

Legal Aid of North Carolina, Inc.

ADVOCATES FOR CHILDREN'S SERVICES

2101 Angier Avenue, Suite 300 • Durham, NC 27703
919-226-0052 • www.legalaidnc.org/acs

Dear Youth Justice Advocate:

We are sharing the enclosed resources to support you in your ongoing efforts to ensure that your student's educational needs are met. These materials include information about students' and guardians' rights related to bullying in schools, as well as additional tips and tools for use in trying to prevent or therapeutically intervene in bullying situations. You can use these tools on behalf of your student and/or you can share them directly with other families who may need them to advocate for their children.

Specifically, you will find the following information enclosed:

- ✓ An overview of the protections that students must they are experiencing bullying that is significantly impacting them in the school environment ("*Bullying*")
- ✓ A template form that can be used to report incidences of bullying so as to make sure that school officials are on notice that bullying is occurring
- ✓ Template forms that can be used to file formal grievances related to a school's failure to timely take steps to investigate and address known bullying at school
- ✓ A template form to use in requesting that your student's IEP Team meet to discuss your concerns related to how the bullying is impacting the student's well-being and ability to learn
- ✓ A template form to use in requesting that your student's 504 Team meet to discuss your concerns related to how the bullying is impacting the student's well-being and ability to learn

We hope that these resources will be helpful to you in your advocacy efforts. Please note that every student's situation is very different, and so the **tips and recommendations included in the enclosed materials should not be interpreted as legal advice in your specific situation.**

Visit our website (www.legalaidnc.org/acs) for additional resources related to students' rights in school. If you have general questions about students' rights or would like to request training for a group of students/parents/advocates, contact Advocates for Children's Services at 919-226-0052 or acsinfo@legalaidnc.org. If you need direct legal assistance, contact our helpline at 1-866-219-5262.

Sincerely,

The Advocates for Children's Services Team
Legal Aid of North Carolina

Bullying

(How can I protect my student from bullying?)

What is bullying?

- Under the law, bullying is different from the typical disagreements or conflicts that occur between friends or classmates in the school setting. Bullying is often part of a pattern of repeated, targeted, aggressive actions that make a student feel afraid and/or isolate the student from the school environment.
- Under North Carolina law, bullying only results in legal protections if:
 - a) It makes the student afraid that they or their property will be harmed **or** creates a hostile environment that substantially harms the student's ability to participate in and benefit from school; **and**
 - b) The fear or negative impact is reasonable under the circumstances.
- Bullying may also result in protections under federal law if:
 - a) It is based on a student's race, color, national origin, sex, disability or religion; **or**
 - b) It significantly interferes with the ability of a student with a disability who has an IEP or 504 plan to make meaningful progress in school.

What are my rights related to bullying?

- Students have a right to be free from bullying while at school, on the bus, or at a school-sponsored event (such as a sporting event or dance).
- Students who report bullying have a right to be free from retaliation or revenge.
- A school employee who has witnessed or has reliable information that a student has been bullied **must** report the incident to the appropriate school official (such as the principal).
- Every district **must** have and follow a written procedure for quick investigation of bullying reports.
- If a student with an IEP or 504 plan is being bullied for any reason, and the impact interferes with their ability to make meaningful progress in school, the student's IEP or 504 team **must** meet and update the student's IEP or 504 plan as needed to address the negative impacts of bullying.



Know the policy: Review your local school board policies (online or at the district office) regarding bullying.

Report, report, report: Always report bullying in writing to administrators at your child's school. Schools are only responsible for addressing bullying that they know is occurring.

Submit a **formal grievance** if a school is not taking proper steps to address known bullying

If a bullied student is suspended for defending themselves, share information about past bullying when challenging the suspension.

