Freedom From Fear

Safe and Supportive Minnesota Schools

Supportive Schools for All

There needs to be more than just tape behind the posters.

-Student, Listening Session

Prevention of School Bullying

Task Force Report

Findings and Recommendations

August 1, 2012

Executive Summary

(to be written)

Governor's Task Force on the Prevention of School Bullying

On February 21, 2012, Governor Mark Dayton established a Task Force on the Prevention of School Bullying by Executive Order 12-01. A high priority of the Dayton Administration is to assure that all students in Minnesota have a safe and welcoming environment in their schools, conducive to and supportive of learning. The Task Force was to examine best practice and policies to inform the group's recommendations to the Governor and legislature (Executive Order—See Appendix A)

Membership

Fifteen members were appointed to the Task Force through the open appointments process. Besides the Commissioners of Education and Human Rights the Task Force include four legislators — two from the House and two from the Senate—and nine public members. In addition, four ex-officio members representing school boards, superintendents and principals were added. Two co-chairs were selected by the Task Force. The Co-chairs were Julie Herzog and Walter Roberts. (See Appendix B for the list of Task Force members.)

Charge

The Task Force was directed to examine bullying, harassment and intimidation incidents, and policies in Minnesota's schools and to:

Study best practices and policies from available literature and experts;

1. Analyze existing statutes and policies, resources, reported levels of bullying, and consequences of bullying intimidation and harassment;
2. Solicit and obtain input from the public, experts, professionals and victims of bullying, intimidation and harassment;
3. Clearly define bullying, harassment and intimidation;
4. Provide recommendations for policy initiatives to the Governor and the Legislature based upon its findings.

The Task Force was directed to complete its work by August 1, 2012 (Executive Order).

The Process

At its first meeting the Task Force did a SWOT(Strengths, Weaknesses, Opportunities and Threats) analysis and developed a list of experts they wanted to hear from, items for further study and areas of concern to be explored in subsequent meetings.

The first order of business was looking at current Minnesota's statutes related to bullying and harassment. This was followed by a review of model policies developed by the Minnesota School Boards Association and the Department of Education. Policies, practices, materials, and research articles from districts, professional organizations and other entities were considered. In addition,

communications, studies and reports from federal sources such as the Secret Service, courts and the US Government Accountability Office were reviewed. The committee also dialogued with practitioners and experts who presented as part of a panel on a variety of areas from best practice and prevention to data protections and enforcement options. The elements of mental health, community involvement, out-of-school activities and parental support and responsibility were part of the discussions.

One of the first issues tackled by the Task Force was how to define bullying, harassment and intimidation. It soon became apparent that the common understanding of these terms are confusing and lack clear distinctions to the general public and are not well understood by school personnel.

Although the courts have more consistently and clearly made decisions in the area of harassment, in particular sexual harassment, there is less clarity around the term bullying. This lack of clarity is also evident at the federal level as it related to federal legislation. However, the federal OCR (Office of Civil Rights) is increasingly taking corrective actions against school districts in this area and has issued a "Dear Colleague" letter to provide guidance to schools. A copy of this letter can be found on the Task Force web page.

Many different definitions for bullying and harassment were analyzed including those enacted into law from other states as well as definitions used by experts and professional organizations.

Expert Panels:

Several expert panels presented to the committee on a variety of issues from best practice, intervention and support, to federal initiatives and data privacy issues. Below is a list of experts who presented to the committee.

- **Dr. Bridget Biggs:** Mayo Clinic Department of Psychiatry and Psychology-Evidenced-Based Approaches to Bullying Intervention
- **Phyllis Brashler:** Minnesota Department of Health, Suicide Prevention & Mental Health Coordinator—Suicide Issue Brief
- **Don Gemberling:** Data Practices considerations/Data collection
- **Marikay Litzau:** MDE Compliance Specialist in Due Process & Student Discipline - Dear Colleague Letter; Office of Civil Rights Investigations/Settlements in Minnesota
- **Marion London:** M. Ed. Independent Education and Training Consultant. Certified trainer for the Olweus Bully Prevention program. Co-author of several prevention/social skill curricula.
- **Cathy Miller:** Minnesota School Boards Association Director of Legal & Policy Services—School District Policies
- **Dr. Char Myklebust:** Director of Professional Learning; Intermediate School District 287, Adolescent Development, Bullying and Prevention.

- *What are the issues that are of most concern to you when it comes to school safety, bullying and harassment issues in schools?*
- *What can you do or what do you do to make a safer school? How can other students be helpful in preventing bullying?*
- *We know that not everyone reports when they are being bullied to adults in school or at home. What can adults do to make it more likely for youth, who are either being bullied or who see the bullying, to report it?*
- *If there was one piece of advice you would give to Task Force members as to what can be done to create safe schools -- ones where every student feels they belong, feels they are valued, and feels physically and emotionally safe so that they can focus on learning -- what would it be?*

Listening sessions were held in Bemidji, Rochester, St. Cloud, Mankato, Duluth and two Metro locations. In Bemidji, Rochester, and St. Cloud and in the metro area two separate listening sessions were held--one for students and the other for adults.

(See Appendix C for Listening Session Themes).

Documents and Research

The Task Force review a wide range of documents and research on it deliberations. There were several significant documents of note. These included

1. *United States Department of Education " Dear Colleague Letter"*
2. *Government Accountability Office Bullying-Report*
3. *Bullying Definitions from Other States*
4. *Minnesota 2010 Student Survey*
5. *Summary of US Department of Education and Office Civil Rights and Department of Justice Settlements with Minnesota*
6. *Model Bullying, Harassment and Violence Prevention Policies (MSBA, MDE & others)*
7. *Listening to Youth Voices - American Indian and Lesbian Gay Bisexual Transgender Listening sessions, held 20010n and 2011.*

Documents from the Task Force meetings can be found on the MDE website at

http://education.state.mn.us/MDE/Welcome/AdvBCT/PrevSchBully/index.html

- **Jamie Nabozny:** Plaintiff in Nabozny v. Podlesny (1996), successful lawsuit against a school district relating to harassment
- **Justin Patchin, Ph. D:** Co-director, Cyberbullying Research Center, Associate Professor of Criminal Justice Department of Political Science University of Wisconsin-Eau Claire
- **Nancy Riestenberg:** MDE School Climate Specialist--Student Surveys and Feedback
- **Wade Setter:** Superintendent of MN Bureau of Criminal Apprehension; Former Director of the MN School Safety Center
- **Dan Solomon:** Field Representative to Senator Al Franken; Proposed Federal Legislation
- **Brian Stoll:** Probation Officer from Wright County—Wright County Safe Schools Program
- **Dr. Stuart Green:** Director, New Jersey Coalition for Bullying Awareness and Prevention
- **Julie Young-Burns:** Minneapolis Public Schools-Student Support Services. Integrating bullying prevention and intervention into a Whole School, Whole District Program.

