



**Log In at SLRMA.org to Download the Checklists and Self-Audits to Better Protect Your School From Potential Liability:**

**Is Your School District Compliant With English Language Learner Requirements?**

Download SLRMA's English Language Learner (ELL) Services Self-Audit Checklist at SLRMA.org and be ready when the Feds come to conduct their compliance review!

**Are You Sitting on a Harassment Time Bomb?**

SLRMA's Self-Audit Checklist can help you defuse your school district's potential for exposure to sexual harassment and hostile environment sexual harassment claims.

**Have You Checked Your School District's Compliance with Minimum Wage and Overtime?**

By logging in and downloading SLRMA's Fair Labor Standards Act Checklist, your school district will be able to determine its compliance with the minimum wage and overtime requirements and ensure you do not have to pay the piper.

## Bullying: A real threat to your school district and all of your students!

**SLRMA's Self-Audit Guide will help you better understand and protect your school district from the serious effects of bullying (including cyberbullying) in your school.**

In the last year, school districts have seen an increasing amount of lawsuits and damage awards arising from the acts of bullies in their schools. In March 2010, a New York jury awarded **\$1,250,000** to child who was the victim of racial bullying. Victims of bullying have also received damages and/or settlements of **\$300,000** (New Jersey and North Dakota November 2010); **\$250,000** (New Jersey, February 2010) and **\$55,000** (Pennsylvania, August 2010). These lawsuits typically arise from either a school district's failure to prevent the bullying or failing to mitigate when such bullying takes place.

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### Anti-bullying and Anti-harassment Checklist (sample questions)

**I. Written Anti-bullying and Anti-harassment Policies and Procedures**

School districts must have well-publicized, written policies and procedures that (a) prohibit bullying and harassment, (b) establish procedures for identifying bullying and harassment, (c) establish procedures for reporting incidents of bullying and harassment, and (d) establish procedures for the investigation and remediation of incidents of harassment.

**A. Written policies that prohibit bullying and harassment**

Yes  No The District has written policies that prohibit bullying and harassment.

Yes  No The District's anti-bullying and anti-harassment policies contain a prohibition on sexting and cyberbullying, which includes a ban on using the internet to spread hurtful material created by a third party.

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## B. Written policies and procedures for identifying bullying and harassment

Yes  No The District has written policies explaining how to identify incidents of bullying and harassment.

Yes  No The District's written policies define "bullying."

Definition: \_\_\_\_\_

\*\*The definition should specify that bullying includes behavior that causes physical harm as well as verbal and nonverbal conduct that causes emotional harm.

Yes  No The District's written policies define "harassment."

Definition: \_\_\_\_\_

## C. Written procedures for reporting incidents of bullying and harassment

Yes  No The District's written procedures provide for regular training of all students regarding how to report incidents of bullying and harassment that they experience, witness, or hear about.

## D. Written procedures for investigating and remediating incidents of harassment

Yes  No The District has identified school-level or district-level staff members to serve as investigators when harassment is reported or observed.

## II. Investigating Incidents of Harassment

### A. Setting

Yes  No Immediately ensure that the alleged victim and the alleged harasser are kept separate during the investigation.

### B. Obtain background information

Yes  No Review applicable statutes, regulations, and District and school anti-bullying and anti-harassment policies and procedures.

### C. Conduct interviews

Yes  No Develop a checklist of questions before each interview.

\*\*Interview questions should illicit the facts but be open-ended so as to allow the interviewees to tell their side of the story.

Yes  No Interview all other witnesses.

\*\*The investigator should begin by explaining the reasons for the interview and asking for any relevant information about the alleged incident. In addition, the investigator may wish to ask: for a description of the alleged harasser's general behavior toward the alleged victim; whether the alleged victim said anything to the witness about the alleged harassment; whether the witness knows of anyone else who might have information about the incident; and whether the witness is aware of the alleged harasser engaging in similar conduct in the past.

## III. Remediating Incidents of Harassment

Once a school district has determined that harassment has occurred, the district must take appropriate steps to remediate the harassment. The nature of those steps will depend on a number of factors, including the nature and pervasiveness of the harassment and the ages of the harasser(s) and victim(s).

**This is a small sample of the Anti-bullying and Anti-harassment Checklist  
Log In to SLRMA.org and Download the Checklist in its entirety to use at your school district.**

Today, school districts must also address the increasingly more common "cyberbullying", which is the sending or posting of harmful or cruel texts or images using the internet or other digital communication devices. In a study conducted in 2010, approximately 20% of over 4,400 randomly selected 11-18 year olds claimed to be a victim of cyberbullying<sup>1</sup>. Given the increasing use of mobile electronics and the widespread use of social networking websites and posting sites such as "YouTube", incidents of cyberbullying are rapidly increasing on a national scale.