Ideas to Suggest for the School to Address Bullying

Individual solutions

- Separation of bully and victim (note: the victim should not be the one moved from their classes/school unless that is what they want.)
- Closer supervision/monitoring by staff
- Counseling or other mental health services
- Tutoring (if victim missed class time due to bullying)

School-wide solutions

- Bullying prevention programs
- Class or school wide discussions about bullying
- School-wide surveys to determine extent of bullying
- Staff training on how to recognize and address bullying
- Revisions to bullying policy (if necessary)

Advocates for Children's Services of Legal Aid of North Carolina

For additional resources: www.legalaidnc.org/acs

To apply for legal services: 1-866-219-5262



Reporting bullying to an administrator is generally the most important first step. You may want to contact a lawyer if your student is being bullied based on his race, color, national origin, sex, disability or religion, or if the bullying is significantly interfering with your student's ability to make progress in school and the school has not taken steps to address it.

The information included here is not legal advice and does not cover all rights and remedies, or apply in every situation

BULLYING REPORT

Victim/Person Bullied

Name	
Grade	
School	

Bully/Bullies

	Bully 1	Bully 2	Bully 3	Bully 4
Name				
Grade				
School				

Description of Bullying (Include all relevant facts, such as dates, times, locations, what happened, witnesses, and the impact on the victim. Attach additional pages if necessary.)

Requested Remedies (i.e., what you want the school to do about the bullying)

Information of Person Filing This Report

Name	
Relationship to Victim	
Phone	
Email	
Mailing Address	

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records, and then give the form to the principal at your student's school.*

Background: Grievances

What is a grievance?

A grievance is a written complaint about the actions of a school district employee. Grievances may be filed by students and parents/guardians. Every school district in North Carolina MUST have a grievance policy. Students and parents/guardians should make sure to carefully read their local grievance policies.

When may a grievance be filed?

If a student or parent/guardian believes that a school district employee has violated, misapplied, or misinterpreted a law or policy, s/he may file a grievance. Many complaints may be resolved informally by talking directly with the teacher or principal, but when those efforts do not work, the formal grievance process described below is available.

Grievances are not the appropriate way to “grieve” a long-term suspension or expulsion, which should be appealed using the rights described above and the process in the local school board policy.

What information MUST be in the grievance?

- the name of the school system employee(s) whose decision or action caused the complaint;
- the specific decision(s) or action(s) by that individual that led to the complaint;
- any school board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the student and/or parent/guardian believes has been misapplied, misinterpreted or violated; and
- the specific resolution or corrective action desired (i.e., what the student and/or parent/guardian wants to happen as a result of the employee's actions).

What is generally the grievance process? (Note: The process may differ from district-to-district.)

- **Filing:** A grievance should be filed as soon as possible after the incident, and MUST be filed within 30 days after the incident that is the subject of the complaint. If the grievance is filed after 30 days have passed, the school can, but is not required to, take any further action.
- **Conference:** After receiving the grievance, the principal MUST schedule, within five school days, a meeting with the person who filed the grievance.
- **Principal's Decision:** After the conference, the principal MUST give his/her decision on the matter in writing to the student or parent/guardian within five school days.
- **Appeal to the Superintendent:** If the student or parent/guardian is not satisfied with the decision, s/he may appeal to the superintendent. The appeal MUST be made within five school days after receiving the principal's written response.
- **Superintendent's Decision:** Once the superintendent receives the appeal, s/he MUST review it within five school days. However, if the superintendent determines that more investigation is needed, s/he may have 15 additional days to investigate. After the review is completed, the superintendent MUST give the student or parent/guardian a decision in writing within 10 school days.
- **Appeal to the Board of Education:** If the grievance is not resolved by the superintendent, it may be appealed in writing to the board of education. This written appeal MUST be made within 10 school days following the written response from the superintendent.
- **Board's Decision:** A Board's consideration of a grievance appeal takes place in a closed session and is limited to the written record (i.e., the appeal to the principal and the superintendent, their responses, and other documents related to the suspension), unless the board determines that additional information is necessary. There is generally no hearing or in-person meeting. The board may affirm, reverse, or modify the decision of the superintendent. The board MUST give the student or parent/guardian a final, written decision within 30 days of the session.

If the school system fails to comply with the time periods or other procedures, the parent/guardian may advance the grievance to the next level. For example, if a parent/guardian files a grievance with a principal and the principal does not respond within five school days, the parent/guardian can immediately file an appeal with the superintendent.