Public Testimony

The Task Force held seven public meetings, seven listening sessions to take public input, and several subcommittee meetings to create the final report. Fifteen experts in bullying and cyberbullying research, prevention, the law and public policy presented to the Task ForceTask Force.

Opportunity for public testimony was provided at the end of each meeting. Several individuals, organizations, practitioners, victims and interested parties took this opportunity to share their thoughts and ideas with the committee. Written comments were also shared with the committee.

Listening Sessions

To gather views and feedback from students, educators, parents and community members, Task Force members convened listening sessions at seven different locations across the state. Hundreds of Minnesotans attended the listening session and shared their experiences, suggestions and reactions to the issue of bullying and school climate. The sessions were held using the circle process in order to provide an opportunity for everyone to be heard. At each session, an overview of the Task Force and its task was given along with a request for input to the Task Force.

The participants responded to age- appropriate questions.

Sample Questions:

- *What's working: What are your schools doing that helps address bullying effectively?*

Introduction

The issues around bullying are varied, complex and contextual. Although actions against vulnerable groups were clearly apparent and identifiable, testimony before the Task Force indicated that students were also severely impacted by actions separate from these identifiable groups.

> "My child was harassed because she was a good student."
>
> "We were new to the neighborhood and so we were considered outsiders. Our children were shunned and picked on."
>
> "It was the way I dressed...I was ridiculed."

In the end, the paramount issue for the Task Force in developing these recommendations was to ensure that each and every child in Minnesota's schools has a safe and nurturing school environment conducive to assuring academic success and healthy social and emotional development.

As requested in Governor Mark Dayton's Executive Order, the Task Force developed definitions for bullying harassment and intimidation and a set of recommendations for the governor and the legislature to consider. The definitions and recommendations comprise the remainder of this report.

Definitions

The Task Force looked at definitions from several sources including Minnesota and other state statutes and policies, and in professional literature. A glossary for the terms used in the definitions can be found in Appendix D.

The Task Force offers the following definitions of bullying, harassment and intimidation to Governor Mark Dayton and the Minnesota legislature for their consideration.

Bullying Definitions

(a) "Bullying" means the use of words, images, or actions, in one or a series of incidents, either through direct or indirect interactions between individuals or through technology, that a reasonable person would or should know, under the circumstances, will have the effect of interfering with the ability of one or more individuals, including students who observe the conduct, to participate in a safe and supportive environment. Examples of bullying may include, but are not necessarily limited to, conduct that:

> I. places one or more individual(s) in reasonable fear of harm to person or property, including through intimidation;
>
> II. has a detrimental effect on the physical, social, or emotional health of one or more student(s)
>
> III interferes with the student(s) educational performance and/or ability to participate in educational opportunities;

IV. encourages the deliberate exclusion of one or more other students from the services, activities, or privileges provided by the school;

V. creates or promotes an ongoing perceived imbalance of power between students;

VI. violates the reasonable expectation of privacy of, one or more individual(s); or

VII. relates to includes but is not limited to the actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity, gender expression, or disability, of that person or of a person with whom that person associates, but which would not rise to the level of harassment.

(b) "Bullying" includes, but is not limited to, conduct directed by an individual toward one or more other individuals in a school or on school-district premises; in a vehicle owned or leased by a school or school district; at any school or school district sanctioned or sponsored activity or event; in electronic forums in which at least one of the parties participates in school-related activities; or in physical or electronic forums not directly related to a school or school district but where the conduct nevertheless interferes with an individual(s) participation in a safe and supportive environment.

Harassment:

Harassment is intimidating or abusive behavior toward an individual(s), based on actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity or expression, or disability, that creates a hostile environment by interfering with or denying a student's [or an individual's] participation in or receipt of benefits, services, or opportunities in the school district's programs.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.

The conduct is considered harassment if it creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs. [1]

Intimidation:

Intimidation or abusive behavior toward an individual(s), which creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.

RECOMMENDATIONS FOR THE PREVENTION OF SCHOOL BULLYING

Effective, successful school bullying prevention efforts are ones that foster and uphold pro-social core values throughout the learning community. The school culture, climate and curriculum shall promote a caring, inclusive and accepting school community and nurture peer norms against bullying and harassment. Awareness, skills, and behaviors are taught for prevention of bullying and harassment, as well as appropriate responses to bullying, harassment when it does occur, including reporting of bullying, harassment to adults at school and at home.

When bullying and harassment are reported, educator and administrative responses should be effective, respectful and supportive for all involved. Restorative and reparative practices should be supported and practiced whenever possible as opposed to 'Zero Tolerance' or other authoritarian rules that can be counter-productive and deny educational opportunities and supports to children and youth.

Through input from statewide listening sessions and expert testimony, as well as review of research and policy, the Task Force identified thematic concerns about how to best to prevent bullying and assure Minnesota's young people safe and supportive school environments so they can learn and succeed. The Task Force submits the following six recommendations to the Governor and Legislature for further action.

1. **Strong and Effective Statute:** Submit a bill to enact a strong, specific anti-bullying policy directive for schools districts.
2. **Supportive Schools**: Encourage prevention education for all students, staff, family and community.
3. **Formative Interventions and Discipline:** Encourage graduated, supportive, formative and restorative discipline, in addition to formal discipline.
4. **State Agency Support:** Establish a Cross Agency Collaboration Council and a school climate center at the MN Department of Education to provide technical assistance to districts and communities.
5. **Accountability and Data:** Ensure accountability and monitoring of the state's progress toward ensuring a safe learning environment for all students.
6. **Funding to Support Bullying Prevention**

I. Strong and Effective 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 as outlined by the **United States Department of Education**:

1. **Prohibition and Purpose Statement:** Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment. It also declares that any form, type, or level of bullying 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:** Covers conduct that occurs on the school campus, 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:** Provide a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes 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, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community. Is consistent with other federal, state, and local laws. Prohibited conduct also includes:

- 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:** Explains 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. Makes clear that bullying does not have to be based on any particular characteristic.

