

Understanding Bullying Policies in Schools

Introduction

Bullying has been defined as repeated attacks by a perpetrator with the intention to cause fear, distress, or harm that was either physical (e.g., hitting, punching), verbal (e.g., name calling, teasing), or psychological/relational (e.g., rumors, social exclusion) to the victim (Centers for Disease Control [CDC], 2011). According to a national survey conducted by the National Center for Education Statistics and the Bureau of Justice Statistics (Robers, Zhang, & Truman, 2010), approximately 32% of students ages 12 to 18 reported having been bullied at school. Additionally, 25% of youth who attend public schools reported that bullying occurred on a daily or weekly basis, with the highest levels of bullying occurring among middle school students (CDC, 2011).

Related to access and usage of technology (e.g., cell phones, Internet usage, and social networks), new forms of bullying have evolved. Youth are increasingly becoming involved in “cyberbullying,” a form of electronic aggression (David-Ferdon & Feldman Hertz, 2007). Cyberbullying involves sending hurtful or threatening messages and images through the use of technology with the intention to damage the targeted victim’s reputation and relationships (Kowalski & Limber, 2007). Cyberbullying can create complex situations in which the students can be both a victim and a perpetrator. In a sample of 3,700 middle school students, 11% of students reported being the victims of cyberbullying and 4% reported being perpetrators of cyberbullying, while 7% reported being *both* a victim and a perpetrator (Kowalski & Limber, 2007). Additionally, increased anonymity associated with cyberbullying is a significant concern. One study found that 84% of *cyberbullies* knew the identity of their victim compared to only 31% of cyberbullied victims who knew the identity of their bully (Ybarra & Mitchell, 2004). Because one’s identity can be hidden on the Internet, youth who previously may not have been direct or indirect victims or perpetrators are now becoming involved in cyberbullying. In 2007, about 4% of students between the ages of 12 and 18 reported being cyberbullied at least once during the preceding school year (CDC, 2011), with some research suggesting that up to one third of youth experience cyberbullying (CDC, 2010).

Bullying is a form of youth violence that has been associated with significant mental health concerns for its victims due to the risks of physical injury, social and emotional distress, problems at school, and death related to incidents of bullying (CDC, 2011; David-Ferdon & Feldman Hertz, 2007). Bullying victims often experience depression, anxiety, psychosomatic complaints, and poor school adjustment (Gini & Pozzoli, 2009; O’Brennan, Bradshaw, & Sawyer, 2009). In addition, bullies are at risk for mental health difficulties such as substance use, academic problems, and violence later in adolescence and adulthood. Both the victims and perpetrators of bullying report increases in suicidal ideation (Hinduja & Patchin, 2010). Given the prevalence of bullying, and the risks associated with being a perpetrator and/or victim, policymakers have held several summits, and initiated and passed legislation at the state and federal levels related to bullying and/or harassment in schools. This policy brief will highlight

the recent policies and summits held by lawmakers to address bullying. In addition, the role of schools in preventing bullying will be discussed.

Anti-Bullying Legislation

While only a very small percentage of students who are bullied commit suicide, incidents of completed suicide in association with being a victim of chronic bullying have attracted national attention and received considerable focus from federal, state and local educators and policymakers (Duncan, 2010; Hu, 2011; Marr & Field, 2001). At the federal level, several anti-bullying bills have been proposed that would apply to every school and district within the U.S. (Duncan, 2010; Stuart-Cassel, Bell, & Springer, 2011). For example, the Anti-Bullying and Harassment Act of 2011 was introduced by U.S. Representative Davis of Illinois to the House of Representatives in March, 2011 in order to amend the Safe and Drug-Free Schools and Communities Act. The bill, assigned to the Committee on Education and Workforce, proposes to include bullying and harassment prevention programs to the Safe and Drug-Free Schools and Communities Act and that (a) states use grants for Safe and Drug-Free Schools to collect and report information on the incidence of bullying and harassment, and (b) local educational agencies (LEAs) and schools use subgrants to prevent and respond to incidents of bullying and harassment. Further, LEAs or schools would be required to notify caregivers and students annually of conduct prohibited in their school discipline policies, and establish complaint procedures for students and caregivers to register complaints regarding such conduct.

The first state anti-bullying legislation was passed by the state of Georgia in 1999, in response to the violent shootings that occurred by two students who were bullied at Columbine High School in Colorado that year (Stuart-Cassel, Bell, & Springer, 2011). As such, since 1999, state legislatures across the U.S. have passed more than 120 bills that target bullying in schools (Stuart-Cassel, Bell, & Springer, 2011). Currently, 48 states have passed independent laws to address bullying and harassment in schools, and require school districts to adopt bullying policies. In addition, over 38 states have enacted legislation prohibiting cyberbullying or bullying using electronic media through current education codes (Hinduja & Patchin, 2012; Stuart-Cassel, Bell, & Springer, 2011). To date, there are only two states (i.e., Montana, South Dakota) that do not have any bullying laws (Hinduja & Patchin, 2012; Stuart-Cassel, Bell, & Springer, 2011).

