

Student Bullying and School Climate: *Advice, Advocacy, and Law*

Mohammed Webb Organization

Adult Discussion Series

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Advanced Organizer for Today's Discussion...

1. Introductions
2. Format of today's discussion
3. Background
4. Legal Framework (Federal, State, District)
5. What parents can expect in the process
6. How to navigate the process
7. Question & Answer
8. Resources for future research/discussion

Background

- Understanding the civic role and responsibility of public schools in supporting and supervising learning environments free of harassment and bullying.
- *50 percent of all Muslim students in U.S. have been bullied by peers (CAIR, 2017)*
- More than **two in five** (42%) Muslims with children in K–12 school report **bullying** of their children because of their faith, compared with 23% of Jews, 20% of Protestants, and 6% of Catholics. (ISPU American Muslim Report, 2017)
- A **teacher** or other school official is reported to have been involved in **one in four** bullying incidents involving Muslims (ISPU American Muslim Report, 2017)
- On a positive note, a Pew Forum study found that --between 2014 and 2017-- Americans are “feeling warmer towards a variety of religious groups” (pewforum.org)

Background

- Understanding the nature of the problem (your stories and anecdotes)
- There are some common signs that a Muslim child is being bullied at school (ING.org)
 - Refuses to go to school
 - Avoids activities that he or she previously enjoyed
 - Other signs include:
 - A decline in academic performance
 - Unexplained bruises or scrapes
 - A decline in self-esteem and confidence
 - Negative self-statements by the child
 - Depression, crying spells, stomach aches, headaches, or other vague physical complaints
 - Has few friends and is socially isolated
 - Comes home from school hungry, with no explanation of what happened to his or her lunch or lunch money
 - Signs of cyber bullying include:
 - Being upset after being online
 - Being upset after viewing a text message

Background

- Behaviors public school staff must identify and prohibit:
 - Physical Bullying — poking, pushing, hitting, kicking, punching
 - Verbal Bullying — yelling, teasing, name-calling, insulting, threatening to harm
 - Social/Indirect Bullying — ignoring, excluding, spreading rumors, telling lies, getting others to hurt someone
 - Cyberbullying — tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting using the Internet, interactive and digital technologies, or mobile phones
- Challenges grow when this behavior is ignored, systematic, and continuous

Legal Framework-Federal

- At present, no federal law directly addresses bullying.
- In some cases, bullying overlaps with discriminatory harassment which is covered under federal civil rights laws enforced by the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ). No matter what label is used (e.g., bullying, hazing, teasing), schools are *obligated by these laws to address conduct that is:*
 - Severe, pervasive or persistent
 - Creates a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school
 - Based on a student's race, color, national origin, sex, disability, or religion*
- Although the US Department of Education, under Title VI of the Civil Rights Act of 1964 does not directly cover religion, often religious based harassment is based on shared ancestry or ethnic characteristics which is covered. The US Department of Justice has jurisdiction over religion under Title VII of the Civil Rights Act of 1964.

Legal Framework-State (IL)

- “Illinois Anti Bullying Statute” (2007) Section 27-23.7 of Illinois Code of Schools:
 - School districts must create and maintain a policy on bullying, which must be filed with the State Board of Education.
 - Each school district must communicate this policy on bullying to its students and their parent or guardian on an annual basis
 - The policy must be updated every 2 years and filed with the State Board of Education after updated
 - The amendment, however, did not provide any detail as to what must be contained in this policy

Legal Framework-State (IL)

- Illinois Prevent Student Violence Act PA 96-0952 (2010)
- Prohibits School Bullying:
 - On the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, general-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actually or perceived characteristics, or any other distinguishing characteristic.
- Specifies when/where it is prohibited:
 - During any school-sponsored education program or activity.
 - While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school sanctioned events or activities.
 - Through the transmission of information from a school computer, a school computer network or other similar electronic school equipment.