5. **Development and Implementation of Local Policies:** Directs every district to develop and implement a policy prohibiting bullying, 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 Local Policies:** Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.

7. **Components of Local Policies**: The Department identified six components that laws typically mandate or encourage districts to cover in their local district policies. These include:

a. **Definitions:** Includes a definition of bullying 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, 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, 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 and their resolution.
e. **Sanctions:** Includes a detailed description of a graduated range of 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:** Includes a plan for notifying students, students' families, and staff of policies related to bullying, including the 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. Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.

10. **Transparency and Monitoring:** Includes a provision for school districts to report annually to the state on the number of reported bullying incidents, and any responsive actions taken. Includes a provision for school districts to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.

11. **Right to Pursue Other Legal Remedies:** Includes a statement that the policy does not preclude victims from seeking other legal remedies.

II. Supportive Schools: Encourage prevention education for all students, staff, family and community

Students, parents, and communities have a right to expect that children are safe in Minnesota schools. An essential foundation to student learning and academic success is a comprehensive focus on the school environment that addresses the physical health, mental health, social/emotional well-being, and safety of all students.

A central component of school bullying prevention is creating a school climate where students are welcomed, supported, and feel safe. School climate and social emotional learning curricular standards promote learning as well as school safety. Evidence based research has demonstrated the academic effectiveness of a focus on school climate and incorporating social-emotional learning into school curricula. A positive school climate and social-emotional learning are also effective in reducing bullying and harassment behaviors.

Social emotional learning in bullying prevention at school builds on what each student has learned at home and in the community. Social emotional learning includes:

- Awareness of self and others
- Positive attitudes and values
- Responsible decision making
- Social interaction skills. (cite CASEL)

At Student Listening Sessions throughout Minnesota, young people expressed significant concerns about bullying and harassment. However, many were also eager to share what they had learned regarding positive school climates, conflict resolution, support for both bullying targets and aggressors, and concerns for students with family stresses that often lead to problematic school behaviors.

Student Support and Prevention Education:

1. Provide age-appropriate PreK-12 classroom lessons/learning opportunities and curricula designed to educate students on the methods of preventing reducing bullying, cyberbullying, intimidation, and harassment and the value of diversity in schools and society and, to educate students on the following:

    a. Knowledge and skills for respecting human differences, inclusiveness and empathy;

    b. Problem solving and conflict management/resolution;

    c. Multicultural/anti-bias education and civil discourse

    d. How to recognize and respond to bullying/harassment, including procedures for reporting to adults

2. Employ evidence-based social emotional learning and positive school climate strategies including curricula, programs and standards to help prevent and reduce discrimination and harassment, bullying, and cyberbullying.

3. Use comprehensive approaches with components addressing prevention and intervention at the school wide, classroom, individual levels, as well as with the community, families and parents. Effective prevention programs include long-term attention to positive school climate, curriculum, and supervision, with involvement from all staff, students, parents and community.

4. Involve parents and community as partners in development and implementation of all bullying prevention and intervention programming. Encourage family and home involvement and provide home/school communication around prevention and intervention efforts.

5. Develop programs and policies that involve all students and all adults in each school. All adults in each building must be responsible for creating a climate where education, intervention, and follow-up are standard practice.

6. Put into place, at all grade levels, age-appropriate programs and practices that affirmatively engage students in the work of creating respectful, safe school environments throughout their years in the districts' schools.
7. Train student bystanders to intervene safely and to report bullying behaviors to adults.

8. Support student collaborations that promote a healthy school climate, such as Gay-Straight Alliances (GSA's), cultural support groups, multi-racial organizations, and service learning.

Adult Training and Development

Trained, responsible and involved adults are essential for student supervision, effective school safety and improved school climate. The adults (not just teachers) in each building must be responsible for creating a climate where education, intervention and follow up are standard practice.

1. All school staff and adults in pre-K-12 schools—inclusive of paraprofessionals and volunteers (e.g., playground monitors, bus drivers, lunchroom staff, and/or custodial staff)—need training on an annual basis in relevant and current strategies and techniques to address discrimination and harassment, intimidation, bullying and cyberbullying.

2. Establish and require staff development for school staff including administrators, teachers, coaches, paraprofessionals, bus drivers, custodians, cooks and playground supervisors, as well as service providers, contract employees (bus drivers, etc). Staff development should be developmentally appropriate and include:
    a. Thoroughly explaining the district's bullying policy including the process of specific protocols/procedures/contact person(s) for reporting;
    b. How to recognize and respond to bullying/harassment;
    c. Implementation strategies for its prevention;
    d. Promoting pro-social behaviors and relationships, including the restorative and reparative practices;
    e. Compliance with Minnesota anti-bullying law, State Human Rights Act and districts' reporting protocols;
    f. Identifying and addressing staff-to-student bullying.

3. Provide trained school counselors, social workers, psychologists or other mental health trained staff to support students and school administrators in full implementation and compliance with Minnesota's bullying and harassment law, including supporting and training and other efforts to prevent bullying and harassment; to assess, support, and refer students with mental health needs; and to promote pro-social behaviors and relationships, including restorative practices.

III. Community and Family Engagement and Collaboration

Families provide an important foundation for relationship development, positive interactions, empathy, and learning. Each child's social-emotional development that begins during the early years can continue in a constructive way throughout the school years through learning new skills and competencies and in healthy peer relationships. Parents may need guidance in understanding their children's' behaviors and in identifying strategies and limits for the use of the internet and media. Effective bullying prevention is impossible without parent involvement. Parents know their children best and can contribute a wealth of cultural perspectives and strengths. Parent and community engagement can lead to much needed cultural shifts toward respect, cooperation, and peaceful solutions.

For school personnel to prevent and address bullying, cyberbullying, intimidation, and harassment, parents, students, and community members must be partners in addressing incidents indicative of such behaviors among their children.