Of the 48 states with laws to address bullying and harassment in schools, only 14 have specified what constitutes bullying and harassment. In a report submitted to the U.S. Department of Education (Hinduja & Patchin, 2012; Stuart-Cassel, Bell, & Springer, 2011), key components of the State and Local Anti-Bullying Legislation were identified and are outlined in Table 1. These components are also consistent with guidelines released by Education Secretary Arne Duncan (2010). In an analysis of state bullying laws and policies, the states with current anti-bullying legislation were examined to determine how well each state addressed the key components of State and Local Anti-bullying Legislation (Stuart-Cassel, Bell, & Springer, 2011). Results of the analysis revealed that Maryland and New Jersey are the only two states that adequately cover each of the identified key components and school district policy subcomponents of state bullying legislation. Below are successful examples of how key components (as outlined in Table 1) have been addressed.

Table 1: Key Components of State and Local Anti-bullying Legislation

| Component | Content |
|-------------------------------|---|
| Purpose | Clearly define bullying and the scope of proposed legislation against bullying including group characteristics |
| District Policy | Identify requirements for districts and states to develop and implement policies and review current policies for compliance |
| <i>Policy Components:</i> | |
| Definitions | Define prohibited behavior specified as bullying, as outlined in policies and legislation. |
| Reporting | Identify a procedure for students, families, and staff to report incidents of bullying to include: <ul style="list-style-type: none"> • a process to submit information anonymously • contact information of school personnel responsible for receiving the report and investigating incidents of bullying • procedure for school personnel to report incidents of bullying to a designated official |
| Investigations | Procedure to investigate reports of bullying and responses <ul style="list-style-type: none"> • Intervention strategies to protect victims from additional bullying or retaliation • Notification to parents of the victim and perpetrator • If appropriate, notify law enforcement officials |
| Written records | Maintain written records of bullying incidents and resolutions |
| Consequences | Describe the range of consequences and sanctions for bullying |
| Mental health | Procedure to refer victims and perpetrators of bullying to social support and mental health services |
| <i>Additional Components:</i> | |
| Communications | Guidelines to communicate bullying policies to students, staff, and families |
| Training/prevention | Bullying prevention and training for school staff and students |
| Transparency/monitoring | Define monitoring and accountability procedures |
| Legal remedies | Legal solutions for victims of bullying |

Sources: Duncan, 2010; Hinduja & Patchin, 2012; Stuart-Cassel, Bell, & Springer, 2011

State and Local Examples of Anti-Bullying Laws

State Example: New Jersey

The state of New Jersey implemented the Anti-Bullying Bill of Rights law on September 1, 2011. This law was introduced in response to the bullying-related suicide of a freshman student at Rutgers University after intimate pictures of him with a male peer were released on the Internet (Hu, 2011). Under the anti-bullying law, all public schools in the state of New Jersey must adopt a comprehensive anti-bullying policy that includes staff training and reporting of all bullying incidents that occur within the school and through cyberbullying. Principals at each school are required to begin an investigation of the reported bullying incident within one school day after the incident is reported (Hu, 2011). School administrators who fail to initiate or conduct an investigation are subject to disciplinary action and are at risk to lose their license (Hu, 2011). Additionally, each school must have a safety team consisting of teachers, staff, and families to review reported incidents of bullying, a designated anti-bullying specialist to investigate reports of bullying, and an anti-bullying coordinator. Further, the State Education Department will evaluate the school's effort and response to each bullying incident by posting a grade of the school's response on the State Education Department's website. Local districts may provide more stringent sanctions than outlined in the state law. For example, in the East Hanover district of New Jersey local officials have formed a partnership with [Crimestoppers](#) so that students can submit anonymous reports of bullying through the usage of text messages, calls, or tips on their website (Hu, 2011).

School District Example: Sullivan County, Tennessee

In 2003, the local school district in Sullivan County, Tennessee was mandated by the U.S. Department of Justice to improve school climate following a racial incident among peers at a local high school. In response, an initiative was introduced requiring schools to address bullying and harassment. Specifically, Sullivan County district requires schools to (a) define bullying, harassment, and intimidation; (b) release a statement prohibiting such acts; (c) describe consequences and remedial action for harassment, intimidation, or bullying; and (d) communicate a procedure for reporting acts and conducting a prompt investigation (Codes 49-6-1016, 2009 & 49-6-1017, 2005). Tennessee defines bullying as any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of: (a) physically harming a student or damaging a student's property; (b) knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or (c) creating a hostile educational environment. Although cyberbullying does not pertain to the school environment only, Tennessee law specifies that bullying also pertains to threats by electronic communication (Code 39-17-308, 2009). Sullivan County Schools expanded the definition of bullying and/or harassment to include students who are targeted due to special needs, sexual orientation, and race. Each incident of bullying and/or harassment that occurs in Sullivan County schools must be reported to the Central Office and investigated. Documentation must specify if the reported bullying incident is minor or major, and discipline action and/or counseling are determined based on the severity of the reported incident.

