

ANTI-BULLYING TOOLKIT:

Empowering K-12 students
and their families



 **NAPABA**
&



INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

August 2022

Acknowledgements

The National Asian Pacific American Bar Association (NAPABA) is the nation's largest Asian Pacific American membership organization representing the interest of 60,000 attorneys, judges, law professors, and law students.

napaba.org

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aaaicdrfoundation.org

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Community Partners



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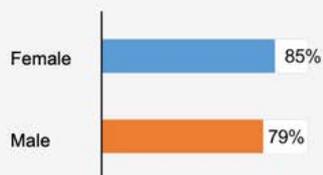
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The Scope of Anti-Asian Bullying in Schools

Act to Change: 2021 Asian American Bullying Report

80%+ of Asian American respondents experienced bullying

Over 80% of Asian American respondents experienced bullying



Asian American respondents shared a wide range of what they were bullied for, including their physical appearance, accent and cultural habits, cultural stereotypes, family financial status, and national origin.

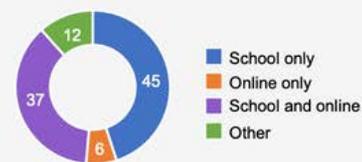
Emasculating faced by Asian male youth is an invisible topic that needs more discussion and prevention and intervention.

People find it amusing to mock Asian accents in front of me which I find very undermining and inappropriate. This guy tried to flirt with me by telling me that he liked dog meat. I hate being asked if I eat dog.

I was bullied for being adopted from China...and about my eyes.



Of those who are/have been bullied, about 40% are experiencing bullying both online and at school



Beyond schools and online, people are reporting experiencing bullying in public spaces such as malls, grocery stores, outdoors, airports which makes bullying pervasive across many areas.

It started in school and then it became online.

I see [cyberbullying] everywhere and it's terrible.

Trash was thrown at me in the school bus...because I was Filipino.

Quotes from survey respondents

Source: 2021 Asian American Bullying Survey Report in Partnership with Act To Change, ADMERASIA, and NextShark

Data collected from 300 Asian American youth concerning their experiences with bullying in school.

The Scope of Anti-Asian Bullying in Schools

News Coverage on Bullying of Asian American Students in Schools

"For Asian Americans wary of attacks.
Reopening is not an option."

"Middle Schooler Verbally and
Physically Harassed Due to Race"

"Anti-Asian attacks at Philadelphia school led to
a landmark ruling over a decade ago. Did
anything change?"

"As Students Return to Classrooms, so does
Bullying. These Activists Want to Stop It."

"Asian American Students Speak Out
Against Racism in Schools"

"Are America's schools safe for Asian
Americans?"

FOR LAWYERS



FOCUS FOR LAWYER GUIDE

This toolkit is designed to help attorneys who are asked to assist families with students experiencing bullying/harassment in schools so they know where to begin.

The lawyer sections covers three areas:

- What is bullying/harassment?
- What are the rights of the families and students? What must the school do?
- What can the lawyer do to 1) ensure the rights of families and students are vindicated, 2) or just help?



What is Bullying?

What is Harassment?

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance.

The behavior is repeated, or has the potential to be repeated over time. This includes verbal, social, physical, and cyberbullying.

Similarities between Bullying and Harassment

- Power and control- imbalance between the target and individual demonstrating negative behavior
- Actions that hurt or harm another person physically or emotionally

Differences

- Harassment is directed at a target based on a protected class (see below) and importantly, **triggers federal protections**

Race

Color

National
Origin

Religion

Sex

Age

Disability

What to do as a Lawyer:

My child is being bullied at school

Review the school's policy for harassment and/or bullying



Review state laws concerning bullying



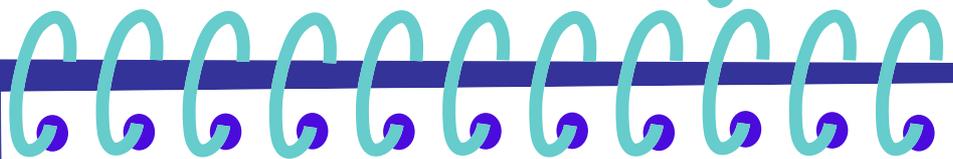
Meet with family and student to discuss what happened. Gather facts of the incident(s). Provide resources for family and identify other help that would be beneficial (e.g. therapist).



Contact the school district's counsel (if available) on behalf of the family and student. Describe the incident(s), explain how the student has been affected, and ask for change that the family is interested in pursuing (ex. keeping the students separated, switching classes, receiving apology, etc.). Set-up meeting with school and attend with family and student.

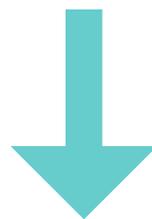


**What happens if there
is no response or
there is no
improvement?**



Review the school's response with the family and student.

Schedule a check-in to see if the changes at school improve the student's situation.



If there is still no response or improvement after contact attempts, submit a complaint to the OCR with the Department of Education and help the family understand what will happen (Page 26).

You may also have a conversation with the family and student about litigation.

Understanding the Legal Framework for Bullying & Harassment



State Laws

States differ in their definition of bullying as well as their consequences. Bullying is guided by state (NOT federal) laws.

[Visit StopBullying.gov](http://StopBullying.gov): "Laws, Policies, & Regulations" to view state-by-state specific laws

