

Procedures for Investigating, Reporting and Responding to Noncompliance of Bullying Prohibition Policy

The Safe and Supportive Minnesota Schools Act requires the Minnesota Department of Education commissioner to develop and post procedures for investigating, reporting and responding to noncompliance of a bullying prohibition policy. The School Safety Technical Assistance Center (Center) has developed the departmental procedures that allow students, parents and educators to file a complaint against a district or charter school if they feel the district or charter school is not implementing their bullying prohibition policy according to the law.

Response to Bullying Concerns

Center staff members provide parents, guardians, students, teachers, school personnel, principals, superintendents, school board members and community members with the guidance and technical assistance they need to address bullying issues and improve school climate.

Most often the Center receives calls from parents whose child or teen has experienced bullying. During the phone conversations, callers ask for guidance on how they can address the bullying and prevent it in the future. Callers are often parents who want to know how they can best help their child heal, so they can thrive socially and academically in school.

Once learning callers' concerns, Center staff members go over specific approaches or resources they can use to resolve bullying issues directly with the school and support the student who was bullied. After speaking with callers, Center staff follow up by providing additional resources to callers and encouraging them to contact the Center if more help is needed. Center staff also assess the situation to determine if it would be helpful for the Center director to call school or district leadership to offer technical assistance in resolving the issue.

Callers who mention imminent physical or mental harm, sexual violence, harassment or other high-risk situations are immediately transferred to the appropriate resources.

Response to Formal Complaint

In most cases, the technical assistance the Center provides helps resolve the caller's problems. In some instances, people have indicated they believe a school district or school is not complying with the school's bullying prohibition policy or the Safe and Supportive Minnesota Schools Act. In those cases, students, parents and educators have the option of filing a formal complaint with the Minnesota Department of Education (MDE). MDE encourages potential complainants to first address their concerns with the school and/or district before filing a complaint with MDE. But, this is not required; a complaint can be filed at any time.

MDE's and the Center's primary charge is to help school districts and charter schools implement the Safe and Supportive Schools Act. If a charter school or district is not in compliance, MDE and the Center constructively collaborate with the charter school or district to make changes to bring them into compliance.

When MDE receives a formal complaint, the following steps are taken:

1. The formal complaint, a Consent for Release of Information Form and all supporting information are submitted to the Center director.
2. The Center director calls the superintendent or charter school executive director to discuss the complaint and to offer technical assistance to help resolve the issue. The complaint can be resolved at any point during the formal investigation and can be rescinded by the complainant if they feel the issue has been appropriately addressed.
3. A notification letter is sent to the superintendent or charter school executive director requesting that they review the formal complaint and respond to the complaint in writing.
4. The district or charter school responds to the complaint in writing. The Center director reviews the response and may request additional information through phone conversations, interviews and a site visit. The director may also request clarification on some issues in writing.
5. The Center director makes a determination and sends the determination letter to complainant and the district or charter school. If the investigation finds issues of noncompliance, the letter will include recommendations for corrective action that the district or charter school needs to take.
6. The Center director will monitor the corrective action and provide technical assistance.

Determination of Compliance Criteria

The primary purpose of the investigation is to determine if a district or charter school is in compliance with its bullying prohibition policy and the Safe and Supportive Minnesota Schools Act. During the center's investigation, we would look to see that a district or charter school met the law's requirements. Some common issues include:

- Whether the district or charter school has a bullying prohibition policy. Also, whether the bullying prohibition policy has been posted in the school and district offices and/or been communicated to all school personnel, students and parents.
- Whether the charter school or district personnel have made reasonable efforts to intervene and stop the bullying behavior and to protect and support the target of the bullying.
- Whether the district or charter school bullying policy contact/designee has investigated bullying complaints in a timely, fair and consistent manner.
- Whether reprisal and retaliation occurred.
- Whether the district or charter school allowed the student's Individualized Education Program (IEP) or section 504 team to address the skills and proficiencies the student needs to either respond to bullying behavior, or to not engage in bullying behavior.
- Whether due process was allowed for the alleged actor.
- Whether all charter school and district personnel and contractors received training and/or ongoing professional development on the bullying prohibition policy and/or bullying prevention and intervention strategies.