



BULLYING CHECKLIST

FOR SCHOOLS

PLEASE READ BEFORE PROCEEDING TO CHECKLIST

- ♦ If you determine that the situation is an imminent threat to life or safety, notify the police and your school's *Safe and Supportive School Program Team** immediately.
- ♦ If you determine that the situation meets bullying or cyberbullying criteria, notify your school's *Safe and Supportive School Program Team**.
- ♦ If you are still unsure if the situation meets bullying or cyberbullying criteria, speak with your school's *Safe and Supportive School Program Team** for guidance.
- ♦ If the student receives special education services, they may not be disciplined in a way that changes their educational placement for certain conduct (bullying, harassment, hit lists) until the ARD committee has reviewed the conduct. Any removal or placement change must be made by the ARD committee.
- ♦ If the incident being screened doesn't meet bullying or cyberbullying criteria, student social-emotional support may still be needed. Consult with your school's *Safe and Supportive School Team** for guidance.

**Safe and Supportive School Program Team is a state mandated team that conducts threat assessments. It is responsible for collecting and analyzing harmful, threatening, and violent behavior, which includes bullying, to assess threat and risk levels and determine appropriate interventions. Every Texas public school must be served by a Safe and Supportive School Program Team.*

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PLEASE READ BEFORE USING CHECKLIST

To determine whether an act is bullying or cyberbullying by law, proceed down the checklist and provide a checkmark for each true statement. If any identified section does not receive at least one checkmark, then the act is not considered bullying by state law.

SB 179, "David's Law" expanded authority to school districts, allowing public and charter schools to address cyberbullying off-campus and outside of school-related or school-sponsored activities based on specific criteria. In order to address this legislative change, this checklist may help parents, educators, and administrators determine if a student at their school has been bullied according to the legislative definition. Please follow the conditional 'yes/no' logic for the questions regarding the use of electronic communication devices in possible bullying scenarios.

IS IT BULLYING?

Was it a single significant act?
 Was it a pattern of acts?

By one or more students directed at another student that **exploits an imbalance of power**

Through physical conduct
 Using verbal expression
 Using written expression
 Using electronic means

Physically harms a student or damages their property
 Creates reasonable fear of harm to student or damage to their property
Is sufficiently severe, persistent, or pervasive enough that the action or threat creates:
 Intimidating educational environment
 Threatening educational environment
 Abusive educational environment
 Materially and substantially disrupts the educational process or operation of school
 Infringes on rights of victim at school

Did the act occur outside of a school-sponsored or school-related activity?

(This is an important distinction, as David's Law expands a school district's authority to include cyberbullying incidents that occur off campus and outside a school-sponsored or school-related activity, as long as it meets one of the below criteria.)

Yes

No

Yes

Did the act interfere with a student's educational opportunities; or substantially disrupt the orderly operation of a classroom, school, or school-sponsored/related activity?

Yes

No

According to law, if the act **DID NOT** meet the criteria above, it is not under the school district's authority.

Was the act committed by using any type of electronic communication device?

(i.e., Cellular or other phone, computer, camera, e-mail, text or instant messaging, social media app, internet website, internet communication tool)

Yes

No

On school property
 At a school-sponsored or school-related activity (on or off campus)
 On school bus or vehicle used to transport students

YES, IT'S BULLYING

(Cyberbullying is bullying)



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BULLYING CHECKLIST EXAMPLES

The examples provided below are not an exhaustive list. They are provided to support you through the checklist to determine whether the act(s) meet the legal definition of bullying.

Was it a single significant act? What makes a single act 'significant' is the severe or pervasive effect it has on the target (victim) of the bullying. Examples of single significant acts include a student who is severely physically injured by their bully or a student who is told to kill themselves. It can occur electronically, for example, an intimate photo is stolen and posted online, or a video showing a student being ridiculed is uploaded onto social media. With social media, it can be difficult to determine whether an act of bullying occurred once or was a pattern of acts. This is one reason why David's Law amended the Texas Education Code to include a single significant act. As hurtful comments, images, or videos may be posted one time, each comment, like, or share, as well as the permanent nature of the internet and technology adds additional pain to the target of the bullying. The important thing to focus on is not whether the act meets 'significant' status, but whether it is significant to the target of the bullying.