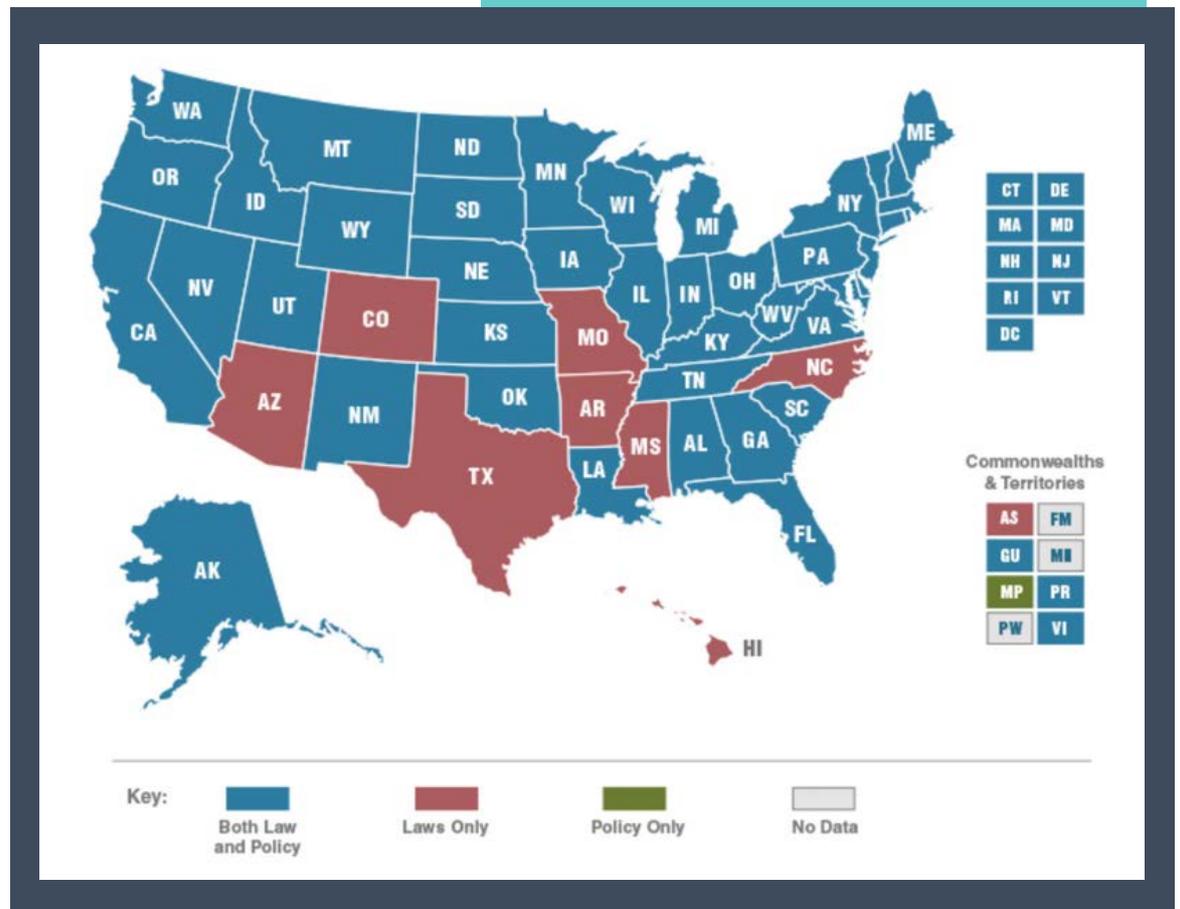


Federal Laws

Federal laws protect against harassment by all schools and colleges that receive federal financial assistance.

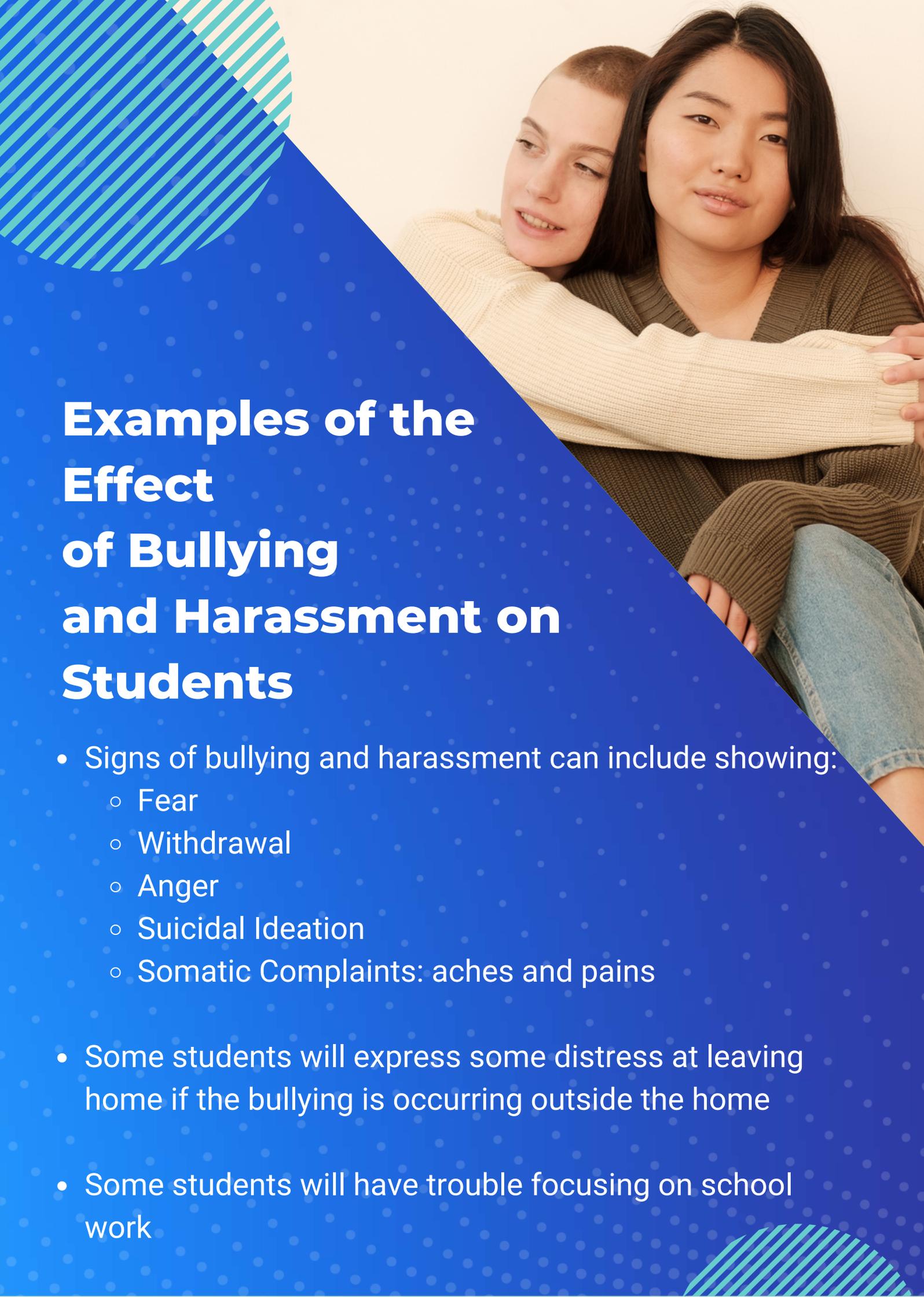
For a brief description, see StopBullying.gov: "Federal Laws"

STATE ANTI-BULLYING LAWS



- Almost every state has anti-bullying legislation
- Most require the existence of district policies
- Many do not provide individual remedies
- Some go beyond race, religion, ethnicity, and national origin to include sexual orientation and other categories