Local educators in Sullivan County Schools also implemented the Respect and Leadership initiative to empower middle and high school students as an additional part of their response to the peer-to-peer racial incident that occurred at a local high school. The Respect and Leadership teams are comprised of a diverse group of students, who work together to reduce incidents of bullying within the school. Students in the Respect and Leadership teams are trained to administer on-line surveys to peers and present the results to faculty at the school. Using results of the survey, students and school faculty develop goals and create action plans to ensure the implementation and evaluation of the specified goals. Examples of changes implemented in one Sullivan County school include having teachers watch areas in the school that students feel unsafe, such as stairways between class periods. Following implementation of the Respect and Leadership Initiative, two-thirds of Sullivan County schools showed improvement in school climate, and academic achievement improved significantly.

Proposed and Pending Bills

Although many state and federal bills related to bullying have been passed, several have been proposed, with some currently under review. For example, during a Senate education committee markup on the Elementary and Secondary Education Act (ESEA) in November 2011, U.S. Senator Al Franken of Minnesota proposed that the bill include specific language to protect students from being bullied due to their sexual orientation (Shah, 2011). Due to lack of support, the proposal was withdrawn; however, Senator Franken is committed to rewriting the proposal in the future.

Similarly, Senators Robert Casey of Pennsylvania and Mark Kirk of Illinois proposed the Safe Schools Improvement Act. Under this bill, schools and districts that accept federal funds must establish codes of conduct that specifically prohibit bullying and harassment for any reason, including for students' sexual orientation and gender identity (Shah, 2011). Additionally, each state would be required to track cases of bullying and report the final statistics to the Department of Education to be included in reports to Congress. As of March 2012, the bill has 32 co-sponsors.

Federal Anti-Bullying Events

Federal lawmakers have taken additional steps to protect students from bullying and harassment by holding summits and conferences with diverse audiences (e.g., lawmakers, parents, students, school officials, community agencies).

The U.S. Department of Education and the U.S. Department of Health and Human Services co-hosted the first [Federal Partners in Bullying Prevention Summit in August 2010](#) to discuss the impact of bullying and to identify how state and federal policies can prevent bullying. In addition, summit participants shared information on how existing laws and policies translate into practice within elementary and secondary school systems (Stuart-Cassel, Bell, & Springer, 2011). For instance, the Maryland House Bill 199 (2008), which prohibits bullying and cyberbullying in schools, resulted in task forces (e.g., Coalition for the Prevention of Bullying and Related Health Risks) and prevention programs (e.g., Project Change), designed to increase bullying awareness, advocate for bullying prevention policies, and promote positive youth development.

President Barack Obama and First Lady Michelle Obama held a [Bullying Prevention Conference](#) at the White House in March, 2011. The conference was held with approximately 150 students, families, teachers, leaders, advocates, and policy makers to discuss ways to make schools safer for students, and to develop a united effort in addressing and preventing bullying. Both the President and First Lady utilized the conference to dispel the myth that bullying is harmless, and encouraged schools, communities, and the private sector to work together to prevent bullying. In addition, several public-private partnerships, communities, and activities aimed at bullying prevention were highlighted. For instance, the partnership between Formspring and the Massachusetts Institute of Technology (MIT) to develop new approaches to detect cyberbullying and to help prevent or reduce bullying when it does occur was discussed. Formspring, a social media website where users can ask and respond to one another's questions, has more than 3.5 million visitors each day, with over one million of those users being adolescents (Formspring, 2011). The researchers at the MIT Media Lab are working to detect questionable content by determining the meaning behind words via natural language recognition. A federally funded website www.StopBullying.gov was also presented at the President and First Lady's Conference, which provides information and educational resources for students, families, and teachers. In addition, Facebook's "Social Reporting" system was highlighted as a mechanism to help prevent cyberbullying. The system allows users to report inappropriate content, and informs teachers or caregivers of the content so that it can be addressed at school and home.

What Can Schools Do?

School districts are responsible for adequately addressing incidents of bullying and harassment and providing a safe learning environment so that all students are able to participate in learning (Willard, 2007). Key elements of successfully implemented state and local anti-bullying laws can guide schools as they work towards reducing and preventing bullying.