Strategies and techniques must be developed within school districts to encourage parents and guardians to assist school personnel in addressing bullying behaviors and solving bullying incidents, particularly among those students who are identified as responsible for creating such incidents. Likewise, collaboration, coordination of efforts, and services among schools, government units, and public and private community organizations will assist schools in preventing and addressing these problems.

Effective strategies will promote values, attitudes, and behaviors that acknowledge the cultural diversity of students; optimize relevance to students from multiple cultures in the school community; understand the nature of human sexuality; strengthen students' skills necessary to engage in healthy interactions; and build on the varied cultural resources of families and communities.

Encourage districts to:

1. Include students in program and policy development and school leadership for bullying prevention and intervention efforts, including social-emotional learning, conflict resolution, and school climate.
2. Engage parents and community organizations as partners by actively enlisting community leaders, businesses, service providers, faith congregations, non-profit organizations, community-based advocacy groups, government, school, and others to build awareness, align messages, and work together toward solutions. Methods to engage parents and community organizations as partners may include:
    a. Sharing stories about what bullying/harassment is and its negative impact
    b. Identifying the prevalence and toll of bullying and harassment in each community
    c. Creating relevant rationale and strategies for changing peer and community norms to end bullying, harassment and violence
    d. Developing culturally relevant and culturally inclusive community prevention and intervention strategies
    e. Generating community wide media campaign, public service announcements, public art, etc.

3. Encourage parent and family school involvement and provide home communications about prevention efforts, including information that defines behavior expectations, prohibited conduct, reporting procedures, and students' rights and protections. Communications should also promote skills to resist and reject prejudice, take stands against bullying, and report bullying if it occurs.

4. Enlist parents and guardians to reinforce the policies of schools and school districts. Invite parents and guardians to participate in restorative conferences to repair harm when their child had been affected by severe harm.

5. Collaborate with existing programs such as Early Childhood Family Education, Parent-Teacher Organizations, and Community Based Organizations to assist parents and school staff with:
    a. Understanding normal child development
    b. Healthy parent-child/teen communication
    c. Utilizing positive reinforcement behavior management strategies
    d. Behavioral expectations
    e. Media and internet guidance, limits, and supervision
    f. Promoting resilience and reducing risk in their children

6. Encourage family/home engagement and provide home communication around prevention efforts. Include language that defines student protection against adults' bullying/harassment behaviors in schools and school-sanctioned activities. (School staff, teachers, contracted service providers, etc.

IV. Bullying Interventions

Graduated, supportive, formative and restorative discipline in addition to formal discipline needs to be encouraged. The best way to stop bullying behaviors is through education strategies focused on prevention. Such educational strategies must include students and all school staff, inclusive of volunteers, who have direct contact with those students. Behaviors which are detrimental to the safe school environment have consequences for both students and adults. Those consequences, however, must be appropriate to the behavior and placed within a developmentally appropriate or supervisory context whenever possible.

Policy and Implementation

Effective prevention, intervention, and remediation of bullying behaviors will not be solved solely by written policies. Policies must be humane, practical, and enforceable. Additionally, students and parents should expect to find consistency in policy and practice within each school district throughout the state. In essence, no student should be less protected in one school district than another.

1. School districts shall have the same baseline/minimum policy dealing with bullying, harassment, intimidation, and cyberbullying. District discipline should look to hold students accountable as well as provide support for behavior change, using formative, graduated, and restorative discipline before punitive disciplinary measures (e.g., suspension, expulsion). The policy shall include:
    a. Provisions for educators and school personnel to address - and report - a bullying situation that they witness.
    b. Provisions for educators and school personnel to address - and report - a bullying situation that they have not witnessed, but they have knowledge.
    c. Provisions to provide additional services for those students who have demonstrated on-going bullying behaviors.
    d. provisions to provide additional services for those students who have been subjected to on-going bullying behaviors.

2. District developed consequences for those who bully or harass others, should be clear and scaled toward the severity of the individual's conduct. Staff should be informed, to the extent allowed under the Minnesota Government Data Practices Act.

3. Consistent follow up and remediation efforts shall be provided to the child who is the target and the child who initiates incidents of bullying, harassment, intimidation, and cyberbullying. Such actions should include:
    a. Support and follow up with the individual bullied/harassed including advising them of the consequences imposed.
    b. A remediation plan for the child bullying and continued observation.
    c. Gradual and appropriate consequences for repeated bullying offenses. (Not zero tolerance)

4. Districts should inform students, parents and guardians of its policies, procedures and activities related to bullying, harassment, hazing, and related topics. This should include:

a. Explaining and discussing the policy with students annually;

b. Communicating with parents and guardians about the policy with suggestions on how to reinforce and support the spirit of the policy at home should be included.

c. Clearly explaining and making accessible to all the procedures for reporting bullying, harassment and intimidation including names and contact information of the appropriate school.

d. Distributing all policies and reporting procedures to students and their families and making them accessible in clear ways on the districts' websites.

5. Each school building shall have a designated reporting officer to whom all school building incidents of bullying, harassment, intimidation, and cyberbullying are reported. The designated individual will be responsible for:
   a. Recording and tracking reports of incidents of bullying, harassment, intimidation, and cyberbullying, and
   b. Forwarding reports to a school district designated reporting officer.

6. Each school district shall have a trained reporting officer who will effectively address all reports of harassment/bullying in compliance with the district's policy and state and federal laws.

7. Each school district shall bi-annually conduct a review of its policy and include it in its annual improvement plans making any necessary revisions and additions to improve school climate.

V. State Agency Support to School Districts

State agency leadership is critical in supporting students, their families and the efforts of schools and communities in implementing effective programs and activities to prevent bullying. This can be accomplished in several ways.

1. Establish a permanent Minnesota multi-agency council (Departments of Education Human Rights, Health, Human Services, Public Safety and Higher Education) to provide leadership and partnership for a comprehensive, coordinated, data-driven process to advance safe and healthy school communities, prevent and respond to bullying/harassment, provide appropriate staff training and awareness to improve school climate to ensure success for ALL students in Minnesota PreK-12 schools and higher education systems. The Council should be tasked with:

    a. Establishing multi-system norms and standards for prevention, intervention and support;
    b. Advancing evidence-based and promising policy and best practices options;
    c. Coordinating inter-agency action, decision-making, planning, monitoring implementation, acquiring and leveraging resources, etc.
    d. Develop and maintain a student and parent call-in Helpline or a Help Center with ready access to support such as mental health services, counseling support, etc.