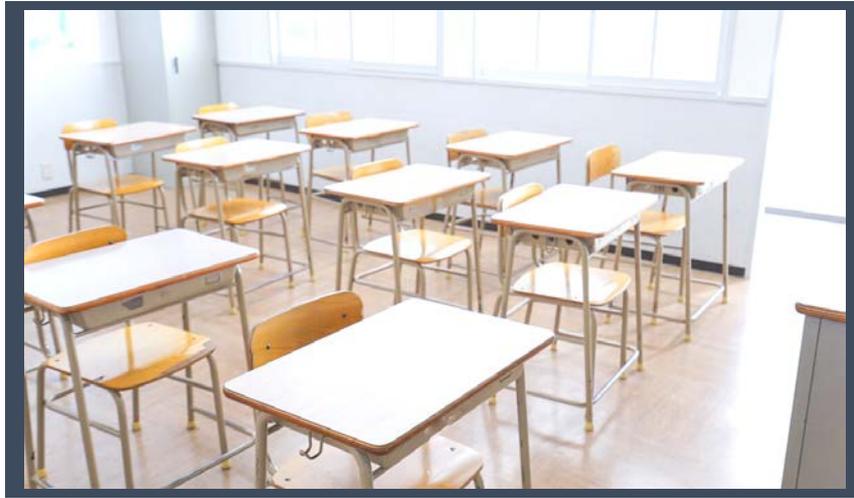
LOOK TO STOPBULLYING.GOV
FOR YOUR STATE

A photograph of two young women sitting together and hugging. The woman on the left has a shaved head and is wearing a white sweater. The woman on the right has long dark hair and is wearing a brown sweater. They are both looking towards the camera with slight smiles. The background is a plain, light-colored wall. The image is partially obscured by a blue diagonal overlay that contains text.

Examples of the Effect of Bullying and Harassment on Students

- Signs of bullying and harassment can include showing:
 - Fear
 - Withdrawal
 - Anger
 - Suicidal Ideation
 - Somatic Complaints: aches and pains
- Some students will express some distress at leaving home if the bullying is occurring outside the home
- Some students will have trouble focusing on school work

What Must the School Be Responsive to Under Federal Law



- Unwelcome and objectively offensive, such as derogatory language, intimidation, threats, physical contact, or physical violence.
- Created a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from services, activities, or opportunities offered by a school; and is based on a student's **race, color, national origin, sex, disability, or religion**.

CLE AAPI Harassment in the School Context video timestamp: Harassment 2 prongs:14:32 and 16:21

What a School Must Do with Respect to Harassment Under Federal Law:

Policy:

Should have a well-publicized policy prohibiting harassment and procedures for reporting and resolving complaints.

Investigate:

School must take immediate and appropriate action to investigate the reported incident(s).

Respond:

If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

CLE AAPI Harassment in the School Context video timestamp: School Responsibility: 19:53

What are Your Rights with Respect to Being Harassed? When Must a School Act?

- A school is responsible for addressing harassment incidents about which it knows or reasonably should have known
- "Responsible employee knew, or in the exercise of reasonable care should have known about the harassment"
- "A responsible employee would include any employee who has the authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has their authority or responsibility."

Source: OCR 2010 Dear Colleague Letter
CLE AAPI Harassment in the School Context video timestamp: When Must a School Act? 17:29



What Must a School Do for Harassment Cases?

Take immediate and appropriate action to investigate or otherwise determine what happened. Inquiry must be prompt, thorough, and impartial.

Interview targeted students, students or staff alleged to have engaged in harassment, and witnesses, and maintain written documentation of investigation.

When an investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:

End the harassment and eliminate any hostile environment;

Prevent harassment from recurring;

As appropriate, remedy the effects of the harassment; and

Prevent retaliation against the targeted student(s), complainant(s), or witnesses.



What Can Schools Do to Stop Bullying?

In addition, schools can:



Provide workshops for teachers on how to deal with bullying in classrooms

Provide counseling and support for those being bullied and for parents on how to identify bullying and help their child



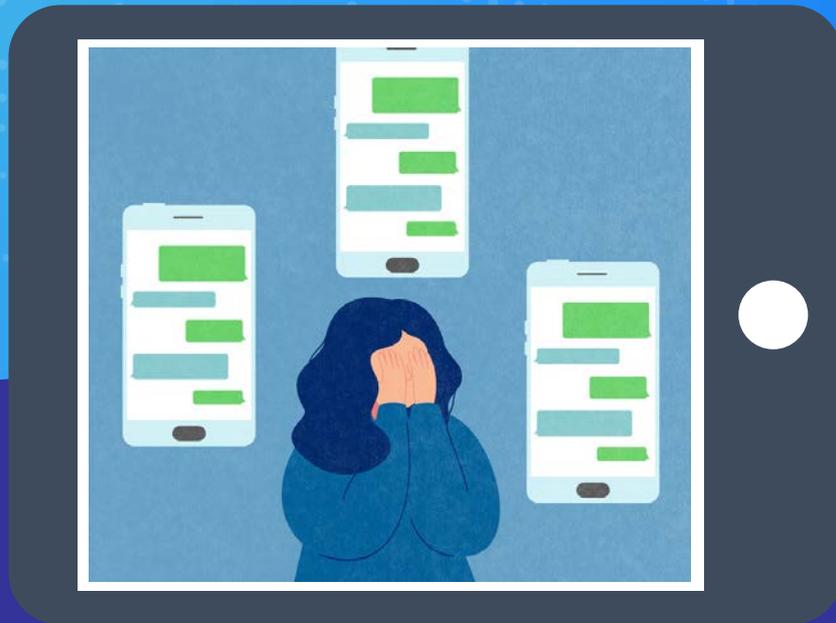
Provide parent workshops on how to assess for signs of bullying and how to help your child



Make clear the impact of bullying on students and community as a whole



Cyberbullying as Bullying and Harassment



- Scope of laws for cyberbullying on and off campus
- What are the steps that lawyers can take on behalf of students
How does it differ from regular in-person bullying?
- What is the legal remedy?

What is Cyberbullying?

- "Cyberbullying is bullying that takes place online and over digital devices."
- "Examples of cyberbullying include hateful or mean texts, social media posts intended to spread rumors, embarrassing or fake images, and sexually explicit or threatening direct messages. It is important to take cyberbullying (and bullying of any kind) very seriously."
- We recommend looking over the Sikh Coalition's cyberbullying factsheet. Click the document to learn more.



Cyberbullying Resource for Back to School Toolkit

WHAT IS CYBERBULLYING

Cyberbullying is bullying that takes place online and over digital devices. Examples of cyberbullying include hateful or mean texts, social media posts intended to spread rumors, embarrassing or fake images, and sexually explicit or threatening direct messages.

It is important to take cyberbullying (and bullying of any kind) very seriously. Bullying can have a long-term impact on a child's mental health, confidence, and relationships. It can affect their ability to concentrate on academics and extracurricular activities. It can also cause a child to bully others, as a means of regaining control.

WHAT TO DO IF YOUR CHILD IS CYBERBULLIED

Here are some helpful platform-specific guides for parents: [Instagram](#), [SnapChat](#), [TikTok](#), [Twitter](#), [YouTube](#), and [Facebook](#).