1. Involve all Stakeholders

To increase the effectiveness of any bullying prevention program, participation from the school staff including administrators, educators, aides, support staff, school bus drivers, and caregivers/guardians is required. This ensures that ideas and information from the larger school community is integrated into all prevention of bullying efforts. In addition, school districts can provide training for all stakeholders on preventing, identifying, and responding to bullying (Center for Public Education, 2011; NJ Coalition for Bullying Awareness and Prevention, 2011; U.S. Department of Health and Human Services, 2009).

2. Clearly Define Bullying

With the help of stakeholders, clearly define the behaviors that constitute bullying and embed this definition of bullying in a mission statement, family communications, and the school's code of conduct (NJ Coalition for Bullying Awareness and Prevention, 2011). School rules and policies concerning bullying should be explicit and posted throughout the school and discussed with students and families (U.S. Department of Health and Human Services, 2009).

3. Establish a Student Advisory or Leadership Group

Form an advisory or leadership team comprised of a diverse group of students to assist in collecting survey information, presenting survey data to adults and other students, setting goals to improve school climate, and training their peers (Center for Public Education, 2011).

4. Establish and Enforce Rules and Policies

Develop a plan for notifying students, families, and staff of policies related to bullying, including the consequences for engaging in bullying. Consequences of bullying should be graduated and appropriate to the student and the act of bullying that occurred (NJ Coalition for Bullying Awareness and Prevention, 2011).

5. Provide Guidance on Responding to and Reporting Bullying

Schools should provide instruction to all students and staff on effective strategies to respond to bullying as it occurs. Students should be informed of adults throughout the school who can accept reports of bullying. In addition, it is important to maintain a safe and responsive means of communication so that victims of bullying can notify school staff. Lastly, school officials should notify caregivers/guardians when their child is involved in a bullying incident (victim or perpetrator) to keep caregivers/guardians informed and involved in all aspects of the student's school experience.

6. Intervene Consistently and Appropriately

School staff should receive ongoing training to effectively and immediately intervene to stop bullying as it occurs. When bullying is reported to adults in the school, the school must respond consistently to strengthen student motivation to report future incidents of bullying (NJ Coalition for Bullying Awareness and Prevention, 2011).

7. Collect and Utilize School-Specific Bullying Data

Staff in the school may not accurately estimate the nature and extent of bullying among students in the school, thus it is important to partner with students to collect school-specific data on school climate and students' perception of bullying (U.S. Department of Health and Human Services, 2009). Assessing the frequency of bullying and identifying locations in the school where bullying most often occurs provides target areas for prevention efforts (Center for Public Education, 2011; U.S. Department of Health and Human Services, 2009). This information can also serve as a baseline to track the progress of prevention efforts over time.

8. Collaboratively Strengthen School Climate

Students who feel safe, respected, and cared for will work harder to contribute to and maintain the climate of the school (NJ Coalition for Bullying Awareness and Prevention, 2011; U.S. Department of Health and Human Services, 2009). To help reduce and prevent bullying in schools, it is imperative that everyone (e.g., youth, families, school-based staff, communities) works together to change the norms and strengthen the climate of the school. Specifically, bullying must be viewed by everyone as unacceptable; whereas, helping peers who are bullied must be viewed by everyone as acceptable (U.S. Department of Health and Human Services, 2009).

9. Adult Presence in “Hot Spots”

Because bullying is most likely to occur in locations of the school with the least amount of adult supervision (i.e., playgrounds, buses, locker rooms, bathrooms), it is important to assess the specific “hot spots” for bullying in the school and increase supervision and structured activities in those areas to further prevent bullying (Center for Public Education, 2011; NJ Coalition for Bullying Awareness and Prevention, 2011; U.S. Department of Health and Human Services, 2009).

10. Classroom Bullying Prevention

Teachers, administrators, and school support staff should establish designated classroom prevention programs and activities that promote bullying prevention and healthy peer relationships (U.S. Department of Health and Human Services, 2009).

Authored by: Nicole Cammack, Ph.D., Emily Sidway, B.A., Nicole Evangelista Brandt, Ph.D., Nancy Lever, Ph.D., and Sharon Stephan, Ph.D.

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Please contact Dr. Nicole Evangelista Brandt, nbrandt@psych.umaryland.edu, with any suggestions and/or feedback related to this document.

Co-Directors: Sharon Hoover Stephan, Ph.D. and Nancy Lever, Ph.D.
Program Manager: Nicole Evangelista Brandt, Ph.D.

Center for School Mental Health
University of Maryland School of Medicine
Department of Psychiatry
737 W. Lombard St. 4th floor
Baltimore, Maryland 21201
Phone: (410) 706-0980; Fax: (410) 706-0984
<http://csmh.umaryland.edu>

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