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RISK FACTORS FOR AND OUTCOMES OF BULLYING AND VICTIMIZATION

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No individual exists in isolation. We are all products of the interaction between our biology and our environment. The “father of social psychology,” Kurt Lewin, wrote that behavior is a function of the interaction between the individual and his or her environment (Lewin, 1936). This prophetic formula holds true for our understanding of bullying behavior. Individuals exist within multiple environments: home, school, neighborhood, church, community, and society. Within the interaction between individuals and these environments are risk factors for bullying and victimization. In this paper research on risk factors for bullying and victimization across multiple contexts--individual, peer, school, family, community, and society will be synthesized. It is important to keep in mind that these factors do not exist in isolation. There is no, one single causal factor for bullying. In fact, it is the interaction between these multiple contexts defined as the social-ecology in which bullying and victimization unfold (Espelage & Swearer, 2004, 2011; Swearer & Doll, 2001; Swearer et al., 2006; Swearer et al., in press). Outcomes of bullying will be reviewed, with the call to address bullying as a social-ecological problem that requires prevention and intervention efforts to target the interaction between individuals and their multiple environments in order to be effective.

Prevalence of bullying and victimization. Given the vast methodological variation in studying bullying and victimization and the fact that bullying is a phenomenon that is

idiosyncratic to individual schools and communities, determining accurate prevalence rates is spurious at best. To date, there is no longitudinal, nationally representative assessment of bullying and victimization in the United States. However, one study analyzed prevalence rates for bullying and victimization across 22 countries and found that in the U.S. prevalence rates were 22.1% for male bully perpetrators; 15.1% for female bully perpetrators; 23.7% for male victims; 18.8% for female victims; 10.6% for male bully-victims; and 4.9% for female bully-victims (Cook, Williams, Guerra, & Kim, 2010). However, until a nationally representative, longitudinal study on bullying and victimization is conducted, prevalence rates will reflect differences in sample characteristics and methodology.

Individual Risk Factors

Gender. While both girls and boys are involved in bullying perpetration and victimization, research has found that boys are involved in bullying at greater rates than girls (Cook, Williams, Guerra, Kim, & Sadek, 2010).

Grade level. Bullying has generally been shown to be most prevalent in middle school (Nansel et al., 2001); however, research has suggested that bullying peaks during school transition (i.e., between elementary and middle school and between middle and high school) as youth are negotiating new peer groups and use bullying as a means to achieve social dominance (Pellegrini et al., 2011).

Ethnicity. Involvement in bullying is a cross-cultural phenomenon (Jimerson, Swearer, & Espelage, 2010) and transcends ethnicity. However, research has shown that

students who are in the ethnic minority in a school are more likely to be bullied than students who are in the ethnic majority (Graham, 2006).

Religious orientation. Surprisingly, while the media has reported on the connection between bullying and religious orientation (i.e., Muslims in the United States), a paucity of research on this risk factor for bullying has been conducted. In a study of 243 Hindu, Muslim, and Pakistani children in the U.K., 57% of boys and 43% of girls reported being bullied because of religious or cultural differences (Eslea & Mukhtar, 2000). Indeed, most students report being bullied because they are different from the normative group (Swearer & Cary, 2003).

Socioeconomic status. Greater disparities between socioeconomic status within a country were associated with higher levels of victimization (Due et al., 2009). Other research has found that low income status was a risk factor for aggression in male and female students (Harachi et al., 2005). However, it is likely that the relationship between socioeconomic status and being bullied is contextually-driven and varies across communities.

Poor social skills. Bullying has been called a “social relationship problem” (Pepler, Jiang, Craig, & Connolly, 2008). Indeed, victims, bully-victims, and some bullies display deficits in social skills (Cook et al., 2010).

Superior social skills. However, among a subset of bully perpetrators there are students who are perceived as popular and cool (Rodkin, Farmer, Pearl, & VanAcker, 2006). For these youth, their popularity status affords them high social standing

which contributes to their ability to bully and manipulate others.

Low academic achievement. The relationship between bullying and academic achievement is complicated. Some research has demonstrated that victims and bully victims do poorly in school (Glew, Fan, Katon, Rivara, & Kernic, 2005), while other research has found that the connection between being bullied and low academic achievement is more robust when there is low parental support and school disengagement (Beran, 2008).

Sexual orientation. Recent media reports have drawn attention to youth who have been bullied due to their sexual orientation. Research conducted with 7,261 students (ages 13 to 21) in 2009 found that 84.6% of LGBT students reported being verbally harassed, 40.1% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation (GLSEN, 2009).

Disability status. The research on bullying toward and by students with disabilities has yielded mixed results. Some research has found that students on the autism spectrum are more likely to be victimized than their non-disabled peers (Little, 2002). Other research has found that students with behavior disorders are more likely to perpetrate bullying, but the bullying behavior may be retaliatory, in response to being bullied (Rose, 2011).

Externalizing behavior. One of the DSM-IV-TR criteria for conduct disorder is “often bullies, threatens, or intimidates others.” Bullying is an aggressive behavior and studies have consistently found an association between conduct problems and

bullying (Cook et al., 2010). Youth who are bully-victims have reported the highest levels of conduct-disordered behavior (Kokkinos & Panayiotou, 2004).

Internalizing symptoms. Research has found that bully-victims, victims, and bullies all experience depressive disorders. In one study, 18% of bully-victims, 13% of bullies, and 10% of victims experienced depression (Kumpulainen, Rasanen, & Puura, 2001), which is higher than the estimated 8.3% of adolescents who are diagnosed with a depressive disorder (NIMH, 2011). Other research has supported the finding that bully-victims are at the greatest risk for experiencing comorbid internalizing and externalizing problems (Cook et al., 2010). In a recent study depression and suicidality were predictors of both bullying and victimization (Swearer et al., in press).

Peer Group Risk Factors

Homophily. This term is captured by the proverb, “birds of a feather flock together” and the homophily hypothesis has been shown to explain how bullying is a peer group phenomenon (Espelage, Holt, & Henkel, 2003).

Peer norms. When members in a peer group are involved in bullying, the other members tend to take part. Additionally, students who are involved in bully perpetration tended to come from larger peer groups (Salmivalli, Huttunen, & Lagerspetz, 1997).

Delinquency. Negative peer influence was found to predict involvement in bullying and victimization (Cook et al., 2010). In a recent study, the strongest predictor of both bullying and victimization was delinquency (measured as engaging in vandalism, being a member of a gang, and carrying a weapon

onto school property) (Swearer et al., in press).

Alcohol/Drug use. The relationship between alcohol/drug use and bullying is well-documented. In a study of middle through high school students, researchers found that aggressive victims and aggressive non-victims were more likely than their non-aggressive counterparts to use drugs and alcohol (Brockenbrough, Cornell, & Loper, 2002) and a study of 43, 093 U.S. adults found that bullying was significantly correlated with lifetime alcohol and drug use (Vaughn, Bender, DeLisi, Beaver, Perron, & Howard, 2010). Thus, involvement in bullying is related to concurrent alcohol/drug use as well as future alcohol/drug use.

School Risk Factors

School climate. The adults in our nation’s schools play a major role in creating a positive or negative school climate. When the school climate is not supportive and unhealthy, then bullying and concomitant problems proliferate (Kasen, Johnson, Chen, Crawford, & Cohen, 2011). Schools where high levels of bullying exist are schools that have a negative and punitive school climate.

Teacher attitudes. When adults in the school system ignore bullying or feel that bullying is just “kids being kids,” then higher levels of bullying will exist (Holt, Keyes, & Koenig, 2011).

Classroom characteristics. Schools are comprised of classrooms and it stands to reason that healthy classroom environments will have less bullying and victimization. There are four classroom characteristics that have been found to be associated with greater levels of bullying and victimization:

(1) negative peer friendships, (2) poor teacher-student relationships, (3) lack of self-control, and (4) poor problem-solving among students (Doll, Song, Champion, & Jones, 2011).

Academic engagement. When students are challenged and motivated to do well in school, engagement in bullying and victimization is lower. Students involved in bullying and victimization are less academically engaged (Nansel, Haynie, & Simons-Morton, 2003).

School belonging. Elementary students who bullied others reported lower rates of school belonging than students who were victimized or not involved in bullying (Ma et al., 2009). Data from 16,917 middle and high school students showed that feelings of school belonging were associated with less bullying and victimization (Swearer et al., in press).

Family Risk Factors

Parental characteristics. In a synthesis of research on family characteristics of bullies, bully-victims, and victims, psychologist Renae Duncan (2011) found that bullies typically come from families with low cohesion, little warmth, absent fathers, high power needs, permit aggressive behavior, physical abuse, poor family functioning, and authoritarian parenting. Bully-victims come from families with physical abuse, domestic violence, hostile mothers, powerless mothers, uninvolved parents, neglect, low warmth, inconsistent discipline, and negative environment. Male victims had mothers who were overprotective, controlling, restrictive, coddling, overinvolved, and warm while their fathers were distant, critical, absent, uncaring, neglectful, and controlling. Female victims

had mothers who were hostile, rejecting, withdrawing love, threatening, and controlling, while their fathers were uncaring and controlling.