When Can Schools Confront Off-Campus Speech (Cyberspeech/Cyberbullying)

1. School “nexus”: nexus between the off-campus online speech and the school community. That is, the speech involves students or staff or is in some manner connected to the school

2. Impact at school: the impact has been, or is reasonably foreseeable will be, material and substantial at school. “School” includes on-campus activities, as well as school-sponsored field trips, extracurricular activities, sporting events, and transit to and from school or activities.

Kowalski v. Berkeley, 652 F.3d565 (4th Cir. 2011)

What are the Schools' Responsibilities to Combat Cyberbullying: Off-Campus Speech

"In Tinker, we indicated that schools have a special interest in regulating on-campus student speech that "materially disrupts class-work or involves substantial disorder or invasion of the rights of others." 393 U.S., at 513.

The special characteristics that give schools additional license to regulate student speech do not always disappear when that speech takes place off campus. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices."

**Mahanoy Area Sch. Dist. v. B.L.,
Slip. Op. June 23, 2021**



Material and Substantial Impact

Defining “impact at school”

Reasonably foreseeable: A particular reason why a school official anticipates a substantial disruption. Timing is an issue. A formal response is for the purpose of preventing an imminent foreseeable substantial disruption.

Material and substantial impact: The impact has been, or is reasonably foreseeable will be, significant - material and substantial. Not anger or annoyance. Not disapproval of the expression of a controversial opinion or nasty language. Not simply a situation that requires a school official's attention.

Off-Campus Speech (Cyberspeech/Cyberbullying)

Material and Substantial Impact (cont.)

Disruption of school or interference with rights of students. The speech has caused, or is reasonably foreseeable will cause,

- 1) significant interference with instructional activities, school activities or school operations, or
- 2) physical or verbal violent altercations, or
- 3) a hostile environment for any student that impairs that student's ability to participate in educational programs or school activities.



True Threats are Punishable by Schools

- “Whether the recipient of the alleged threat could reasonably conclude that it expresses ‘a determination or intent to injure presently or in the future.’”
- Factors to consider to determine whether a message is an unprotected “true threat”:
 - a. Reaction of those who heard the alleged threat
 - b. Whether the threat was conditional
 - c. Whether the person who made the alleged threat communicated directly to intended person
 - d. Did speaker have a history of threats against the person?
 - e. Did the recipient of the threat have reason to believe the speaker could be violent?
- A “true threat” does not need all five of these factors to be deemed a true threat; courts will consider all five and weigh the “totality of the circumstances”
 - (Doe v. Pulaski, 306 F.3d 616 (8th Cir. 2002) (applying, U.S. v. Dinwiddle (8th Cir. 1996)))

What Can You Do to Help the Family?

- Understand the family's circumstances - are they limited English proficient, do they have fear about approaching the school?
- Include culturally and linguistically competent perspectives when working with Asian American families.
- Be an advocate for the family by informing and consulting with the family about what information will be shared with the school.
- Asking the parents/guardians and student what they would like to see as the outcome. The outcome may not be possible, depending on the case, but this provides the client agency and empowerment.

Advice on What to Keep in Mind When Approaching Families

- To advocate for the family, it's important for lawyers to understand the family's contexts and circumstances.
 - How one works with an American-born or 1.5-gen Asian American English-speaking parent about their rights and their children's rights would be different for an immigrant non-English fluent Asian American parent (especially if the parent grew up in an authoritarian regime).
 - We encourage to hold a culturally-informed, linguistically-competent (and maybe trauma-informed) perspectives when working with Asian American families by showing respect and humility while also guiding them through potential options.

Ensuring That There is Change

- Ask the school to provide a plan of action to address the bullying.
- Follow up with the school to ensure the family and student has a support person they can go to so the family does not feel alone.
- If necessary, file a complaint with the Department of Education Office of Civil Rights
- Offer other ways to help the student such as access to culturally-appropriate counseling.



When Should You Contact the Department of Education or Department of Justice?



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 2021

Confronting COVID-19-Related Harassment in Schools A Resource for Families

Harassment and other discrimination stemming from prejudice and unfounded fears about the coronavirus (COVID-19) is wrong and can have devastating effects on students and their families.

During the pandemic, false information and harmful statements about Asian American and Pacific Islander (AAPI) communities have led to increasing acts of intolerance across the nation—from verbal harassment to violence. In schools around the country, AAPI students have reported bullying and harassment by classmates because of their race or national origin, including their ethnicity, ancestry, and language.

Public elementary and secondary schools as well as colleges and universities have a responsibility to investigate and address discrimination, including harassment, targeting students because of their race or national origin. When schools fail to take appropriate steps, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from discrimination.

Click on the image to understand the process of confronting Covid-19-related harassment in schools

Examples of the kinds of incidents CRT and OCR can investigate:

Middle schoolers record themselves yelling "virus spreaders!" at their Asian American classmates during class and post the videos on social media. School administrators are made aware of the videos but refuse to investigate or take any action to protect Asian American students from further harassment at school.

High schoolers post anonymously in chat windows during a remote learning class that an Asian American classmate ruined the entire school year by bringing the "China Virus" to the community. The teacher can see the chat but does not address the comments or limit anonymous posting. The Asian American student turns her video off so that other students cannot see her but the chats continue.

When preparing to return to in-person learning, an elementary school principal asks parents of Asian American students about travel to China, family connections to Asia, and demands proof of a negative COVID-19 test before the child can be enrolled. The district does not request this information from students without Asian ancestry.

At a middle school, students in the cafeteria make comments about wearing two masks when Asian American students are nearby. They also mock Asian American students who speak to each other in their native languages, in full view of adult lunch monitors. To avoid the conflict, Asian American students start sitting at a different lunch table.

A college housing administrator tells an Asian American student to consider off-campus housing rather than the college's dorms, explaining that other students may not be comfortable living in a dorm room with the Asian American student until everyone is vaccinated.

What Steps Should You Take Before Filing a Complaint?

What if a Student Experiences Discrimination in School?

If you believe a student has been treated unfairly—for example, treated differently, harassed, bullied, or retaliated against—because of their race or national origin, there are a number of actions you can take:

1 **Notify a school leader** (for example, a principal or student affairs staff) immediately. If you don't get the help you need, file a formal complaint with the school, school district, college, or university. Keep records of responses you receive.

2 **Write down the details** about what happened, where and when the incident happened, who was involved, and the names of any witnesses. Do this for every instance of discrimination and keep copies of any related documents or other information.

3 Ask the school or college/university to translate its documents (like a complaint form) and messages into a language you understand. **Ask for an interpreter if you need help** speaking with school staff in a language other than English.

4 If the school or college/university does not take steps to address your complaint or the discrimination continues, **consider filing a complaint** with the Civil Rights Division of the U.S. Department of Justice at civilrights.justice.gov, or with the Office for Civil Rights at the U.S. Department of Education at <https://www2.ed.gov/ocr/complaintintro.html> (to file a complaint in English) or <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html> (to file a complaint in a non-English language).