School districts must be prepared to proactively deal with bullying incidents since most of these acts take place on school property. According to a 2007 study prepared for the National Center for Education Statistics in conjunction with the U.S. Justice Department, 79% of the children who claimed they were bullied indicated that the bullying took place inside the school. The expansion of bullying into the "cyber" world is the new reality for your school district and must be confronted, managed, and mitigated. SLRMA's Self-Audit Guide will empower your district by curtailing bullies in your schools – the ones who inhibit your teachers and students from pursuing their educational goals.

<sup>1</sup> Cyberbullying: Identification, Prevention and Response; Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D., Cyberbullying Research Center, 2010.

# Recent Dispatches in the Newsroom

Log In and Download the Recent Case Summaries that Impact Your School District and Find Out What You May Be Missing



## Smith v. Jefferson County Board of School Commissioners

**2/11/2011** - Do your teachers have a right to initiate legal action against the school district if it decides to outsource portions of its educational responsibility to a private religious organization? What individual liability do the school board members have when they decide budget matters that result in teachers getting laid off? Log in and download SLRMA's summary of this recent Federal Appellate Court decision from Tennessee that addresses these questions.

## R.P. v. Prescott Unified School District

**2/4/2011** - The Individual with Disabilities Education Act (IDEA) enables school districts to obtain attorney's fees from parents under the right circumstances. This recent decision from the Federal Appellate Court in Arizona outlines the criteria under which a school district can recover attorney's fees. Read the full summary at [SLRMA.org](http://SLRMA.org) to learn when and why your school district can recover attorney's fees when a parent files suit under IDEA.

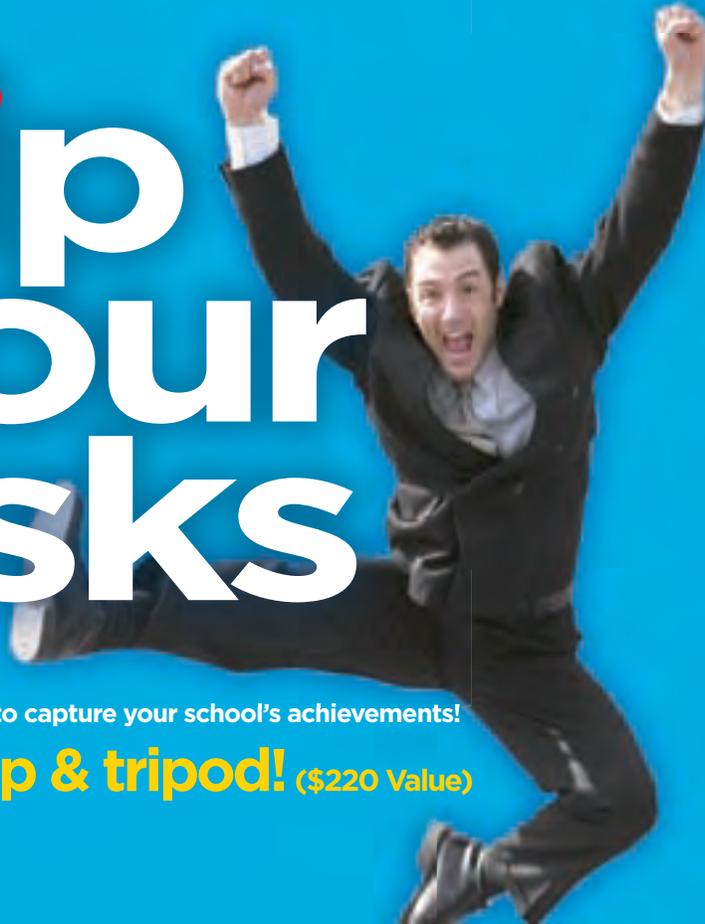
Log in to SLRMA to  
read the full summaries

## Hogan Lovells' Employment Alert

**1/25/2011** - When can your school district's employment decisions become a basis for a retaliation claim? In this new employment alert, Hogan Lovells discusses the new U.S. Supreme Court decision that allows a terminated fiancé to bring a retaliation claim under Title VII because the future bride filed a charge of sex discrimination. School districts will need to determine an employee's relationship with other employees when employment claims are filed and ensure anti-retaliation policies are in place. By logging in and downloading this summary at [SLRMA.org](http://SLRMA.org), you can better prepare your school district for this new form of retaliation claim.



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