

WILLMAR



PUBLIC SCHOOLS

Frequently Asked Questions - Safe and Supportive Schools Act

What conduct does this law prohibit?

The six elements that must be present for bullying to be reported to the state include:

1. Student to student contact.
2. Occur in a location/forum identified by the statute.
3. Consist of “intimidating, threatening, abuse, or harming” conduct.
4. Be “objectively offensive”.
5. Meet either the “imbalance of power” or “material disruption”.
6. Plainly offensive speech.

Student to Student Conduct

- The Act **only** applies to student-to-student conduct.
- The Act applies to public schools students **and** school-aged children who voluntarily participate in public school activities or co-curricular or extracurricular activities.

Locations Identified by the Statute

The Act applies to student conduct occurring:

- a) On school premises, at school functions or activities, or on school transportation.
- b) By use of electronic technology and communications on school premises, during school functions or activities, on school transportation, or on school computers.
- c) By use of electronic technology and communications off of school premises, if such uses **substantially and materially** disrupt student learning or school environment.

The Act Prohibits:

- a) Physical harm to a student or student’s property or causes a student to be in reasonable fear or harm to person or property.
- b) Under Minnesota common law, violates a student’s reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student.

- c) Is directed at any student(s), including those based on actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation or status with regard to public assistance.

Objectively Offensive Standard

- a) Only prohibits conduct that is objectively offensive.
b) An act that a reasonable person would find hostile or abusive and one that the victim perceives to be so.

Imbalance or Power of Material Disruption

- a) Only prohibits conduct when there is “an actual or perceived imbalance of power” between the student engaging in conduct and the target.
b) Conduct “material and substantially interferes with a student’s educational opportunities, performance, or ability to participate in school functions”.

Cyber Bullying

- “Bullying using technology or other electronic communication”.
- Must meet the six elements.
- Remember, this can be on-school premises or off school premises if such use substantially and materially disrupts the school environment.

Other Prohibited Conduct

- Retaliation for asserting, alleging, or reporting.
- Knowingly making a false report about bullying.
- It is not a violation to file a report that is unsubstantiated or made in mistake.