The "**Confronting Covid-19-related Harassment in Schools**" infographics are offered in the following languages:

မြန်မာစကား
(Burmese)

简体字
(Chinese -
Simplified)

繁體字
(Chinese -
Traditional)

Hakha Chin
(Hakha Chin)

日本語
(Japanese)

ကညိကျိ
(Karen)

ខ្មែរ
(Khmer)

한국어
(Korean)

ພາສາລາວ
(Lao)

Tagalog
(Tagalog)

ไทย
(Thai)

Tiếng Việt
(Vietnamese)

What Can You Do for Families?

- Read APABA-Pennsylvania's Letter to the Lower Moreland Township School District Board members and superintendent for guidance on how bar associations can advocate on the behalf of the student(s) through a letter to the school. Click the letter to view
- You may wish to include language calling for a follow-up by the school
- Look over the [Settlement Agreement](#) reached between the U.S. DOJ and the School District of Pennsylvania
- [SCOTUS Case: Mahanoy Area School District v. B.L.](#) to see the latest rulings for the scope of speech off-campus



APABA-PA

Asian Pacific American Bar Association of Pennsylvania

February 16, 2021

Via email

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Lower Moreland Township School District

2551 Murray Avenue

Huntingdon Valley, PA 19006

Re: Texts Expressing Violence Against Asian Pacific Americans in Lower Moreland Township School District

Dear Superintendent Davidheiser and Lower Moreland Township School District Board members:

The Asian Pacific American Bar Association (APABA-PA) writes to express grave concern regarding incidents that involve texts expressing violence against Asian Pacific Americans being sent among a group of Lower Moreland Township high school students. Further, we find the response provided initially by the Lower Moreland Township School District ("School District") to be inadequate and unacceptable.

When to File a Complaint with the Dept. of Education Office of Civil Rights? What Do You Need to Do?

- If you file a complaint with the Office of Civil Rights, there will be an investigation by the Dept. of Education
- You may wish to file a complaint if the school is unresponsive after being notified about the bullying or harassment incident(s)
- File a complaint using the electronic complaint form or the fillable PDF complaint form linked at [the info page](#) of the Dept. of Education's OCR website.
- Complaints of discrimination must ordinarily be filed within 180 days of the last act of discrimination.
- In some cases, a signed Consent Form is required. If OCR determines that consent is necessary in order to resolve the complaint, OCR will notify the complainant.
- A complainant on behalf of or regarding to another person(s) is responsible for securing any necessary written consent from that individual, including when a parent files for a student over the age of 18.



How to File a Complaint with the Department of Education-Office of Civil Rights

How To File a Complaint Available in Other Languages

- መጽልዎን የተመለከተ ቅሬታን ማመልከት የሚቻልበት መንገድ (Amaharic)  PDF (248K)
- كيفية تقديم شكوى (Arabic)  PDF (2M)
- 如何向美國教育部民權事務辦公室 提出歧視投訴 (Trad. Chinese)  PDF (402K)
- شکایت طرح روش (Farsi)  PDF (206K)
- Comment déposer une plainte pour discrimination (French)  PDF (243K)
- Fason pou Pote Plent pou Diskriminasyon (Haitian Creole)  PDF (160K)
- एक भेदभाव शिकायत दर्ज करने के लिए कैसे (Hindi) PDF (1.55M)
- Kev Sau Tsab Ntawv Tsis Txaus Siab Txog Kev Ntxub Ntxaug Rau (Hmong)  PDF (317K)
- 민권 담당국에 차별 대우 고소를 제기하는 방법 (Korean)  PDF (284K)
- ວ່າດ້ວຍສິດທິ ພົນລະເຮືອນ ວິທີການຍື່ນຄໍາພ້ອງຮ້ອງ ໃນການຖືກຈໍາແນກນໍາຫ້ອງການ (Laotian)  PDF (323K)
- ਭੇਦਭਾਵ ਸਬੰਧੀ ਸ਼ਿਕਾਇਤ ਨੂੰ ਨਾਗਰਿਕ ਅਧਿਕਾਰ ਦਫਤਰ ਵਿੱਚ ਕਿਵੇਂ ਦਰਜ ਕਰੀਏ (Punjabi)  PDF (362K)
- Как Подать Жалобу О Дискриминации (Russian)  PDF (228K)
- Kako Podnijeti Žalbu O Diskriminaciji (Serbo-Croatian)  PDF (120K)
- Sida Xafiiska Xuquuqda Rayadka Loogu Gudbinayo Cabashada (Somali)  PDF (123K)
- Cómo presentar una denuncia por discriminación ante la Oficina Para Derechos Civiles (Spanish)  PDF (272K)
- Jinsi ya Kuwasilisha Malalamiko ya Ubaguzi (Swahili)  PDF (192K)
- Pagsampa ng Reklamo Laban sa Diskriminasyon (Tagalog)  PDF (151K)
- دفتر برائے شہری حقوق میں امتیازی سلوک روا رکھے جانے کے خلاف کوئی درخواست دینے کا طریقہ (Urdu)  PDF (216K)
- Cách Gửi Đơn Khiếu Nại (Vietamese)  PDF (269K)

Visit the DOE OCR's [other webpage](#) to view their directions for filing a complaint in multiple languages

Identifying the Right Help (Counseling and Therapy)

By speaking to supportive adults and/or a counselor/therapist, students can share and process painful thoughts and any emotional distress caused by the bullying. Depending on the needs of a student, a counselor/therapist can help with support self-confidence, work on anxiety, fear and stressors, develop safe coping skills, and validate their responses and feelings.

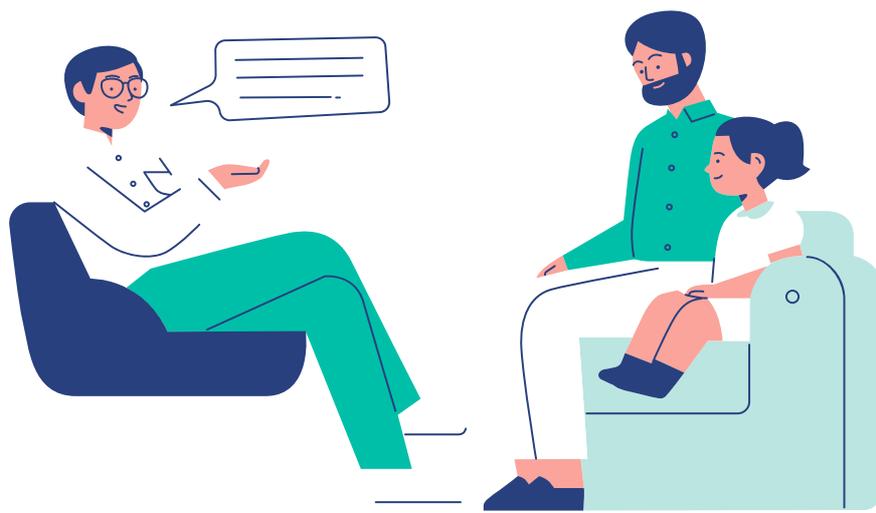
When speaking with the student and family, you can recommend seeking counseling or therapy to help with the recovery and healing from bullying. There are a few steps that you can follow to help you convey why professional help can be beneficial to improving mental and physical health.

