with the location of the HIB incident. At a minimum you may be able to increase your surveillance of the location. You may decide to make a general statement about HIB to your classes. You may follow-up with a student you are concerned about. You may decide to consult with other professionals in your school. It is important that you share the form with your compliance officer and determine if the incident is corroborated by other reports.

Why such short timelines for an investigation of bullying?

Once a principal or designee receives an Incident Reporting Form that meets the unresolved, severe or persistent HIB threshold, the principal or designee has two (2) school days to contact families and let them know an investigation is taking place and five (5) school days after contact with the family to complete an investigation. The principal or designee has (2) school days after the investigation is complete to contact the family of the targeted student and the family of the aggressor and inform them of the outcome of the investigation. If corrective measures are warranted, they need to be implemented within five (5) school days or sooner after the principal or designee has made contact with the family

HIB is unique in that a targeted student may be vulnerable until the aggressor receives corrective measures. In the new model procedure, even with tight timelines, corrective measures may take 14 school days to institute.

What if an investigation is especially complex, or students that need to be interviewed cannot be reached, or the principal or designee needs to seek outside assistance to investigate a case?

The procedure allows for a complex investigation to take longer than five school days, so long as the district provides the targeted student’s family with updates on a weekly basis. The procedure also requires schools to take “reasonable measures” to ensure the safety of a student during an investigation and, if necessary, to develop a safety plan to protect the student from further bullying. The procedure states that retaliation against students who report bullying is prohibited.

The procedure says that in rare cases, if a district has evidence that contacting a parent may threaten the health and safety of a student, the district may choose not to notify a parent that their child is being bullied. Don’t parents always have the right to know what’s happening with their child?

A district’s first choice is always to work with families when a student is in trouble. There are rare exceptions, though, where a school has determined that a student may be severely harmed as a result of a parent/guardian receiving information about a child. That’s one of the reasons why in Washington state youth—typically youth 13 and older—can receive STD services, HIV testing, alcohol and drug treatment, contraceptives, pre-natal care and other services without the notification of a parent. In cases where a district, after consultation with a psychologist, counselor or social worker, believes it is not in a student’s best interest to involve a parent/guardian initially, they may be able to find opportunities to involve families later in the process.

Additionally, if professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.

I’m confused about the appeals process. Don’t we already have an appeals process in WAC for discipline?

The HIB procedure outlines an appeal process for a targeted student who disagrees with the outcome of an investigation. Once an investigation is complete, the targeted student or his/her parent/guardian may appeal the decision reached by a principal or designee. The parent/guardian can appeal the principal’s decision to the district superintendent and to the school board. The process is entirely independent of the appeal process for a student who has been disciplined, which is outlined in WAC 392.400.235.

Can staff be disciplined for HIB?

Yes. The definition of staff is very inclusive in the procedure, and staff who bully students may be the subject of disciplinary action up to and including termination.

Once an aggressor has been disciplined, is the school done?

No. The procedure calls for the school to provide support to the targeted student to remediate the impact of the bullying experience. The policy calls for school interventions that will change the behavior of the aggressor and restore a positive school climate.