

Who We Are

- [Education Law Center-PA \(“ELC”\)](#) is a legal services nonprofit. Our mission is to ensure access to a quality public education for all children in Pennsylvania. We have offices in Philadelphia and Pittsburgh.
- We pursue this mission by focusing on the most underserved students: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, English learners, LGBTQ and gender-nonconforming students – and many who are at the intersection of these identities.
- Our priority areas include:

Equal Access to
Quality Schools

Adequate & Equitable
School Funding

Dismantling the
School-to-Prison
Pipeline

Right to Be Free From Harassment and Bullying

All students have a right to be free from bullying and harassment



Prohibited behaviors can be

Verbal

Physical

Graphic

Written

Online
(including on
social
media)

Defining Bullying + Harassment

- **Bullying:**

- Behavior is:
 - Done on purpose
 - Highly offensive
 - Took place in a covered setting (more on the next slide)
- Has a significant impact on one or more of the following
 - education of the student who was harmed
 - creates a threatening environment for the student who was harmed
 - keeps the school from running normally

- **Harassment:** Child is being targeted for harm because they are members of a protective class
- **Examples of protected classes:**
 - Race (including protective hairstyle and hair texture)
 - Sex (including sexual orientation, gender, and gender expression)
 - Disability (includes use of a support animal)
 - Ancestry
 - Religion
 - National Origin

Schools Must Respond to Bullying and Harassing Behavior in the Following Contexts

Behavior must take place:

- in school
- on school property
- at a bus stop
- School-sponsored, sanctioned, or supervised event

Schools must provide support and interventions for behavior taking place outside of school if it:

- substantially interferes with the education of the student being harmed
- causes a threatening environment

Public Schools Have Obligations

All public schools must have a policy related to bullying in their code of conduct

- define prohibited behavior
- describe the consequences for engaging such behaviors



They must also

- Investigate reports
- Intervene to ensure that bullying and harassment does not continue

Options to Reports Harassment to Civil Rights Agency

- Harassment Complaints can also be made to:
 - Pennsylvania Human Relations Commission (PHRC): State civil rights agency
 - U.S. Department of Education's Office of Civil Rights (OCR): federal civil rights agency



Comprehensively Reporting Harassment/Bullying

Be Specific

Consider using this checklist as a guide when you file a report

Describe who acted, who witnessed, who knew, what they did in response to knowing, and where it happened

If slurs were used, report the specific words used

Report every time the behavior happens

Reference the dates of prior reports and to whom reports were made

Keep Your Receipts

Emails, texts, screenshots, social media posts physical material, documentation of medical treatment/therapy, police reports, and images of any injuries

Do not delete anything PHRC, OCR, and attorneys may want to see your documentation

Record *Everything*

Keep a log of any contact with the school and any actions the school takes (who, when and how)

If the school responds by phone, follow up by email (every time)

Supporting Impacted Students

Identify Harassment and Bullying as Illegal and Wrong

- Young people are inundated with harmful messages that harassment is “normal” and “expected”

Identify Folks Involved

- If a name is unknown, you can still report
- You can describe the person, share their grade, provide what class it happened in, and share the name of their teacher

Preserve Evidence

- Seek immediate medical care for all injuries and have the cause of the injuries documented
- Consult with an attorney about how to preserve text messages, emails, voice messages etc., so the student does not have to keep these things on their own accounts
- Help them take screen shots or photos with another phone if images are single-view

Safety Plan

- Ask the school for interim supports
- Add adult supervision to harassment “hot spots”
- Create separation between the student reporting behavior and the person who is behaving in discriminatory ways

Seek Support

- Offer a young person to affirming mental health supports
- Complaints can take time to resolve, discuss supports that can be used in the interim

Safeguarding the Rights of Students with Disabilities



Send a request in writing for an emergency IEP Team or 504 Plan Team Meeting to the Team, Special Education Director, and School Principal



Make changes to add supports/services to the student's IEP/504 Plan (academic, behavioral, skills, supervision, transportation)



Consider if updated reevaluations are needed



Safety Planning



Schools should remind staff of legal obligations in the harassment and bullying context



Seek [compensatory education](#) (“makeup services”) for deprivations of a free appropriate public education (FAPE)

ELC-PA's Resources on Addressing Bullying and Harassment

Comprehensive Parent's Guide: What To Do When Your Child is Bullied or Harassed

Factsheet: Right to Be Free From Bullying and Harassment

Factsheet: Cyberbullying

Factsheet: Right to Be Free From Racism

Factsheet: Rights of LGBT+ and Non-Binary Students

Factsheet: Challenging Sex or Gender-Based Harassment at School

Self-Advocacy Tool: Request for Investigation into Bullying and Harassment

Self-Advocacy Tool: Bullying and Harassment Complaint Form Checklist

ELC Resources & Contact Information

Individual Requests For Assistance & Advice

Call: 215-238-6970 (Philadelphia) 412-258-2120 (Pittsburgh)

Email: intake@elc-pa.org

- [Back to School Guide for 2023](#)

- Affirming & Safe Schools
- Act 1: Accessing Supports
- Enrollment
- School Discipline
- Attendance & Truancy
- Bullying & Harassment

- Honest & Inclusive Schools
- Students with Disabilities
- Early Childhood Education
- KYR: Students in Care
- Juvenile Justice Involvement
- Students Experiencing

- Homelessness
- English Learners & Immigrant Students
- School Funding
- LGBTQ & Gender Nonconforming Students