Family discord. Being in a family where parents fight and use drugs and alcohol and who are physically or sexually abusive predicted both bully perpetration and victimization (Swearer et al., in press). Youth who bully others consistently report family conflict and poor parental monitoring (Cook et al., 2010).

Community Risk Factors

Neighborhoods. Characteristics of neighborhoods have a significant effect on bullying behavior (Cook et al., 2010). Neighborhoods that are unsafe, violent, and disorganized are breeding grounds for bullying. Living in a safe, connected neighborhood predicted less bullying and victimization (Swearer et al., in press).

Societal Risk Factors

Media. Decades of research have examined the question of whether or not exposure to violent video games, television, and film are associated with greater levels of aggression. In fact, meta-analyses of these studies clearly support the fact that media violence is correlated with aggressive and antisocial behavior (Gentile, 2003). A recent study examining the dosage effects of playing mature video games predicted greater risk for bully perpetration among middle school students (Olson, Kutner, Baer, Beresin, Warner, & Nicholi, 2009).

Intolerance. Discrimination and prejudice have been documented since Biblical times. Prejudices such as homophobia, sexism,

classism, racism, set fertile ground for bullying and victimization.

Outcomes of Bullying and Victimization

The aforementioned social-ecological risk factors for bullying and victimization clearly paint a bleak picture for the outcomes of bullying and victimization. The bottom line is that without effective intervention, the consequences of bullying and victimization are dire for individuals, peer groups, schools, families, communities, and society at large.

Biological. Studies of early social deprivation have demonstrated that the social environment alters brain functioning (Chugani et al., 2001). This and other research have been extended to our understanding of how bullying experiences can alter brain chemistry and functioning. The stress of being bullied has been hypothesized to depress immune functioning and research has found that cortisol moderated the link between being bullied and physical health (Vaillancourt et al., 2010). As neuroscientists have long argued, it is impossible to separate the brain from behavior.

Educational. According to the National Association of School Psychologists (http://www2.ed.gov/admins/lead/safety/training/bullying/bullying_pg14.html), over 160,000 students miss school each day due to fears of being bullied. It stands to reason that bullying detracts from academic achievement and research supports this negative outcome (Glew et al., 2005).

Psychological. The psychological outcomes of bullying are well-established in the research literature. Individuals involved in bullying and victimization have higher

levels of depression, anxiety, and externalizing behavior (Cook et al., 2010; Menesini, Modena, & Tani, 2009; Espelage & Swearer, 2011).

Conclusion

Two decades of basic research have illuminated the risk factors and negative outcomes of bullying and victimization. The picture for our nation's youth is bleak. Researchers and educators have argued that research across the social ecology must inform bullying prevention and intervention practices if we ever hope to significantly reduce bullying in our nation's schools (Swearer, Espelage, Vaillancourt, & Hymel, 2010). Bullying and victimization are social-ecological phenomena that require comprehensive, data-based prevention and intervention efforts.

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FINDINGS FROM THE NATIONAL EDUCATION ASSOCIATION'S NATIONWIDE STUDY OF BULLYING: TEACHERS' AND EDUCATION SUPPORT PROFESSIONALS' PERSPECTIVES

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Executive Summary

This research brief reports the results of a National Education Association (NEA) survey of teachers and education support professionals (ESPs)ⁱ that addresses the problem of bullying in America's public schools. The study finds that bullying is not only pervasive in the nation's schools but also widely perceived by school staff to be a serious problem, particularly in middle schools and in schools located in urban areas. The vast majority of school staff reported that their district had implemented a bullying prevention policy. However, ESPs were significantly less likely than teachers to have received formal training or to have been involved in bullying prevention activities, such as committees, teams, or prevention programs. In light of these disparities, it is not surprising that, although ESPs were nearly as likely as their teacher counterparts to indicate that it was "their job" to intervene, they expressed significantly less comfort in taking action in a wide range of bullying situations. The fact that ESPs report high levels of connectedness to their respective school communities, combined with evidence that such subjective feelings tend to be associated with a greater willingness to

intervene, suggests that ESPs represent an invaluable resource and should be included in the design and implementation of future prevention programs. The very presence of ESPs in areas throughout the school where bullying regularly occurs—on playgrounds, school busses, cafeterias and hallways—further substantiates this conclusion.

Introduction

Bullying continues to be a major concern among students and staff in the nation's public schools and, most recently, has been the focus of widespread public attention as a result of several high-profile incidents. The National Education Association (NEA) has had a long history of involvement in bullying prevention efforts.ⁱⁱ With 3.2 million members, representing both teaching and non-teaching staff, the NEA is in a unique position to address bullying from a whole-school perspective—through its existing programs and through research aimed at developing a better understanding of the role that a united education workforce can play in dealing with this critical issue. Toward that end, in April 2010 the NEA drew upon its membership to implement a national survey examining school staff members' perceptions of bullying among students. The overall goal of the study was to identify strengths as well as areas of need related to bullying prevention to inform future prevention efforts, both within the NEA and in collaboration with other agencies.

The NEA study is the first of its kind to examine both teachers and education support professionals (ESPs)—including bus drivers, cafeteria workers, custodians, and other support staff—in a nationwide study of bullying.ⁱⁱⁱ Much of what is currently known

about bullying prevention is limited to how teachers and students perceive bullying and the actions they take in response to such behavior. However, bullying incidents regularly occur outside of the classroom and, therefore, may be beyond the awareness of teachers. Inasmuch as ESPs represent about one-third of school staff and typically work in non-classroom settings where bullying often takes place, it is essential that we develop a better understanding of the attitudes, behaviors, and concerns of ESPs pertaining to this issue and apply that knowledge to the design and implementation of more effective prevention programs. This brief summarizes findings from this unique study in an effort to promote collaboration in bullying prevention in the nation's public schools.^{iv}

Key Findings from the NEA Bullying Study

School staff perceived bullying to be a problem in their school; they witnessed bullying frequently and students reported it to them in large numbers. Over 40 percent of respondents indicated that bullying was a moderate or major problem in their school, with 62 percent indicating that they witnessed two or more incidents of bullying in the last month, while 41 percent witnessed bullying once a week or more. Although more teachers (45%) than ESPs (35%) indicated that a student reported bullying to them within the past month, all staff members equally indicated that parents had reported bullying to them (16%). Across school levels and communities, staff working in middle schools and in urban areas were more likely to report that they had frequently witnessed bullying (66% and 65%, respectively) and were more likely to perceive it as a serious problem (59% and 54%, respectively).

There was a discrepancy between the existence of school district bullying policies and staff members' self-reported training on these policies. Although the vast majority of school employees (93%) reported that their district had implemented a bullying prevention policy, only about half of all staff had received training related to the policy. ESPs were significantly less likely to report that they had received training on their district's policy than teachers (45% and 54%, respectively). Staff in urban schools, where the rates of staff-reported bullying were highest, were less likely to report the existence of a district-wide policy (88%) and less likely to have received training on the policy (51%).

Bullying takes many forms, with school staff reporting that verbal (59%), social/relational (50%), and physical (39%) forms were of greater concern in their school than cyber-bullying (17%). All staff reported that bullying based on a student's weight (23%), gender (20%), perceived sexual orientation (18%), and disability (12%) were of concern in their school. Both teachers and ESPs reported a need for additional training in intervening with different forms of bullying, but ESPs expressed greater need than teachers in dealing with physical, verbal, and relational bullying, as well as the more recent phenomenon, "sexting." All school staff reported the greatest need for training on cyber-bullying and bullying related to sexual orientation and gender issues; they also reported being the least comfortable intervening in these types of bullying situations. In addition, ESPs reported that they were less comfortable intervening in physical, verbal, and relational forms of bullying.

Although school staff reported being very willing to intervene in bullying situations, slightly over half of the survey respondents indicated that there were few formal bullying prevention activities present in their schools, and less than 40 percent were directly involved in these activities. Across all school levels and communities, most school employees felt that it was ‘their job’ to intervene when they witnessed bullying incidents, though teachers and ESPs differed in their responses (99% of teachers and 91% of ESPs agreed). Overall, however, only 58 percent of staff reported that their school had implemented formal bullying prevention efforts such as school teams, committees, or prevention programs. Even fewer reported the presence of such prevention activities in schools located in urban areas (47%) and in high schools (51%). Teachers were significantly more likely than ESPs to be directly involved in bullying prevention activities (42% and 27%, respectively). The lowest level of staff involvement in bullying prevention activities was in high schools (24%).

An important predictor of staff members’ willingness to intervene in bullying situations was their subjective sense of connectedness to the school, defined as “the belief held by adults in the school that they are cared about as individuals and professionals involved in the learning process.” Specifically, school staff members’ perceptions of their relationships with colleagues and school administrators, their perceptions of safety, and their overall sense of belonging within the school community were associated with a greater likelihood of intervening in bullying situations. Moreover, staff members’ belief that other school staff were likely to intervene in bullying incidents was associated with a greater likelihood that they

themselves would intervene. ESPs reported high levels of personal connectedness, connectedness with the administration, and overall connectedness to the school community. This may, in part, be attributable to the fact that ESPs tend to reside within the neighborhoods surrounding the schools in which they work. Feelings of connectedness also varied across school levels and urbanicity, with staff in high schools and in schools located in urban communities reporting the lowest levels of connectedness.