BULLYING GRIEVANCE

Parent/Guardian

Name	
Phone	
Email	
Address	

Student

Name	
Grade	
School	

My child was a victim of bullying at school. (See the attached "Bullying Report" form.)

My child's school violated the state bullying statute (G.S. § 115C-407.15) and the local bullying policy for the following reason(s). (Check all that apply.)

<input type="checkbox"/>	The school did not take adequate steps to investigate the bullying.
<input type="checkbox"/>	The school did not take adequate steps to prevent the bullying from continuing.
<input type="checkbox"/>	The school did not take adequate steps to remedy the effects of the bullying.
<input type="checkbox"/>	The school retaliated against me/my student for reporting the bullying.

Additional Details (Describe why you checked the box(es) above.)

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records. Then, attach a copy of the "Bullying Report" form above and submit both forms. Read your school district's grievance policy to determine whether to file the grievance with the principal or superintendent.*

BULLYING GRIEVANCE APPEAL

Parent/Guardian

Name	
Phone	
Email	
Address	

Student

Name	
Grade	
School	

My child was a victim of bullying at school. (See the attached "Bullying Report" form.)

My child's school violated the state bullying statute (G.S. § 115C-407.15) and the local bullying policy. (See the attached "Grievance" form.)

The response to my grievance was not adequate for the following reason(s).

Signature

Date

** Parents/Guardians: After you complete this form, make and save a copy for your records. Then, attach a copy of the "Bullying Report" form and a copy of the "Grievance" form above, and submit all three forms to the Board of Education. Read your school district's grievance policy to determine whether to file the grievance with the principal or superintendent.*

Form: Request for an Individualized Education Program (IEP) Team Meeting

Student Name	
Student School	
Parent/Guardian Name	
Parent/Guardian Address	
Parent/Guardian Phone	
Parent/Guardian Email	

Dear Principal:

I would like to meet with my student's Individualized Education Program (IEP) Team to discuss the following concerns: (Check all that apply.)

- My student is having **behavioral struggles** (*examples could include avoiding work, not staying organized, regularly getting into arguments or fights, etc.*) that aren't being met by their IEP
- My student is having **academic struggles** (*examples could include having a hard time keeping up in math, reading, writing, etc.*) that aren't being met by their IEP
- I think my student may qualify under an additional or different **area of eligibility**
- I have concerns about how my student's IEP services are being provided by their **teacher(s)**
- I think my student needs more or different **special education services** to meet their needs
- I think my students needs new or different **related services** (*examples could include occupational therapy, speech therapy, counseling, social work services, parent counseling, etc.*) to meet their needs
- I think my student needs new or different **accommodations** (*examples could include extended time on tests, opportunities for sensory breaks, chunked or modified assignments, etc.*) to meet their needs
- I think my student needs a **functional behavioral assessment (FBA)** and **behavior intervention plan (BIP)** to help address ongoing behavior needs
- Other: _____

Additional information:

Please have someone contact me within 10 school days with a possible date, time, and location for an IEP Team meeting.

Thank you,

Signature of Parent/Guardian

Date Submitted to the Principal

Form: Request for a 504 Plan Team Meeting

Student Name	
Student School	
Parent/Guardian Name	
Parent/Guardian Address	
Parent/Guardian Phone	
Parent/Guardian Email	

Dear Principal:

I would like to meet with my student's 504 Plan Team to discuss my student's: (Check all that apply.)

- _____ My student is having **behavioral struggles** (*examples could include avoiding work, not staying organized, regularly getting into arguments or fights, etc.*) that aren't being met by their 504 Plan
- _____ My student is having **academic struggles** (*examples could include having a hard time keeping up in math, reading, writing, etc.*) that aren't being met by their 504 Plan
- _____ My student needs new or different **accommodations** (*examples could include extended time on tests, opportunities for sensory breaks, chunked assignments, etc.*) to meet their needs
- _____ My student needs a **functional behavioral assessment (FBA)** and **behavior intervention plan (BIP)** to help address ongoing behavior needs
- _____ Other: _____

Additional information:

Please have someone contact me within 10 school days with a possible date, time, and location for a 504 Team meeting.

Thank you,

Signature of Parent/Guardian

Date Submitted to the Principal