1. Show support and use non-stigmatizing language
2. Be sensitive to timing and place
3. Prepare for resistance or questions
4. Do not pressure them to get treatment
5. Offer to help and share resources

If families and their child are hesitant to seek therapy because they are worried about being misunderstood or judged by a non Asian therapist, you can explain how they can specifically seek Asian American/Pacific Islander therapists.

If the family has difficulty finding an Asian American/Pacific Islander therapist, you can explain that there are ways to see if a non-AAPI therapist is culturally competent or has experience working with Asian American/Pacific Islander clients. When you call clinics or therapists for availability, you can ask questions on the phone about what they help with (ex. anxiety, trauma, self esteem, stress), whether they have experience working with children and families, and what type of therapy they provide (emotionally focused, mindfulness-based, culturally sensitive/competent, etc.).

Before you approach the topic, you should make sure you have a few referrals in mind for the family (names/numbers of mental health agencies and therapist) and have set aside enough time to have a meaningful conversation about this.



How to talk about Therapy and Mental Health

Here are some ways to start the conversation about therapy and mental health:

1. "I can see this experience has been difficult for you and your family. When a child is experiencing bullying at school from their peers, it can be so hard to experience our children suffering. I want to let you know, although I am not an expert in counseling and mental health, from my personal experience/stories my friends and family have shared with me about their therapy experiences, it can really be helpful for children to speak to a therapist who has experience supporting children who have experienced bullying."
2. "It is hard when we experience something difficult like bullying and have no one to talk to about the experience. Do you have anyone in your community who you can trust and talk to about your experience? (Listen to their response) There are experts who are trained to listen, understand, and offer you support and possible solutions. Are you familiar with counseling, therapy, and/or mental health professionals? I am not an expert but [insert personal experience and/or stories of those you personally know about counseling/therapy/mental health]. I can give you some resources and refer you to someone who can better support your mental and/or emotional health through this experience. Would you be interested in knowing more about this?"

What should you mention for Therapy and Mental Health?

Here are points you should bring up in the conversation:

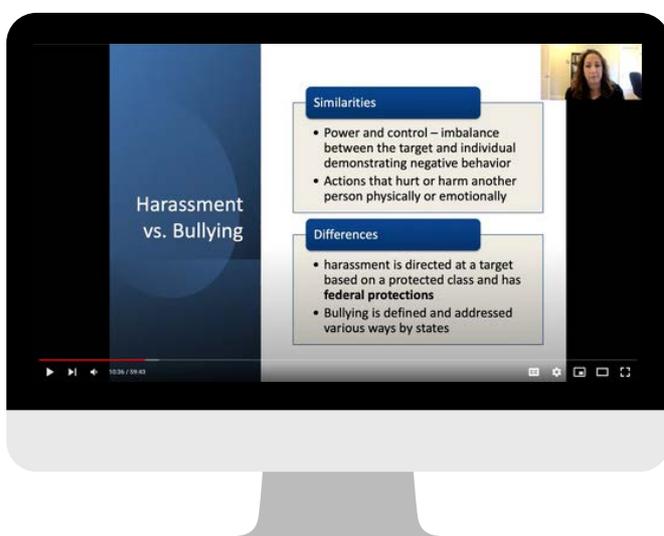
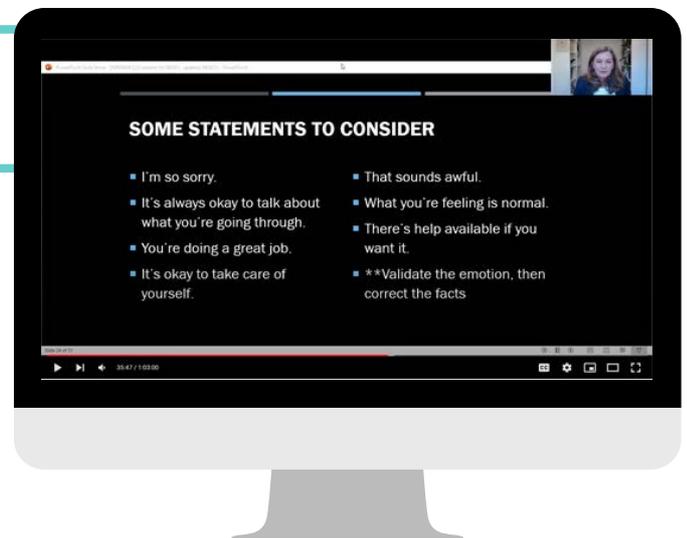
1. Counseling/therapy is one option that many student and families find helpful, but it is not the only option. There may be sources of healing support as well as advocacy offered by local ethnic community organization and at the school (trusted adults such as teachers or school counselors).
2. Generally speaking, increasing or solidifying positive ethnic or cultural identity (such as cultural pride, knowledge of AAPI history, seeing positive AAPI role models) in AAPI students can often mitigate the negative mental health impact of bias-based bullying. For example, the pilot program called [One Talk at a Time](#) is a free online series of videos and exercises that help Asian American parents have conversations about race and ethnicity with their children.

Webinars and Trainings

NAPABA has held two CLE webinars to help lawyers navigate how to work with students who were bullied. Please visit napaba.org/webinars for more information.

Trauma Informed Interviewing Skills

This CLE is designed for NAPABA lawyers who will be responding to hate crimes and hate incident victims who have filed complaints concerning their experiences. The program will give an overview of what trauma is, understanding the historical traumas faced by anti-Asian hate victims, understanding the role of the lawyering for hate crimes victims, how to broach the subject of mental health supports in addition to legal remedies, and how to interact with victims to elicit needed evidence and information without exacerbating harm.



Responding to Anti-Asian Bullying in Schools – Legal Options

This CLE webinar will explore the legal responsibilities of public schools to address and eradicate anti-Asian bullying and harassment. The webinar will cover the distinction between bullying and harassment, the legal elements of a harassment complaint, the tensions between protected speech and conduct requiring actions by schools, and when schools are obligated to address off campus conduct. Led by Amy Berman, the webinar will also discuss options for filing federal complaints with the Department of Education and the Department of Justice.