Conclusions and Implications

Given the high rates of bullying in schools, it is not surprising that teachers and other school staff express great concern about this issue. Although bullying policies appear to exist in many districts, there seems to be a lack of sufficient instruction on the implementation of those policies. School staff, especially ESPs, reported a great need for additional training to help them confidently intervene in bullying situations. With less than 60% of members reporting that their school had formal bullying prevention efforts in place, there should be a greater emphasis on the implementation of evidence-based bullying prevention programs.

There is ample evidence that students who experience bullying suffer a range of adverse academic and health effects (Swearer, Espelage, Vaillancourt, & Hymel, 2010). Large numbers of students are seeking help from teachers, as well as from ESPs. The findings from the current study indicate that ESPs tend to live in the community served by their schools and express high levels of connectedness to the school community. ESPs’ strong connections to both the school and students

make them a natural source of support for students in need. Moreover, given the fact that a significant portion of bullying occurs in areas such as the cafeteria, playground, and school busses, intervention programs should more actively include ESPs and other school staff who have the opportunity to supervise these areas. ESPs appear to represent an untapped resource in schools, many of whom appear eager to be involved in preventative interventions programs.

This study suggests that school staff connectedness may serve as an important lever for bullying prevention efforts, as the more connected school employees feel to their school community, the more likely they may be to become involved in bullying prevention efforts. A recent study of School-Wide Positive Behavior Supports found that high fidelity implementation of the model was associated with significant improvements in staff members' connectedness to others within the school (Bradshaw, Koth, Thornton, & Leaf, 2009); thus Positive Behavior Supports may also have an impact on staff members' willingness to intervene and participate in prevention efforts, as well as on students' bullying behavior (Waasdorp, Bradshaw, & Leaf, 2011).

Taken together, the findings of the NEA Bullying Study provide great insight into staff members' perceptions of bullying, including the unique perspectives of different groups of ESPs (e.g., bus drivers, cafeteria workers, security officers), who are often overlooked in the literature. To our knowledge, this investigation presents findings from the only large-scale nationwide survey fielded to examine different staff members' perspectives on bullying and prevention efforts. As such, this study helps to elucidate the specific

needs of various groups of adults who work in schools across the country. These findings may also inform the creation of professional development and training materials tailored for different school staff and for those working with special populations of students across different grade levels and community contexts.

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ⁱ Education support professionals include paraprofessionals, maintenance staff, clerical staff, school transportation staff, cafeteria staff, security staff, health staff, technical staff, and other non-teaching support staff.

ⁱⁱ In the mid-1990s, the NEA membership mandated that the Association create a training program for its members on student-to-student sexual harassment and bullying. The NEA developed and constantly updated training curricula on these topics and has continued to conduct such training since that time.

ⁱⁱⁱ The research-based NEA Bullying Survey was developed by a team of experts in this field from John Hopkins University (Bradshaw, Waasdorp, & O'Brennan, 2010a). Bullying was defined on the survey as “...*intentional and repeated aggressive acts that can be physical – such as hitting – verbal – such as threats, or name calling – or relational, such as spreading rumors, or influencing social relationships. Bullying typically occurs in situations where there is a power or status difference.*” The data were collected from a nationally representative

sample of 5,064 NEA members, including 2,163 teachers and 2,901 ESPs, in April 2010 using web- and phone-based surveys. The sample was designed to allow for comparisons across grade level and job category, with particular emphasis on ESPs, who have been largely overlooked in previous research on bullying (Bradshaw, Waasdorp, & O'Brennan, 2010b). The weighted sample reflects the NEA population, with 82% professional staff (teachers 85%, special educators 4%, remedial/ESL 2%, librarians 2%, counselors 3%, and other 4%) and 18% ESPs (paraprofessionals 49%, maintenance 14%, clerical 10%, bus drivers 10%, cafeteria workers 7%, security 1%, health 2%, technical 2%, and other 6%). Women represented 80% of the sample and 89% self-identified as White (Black 5%, Hispanic 4%, and others 2%). The sample included staff employed in a variety of school locations (suburban 34%, small town 24%, urban 24%, and rural areas 18%). Approximately 39% worked with students in elementary, 19% middle, and 27% high schools, with the remaining 16% working across multiple grade levels. Certain variables were statistically adjusted for in the analyses (i.e., school level, school location, web vs. phone survey modality, and amount of time spent with students), as they may have influenced participants' responses to survey questions.

^{iv} For a full report of the NEA Bullying Study findings, see Bradshaw, Waasdorp, O'Brennan, and Gulemetova (2011).

Appendix

Figure 1. Percentage of Staff Who Witnessed Bullying During the Past Month

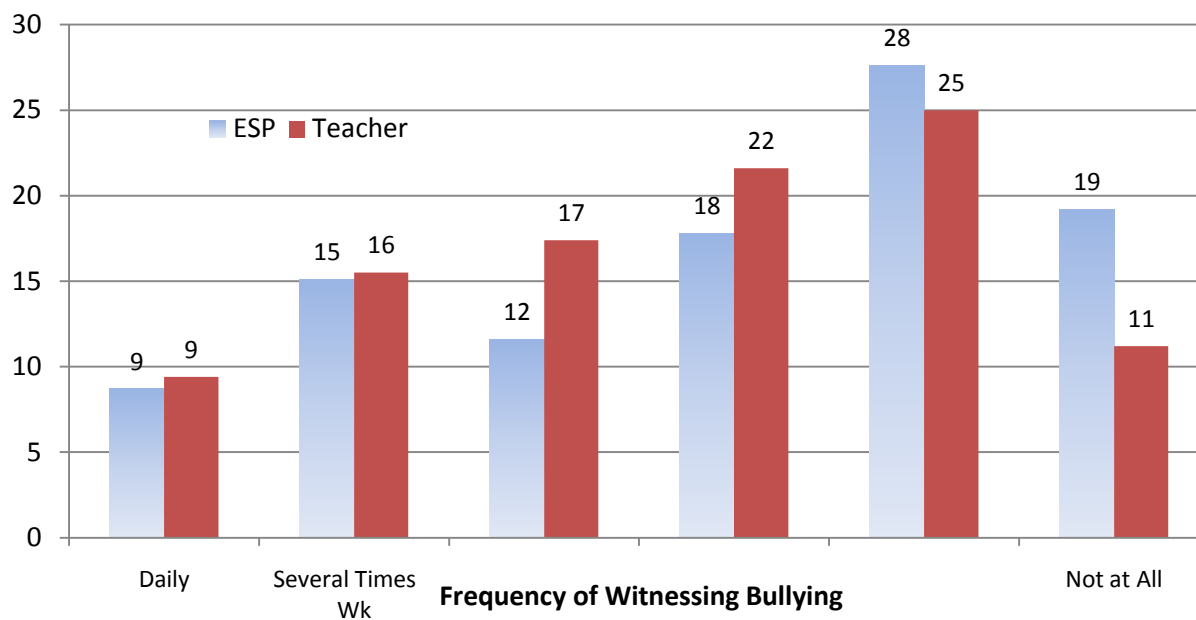


Figure 2. Percentage of Staff Perceiving Bullying as a Problem

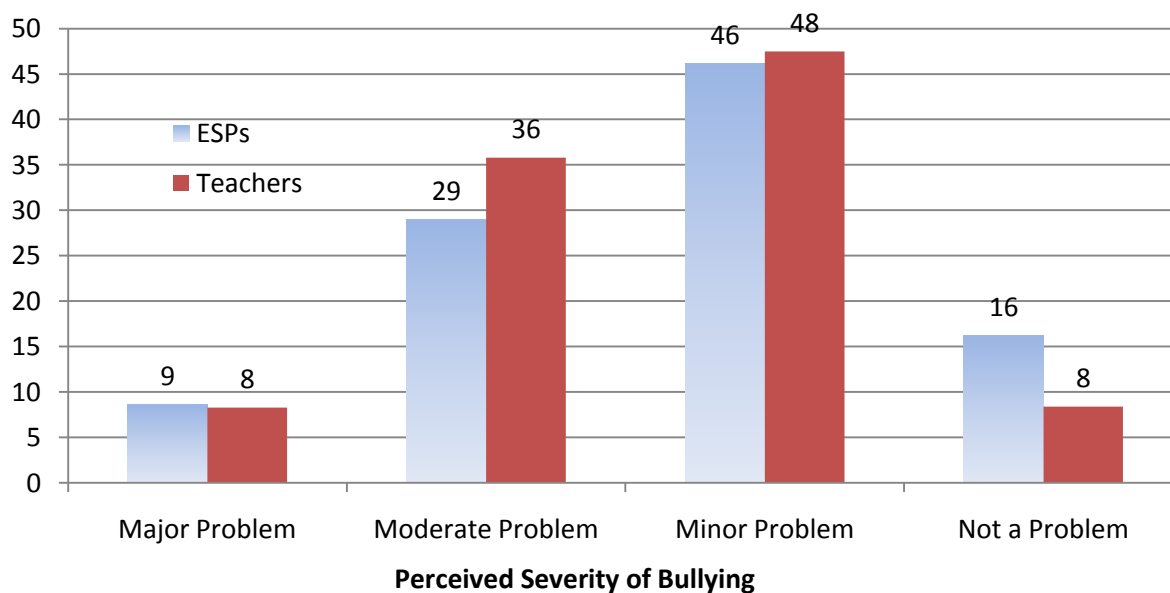


Figure 3. Percentage of Staff Who Responded 'Yes' Regarding Bullying Policies and Prevention Activities

