

Bullying in School

A Parent's Guide to NC Law

What is Bullying?

Bullying has a lot of definitions, but in general, bullying is considered to be deliberate, repeated, and unwanted aggressive behavior that involves a power imbalance between the “bully” and the “victim.”

NC school law defines bullying as a *pattern* of communications (written, verbal, or electronic) or physical acts that makes a student feel in danger, or creates a “hostile environment” that interferes with a student’s education ([NCGS §115C-407.15](#)).

Bullying can be at school, at a school-sponsored event, on a school bus, and it can also include acts that occur *off school property*. “Cyber-bullying” — bullying done electronically or on social media — can be considered school-related bullying if it impacts a student at school.

Bullying is not a one-time event – it is a *pattern* of behavior. A single act of harassment, intimidation, aggression or fighting is serious and should be addressed, but is not bullying.

Similarly, if your child is feeling excluded, is being “bossed around,” or says that another child doesn’t like him, you may want to talk to the teacher about your child’s feelings, but this doesn’t mean your child is being bullied.

What to do if you believe your child is being bullied at school

Step 1: REPORT the bullying.

Go to your school district’s website and find the bullying policy; it may also be in the student handbook. The policy will describe your school’s complaint process. If you can’t find the policy, ask your school for a copy. All school districts are required to have anti-bullying policies and a procedure for reporting and investigating bullying ([NCGS §115C-407.16](#)).

Step 2: Follow the complaint process outlined in your school district’s policy.

Many school districts require that the complaint be made by the *student* experiencing bullying, *but you can still assist your child in making the complaint*.

Your child *may* make her complaint *anonymously*, but if so, the school may not be able to take formal disciplinary action against the other student.

Many policies allow the complaint to be made to a teacher, a counselor, an assistant principal or to the principal. *If you don’t know whom to report the bullying to, report it to your school principal.*

Step 3: Gather Evidence of Bullying.

Bullying can be hard to prove because it is often the victim’s word against the bully’s. Collect evidence of the bullying, if you can. For example, preserve copies of text messages or social media posts, and get names and contact information of students who witnessed the bullying.

What Can You Expect?

Schools must promptly and fully investigate the complaint.

Investigations are generally conducted by the principal or someone chosen by the principal.

Some policies have specific timelines for investigations, others do not. If your school does not have a specific timeline, you still should expect to hear something within *2 weeks* of the complaint. If you don't, follow up.

The school investigation should be thorough.

The investigator should talk to your child, review any evidence your child provides, talk to witnesses identified by your child, and talk to the student accused of bullying and any witnesses he provides. The investigator may also talk to other individuals, such as teachers or students in the school.

In many school districts, you will be notified of the results of the investigation. If so, the notice should include whether bullying was found to have occurred, and what will be done to prevent similar behavior in the future. If necessary, it also should include what steps should be taken to assist your child (for example, counseling from the school counselor).

You **DO** have the right to expect that the school will take reasonable steps to ensure that your child does not experience bullying in the future, but you **DO NOT** have the right to demand certain consequences for the other student, or certain actions by the school.

*For example, you can't demand that the other student be suspended or transferred to another school or classroom. You **can** request that your child and the other student be kept separate as much as possible and work with the principal to accomplish this, but if you feel strongly that the students should be separated, this may mean requesting that your child be transferred.*

You **DO NOT** have the right to know what action the school is taking regarding the other student. This is confidential information and the school is not allowed to tell you.

What to do if you're unhappy with the school's response

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Many policies have a procedure for appealing a decision of a school first to the superintendent and then to the school board. If you are unhappy with the decision of the school regarding your complaint, follow the procedures and timelines for filing an appeal in your school district policy.

If your school policy does not describe a formal appeal process, you can still grieve the decision "up the chain of command" by contacting the superintendent, and, if you're unhappy with the superintendent's decision, petitioning the school board to review the matter ([NCCS § 115C-45](#))

If you're not satisfied with your school district's response to your concerns, there may be other laws that apply:

If you believe the bullying was based on your child's race, sex, national origin, disability or religion and you are dissatisfied with your school's response to your concerns, you may want to [file a complaint](#) with the [U.S. Department of Education's Office of Civil Rights](#).

If your child receives special education services and the bullying is negatively impacting her education, discuss it with your child's IEP team and, if the team fails to address the matter, consider [filing a complaint](#) with the [NC Department of Public Instruction's Exceptional Children Division](#).

What you Should NOT Do

DO NOT take matters into your hands and confront the bully or her parents.

DO NOT tell your child to “stand up for himself” and fight back. Fighting in school violates the school code of conduct and can result in your child being suspended from school, even if he feels he is acting in “self-defense.”

DO NOT allow your child to bring any sort of weapon to school to defend herself. Bringing weapons to school likely will result in your child being suspended and likely will also result in criminal charges against your child.

DO NOT keep your child home from school to avoid bullying. NC law requires children between the ages of 7 and 16 to attend school, and if you keep your child home from school to avoid bullying, you risk being charged with violating the NC compulsory attendance law, a criminal offense ([NCGS § 115C-378](#)).



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A legal project of Duke Law School
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Additional Resources on bullying

[StopBullying.gov](#) - A comprehensive website managed by the US Department of Health and Human Services with information and resources on bullying.

[Pacer's National Bullying Prevention Center](#) – a website with publications about bullying with a focus on issues faced by students with disabilities.

The [Exceptional Children's Assistance Center](#), a private non-profit in North Carolina with extensive resources and support for parents of children with disabilities, including a collection of [resources on bullying](#).

The [Poe Center for Health Education](#) – a private non-profit in North Carolina focused on health education for youth, with extensive [bullying prevention resources](#).

This document was created to provide general information on NC school bullying law. It is not legal advice and should not be acted upon as such.