2. Establish a School Climate Center at the Minnesota Department of Education (MDE) to support schools and school districts in provision of safe and supportive learning environments for all Minnesota's K-12 students. The Center would operate within the All Hazards planning framework by focusing on prevention, intervention, response and recovery. The Center would be responsible for assisting the multi-agency council and work collaboratively with other state agencies, especially Human Rights, Health, Human Services and Public Safety/Homeland Security and with school and community organizations and public entities to best utilize available resources on behalf of Minnesota's k-12 students

3. Develop and implement a plan that incorporates social and emotional learning standards as part of the Minnesota K-12 Academic Standards. The MDE should consider the social and emotional learning standards that have been developed by the State of Illinois and the Anchorage, Alaska School District. http://www.isbe.net/ils/social emotional/standards.htm http://www.asdk12.org/depts/SEL/media/SEL Standards.pdf

4. In order to ensure equity of protection for all students in all Minnesota schools, the Minnesota Department of Education, the Minnesota Department of Human Rights, and related relevant state agencies shall develop a baseline/minimum policy to respond to bullying, harassment, and cyberbullying. Using the US Department of Education guide, "Anti-Bullying Policies: Examples of Provisions of State Laws," the Commissioner of Education and the Commissioner of Human Rights shall analyze existing statutes and policies and compare the components of policies and statutes that have been enacted in other states in developing or revising Minnesota's anti-bullying statutes and policies. (See http://www.stopbullying.gov/laws/index.html).

5. Included in the model base-line policy should be the following actions:

a. IEPs and Section 504 Plans for children who experience bullying should be written to address the skills and proficiencies that the student needs to avoid and respond to bullying and include accommodations, goals, objectives, and proactive measures to address the bullying issue.
b. Develop a statewide student and parent/guardian helpline.

Teacher education programs have a similar responsibility to prepare future K-12 licensed professionals to address the issue.

1. Require higher education institutions with teacher and administrator preparation programs to train all prospective teachers and administrators in the methods of identifying, correcting and preventing bullying and harassment behavior including compliance with Minnesota anti-bullying law, State Human Rights Act and reporting protocols.

2. Require the Board of Teaching (BOT) and the Board of School Administrators (BOSA) to incorporate in licensure and re-licensure requirements training for best practices in identifying and correcting bullying and harassment behaviors, developmentally appropriate best practices for prevention and effective, pro-social, respectful, protective responses when bullying or harassment occurs.

3. MDE, in collaboration with institutions of higher education and the Board of Teaching will develop protocols for accountability for educator training and licensure programs.

VI. Accountability and Data

To ensure positive learning environments for their academic, social, emotional success, all Minnesota students need schools that protect them from discrimination and harassment, intimidation, bullying and cyberbullying. Toward accountability for those goals, the Task Force recommends effective data collection and utilization. We also recognize that some state financial investment in these goals is essential, particularly as many districts face fiscal hardships.

Monitoring: Methods of monitoring progress in efforts to reduce bullying behaviors within school districts is essential. Data must be collected on an annual basis documenting the frequency of bullying incidents by specified standard categories as established by the Minnesota Department of Education, Minnesota Department of Human Rights and/or (strengthened) Minnesota anti-bullying statute. School districts must report annually to the Minnesota Department of Education their efforts to reduce bullying behaviors within their schools and report progress in their school improvement plans. Educator training and licensure programs must comply with state policy to about discrimination and harassment, intimidation, bullying and cyberbullying in Minnesota schools.

1. The Department of Education will develop a mechanism by which districts report aggregated data at the end of each school year regarding bullying/harassment reports, consequences and other outcomes, and proactive measures taken to address bullying/harassment.

2. The Department of Education will record and annually report incidents of bullying by school district and school building. Each school district shall annually submit a report detailing the number of incidents by district and school building. The report shall be available to the public and provide a breakdown of incidents in which a protected class was involved, with delineation on each of the protected classes.

3. The Department of Education shall add additional relevant questions to the Minnesota Student Survey (MSS) specifically related to factors impacting school climate, including experiences with bullying, harassment, intimidation, and cyberbullying, and guide Minnesota districts in utilization of MSS and other relevant data to inform bullying prevention efforts.

4. The Department of Education will develop protocols for accountability, including the use of school improvement plans, for Minnesota school districts to assure appropriate training in prevention and intervention with discrimination and harassment, intimidation, bullying and cyberbullying and compliance with Minnesota law.

5. Each school/ district shall annually submit a report detailing the number of incidents by district and school building to the MDE and list the summary report on its website. This data should include but not be limited to number of incidents, attendance, and number of other discipline incidents and students level of comfort at school.

6. MDE shall assist district in develop ways to encourage family/home engagement and provide home communication around prevention efforts. Include language that defines student protection against adults' bullying/harassment behaviors in schools and school-sanctioned activities. (School staff, teachers, contracted service providers, etc.)

VII. Funding For School Safety

Many aspects of creating safe and bully-free school environments cost nothing. Positive role modeling of pro-social behaviors among adults is one such example. Other components of bullying prevention have fiscal requirements. School districts need appropriate funding at the state level to assist them in addressing staff training and staffing needs to maintain bully-free environments.

1. Funding will be provided to all school districts to support prevention efforts and to respond to the social/emotional barriers to student learning, specifically incidents of bullying, harassment, intimidation, and cyber-bullying, including professional development and adequate services from school-based student services personnel (licensed school counselors, school psychologists, school nurses, school social workers, chemical dependency counselors).

2. Require and provide funding for trained, licensed school-based student service personnel and mental health professionals skilled in assessing and supporting students with mental health needs to support students and school administrators. Provide funding for staff development and training in bullying prevention**, interventions, and reporting for all school staff members and volunteers.**

CONCLUSION

Every student deserves to attend a school that is safe and caring. While conflict and harm cannot be completely eliminated from a student's life experiences, adults can provide education to help prevent harm and work to be able to see and intervene earlier. We can provide students with skills for addressing bullying, so that they can also be active participants in creating and maintaining a productive learning environment for all. Adults must use their power to teach, to guide and to support all students learn from mistakes, experience and life.