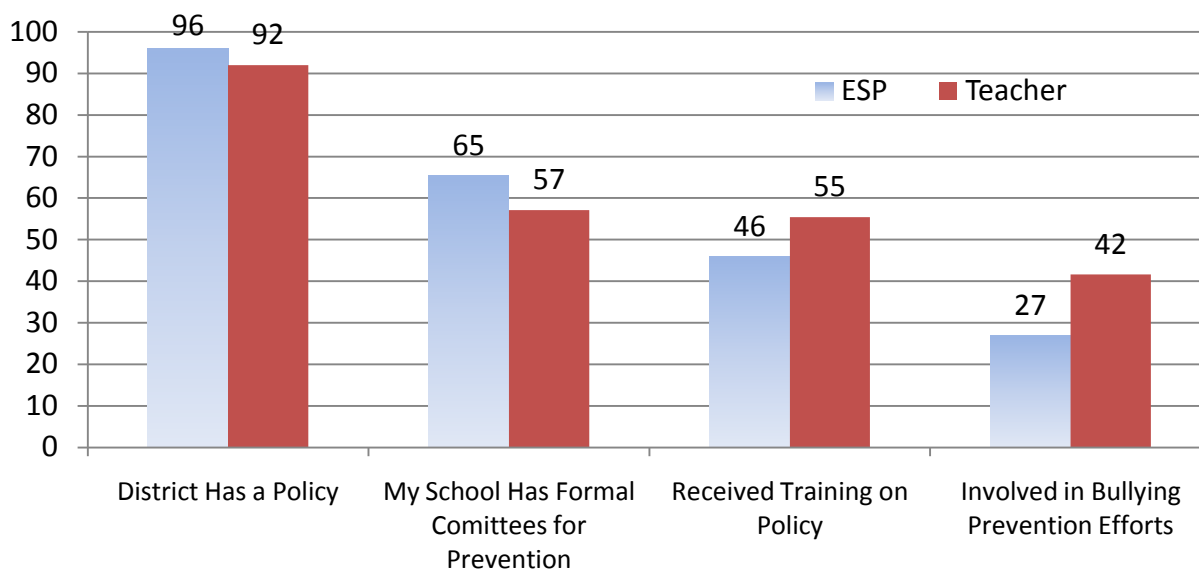


Figure 4. Percentage of Staff Who Perceived It Is Their Job to Intervene

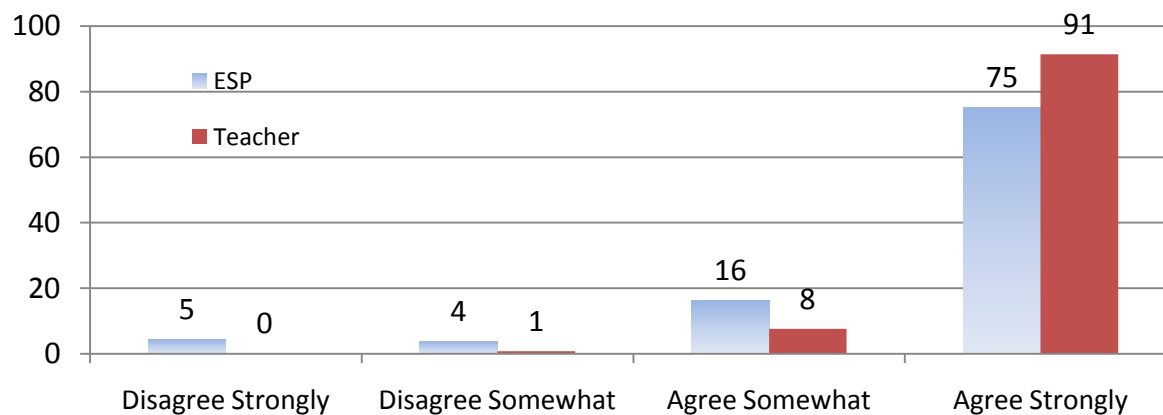


Figure 5. Percentage of Staff Who Reported Different Types of Bullying Were a Moderate/Major Problem

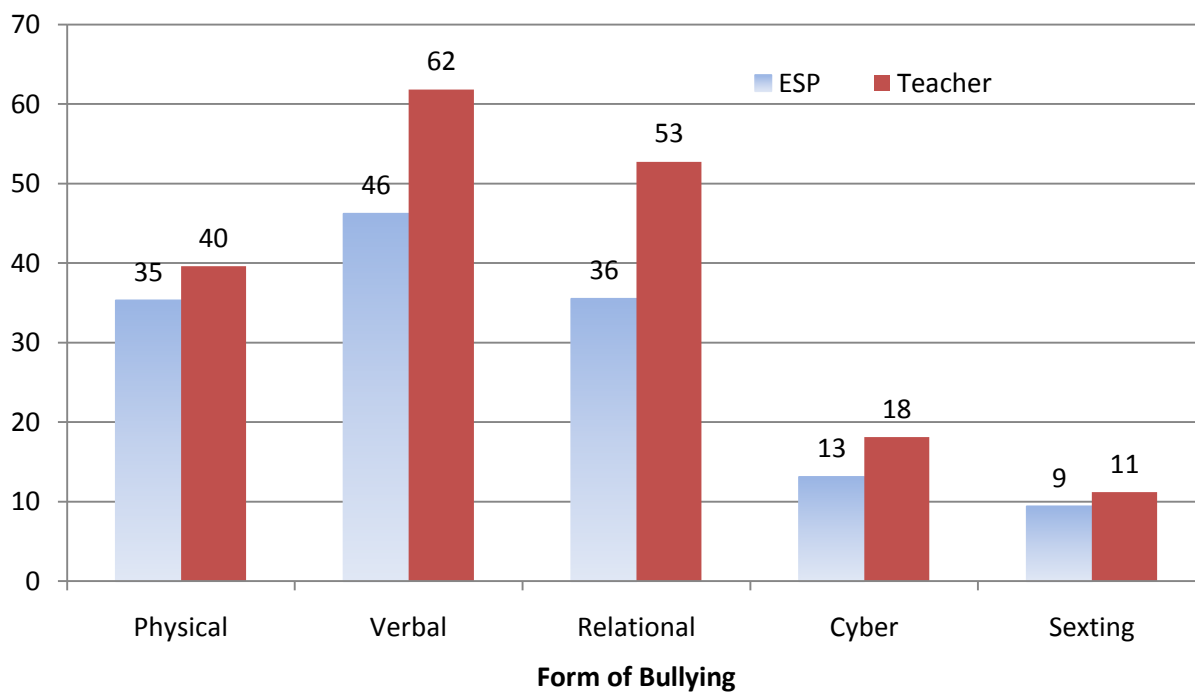


Figure 6. Percentage of Staff Who Reported That Bullying Behaviors Were a Moderate/Major Problem