Legal Framework-State (IL)

- Illinois Prevent Student Violence Act PA 96-0952 (2010) -continued
- Establishes a State Bullying Prevention Taskforce
- Requires non-public and non-sectarian schools to create policy; update every 2 years
- Operationalizes “Bullying”: Any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, direct toward a student or students that has or can reasonably be predicted to have the effect of one or more of the following:
 - Placing the student or students in reasonable fear of harm to the student's or students' person or property;
 - Causing a substantially detrimental effect on the student's or students' physical or mental health;
 - Substantially interfering with the student's or students' academic performance; or
 - Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities or privileges provided by a school

Legal Framework-District

- Must define bullying, including cyber-bullying
- Prohibits bullying and cyber-bullying
- Provides for reporting procedure, including provisions for anonymous reporting
- Prompt reporting to students' parents (all parties)
- Structures requirements of investigation
 - “all efforts to complete investigation within 10 days of report”
 - Involving specialized staff who have training
 - Administrative awareness (principal or designee)
 - Prohibition of reprisal and retaliation, including false accusation
- Internal components for determining if incidents are within the scope of school's jurisdiction, and or provide community outreach resources to victim

What parents can expect from the process

- Student rights during course of school investigation, including school officials or School Resource Officer (SRO)
- Student Rights (CAIR.org)

KNOW YOUR RIGHTS AS A STUDENT

1. You have the right to wear religious clothing. You also have the right to wear clothing with a religious message, as long as other clothes with similar messages are allowed.

2. You have the right to inform others about your religion. You have the right to pass out literature or to speak to others about Islam, as long as it is not done in a disruptive manner.

3. You have the right to organize student-led prayers on campus, as long as the service is not disruptive to the function of the school.

4. You may have the right to attend Friday prayer. The Supreme Court has upheld the right of states to allow students "release time" to attend religious classes or services.

5. You have the right to be excused from school for religious holidays. You should be sure to inform the school in advance that you will be absent in advance.

6. You have the right to be excused from class discussions or activities that you find religiously objectionable.

7. You have the right to form an extracurricular Muslim student group.

8. You have the right to express political views by passing out leaflets, holding meetings, etc., as long as you do not cause disruption.

Some ideas about being proactive with schools...

(adapted from USDOJ guidance doc)

- Illinois Anti-Bullying Task Force
- Contribute to school board discussions on development of policies, and outreach to student community
- Encourage and participate in school-based assessments of school climate
- Publish and share district policies
- Work with school administrators to identify escalating symptoms of racial and ethnic tension
- Community Relations Service (CRS) (technical assistance and guidance)
- Support and inform cultural literacy in schools
- Seek and cultivate “internal advocates”

How to navigate the process

- The challenge with escalation: no one wants to be “that parent”
- We’re taught that schools have the interests of students and stakeholders in mind
- The process has a way of turning very reasonable and generally flexible parents into “fire-eaters”
- Informal conferencing with district staff
 - How to document what took place
 - How to follow up
- Formal conferencing
- Illinois School Records Act Request
- Freedom of Information Request
- Office of Civil Rights Complaint (updated)

Resources

- American Association of School Administrators
 - <http://www.aasa.org>
- National School Board Association
 - https://cdn-files.nsba.org/s3fs-public/14_%20Patterson%20Porter%20PPT%20Slides.pdf
 - <https://www.nsba.org/anti-bullying-statutes-state>
- Illinois School Records Act:
 - <https://www.isbe.net/Documents/375ARK.pdf>
- Freedom of Information Act:
 - <https://www.isbe.net/Pages/FOIA-Requests.aspx>
- US DOE
 - <https://www2.ed.gov/about/offices/list/ocr/religion.html>
 - <https://www2.ed.gov/programs/equitycenters/contacts.html>
- Office of Civil Rights:
 - <https://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>
 - <https://wdcroboelp01.ed.gov/CFAPPS/OCR/contactus.cfm>
 - <https://ocreas.ed.gov/cas.cfm>
- Islamic Networks Group:
 - <https://www.cairflorida.org/images/pdf/cair-know-your-rights-guide.pdf>
 - <https://ing.org/islamophobia-and-its-impact/>
 - <https://ing.org/kyn-curriculum-educators/>
- Illinois Anti-Bullying Task Force
 - <https://www.isbe.net/Pages/School-Bullying-Prevention-Task-Force.aspx>
- Community Relations Service (CRS)
 - <https://www.justice.gov/crs>