The Task Force found great interest and enthusiasm in Minnesota for supporting all students' academic, social, and emotional success. Teachers, administrators, students, parents, and community members are eager to work together in the broad community toward schools where bullying becomes rare. Much bullying prevention has already been accomplished in local districts, schools, and communities across state and many are proud of and eager to share their successes. There is much potential for school, family, and community collaborations, and great anticipation of a strong and effective anti-bullying statute.

Acknowledgements:

The Task Force is grateful to the hundreds of Minnesotans who shared their stories, experiences, and expertise. We were moved and inspired.

The Task Force wishes to thank Governor Mark Dayton for the opportunity to address this important issue and to serve the State of Minnesota.

Appendix A: Executive Order

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STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Executive Order 12-01

Establishing the Governor's Task Force on the Prevention of School Bullying; Rescinding Executive Order 11-33

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Minnesotans place a high value on education, recognizing that our children are key to future success, economic vitality, social harmony, and quality of life in our State; and

Whereas, children depend upon adults, upon their attitudes and actions, and upon the laws of the State to protect them; and

Whereas, it is a high priority of this administration to ensure that every Minnesota school provides a safe and welcoming environment, where every child is accepted and valued as he or she is, so that each can thrive and learn; and

Whereas, the State has a strong public interest in the safety and well-being of all students in Minnesota schools; and

Whereas, bullying, intimidation, harassment and violence cause very serious and long-lasting damage to the victims and to the entire community; and

Whereas, great success has been achieved in preventing bullying, intimidation and harassment when effective leadership, tracking, enforcement, training, communication, accountability and resource systems are put into place; and

Whereas, parents, teachers, administrators and other responsible adults report that knowledge, capacity, leadership, support and resources are valuable tools in their efforts to respond to and prevent bullying, intimidation and harassment; and

Now, Therefore, I hereby order that:

1. The Governor's Task Force on the Prevention of School Bullying is created, under Minnesota Statutes, Section 15.0593, to examine the state of bullying, harassment and intimidation in Minnesota, including existing laws and regulations, and to advise the Governor's Office and the Legislature on effective and comprehensive policies to ensure the safety of all students in Minnesota schools;

2. The Task Force shall consist of no more than 15 members, appointed as follows:
   a. The Commissioner of the Minnesota Department of Education, and the Commissioner of the Minnesota Department of Human Rights,

   b. Four members from the Minnesota State Legislature, one appointed by the Senate Majority Leader, one appointed by the Senate Minority Leader, one appointed by the Speaker of the House and one appointed by the House Minority leader;

   c. The Governor will appoint up to nine additional members, who shall serve at the pleasure of the Governor, and may include individuals with backgrounds and expertise in health professions, pediatrics, psychology or psychiatry; with expertise or special knowledge of legal policy; with experience as advocates for students who have been subjected to bullying; and with teaching or school administration careers.

   d. At the Task Force's first meeting, its members will elect one of them to serve as their chair.

3. The purpose of the Task Force is to:
   a. Study best practices and policies from available literature and experts;

   b. Analyze existing statutes and policies, resources, reported levels of bullying, and consequences of bullying, intimidation and harassment;

   c. Solicit and obtain input from the public, experts, professionals, and victims of bullying, intimidation and harassment;
   d. Clearly define bullying, harassment and intimidation;

   e. Provide recommendations for policy initiatives to the Governor and the Legislature based upon its findings.

4. The Task Force will provide recommendations and convey its findings in a report to the Governor's Office, the Legislature, and the public by August 1, 2012.

5. The Commissioner of Education will provide general administrative and technical support to the task force.

6. The Task Force will make its meetings open to the public and provide an opportunity for public comment.

7. Executive Order 11-33 is rescinded.

Under Minnesota Statutes 2011 § 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 2011 § 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on February 21, 2012.

Mark Dayton
Governor

Filed According to Law:

Mark Ritchie

Mark Ritchie
Secretary of State

Appendix B: Task Force Membership

Co-Chairs:

1. Julie Hertzog, Director PACER's National Bullying Prevention Center , Bloomington
2. Walter Roberts Jr., Professor of Counselor Education Minnesota State University, Mankato

Members:

3. Willie Bridges, Senior Planning Analyst Hennepin County Attorney, Minneapolis
4. Commissioner Brenda Cassellius Minnesota Department of Education
5. Vangie Castro, Youth Education Program Manager Diversity Council – Rochester
6. Senator Ted Daley , Burnsville, MN
7. Representative Jim Davnie, Minneapolis, MN
8. Senator Scott Dibble, Minneapolis, MN
9. Philip Duran, Legal Director Outfront Minnesota , Minneapolis, MN
10. Alana Friedman, Bullying Prevention Consultant and Trainer Safe Harbor, Duluth, MN
11. Representative Tim Kelly, Red Wing, MN
12. Commissioner Kevin Lindsey , St. Paul, MN
13. Lyn Mitchell, Education Director AMAZE, Minneapolis, MN
14. Jacob Reitan , Equality Ride Founder; Minneapolis, MN 55403
15. Thomas Scott, MD Developmental-Behavioral Pediatrician Minneapolis, MN

Ex Officio

1. Kirk Schneidawind Deputy Executive Director Minnesota School Boards Association
2. Kelly Smith Superintendent Belle Plaine Schools
3. Curt Carpenter Elementary School Principal Clear Springs Elementary Minnetonka, MN
4. Mary Mackbee Secondary Principal St. Paul Central High School St. Paul, MN

MDE Staff

Rose Hermodson, Assistant Commissioner
Daron Korte, Government Relations
Carol Thomas, Director, Safety, Health and Nutrition
Marikay Litzau, Due Process Specialist
Nancy Riestenberg, School Climate Specialist

Appendix C: Listening Sessions

Listening Session: Common Themes *(as indicated by both Community Members and Students)*

1. **There is a lack of awareness that bullying occurs online, in schools, and in the community.**

"Schools are saying there isn't an issue and [bullying] doesn't exist. It is time for school systems to admit there is an issue." - Rochester