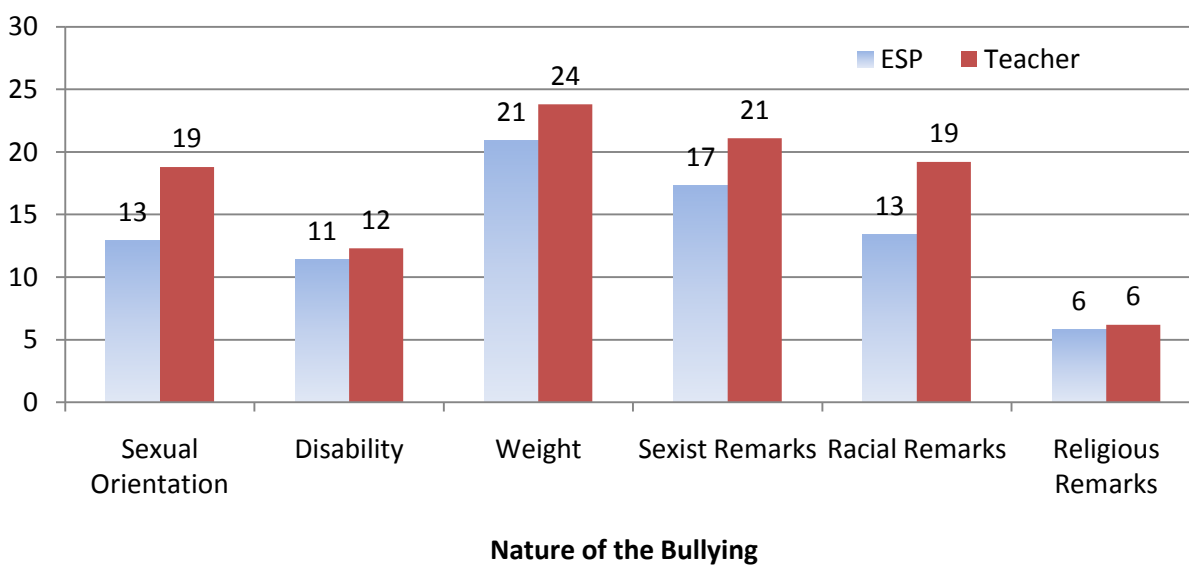
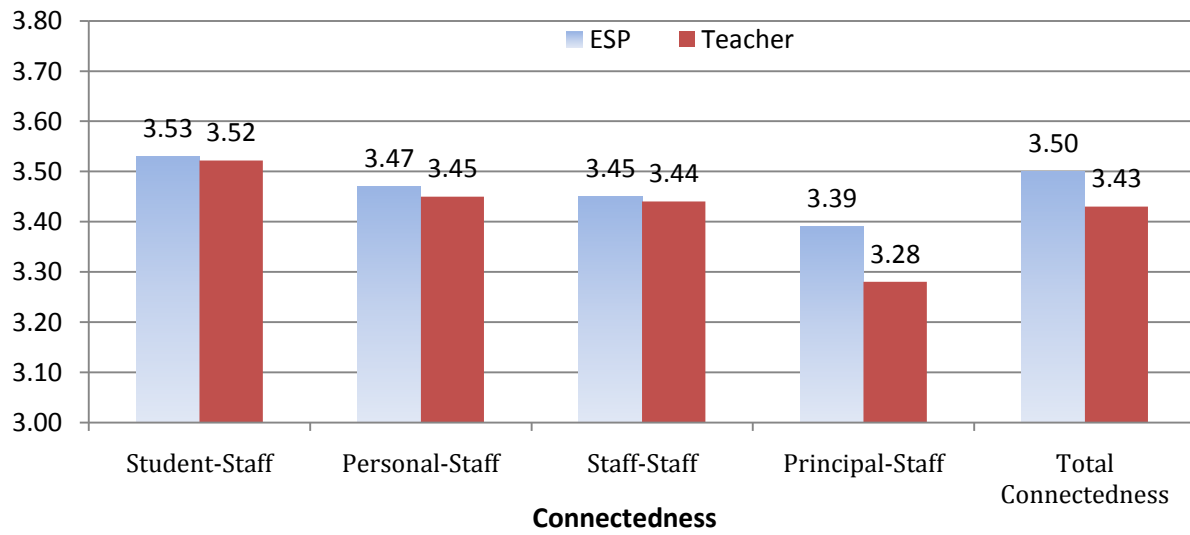


Figure 7. ESP and Teacher Average Reports of Different Aspects of Connectedness



OVERVIEW OF CYBERBULLYING

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Kids have been bullying each other for generations. The latest generation, however, has been able to utilize technology to expand their reach and the extent of their harm. This phenomenon is being called *cyberbullying*, defined as: “*willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices*” (Hinduja & Patchin, 2009:5).

Basically, we are referring to incidents where adolescents use technology, usually computers or cell phones, to harass, threaten, humiliate, or otherwise hassle their peers.

Where does cyberbullying commonly occur?

Cyberbullying occurs across a variety of venues and mediums in cyberspace, and it shouldn't come as a surprise that it occurs most often where teenagers congregate. Initially, many teens hung out in chat rooms, and as a result that is where most harassment took place. In recent years, most youth have been drawn to social networking websites (such as Facebook) and video-sharing websites (such as YouTube). This trend has led to increased reports of cyberbullying occurring in those environments (Burgess-Proctor, Patchin, & Hinduja, 2009; Hinduja & Patchin, 2008b; R. M. Kowalski & Limber, 2007; Lenhart, 2007; Li, 2007a; Patchin & Hinduja, 2006). Instant messaging on the Internet or text messaging via a cell phone also appear to be common

ways in which youth are harassing others. Moreover, since most cell phones attractive to youth are “smart” phones (e.g., iPhones, Blackberries, Droids), they often have full computing, recording, and Internet capabilities on a device that is always with them. Adolescents have sometimes taken pictures in a bedroom, a bathroom, or another location where privacy is expected, and posted or distributed them online. More recently, some have recorded unauthorized videos of other teens and uploaded them for the world to see, rate, tag, and discuss. We are also seeing it happen with portable gaming devices, in 3-D virtual worlds and on social gaming sites, and in newer interactive sites such as Formspring and ChatRoulette.

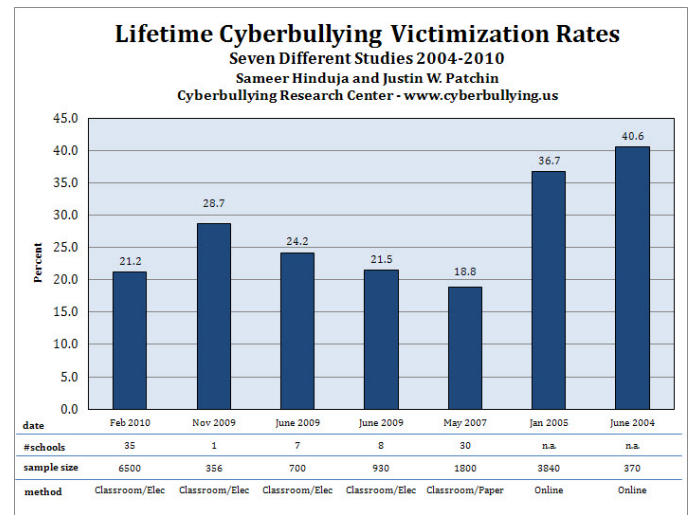
How much cyberbullying is out there?

Estimates of the number of youth who experience cyberbullying vary widely (ranging from 5-40% or more), depending on the age of the group studied, how cyberbullying is formally defined, and the research methodology (Hinduja & Patchin, 2007, 2009, 2010c; R. M. Kowalski & Limber, 2007; Li, 2007b; Williams & Guerra, 2007; Ybarra & Mitchell, 2004). In our work, we inform students that cyberbullying is when someone “repeatedly makes fun of another person online or repeatedly picks on another person through email or text message or when someone posts something online about another person that they don't like.” Using this definition, about 20% of the over 4,400 randomly-selected 11-18 year-old students we surveyed in 2010 indicated they had been a victim at some point in their life. About this same number admitted to cyberbullying others during their lifetime (Hinduja & Patchin, forthcoming). Finally, about 10% of

teens in this recent study said they had both been a victim and an offender.

What are some of the negative effects that cyberbullying can have on a person?

There are many detrimental outcomes associated with cyberbullying that reach into the real world. First, many targets of cyberbullying report feeling depressed, sad, angry, and frustrated (Hinduja & Patchin, 2007, 2008a, 2009; Kowalski, Limber, Scheck, Redfearn, Allen, Calloway, & Farris, 2005; Kowalski & Limber, 2007; Li, 2007a, 2007b; Patchin & Hinduja, 2006; Williams & Guerra, 2007; Ybarra & Mitchell, 2004), and these emotions have been correlated with delinquency and interpersonal violence among youth (Berson, Berson, & Ferron, 2002; Cowie & Berdondini, 2002; Ybarra & Mitchell, 2007). As one teenager stated: “It makes me hurt both physically and mentally. It scares me and takes away all my confidence. It makes me feel sick and worthless.” Victims who experience cyberbullying also reveal that are were afraid or embarrassed to go to school. In addition, research has revealed a link between cyberbullying and low self-esteem, family problems, academic problems, school violence, and delinquent behavior (Hinduja & Patchin, 2007, 2008a, 2009; Patchin & Hinduja, 2010; Ybarra, Diener-West, & Leaf, 2007; Ybarra & Mitchell, 2004). Finally, cyberbullied youth also report having suicidal thoughts, and there have been a number of examples in the United States where youth who were victimized ended up taking their own lives (Hinduja & Patchin, 2010a).

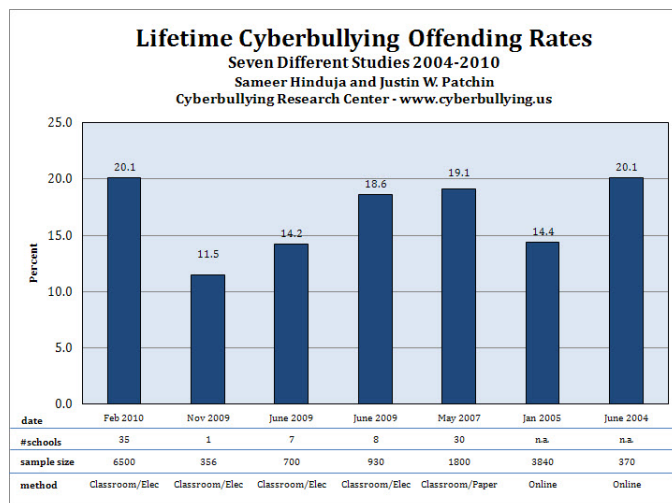


How is cyberbullying different from traditional bullying?

