

## I. Strong and Effective Minnesota Statute

The single most important action the people of Minnesota can take to confront the problem of school bullying is to immediately pass a strong anti-bullying law. At a minimum, an anti-bullying law should contain protections in the following eleven areas. These protections are taken from the eleven areas outlined by the United States Department of Education for an effective statute. (See Appendix H)

Minnesota's statute should contain the following components

1. **Prohibition and Purpose Statement:** The statement must outline the range of detrimental effects bullying, harassment and intimidation has on students, including impacts on student learning, school safety, student engagement, and the school environment. It should also declare that any form, type, or level of bullying, harassment or intimidation is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
2. **Statement of Scope:** The scope should cover conduct that occurs in any educational setting including, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
3. **Prohibited Behavior:** Included must be a specific definition of bullying, harassment and intimidation consistent with the definitions contained in this report and consistent with other federal and state laws. The definition of bullying should include a nonexclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, may be verbal (including oral and written language) or non-verbal and includes cyberbullying. The definition of bullying should be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community. Prohibited conduct must also include:
  - Retaliation for asserting or alleging an act of bullying.
  - Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).
4. **Enumeration of Groups:** Included should be provisions that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics. It should also make clear that bullying does not have to be based on any particular characteristic.

- 5. Development and Implementation of Policies:** Consistent with the provision of this report, the commissioner of education in consultation with the commissioner of human rights should be required to develop a baseline policy to prohibit and prevent bullying, harassment and intimidation that every district must use but may augment. This is to be done through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
- 6. Review of Policies:** It should include a provision for the state to review local policies on a regular basis to ensure that they contain the provisions of the baseline policy and that the goals of the state statute are met.
- 7. Components for Policies:** Statute should require that the baseline policy and local policies include six components. These include:
- a. Definitions:** Includes a definition of bullying, harassment and intimidation consistent with the definitions specified in state law.
  - b. Reporting:** Includes a procedure for students, students' families, staff, and others to report incidents of bullying, harassment and intimidation including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
  - c. Investigating:** Includes a procedure for promptly investigating and responding to any report of an incident of bullying, harassment and intimidation including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.
  - d. Written records:** Includes a procedure for maintaining written records of all incidents of bullying, harassment and intimidation and the resolution.
  - e. Restorative practices and Sanctions:** Includes a requirement that local policies contain a description of a graduated range of restorative practices, consequences and sanctions for bullying.
  - f. Referrals:** Includes a procedure for referring the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.
- 8. Communications:** Requires a plan for notifying students, students' families, and staff of policies, procedures and restorative practices related to bullying, harassment and intimidation, including prevention, support and consequences for engaging in bullying.

- 9. Training and Prevention:** Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying, harassment and intimidation. Encourages school districts to implement age-appropriate school- and community-wide prevention programs.
- 10. Transparency and Monitoring:** Includes a provision for school districts to report to the Department of Education at the end of each school year regarding bullying, harassment and intimidation on the number of reported incidents, any responsive actions taken, consequences and other outcomes, and proactive measures taken to prevent bullying, harassment and intimidation
- 11. Right to Pursue Other Legal Remedies:** Includes a statement that the policy does not preclude victims from seeking other legal remedies.

### **Phil Duran's Comments about Rewrite**

Good morning, all -- just a few comments/questions:

1. In No. 5, the final sentence begins "This is to be done through a collaborative process ... ." Does the "this" refer to (a) the development by MDE/MDHR of a baseline policy, (b) the development by districts of language that augments the baseline policy, or both?
2. My initial thought is that No. 6 could be strengthened a bit by (a) specifically assigning the "state" responsibility to, e.g., MDE or MDHR (or both), and (b) indicating that not only will they review for sufficiency but have the authority to recommend/direct changes if a policy is not working.
3. In No. 8, I would add "communities" to those with whom districts will communicate about their policies. This could be done easily by putting the policies on their websites. If we believe addressing bullying requires community engagement, the community must have access to the relevant policies. In the past, we discovered districts who believed that their anti-harassment policies were secret and not to be disclosed to the community.
4. In No. 10, I feel this could be strengthened by adding language to the effect that the Commissioner of Ed will identify standards which will enable the Commissioner to identify "problem districts" requiring action plans to improve things. Simply telling the Commissioner that bullying incidents occur without indicating that the Commissioner is expected/empowered to do something about it seems like only a partial recommendation. We discovered long ago that while state law directs districts to send the Commissioner their race/sex/religion anti-harassment plans, the law doesn't actually say the Dept will keep let alone review them, so this does not happen.

Thanks for your work on this and for considering these suggestions.