"Bus drivers seem to be blind to [bullying]. There is a lack of supervision on buses and there is the impression that bus discipline is lax." - St. Cloud

"The worse [type of bullying] is on the internet and cyberbullying. Parents and teachers need to be more aware." - Mankato

"Adults need to know when problems in the school are happening." - Mankato

"The adult community is accepting things that are not acceptable." - Mankato

2. **Cyberbullying has been a growing concern for both students and community members.**

"Fights are happening online right during school." - Bemidji,

"Cyberbullying is happening on Facebook, Twitter, and through pictures on cell phones." -Mankato,

"Our parents experienced a lot of physical abuse but our generation is about verbal abuse, picking on someone lower (Social economic status)...it's about competition. Facebook hacking." – Metro

3. **All members of the community, including citizens, teachers, parents, and students need to be educated on what constitutes as bullying.**

"Bullying is about powerful taking vulnerable. It happens at every age level. Educate on being helpful, respectful human beings" - Rochester

"Kids don't always recognize bullying." - Bemidji

4. **There is a need for clear and concise action steps to both prevent and intervene bullying in schools and the community.**

"There needs to be efforts to address different dynamics. I see disconnect between the bus system and school; we don't address what parents say to kids. The kids are getting mixed messages because we haven't figured this out." – Rochester

"Show that staff values the students' wellbeing - victim and student who is bullying. Must have consistent enforcement of the rules." -Metro

5. **Prevention of bullying should occur first and foremost in the home and in the community.**

"Parents are the teachers. The school is the tool to get the job done." - Bemidji,

"The school is not the place to lay all the blame. Schools are not teaching how to bully, the kids are bringing it to the school." Bemidji,

"Maintain high expectations for individual student's behavior and overall community. Humanized people involved and provide greater understanding of what caused the bullying to happen in the first place. Helps prevent future incidences and helps healing".- Metro

6. There is a need for an active relationship to exist between parents and schools.

"Parents need the knowledge on how to address bullying and how to get help from the school." - Bemidji

"Adults need to know that we're ashamed of being bullied. It's hard to admit that you let someone push you around." -Metro

7. Lessons learned in schools need to be clearly conveyed and re-articulated within the community, and vice versa.

"We need to give the same messages within the family and the school." -Bemidji

"Bullies bully for a reason so what adult should do is instead of taking the kid to the office.... find out the reason that they're bullying" -Metro

8. There is a need to empower youth to recognize bullying when it occurs and to take appropriate action against it (i.e. conflict resolution).

"I can't wait for my conflict resolution class on Fridays. If every kid knew conflict resolution, there would be less bullying in the schools." -Bemidji

"Kids need a path to report." -Bemidji

"Kids don't recognize what bullying is. They don't realize it could be perceived as bullying and it looks like. They need to be taught how to stand up for themselves and how to get other students to stand up for other students." -Rochester

"Get the students involved. Students want to be involved, if they're educated and that they can do something, they'll feel good about that. Educate on the effects of bullying, that it's not just something everyone has to go through and that it can harm people more than they think." -Metro

8. **Promote both inclusiveness and tolerance of GLBT, special needs, and minority youth in the schools and community.**

"We need to engage all parents to get schools to react better to gay issues in the media." - Bemidji

"There was a guy in one of my classes making fun of a girl with CP...making fun of her walk. It's dehumanizing. We need to learn about different kinds of people and how we can help kids who are being harassed." - Metro

9. **Students need to feel they have someone that is safe to go to.**

"I think when teachers can simply recognize when it's happening and pull the kids aside and let them know that they are there for them." -Metro

"Having a teacher that you can trust and you can rely on...they were there to help and speak up for me." -Metro

"Adults should build a trust relationship with students. I had a teacher and she would check in with everyone, she knew everyone's names and would ask what was going on with them. She was everyone's favorite teacher. I feel like if I saw someone getting bullied or I was getting bullied I wouldn't tell a teacher who I didn't like or who didn't listen to me." -Metro

10. **Verbal forms of bullying need to strongly be recognized and addressed.**

"Bullying is insidious and not always direct. It's the atmosphere as much as behaviors; hearing 'That's so gay.'" -Bemidji,

"Adults need to understand that bullying is not just physical." - St. Cloud

"Mostly verbal bullying, whether directly towards someone or rumors..that carries on to the internet and Facebook. A lot of verbal abuse comes before the physical confrontation." -Metro

Other Unique Observations

1. **There is a perceived correlation between violence in the home and bullying.**

"There is a correlation between domestic violence in the home and bullying."

2. **There is a need for a guideline for the intolerance of bullying to exist among schools in the same district.**

"We need consistency from school to school. There is a lack of consistency even within a district."

3. **There is too much focus placed on the Adequate Yearly Progress measurement as defined by the No Child Left Behind**

"There is so much focus on AYP. What really matters is the wellbeing of kids. What good is AYP if kids are suffering?"

4. **There is concern for how much jurisdiction schools have for bullying outside of an academic setting.**

"How much jurisdiction do schools have when it comes to cyberbullying?"

5. **The solution to prevent bullying occurs in systematic changes.**

"We need to know it's not a silver bullet. Systematic change is needed for long lasting impact."

6. **Adults in the community and school need to be more approachable.**

   "Adults have an authoritative feel about them. Adults need to exhibit patience to encourage student trust."

7. **Bullying should be equally addressed and disciplined when involving males and females.**

   "There is a double standard of males versus female language. Some kids flaunt it. If a female is sexually active, she is referred to as a 'slut,' but if a male is sexually active, he is a 'player'"

Appendix D: Glossary of Terms

Actions: Actions include gestures, physical acts, and/or conduct that is physical threatening, harmful or humiliating.

Bystander: one or more students who observe the bullying conduct.

Cyber-bullying: Cyber bullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, or data, including a post on a social network internet web site, transmitted by the use of computers, cell phones, or other electronic devices. [2]

Gender identity or expression: A person's actual or perceived self-image or identity as expressed through dress, appearance, behavior, speech or similar characteristics, whether or not traditionally associated with the person's physical anatomy, chromosomal sex, or sex at birth.

Images: Images include pictures, and other data shared in person or through electronic means.