While often similar in terms of targeting peers with hurtful words or threats, bullying and cyberbullying have many differences that can make the latter even more devastating. First, victims sometimes do not know who the bully is, or why they are being targeted. The cyberbully can cloak his or her identity behind a computer or cell phone using anonymous email addresses or pseudonymous screen names (Hinduja & Patchin, 2008a). Second, the hurtful actions of a cyberbully are viral; that is, a large number of people (at school, in the neighborhood, in the city, in the world!) can be involved in a cyber-attack on a victim, or at least find out about the incident with a few keystrokes or clicks of the mouse. The perception, then, is that absolutely everyone is in on the joke.

Third, it is often easier to be cruel using technology because cyberbullying can be done from a physically distant location, and the bully doesn't have to see the immediate response by the target (Willard, 2007). In fact, some teens simply might not recognize the serious harm they are causing because they are sheltered from the victim's

response. Finally, while parents and teachers are doing a better job supervising youth at school and at home, many adults don't have the technological know-how to keep track of what teens are up to online. As a result, a victim's experience may be missed and a bully's actions may be left unchecked. Even if bullies are identified, many adults find themselves unprepared to adequately respond.



Why is cyberbullying becoming a major issue?

Cyberbullying is a growing problem because increasing numbers of teens are using and have completely embraced interactions via computers and cell phones. Two-thirds of youth go online every day for school work, to keep in touch with their friends, to play games, to learn about celebrities, to share their digital creations, or for many other reasons (Lenhart, Purcell, Smith, & Zickuhr, 2010). Because the online communication tools have become an important part of their lives, it is not surprising that some teens have decided to use these devices to be malicious or menacing towards others. The fact that teens are connected to technology

24/7 means they are susceptible to victimization (and able to act on mean intentions toward others) around the clock (Kowalski, Limber, & Agatston, 2007). Apart from a measure of anonymity, it is also easier to be hateful using typed words rather than spoken words face-to-face. And because some adults have been slow to respond to cyberbullying, many cyberbullies feel that there are little to no consequences for their actions.

Despite these differences, a significant body of research notes the close connection between experiences with online and offline bullying. While it is difficult to determine whether being a bully or being bullied in the real world *causes* similar experiences in cyberspace (or vice versa), a clear correlation between the two spheres of interaction exists. For example, Ybarra and Mitchell (2004) found that about half of cyberbullying victims and offenders report also experiencing traditional, offline bullying (see also Hinduja & Patchin, 2009) and we Hinduja & Patchin, 2008 found that traditional bullies were more than twice as likely to be both the victims and the perpetrators of electronic forms of bullying compared to those who do not engage in traditional bullying. Moreover, victims of offline bullying were 2.7 times as likely to also be a victim of cyberbullying compared to those who hadn't experienced offline bullying.

What can parents do?

The best tack parents can take when their child is cyberbullied is to make sure they feel (and are) safe and secure, and to convey unconditional support. Parents must demonstrate to their children through words and actions that they both desire the same end result: that the cyberbullying stop and

that life does not become even more difficult. This can be accomplished by working together to arrive at a mutually-agreeable course of action, as sometimes it is appropriate (and important) to solicit the child's perspective as to what might be done to improve the situation. If necessary, parents should explain the importance of scheduling a meeting with school administrators (or a teacher they trust) to discuss the matter. Parents may also be able to contact the father or mother of the offender, and/or work with the Internet Service Provider, Cell Phone Service Provider, or Content Provider to investigate the issue or remove the offending material. The police should also be approached when physical threats are involved or a crime has possibly been committed.

Overall, parents must educate their children about appropriate online behaviors (and teens must follow these guidelines!). They should also monitor their child's activities while online – especially early in their exploration of cyberspace. This can be done informally (through active participation in your child's Internet experience, which we recommend most of all) or formally (through software). Cultivate and maintain an open, candid line of communication with your children, so that they are ready and willing to come to you whenever they experience something unpleasant or distressing when interacting via computer or cell phone. Model, teach, and reinforce positive morals and values, and instill in youth the importance of treating others with respect and dignity, whether online or off.

Parents may also utilize an "Internet Use Contract" and a "Cell Phone Use Contract" to foster a crystal-clear understanding about what is and is not appropriate with respect to the use of technology. Within these

documents, both the child and the parent agree to abide by certain mutually-acceptable rules of engagement. To remind the child of this pledged commitment, it is recommended that this contract be posted in a highly visible place (e.g., next to the computer). When there are violations to this contract, immediate consequences must be given that are proportionate to the misbehavior, and that leave an impact. Teens need to learn that inappropriate online actions will not be tolerated. Victims of cyberbullying (and the bystanders who observe it) must know for sure that the adults who they tell will intervene rationally and logically, and not make the situation worse.

If a parent discovers that their child is cyberbullying others, they should first communicate how that behavior inflicts harm and causes pain in the real world as well as in cyberspace. Depending on the level of seriousness of the incident, and whether it seems that the child has realized the hurtful nature of his or her behavior, consequences should be firmly applied (and escalated if the behavior continues). If the incident was particularly severe, parents may want to consider installing tracking or filtering software, or removing technology privileges altogether for a period of time. Moving forward, it is essential that parents pay even greater attention to the Internet and cell phone activities of their child to make sure that they have internalized the lesson and are acting in responsible ways.

What should schools do to prevent cyberbullying?

Cyberbullying that is initiated using computer on campus – such as in a school lab or on school-issued laptops, or even via personally-owned devices (cell phones,

iPads, netbooks) between or during classes – can obviously affect the mission, value system, and goals of a school. However, even if cyberbullying originates off-campus from a student's home computer or phone, it can lead to the same problematic outcomes on campus. This is because the social and relational fallout frequently carries over into the school environment since it mostly involves conflict between students who know each other, rather than involving strangers (Hinduja & Patchin, 2007, 2008a, 2009, 2010a; McQuade & Sampat, 2008; Wolak, Mitchell, & Finkelhor, 2007; Ybarra, et al., 2007; Ybarra & Mitchell, 2004). As such, the school is necessarily implicated in a large number of these cases, which not only tends to compromise the safety and well-being of youth, but also undermines the positive school climate that teachers, staff, and administrators have worked to create.

The most important preventive step is to educate the school community about responsible Internet interactions. Students need to know that all forms of bullying are wrong and that those who engage in harassing or threatening behaviors will be subject to discipline. It is therefore important to discuss issues related to the appropriate use of online communications technology in various areas of the general curriculum – and not just in technology-related classes. To be sure, these messages should be reinforced in classes that regularly utilize technology. Signage also should be posted in the computer lab or at each computer workstation to remind students of the rules of acceptable use. In general, it is crucial to establish and maintain a school climate of respect and integrity where violations result in informal or formal sanction (Davis & Davis, 2007b).

Furthermore, school district personnel should review their harassment and bullying policies to see if they allow for the discipline of students who engage in cyberbullying. If their policy covers it, cyberbullying incidents that occur at school - or that originate off campus but ultimately result in a substantial disruption of the learning environment - are well within a school's legal authority to intervene. The school then needs to make it clear to students, parents, and all staff that these behaviors are unacceptable and will be subject to discipline. In some cases, simply discussing the incident with the offender's parents will result in the behavior stopping.

What should schools do to respond to cyberbullying?

Students should already know that cyberbullying is unacceptable and that the behavior will result in discipline. Utilize school liaison officers or other members of law enforcement to thoroughly investigate incidents, as needed, if the behaviors cross a certain threshold of severity. Once the offending party has been identified, develop a response that is commensurate with the harm done and the disruption that occurred.

School administrators should also work with parents to convey to the student that cyberbullying behaviors are taken seriously and are not trivialized. Moreover, schools should come up with creative response strategies, particularly for relatively minor forms of harassment that do not result in significant harm. For example, students may be required to create anti-cyberbullying posters to be displayed throughout the school. Older students might be required to give a brief presentation to younger students about the importance of using technology in ethically-sound ways. The point here, again,

is to condemn the behavior while sending a message to the rest of the school community that bullying in any form is wrong and will not be tolerated.

Even though the vast majority of these incidents can be handled informally (calling parents, counseling the bully and target, expressing condemnation of the behavior), there may be occasions where formal response from the school is warranted. This is particularly the case in incidents involving serious threats toward another student, if the target no longer feels comfortable coming to school, or if cyberbullying behaviors continue after informal attempts to stop it have failed. In these cases, detention, suspension, changes of placement, or even expulsion may be necessary. If these extreme measures are required, it is important that educators are able to clearly demonstrate the link to school and present evidence that supports their action.

How is cyberbullying and school climate related?