FOR FAMILIES



FOCUS FOR FAMILY GUIDE

This toolkit is designed to help families whose children are experiencing bullying/harassment in schools so they know where to begin.

The Family section covers five areas:

- What is bullying/harassment?
 - Signs of bullying and how to talk to your children about bullying
- How to keep children safe on the Internet
- Mental health guidance
- Educational materials
- Actions you can take to access help



What is Bullying?

Act to Change: 2021 Asian American Bullying Report

What is Bullying?

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. This includes verbal, social, physical, and increasingly, cyberbullying.

Bullying can affect everyone including those who are bullied, those who bully, and those who witness bullying. Bullying is linked to mental health issues, substance use, and suicide.

- Depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they used to enjoy – these issues may persist into adulthood
- Health complaints
- Decreased academic achievement—grades and standardized test scores—and school participation
- Students being bullied are more likely to miss, skip, or drop out of school

Sources: StopBullying.gov
National Center for Educational Statistics, 2019



of students ages 12-18, regardless of race, experience bullying nationwide.



of students who reported being bullied at school indicated that they think the bullying would happen again.

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated over time.

Visit [Act To Change's resources](#) to see more definitions about bullying and other helpful answers.

What is Bullying?

What is Harassment?

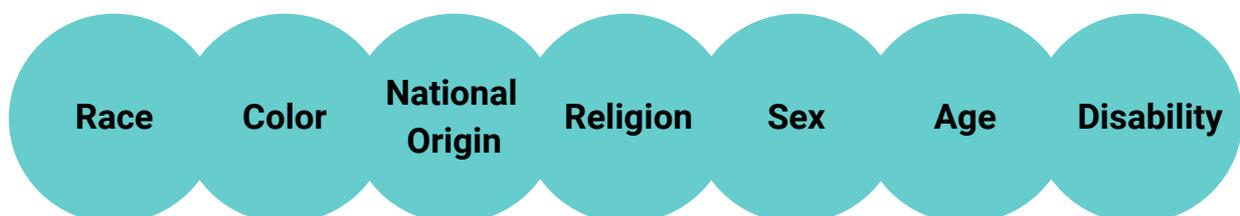
- Signs of bullying and harassment can include showing:
 - Fear
 - Withdrawal
 - Anger
 - Suicidal Ideation
 - Somatic Complaints: aches and pains
- Some students will express some distress at leaving home if the bullying is occurring outside the home
- Some students will have trouble focusing on school work

Similarities between Bullying and Harassment

- Power and control- imbalance between the target and individual demonstrating negative behavior
- Actions that hurt or harm another person physically or emotionally

Differences

- Harassment is directed at a target based on a protected class (see below) and importantly, **triggers federal protections**



Resources for Families: In Language Materials

View the [Asian American Psychological Association's Guide for Parents on Bullying](#)

- These guides are available in English, Korean, Simplified Chinese, Traditional Chinese, and Vietnamese. Click images below!



BULLYING PREVENTION, INTERVENTION AND RESOURCE GUIDE FOR PARENTS

Authors:
Dr. Sumie Okazaki, Dr. Munyi Shea,
Ms. Ulash Thakore-Dunlap LMFT and Dr. Cixin Wang



집단 따돌림 (왕따) 예방, 중재 그리고 부모 님을 위한 가이드

저자 :
Dr. Sumie Okazaki, Dr. Munyi Shea,
Ms. Ulash Thakore-Dunlap LMFT 그리고 Dr. Cixin Wang



家长防止与介入霸凌资源指南

作者 :
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Ms. Ulash Thakore-Dunlap LMFT 和 Dr. Cixin Wang



家長防止與調停欺凌資源指南

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HƯỚNG DẪN VÀ TÀI LIỆU VỀ CÁCH NGĂN NGỪ VÀ CAN THIỆP HÀNH ĐỘNG BẤT NẠT CHO PHỤ HUYNH

Tác giả:
Dr. Sumie Okazaki, Dr. Munyi Shea,
Ms. Ulash Thakore-Dunlap LMFT và Dr. Cixin Wang

Signs of Bullying and How to Start a Conversation About It

- Stopbullying.gov encourages parents to [Make time to listen, Take time to talk about Bullying through these conversation starter cards](#)
- StompOutBullying's [tip sheet on the possible signs that your child is being bullied and ways you can have a conversation with them](#)





How To Talk with Your Children About Bullying

- Read the American Psychological Association's ["The Mental Health impact of anti-Asian racism"](#)
- PACER's [How to talk to your kids about bullying](#)
- National Public Radio's interview with [Nicole Chung and Christine Koh on "How to Talk to Kids about anti-Asian Racism"](#)

Keeping Kids Safe on the Internet

- ADL's [Internet Guidelines for Parents/Guardians](#)
 - Ways to protect and inform your child on how to stay safe on the internet
 - Encourage your child to seek help if they are being cyberbullied
- Very Well Family's [How to Prevent Cyberbullying](#)
- Very Well Family's informative article on the [Real-life effects of Cyberbullying on Children](#)



Anti-Bullying Resources from the Sikh Coalition

- The Sikh Coalition has [several resources](#) on bias-based bullying in school.
- [Cyber-bullying factsheet for parents](#) (depicted at the bottom)
- Know Your Rights: Bullying timeline
- [Anti-bullying brochure for children](#) on what to do if you are bullied and what your rights are.



Cyberbullying Resource for Back to School Toolkit

WHAT IS CYBERBULLYING

Cyberbullying is bullying that takes place online and over digital devices. Examples of cyberbullying include hateful or mean texts, social media posts intended to spread rumors, embarrassing or fake images, and sexually explicit or threatening direct messages.

It is important to take cyberbullying (and bullying of any kind) very seriously. Bullying can have a long-term impact on a child's mental health, confidence, and relationships. It can affect their ability to concentrate on academics and extracurricular activities. It can also cause a child to bully others, as a means of regaining control.

WHAT TO DO IF YOUR CHILD IS CYBERBULLIED

Here are some helpful platform-specific guides for parents: [Instagram](#), [SnapChat](#), [TikTok](#), [Twitter](#), [YouTube](#), and [Facebook](#).

In general, if your child is being cyberbullied, you should take the following steps:

1. **Do not engage**, respond, or encourage the behavior.
2. **Take screenshots** and save everything. Make sure this includes images, text, dates, times, handles, and descriptions.
3. **Block and report** the person/post on social media.
4. **Report the incident** immediately to the following (as applies):
 1. **Report to the school** if the incident involves a student from your child's school. Many states mandate that schools include cyberbullying in their anti-bullying policies. Make sure to file a formal complaint with the school district. You can also file a complaint with the Department of Justice by emailing education@usdoj.gov.
 2. **Report to law enforcement** if the message is threatening, sexually explicit, or suggests stalking.
5. **Contact the Sikh Coalition**. If your child has been targeted in bias-based bullying, we can help you to [navigate the next steps](#). Please reach out to our legal team by filling out our intake form at <http://www.sikhcoalition.org/legal-help/>. Our legal services are completely free and confidential.
6. **Talk to your child**. Engage in open dialogue with your child to allow them to express emotions freely, and closely monitor their behavior after the incident. If needed, work with a trained professional to further support your child.
7. **Join anti-bullying efforts**. Ask your school and other parents for the district's resources against bullying, and work collaboratively to better your school's climate.