Off-campus conduct: Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as defined in subdivision 1(a).

Reasonable person: Taking into consideration the student's age, developmental level, and disability status to determine if the conduct was intended to harm another person.

School: means all public and private elementary and secondary educational institutions.

School district: means the unit for administration of a public school system or the governing body of one or more private elementary or secondary educational institutions.

School employee: means any person employed or contracted by the school or school district, including, but not limited to, teachers, administrations, safety personnel, and support staff.

Sexual orientation: means heterosexuality, homosexuality, or bisexuality.

Social and Emotional Development: Social and emotional development involves the acquisition of a set of skills. Key among them is the ability to:

- identify and understand one's own feelings,
- Accurately read and comprehend emotional states in others,
- manage strong emotions and their expression in a constructive manner,
- regulate one's own behavior,
- develop empathy for others, and
- establish and sustain relationships. [3]

Social exclusion: is repeated conduct by one or more students with the intent to ignore, isolate, exclude, or shun one or more students.

Trained volunteer: means a person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered but has received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Untrained volunteer: means a person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered and has not received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Words: Words includes verbal acts, such as name-calling, demeaning jokes and teasing, and the transmission of sounds through electronic means, and nonverbal behavior, such as graffiti and written statements.

Footnotes:

[1.] The unwelcome conduct language comes was pulled from Title IX and the Minnesota Human Rights Act's definition of for sexual harassment:

Minn. Stat. Section 363A.03 Subd. 43.Sexual harassment.

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

Another part of the Minnesota Human Rights Act includes the following:

363A.02 Subd. 2.Civil right.

The opportunity to obtain employment, housing, and other real estate, and full and equal utilization of public accommodations, public services, and educational institutions without such discrimination as is prohibited by this chapter is hereby recognized as and declared to be a civil right.

[2.] Cyberbullying definition was created using the Maine, California and Patchin cyberbullying definitions.

[3.] Social and Emotional Health definition taken from, National Institute for Childhood Research, "Promoting Children's Social and Emotional Development Through Preschool Education," by Judi Boyd, W. Steven Barnett, Elena Bodrova, Deborah J. Leong, and Deanna Gomby. New Jersey. March 2005.

http://nieer.org/resources/policyreports/report7.pdf

Words: Words includes verbal acts, such as name-calling, demeaning jokes and teasing, and the transmission of sounds through electronic means, and nonverbal behavior, such as graffiti and written statements.

Images: Images include pictures, and other data shared in person or through electronic means.

Actions: Actions include gestures, physical acts, and/or conduct that are physical threatening, harmful or humiliating.

Bullying includes cyber bullying and conduct that intimidates one or more students.

Bystander: one or more students who observe the bullying conduct.

Cyber-bullying: Cyber bullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, or data, including a post on a social network internet web site, transmitted by the use of computers, cell phones, or other electronic devices. (mixture of Maine, California and Patchin).

Social exclusion: is repeated conduct by one or more students with the intent to ignore, isolate, exclude, or shun one or more students.

Off-campus conduct: Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as defined in subdivision 1(a).

Reasonable person: Taking into consideration the student's age, developmental level, and disability status to determine if the conduct was intended to harm another person.

Intimidation: intimidation means an act done to another with intent to cause fear of physical harm. Following are from the MDE model harassment policy

The following definitions, which have been modified for purposes of this policy, are found in the Minnesota Human Rights Act. Please note that there is not a definition for every protected class.

A. **Disability.** ""Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment

which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment."[1]

B. **Discriminate.** "The term "discriminate" includes segregate or separate and, for purposes of discrimination based on sex, it includes sexual harassment."

C. **Educational institution.** "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system and a business, nursing, professional, secretarial, technical, vocational school, and includes an agent of an educational institution."

D. **National origin.** ""National origin" means the place of birth of an individual or of any of the individual's lineal ancestors."[2]

E. **Sexual harassment.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, ...[or] education...;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, ...[or] education...; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, ...[or] education..., or creating an intimidating, hostile, or offensive employment, ...[or] educational... environment."

F. Sexual orientation. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

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[1] This includes students with an IFSP, IEP, and students who qualify for special education and related aids and services under Section 504 of the Rehabilitation Act.

2 This includes harassment of students born in the United States who have relatives that are from other countries.

APPENDIX E: SCHOOL CLIMATE CENTER

The MN Department of Education's School Climate Center exists to ensure that all Minnesota's k-12 students are provided safe and supportive learning environments. The Center operates within the All Hazards planning framework by focusing on prevention, intervention, response and recovery. The Center works collaboratively with other state agencies, especially Health, Human Services and Public Safety/Homeland Security and with other school and community organizations and public entities to best utilize available resources on behalf of Minnesota's k-12 students.

Key Services Provided by the Center:

- Policy Development and dissemination
  - The Center shall review the recommendations of the 2007 Advisory Task Force on School and Staff Emergency/All Hazard Preparedness to identify policy initiatives
  - The Center shall be guided by the Governor's Anti-Bullying Task Force recommendations in the development of policy initiatives
- Single point of contact services for schools, parents, students seeking assistance and guidance
  - Services include information on laws and regulations, state and local resources, and best practices and research
- Qualitative and quantitative data gathering, interpretation and dissemination
  - Center shall support ongoing implementation and interpretation of the Disciplinary Incident Reporting System (DIRS)
  - Center shall ensure gathering and interpretation of data related to school engagement and school climate through methods such as the MN Student Survey
  - Center shall employs methods such as focus groups to guide planning and decision-making relating to emerging trends and issue
- Education and skill building, including workshops, conferences, training of trainers on topics spanning the All Hazards Framework
  - Biennial school climate statewide conference
  - Web-based trainings for staff development
  - Regional workshops
- Multi-sector planning and advisory processes incorporating best practices and research

Resources needed

- Center Director
- Data Analyst Coordinator
- Trainers (in-kind state staff commitments and fee for service contractors)
- Funds to support the development and dissemination of materials, provision of educational and skill building sessions
- Website development and maintenance
- Mini-grant funds to support school site based planning
- Emergency grant funds to support school sites recovering from incidents of violence
- Restoration of funding for MN Statute ??? violence prevention education to provide schools with ongoing resources to support staff training and development