The benefits of a positive school climate have been identified through much research over the last thirty years. It contributes to more consistent attendance, higher student achievement, and other desirable student outcomes. Though limited, the research done on school climate and traditional bullying also underscores its importance in preventing peer conflict. Existing research has consistently identified an inverse relationship between specific components of school climate and bullying among students (e.g., Gottfredson & Gottfredson, 1985; Malecki & Demaray, 2004; Rigby, 1996; Whitney & Smith, 1993).

Also, a school climate that condones bullying (Olweus, Limber, & Mihalic, 1999)

within a high-conflict, disorganized school environment tends to exacerbate the problem of bullying (Kasen, Berenson, Cohen, & Johnson, 2004). Finally, youth who are introduced to and adopt normative beliefs that support peer aggression are more likely to bully others (Bentley & Li, 1995; Espelage & Swearer, 2003; Huesmann, 1997; Olweus, 1991).

One of our recent studies found that students who experienced cyberbullying (both those who were victims and those who admitted to cyberbullying others) perceived a poorer climate at their school than those who had not experienced cyberbullying. Youth were asked whether they “enjoy going to school,” “feel safe at school,” “feel that teachers at their school really try to help them succeed,” and “feel that teachers at their school care about them.” Those who admitted to cyberbullying others or who were the target of cyberbullying were less likely to agree with those statements.

Overall, it is critical for educators to develop and promote a safe and respectful school climate. A positive on-campus environment will go a long way in reducing the frequency of many problematic behaviors at school, including bullying and harassment. In this setting, teachers must demonstrate emotional support, a warm and caring atmosphere, a strong focus on academics and learning, and a fostering of healthy self-esteem. Additionally, it is crucial that the school seeks to create and promote an atmosphere where certain conduct not tolerated—by students and staff alike. In schools with healthy climates, students know what is appropriate and what is not.

One way to combat cyberbullying is to create a positive school climate. The benefits of a positive school climate have

been identified through much research as improved attendance, student achievement, perceived and actual campus safety, and other desirable student outcomes, along with decreased peer-on-peer bullying. The following are ways to foster a positive climate at school:

- Constantly demonstrate emotional support, a warm and caring atmosphere, a strong focus on academics and learning, and encourage healthy self-esteem among students.
- Offer training workshops for staff to get them up to speed on the positive and negative uses of Facebook, YouTube, FormSpring, ChatRoulette, instant messaging programs, chat rooms, message boards, and cell phones.
- Hold assemblies for students that are relevant, hard-hitting, and meaningful, emphasizing that the *vast majority* of kids do the right thing with their computers and cell phones and that appropriate and wise Internet participation is the social norm. This should inspire the rest to “get on board.”
- Use peer mentoring by having older students informally teach lessons and share learning experiences with younger students to promote positive online interactions.
- Establish clear rules about the use of the Internet, computers, and other electronic devices, making sure to cover online harassment. Post eye-catching signs or posters in school computer labs, hallways, and classrooms to remind students to use technology responsibly.
- Create a formal behavioral contract specific to cyberbullying or introduce clauses within the formal “respect policy” or “honor code” that identify cyberbullying as inappropriate behavior. Do what you can to make sure this policy or honor code is viewed as sacred among students.
- Share important facts, reminders, and guidance about cyberbullying over the audio or video morning announcements on a weekly basis.
- Develop *anonymous* ways for students to report situations or incidents that may weaken the school climate (cyberbullying and other forms of harassment). Post a web form on the school’s web page, create an e-mail account where messages are forwarded to the counselor or assistant principal, or provide a cell phone number to which students can text their concerns.
- Develop a website, blog, Facebook group, or Twitter page for parents and students to further inform them about your school’s position and how you will respond to incidents. Send out news, reminders, and links to stories involving appropriate and inappropriate online communications among young adolescents to keep these issues in the forefront of their minds and reinforce them as priority issues for your school.
- Motivate students to initiate an anti-cyberbullying awareness or pledge campaign. Let them come up with a very cool and relevant design for their hard-hitting message, then approach local businesses and organizations to sponsor the production of T-shirts, buttons, pins, key chains, magnets, or bumper stickers

to spread the word.

Cultivating a positive climate on campus will not only promote student achievement, success, and productivity, it will decrease peer harassment—online and offline.

What can youth do?

Most importantly, youth should develop a relationship with an adult they trust (a parent, teacher, or someone else) so they can talk about any experiences they have online (or off) that make them upset or uncomfortable. If possible, teens should ignore minor teasing or name calling, and not respond to the bully as that might simply make the problem continue. It's also useful to keep all evidence of cyberbullying to show an adult who can help with the situation. If targets of cyberbullying are able to keep a log or a journal of the dates and times and instances of the online harassment, that can also help prove what was going on and who started it.

Overall, youth should go online with their parents – show them what web sites they use, and why. At the same time, they need to be responsible when interacting with others on the Internet. For instance, they shouldn't say anything to anyone online that they wouldn't say to them in person with their parents in the room. Finally, youth ought to take advantage of the privacy settings within Facebook and other websites, and the social software (instant messaging, email, and chat programs) that they use – they are there to help reduce the chances of victimization. Users can adjust the settings to restrict and monitor who can contact them and who can read their online content.

What can bystanders do?

Bystanders also have a very critical role to play. Those who witness cyberbullying generally do not want to get involved because of the hassle and problems they fear it might bring upon them, yet they often recognize that what they are seeing is not right and should stop (Davis & Davis, 2007a). However, by doing *nothing*, bystanders are doing *something*. We have a responsibility to look out for the best interests of each other. Bystanders can make a huge difference in improving the situation for cyberbullying victims, who often feel helpless and hopeless and need someone to come to the rescue. Bystanders should note what they see and when. They should also stand up for the victim, and tell an adult they trust who can really step in and improve the situation (Patchin & Hinduja, forthcoming). Finally, they should never encourage or indirectly contribute to the behavior – by forwarding hurtful messages, laughing at inappropriate jokes or content, condoning the act just to “fit in,” or otherwise silently allowing it to continue (Hinduja & Patchin, 2009).

What can law enforcement do?

Law enforcement officers also have a role in preventing and responding to cyberbullying. To begin, they need to be aware of ever-evolving state and local laws concerning online behaviors, and equip themselves with the skills and knowledge to intervene as necessary (Patchin & Hinduja, forthcoming). In a recent survey of school resource officers, we found that almost one-quarter did not know if their state had a cyberbullying law. This is surprising since their most visible responsibility involves responding to actions which are in violation of law (e.g., harassment, threats, stalking). Even if the behavior doesn't immediately appear to rise to the level of a crime, officers

should use their discretion to handle the situation in a way that is appropriate for the circumstances. For example, a simple discussion of the legal issues involved in cyberbullying may be enough to deter some youth from future misbehavior. Officers might also talk to parents about their child's conduct and express to them the seriousness of online harassment.

Relatedly, officers can play an essential role in preventing cyberbullying from occurring or getting out of hand in the first place. They

can speak to students in classrooms about cyberbullying and online safety issues more broadly in an attempt to discourage them from engaging in risky or unacceptable actions and interactions. They might also speak to parents about local and state laws, so that they are informed and can properly respond if their child is involved in an incident.

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BULLYING AND CHILDREN'S PEER RELATIONSHIPS

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On first thought, the words *bully* and *peer* hardly belong in the same title; for all intents and purposes the two words are opposites. A peer is an equal, of the same social standing as oneself (Hartup, 1983). Bullying lacks the elements of equality and free choice. What distinguishes bullying from other forms of childhood aggression, whether a hard-fought basketball game or rough-and-tumble play, is *unequal, coercive power* (Olweus, 1993; Vaillancourt, McDougall, Hymel, & Sunderani, 2010). It's this sense of inequality, abuse, unfairness, and of a peer culture valuing all the wrong things that makes the problem of bullying fundamentally incompatible with the American character. Bullying violates our democratic spirit that all youth should be free to learn, in peace and safety, making the most of their talents and goals.

What kind of power does a bully really have? Children and youth (and some adults) use bullying to acquire resources and—here is where peers come into the picture—to demonstrate to an audience that they can dominate (Pellegrini, Long, Solberg, Roseth, DuPuis, Bohn, & Hickey, 2010; Salmivalli, Kärnä, & Poskiparta, 2010). The success of bullies in attaining resources and recognition—indeed, the very extent to which children turn to bullying—depends on factors that include the characteristics of the bully, the relationship existing between bullies and whom they target for harassment, and the reactions of classmates who witness bullying. Do schoolmates embarrass the harassed and stroke the bully's ego, do they ignore the bullying in

front of their eyes, or does somebody intervene to support the victim and help stop the bullying? Of course, peer culture in elementary, middle, and high school exists not in some *Lord of the Flies* lawlessness, but rather under the presumably watchful eyes of responsible adults: teachers, principals, bus drivers, school staff, and of course parents. The importance of how peers and adults act in response to—or even better, in anticipation of bullying, can't be overestimated.