Tips for Dealing with Covid-19 Anti-Asian Discrimination

- Division 45 of the American Psychological Association and members of the Asian American Psychological Association created [a short video and single-panel infographic](#) on how to support youth facing discrimination.
 - Available in simplified and traditional Chinese, Korean, Vietnamese, Tagalog, Bengali, Urdu, and Hindi.



Society for the Psychological Study
Of Culture, Ethnicity and Race

DIVISION OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION (APA)

TIPS FOR FAMILIES DEALING WITH COVID-19 ANTI-ASIAN DISCRIMINATION

With harassment and attacks on the rise, it's crucial to support children and adolescents who might be confused or upset. Here's how:

1

ACKNOWLEDGE

This virus is making many people afraid and angry. It's causing people to say or do horrible things.

2

VALIDATE

These words or actions really hurt.

3

REFRAME

It's not our fault. What they say does not define who we are.

4

REPORT

Submit an incident report through the Asian American and Pacific Islander Planning Council's portal.

#STOPAAPIHATE



DIVISION45.ORG AND AAPAONLINE.ORG

Brought to you by the APA Society for the Psychological Study of Culture, Ethnicity and Race and the Asian American Psychological Association.

Finding the Right Therapist



Being a victim of bullying can result in emotions of shame, anger, anxiety, and isolation. Through therapy, students can notice, share, and process these painful feelings. Therapists can help by teaching coping skills, boost self-esteem, and validate the difficulty of being bullied.

- If you would like to find an Asian therapist for your child to speak to, consider visiting the [Psychology Today's therapist search](#).
- You can search for therapist by ethnicity, the needs for the patient (anxiety, racial identity, child/adolescent), and city or zipcode of the therapist.

Educational

Materials

- [Children's book list](#): 40+ different Asian American book lists for kids
- [High School/College book list](#): Books to understand the Asian American experience from the publisher Penguin Random House
- [New York Public Library book list for Asian American & Pacific Islander Heritage Month](#): Includes graphic novels, biographies, poetry, short stories, and more

When Should You Contact the Department of Education or Department of Justice?



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 2021

Confronting COVID-19-Related Harassment in Schools A Resource for Families

Harassment and other discrimination stemming from prejudice and unfounded fears about the coronavirus (COVID-19) is wrong and can have devastating effects on students and their families.

During the pandemic, false information and harmful statements about Asian American and Pacific Islander (AAPI) communities have led to increasing acts of intolerance across the nation—from verbal harassment to violence. In schools around the country, AAPI students have reported bullying and harassment by classmates because of their race or national origin, including their ethnicity, ancestry, and language.

Public elementary and secondary schools as well as colleges and universities have a responsibility to investigate and address discrimination, including harassment, targeting students because of their race or national origin. When schools fail to take appropriate steps, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from discrimination.

Click on the image to understand the process of confronting Covid-19-related harassment in schools

Examples of the kinds of incidents CRT and OCR can investigate:

Middle schoolers record themselves yelling "virus spreaders!" at their Asian American classmates during class and post the videos on social media. School administrators are made aware of the videos but refuse to investigate or take any action to protect Asian American students from further harassment at school.

High schoolers post anonymously in chat windows during a remote learning class that an Asian American classmate ruined the entire school year by bringing the "China Virus" to the community. The teacher can see the chat but does not address the comments or limit anonymous posting. The Asian American student turns her video off so that other students cannot see her but the chats continue.

When preparing to return to in-person learning, an elementary school principal asks parents of Asian American students about travel to China, family connections to Asia, and demands proof of a negative COVID-19 test before the child can be enrolled. The district does not request this information from students without Asian ancestry.

At a middle school, students in the cafeteria make comments about wearing two masks when Asian American students are nearby. They also mock Asian American students who speak to each other in their native languages, in full view of adult lunch monitors. To avoid the conflict, Asian American students start sitting at a different lunch table.

A college housing administrator tells an Asian American student to consider off-campus housing rather than the college's dorms, explaining that other students may not be comfortable living in a dorm room with the Asian American student until everyone is vaccinated.

What Steps Should You Take Before Filing a Complaint?

What if a Student Experiences Discrimination in School?

If you believe a student has been treated unfairly—for example, treated differently, harassed, bullied, or retaliated against—because of their race or national origin, there are a number of actions you can take:

1 **Notify a school leader** (for example, a principal or student affairs staff) immediately. If you don't get the help you need, file a formal complaint with the school, school district, college, or university. Keep records of responses you receive.

2 **Write down the details** about what happened, where and when the incident happened, who was involved, and the names of any witnesses. Do this for every instance of discrimination and keep copies of any related documents or other information.

3 Ask the school or college/university to translate its documents (like a complaint form) and messages into a language you understand. **Ask for an interpreter if you need help** speaking with school staff in a language other than English.

4 If the school or college/university does not take steps to address your complaint or the discrimination continues, **consider filing a complaint** with the Civil Rights Division of the U.S. Department of Justice at civilrights.justice.gov, or with the Office for Civil Rights at the U.S. Department of Education at <https://www2.ed.gov/ocr/complaintintro.html> (to file a complaint in English) or <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html> (to file a complaint in a non-English language).

The "**Confronting Covid-19-related Harassment in Schools**" infographics are offered in the following languages:

မြန်မာစကား
(Burmese)

简体字
(Chinese - Simplified)

簡體字
(Chinese - Traditional)

Hakha Chin
(Hakha Chin)

日本語
(Japanese)

ကညိကျိ
(Karen)

ខ្មែរ
(Khmer)

한국어
(Korean)

ພາສາລາວ
(Lao)

Tagalog
(Tagalog)

ไทย
(Thai)

Tiếng Việt
(Vietnamese)

NAPABA's Hate Crime Reporting Page

- NAPABA may be able to provide pro bono (free) legal assistance to you if you have been the victim of a hate crime or hate incident
- Visit the [Hate Crime or Hate Incident Report page](#) to submit your experiences to NAPABA
 - Hate Crime: Must involve a “crime” and it often a violent crime, such as assault, murder, arson, vandalism, or threats to commit such crimes. It may also cover conspiring or asking another person to commit such crimes, even if the crime was never carried out.
 - Hate/Bias Incident: Acts of prejudice that are not crimes and do not involve violence, threats, or property damage. The most common examples are speech in the form of racial slurs.

