

INDIANA'S BULLYING LAW—WHAT DOES IT MEAN FOR SCHOOL STAFF MEMBERS?

- During the 2013 legislative session, the General Assembly passed [HEA 1423](#), which changed the definition of bullying and established bullying prevention and intervention program requirements for the Indiana Department of Education (IDOE) and school corporations that are quite rigorous and specific.
- While we don't want to encourage hyper-focus on the use of the word "bullying," the new law has legal implications for us all.
- It is important to remember that, as always, we are most focused on building a caring learning community and respect for each other among students. We have not switched that focus.
- It is important that we are able to recognize when something IS or IS NOT bullying (as many times parents and students mislabel this). It is critical that when we intervene or speak to students about their actions towards others, that we clearly name the action and state that it is NOT acceptable instead of just quickly throwing out the word "bullying" which is a legally defined term.
- We have legal requirements in Indiana for how educators prevent, intervene, and report bullying behaviors. And...there are sanctions for not discharging this legal duty as well as a legal requirement to train every school staff member and volunteer who interacts with students regularly AND to train all students K-12 by October 15 of each school year--which is why you received a rather significant training module as part of your required professional review materials for the start of the school year.

Legal Requirements for Indiana Schools:

- The law requires that all districts have specific **School Board policy** on bullying.
- Schools need **discipline rules regarding bullying in student handbooks**. School rules or procedures must include the following:
 - detailed procedure for the expedited investigation of incidents of bullying
 - **appropriate responses** to bullying behaviors, wherever the behaviors occur
 - provisions for anonymous and personal reporting of bullying to a teacher or other school staff
 - timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner
 - timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary
 - discipline provisions for teachers, school staff, or school administrators who fail to initiate an investigation of a bullying incident
 - discipline provisions for false reporting of bullying
 - a detailed procedure outlining the use of follow-up services that includes support services for the victim as well as bullying education for the bully
- The discipline rules may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
 - the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
 - disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
 - Schools are required to **report and TRACK the number of bullying incidents in each of four categories: physical, verbal, social/relational, electronic/written communication.**
- Review the legal definition of bullying--below. Make sure you know the person/people to whom you should refer students/incidents for further investigation. Check with the school principal if you are unsure.

What is Bullying?

"Bullying" (per IC 20-33-8-.2) means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other targeted student and create for the targeted student an objectively hostile school environment that:

- (1) places the targeted student in reasonable fear of harm to the targeted student's person or property;
- (2) has a substantially detrimental effect on the targeted student's physical or mental health;
- (3) has the effect of substantially interfering with the targeted student's academic performance; or
- (4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning. Bullying includes unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, or popularity to access embarrassing information to control or harm others. Bullying can occur anywhere (in-school or outside of school) and at any time – both during and after school hours. Bullying can include **physical bullying, verbal bullying, social/relational bullying, and electronic/written communication.**

NOTE: Very key reminder from DOE staff training PowerPoint: "Schools should include in their education, policies, and procedures ways to help students and staff identify when a situation is NOT bullying—i.e. peer conflict, horseplay, fighting. Bullying is considered to be a form of abuse—mutual conflict where both parties participate equally is NOT considered bullying."