Was it a pattern of acts? There is no timeline for bullying behavior to be considered a pattern of acts. Repeated acts can occur within a short period of time or they can span months or even years. For example, a student is physically bullied in sixth grade, and is then cyberbullied in seventh grade when altered images and hurtful comments are posted online by the same student who bullied them in sixth grade. Or a student is repeatedly called hurtful names and has things thrown at them every time they walk down the school hallway.

By one or more students directed at another student that exploits an imbalance of power. An imbalance of power is a subjective determination and can include physical, social, emotional, informational, or other threats to a student's emotional wellbeing. This can change over time even if it involves the same students.

Power may include physical strength and stature, social status at school or on social media, or having access to embarrassing photos or personal information. For example, a student threatens to tell everyone at school that the target of their bullying lives at a shelter, or that the target's parents are unemployed. Another example is a student with a large social media following who has access to unflattering photos of the target and threatens to post the photos online.

Through physical conduct Bullying through physical conduct can include impeding or blocking someone from moving, damaging property, pinching, flicking, poking, punching, slapping, hitting, being pushed down the stairs, or invading someone's personal space in an aggressive manner with the intent to intimidate. Bullying through physical conduct, such as flicking or pinching, can sometimes be dismissed as immature or childish behavior. Avoid minimizing or dismissing the behavior, especially when it meets all bullying checklist criteria.

Using verbal expression Bullying through verbal expression can include name calling, derogatory comments, ridiculing, threats to cause harm, or threats to take away friendship. It is important to distinguish between when a student is being rude or mean, and when they are bullying. Rude and mean comments hurt, but for it to rise to the level of bullying it would need to meet all checklist criteria.

Using written expression Bullying through written expression can include writing hurtful comments or threats in notes, on photos, lockers, mirrors, walls, or on paper or other material.

Using electronic means Bullying through electronic means includes using technology such as smartphones or computers to bully others. It can also include the use of a camera, e-mail, text or instant messaging, social media application, or internet website. Examples include spreading rumors or gossip through social media, taking and sending embarrassing pictures or videos without permission, creating a fake profile and pretending to be another student, threatening violence through group bullying, photoshopping someone's image to humiliate, harass, or embarrass, or recording and posting fight videos. The technology and devices used can be personal, or school issued.

BULLYING CHECKLIST EXAMPLES

Physically harms a student or damages their property Physical harm could include bruises, cuts, burns, or a broken bone. Bullying can also include damage to property including clothing, bookbags, smartphones, or laptops.

Creates reasonable fear of harm to student or damage to their property It is important to understand the fear of harm that bullying causes, either to a person or their property. For example, a student is told “you’ll be sorry if you come to school tomorrow” and as a result the student is in fear of going to school. In this context, ‘reasonable’ fear of harm applies to whether other people in the same situation would feel similarly.

Intimidating educational environment The target of the bullying feels intimidated at school, and as a result, the school environment is not a safe place for them. For example, the student is fearful of going to class because the student who is bullying them is in the same class.

Threatening educational environment The target of the bullying feels threatened at school, and as a result, the school environment is not a safe place for them. For example, the student is threatened online for asking a particular girl to prom and is fearful to return to school. Or the student is told that they will “regret it” if they try out for the track team.

Abusive educational environment The target of the bullying feels abused at school, and as a result, the school environment is not a safe place for them. For example, the student is pushed down the stairs, or the student’s friends are told to not sit with them at lunch.

Materially and substantially disrupts the educational process or operation of the school The bullying or the impact of the bullying is significant enough to disrupt or interfere with the education process, the classroom, or school operations. For example, a teacher is unable to cover instructional content as a significant amount of class time is spent addressing the student who is bullying. Or students, even those who may not be a target, are fearful to go to class or have difficulty receiving instruction because of the behavior of the student who is bullying.

Infringes on the rights of the victim at school The bullying or impact of the bullying restricts the rights of the target who is being bullied. For example, a student is afraid to go to the restroom or try out for a team because of being bullied.