Two Social Worlds of Bullying

In a recent article, Tom Farmer and his colleagues report on the “two social worlds” of bullying (Farmer, Petrin, Robertson, Fraser, Hall, Day, & Dadisman, 2010). These social worlds are *marginalization* on the one hand, and *connection* on the other. To quote Farmer and colleagues, socially marginalized bullies “may be fighting against a social system that keeps them on the periphery” while socially integrated bullies “may use aggression to control” others (p. 386).

With respect to rejection and marginalization, many bullies seem to continuously come into conflict with others, to run against the world. These children, mostly boys, tend to be characterized by a clear pattern of deficits in broad domains of developmental functioning. They're consistently identified as being at-risk, even from bullying and harassment by others (what Olweus (1993) terms “bully-victims”). Their aggression is impulsive and overly reactive to real or perceived slights. Cook, Williams, Guerra, Kim, and Sadek (2010, p. 76) write that this type of bully: “has comorbid externalizing and internalizing problems, holds significantly negative attitudes and beliefs about himself or herself and others, is low in social

competence, does not have adequate social problem-solving skills, performs poorly academically, and is not only rejected and isolated by peers but also negatively influenced by the peers with whom he or she interacts.” Farmer and colleagues report that marginalized, unpopular bullies, whether girls or boys, are often shunted into peer groups with other bullies, and sometimes even with the children they harass. Marginalized bullies have a host of problems of which bullying behavior is but one manifestation. Their bullying might stem from an inability to control their impulsive actions, or from a desire to gain status that generally eludes them.

Then there are bullies whose social worlds are networked and integrated—these children don't lack for peer social support. Socially integrated bullies are more evenly split between boys and girls. They have a variety of friends, some bullies but others not, and strengths that are easy to recognize, like social skills, athleticism, or attractiveness. Socially connected bullies tend to be proactive and goal-directed in their aggression. They have lots of experience with peers, perhaps as far back as the day care years (Rodkin & Roisman, 2010). Some bullies incorporate prosocial strategies into their behavioral repertoire, for example reconciling with their targets after conflict, or becoming less aggressive once a clear dominance relationship has been established (Pellegrini et al., 2010). Socially connected bullies are both underrecognized as seriously aggressive, and popularized in the media as in, for instance, *Mean Girls*. Vaillancourt and colleagues (2010, p. 218) go so far as to call these socially connected bullies “Machiavellian”: “popular, socially skilled and competent... [with] high self-esteem... low on psychopathology... [and] many assets” (see also Hawley, 2003). This

portrait of mental health may be overdrawn, as Cook and colleagues (2010) and Rodkin and Roisman (2010) find substantial deficits even for more popular bullies, but there is no doubt that a substantial proportion of very aggressive children and youth have moderately low to surprisingly high levels of popularity among their peers.

Bullying may peak in early adolescence, but these two social worlds of bullying exist as early as kindergarten (Alsaker & Gutzwiller-Helfenfinger, 2010), or in Farmer and colleagues' study, second grade. The two social worlds of bullying represent two central but seemingly inconsistent views of aggressive behavior: as dysfunctional and maladaptive, or functional and adaptive. As light can be both wave and particle, aggression can be maladaptive or adaptive depending on why the aggression occurs, the time frame (e.g., “good in the short run, but bad in the long run”), the consequences of aggressive acts, and one's perspective (Rodkin & Wilson, 2007). Educators and parents need to ask why bullying is working from the perspective of the bully and what goals are being served by bullying behavior, as they will be different for different children.

The Bully-Victim Relationship

Any law enforcement official would quickly want to establish the relationship that might exist between an alleged perpetrator and victim. However, in the area of bullying research, little is known about the relationship between a bully and the child whom he or she targets. Instead, the focus has been on identifying children who fall into *bully*, *victim*, and *bully-victim* categories, and then determining prevalence rates and behavioral characteristics of bullies, victims, and bully-victims (e.g., Cook et al., 2010). This procedure puts

bullies and victims into separate boxes and overemphasizes their separateness. In practical terms, this could mean that there is no known relationship between a bully and victim, or something of a random targeting.

Reality is more complicated. Bullies and victims often have a previously existing relationship that presages bullying before it happens, which if known would alert knowledgeable adults about possible trouble spots (Card & Hodges, 2008). One clear predictor of bullying is reciprocated dislike and animosity. Potential bullies, particularly socially connected bullies, actualize angry thoughts into aggressive behavior towards low status peers whom they already dislike, and who dislike them (Hodges, Peets, & Salmivalli, 2009). Socially connected children choose same-sex bullying as part of a struggle for dominance, particularly in the beginning of the school year or between transitions from one school to another, when the social hierarchy is in flux and unpopular children can be targeted (Pellegrini et al., 2010). The bullying behavior of socially connected children is thus quite responsive to changing opportunities in the peer social ecology.

One finding that becomes obvious once bullies and victims are considered as a two-person dyad is that there are a disturbing number of cases, possibly half, where aggressive boys are harassing girls (Berger & Rodkin, 2009; Rodkin & Berger, 2008; Veenstra, Lindenberg, Zijlstra, DeWinter, Verhulst, & Ormel, 2007). Olweus (1993, p. 18) first reported this overlooked finding, writing that "*boys carried out a large part of the bullying to which girls were subjected*" (itals. original): 60% of fifth through seventh grade girls whom Olweus (1993) reported as being harassed said that they were bullied by boys. Similarly, the

American Association of University Women (2001, p. 25) reported that 38% of girls who experience sexual harassment "say they first experienced it in elementary school." Unpopular, rejected-aggressive boys are most likely to harass girls (Rodkin & Berger, 2008), whereas socially connected bullies tend to demonstrate within-sex bullying and dominance against unpopular targets (Pellegrini et al., 2010). Still, boys' physical and verbal aggression against girls can too often become an accepted part of peer culture. Peer sexual harassment is often seen as a purely adolescent phenomenon, but its origins may be linked to when and how boys harass girls in early and middle childhood (Garandeau, Wilson, & Rodkin, 2010; Hanish, Hill, Gosney, Fabes, & Martin, 2011; Rodkin & Fischer, 2003; Rosenbluth, Whitaker, Valle, & Ball, 2011; Ybarra, Espelage, & Martin, 2011). More generally, gender and sexuality is a hidden underbelly of much bullying, as described in the white paper by Espelage. Any notable difference between people that can be associated with power differentials, such as religion, disability, or ethnicity, has the potential to be seized upon as an object of harassment.

Peer Relationships that Promote and Prevent Bullying

Peer relationships are like oxygen that allows bullying to breathe and spread; peer relationships can be used as a cudgel, a weapon of shame against victims, but even one good friend to a victim of bullying can help assuage the harmful consequences of being harassed.

Socially marginalized bullies who are also victims, who predominantly aggress in reaction to provocation, stand out through their segregation from most peers as isolates or as members of deviant, peripheral peer

cliques. These youth would benefit from services that go beyond bullying-reduction programs per se, such as violence reduction therapies and social skills training (Bierman & Powers, 2009; Cook et al., 2010). Where feasible the social ties of marginalized bullies should be broadened to include a greater variety of peers.

My colleague Ramin Karimpour and I have referred to socially connected bullies as “hidden in plain sight” (Rodkin & Karimpour, 2008) because they are on the one hand more socially prominent than marginalized bullies, yet less likely to be recognized as bullies or as at-risk. Since socially connected bullies affiliate with a wide variety of peers, there is an unhealthy potential for widespread acceptance of bullying in some classrooms and schools. This is what Debra Pepler and colleagues call the *theatre of bullying* (Pepler, Craig, & O’Connell, 2010), encompassing not only the bully-victim dyad, but also children who encourage and reinforce bullies (or become bullies themselves), others who silently witness harassment and abuse, and hopefully still others who intervene to support children being harassed (see also Salmivalli et al., 2010). As Pepler and colleagues (2010, p. 470) write: “bullying is a social event in the classroom and on the playground,” with an audience of peers in almost 90% of observed cases. This silent, mocking audience grows exponentially, in frightening anonymity, with cyberbullying. Thus, the problem of bullying is also a problem of the unresponsive bystander, whether that bystander is a classmate who finds harassment to be funny, or a peer who sits on the sidelines afraid to get involved, or an educator who sees bullying as just another part of growing up.

Socially connected bullies target children who will likely *not* be defended (Card & Hodges, 2008; Pellegrini et al., 2010; Veenstra, Lindenberg, Munniksma, & Dijkstra, 2010), but peers who do intervene in bullying can make a real difference. Socially connected bullies thrive on being perceived as dominant, popular, and cool, which is fed by tacit or overt acceptance by peers. Peers who intervene to stop bullying may be successful on over half of such attempts, but unfortunately these defenders stand up in less than 20% of bullying incidents (Pepler et al., 2010; Salmivalli et al., 2010). *One good friend* can make a crucial difference to children who are harassed. Associations between victimization and internalizing problems (e.g., being sad, depressed, anxious) are minimized for victims who are friends with a non-victimized peer (Hodges, Boivin, Vitaro, & Bukowski, 1999). Even first grade children who have a friend but are otherwise socially isolated seem to be protected from the adjustment problems suffered by other isolated children (Laursen, Bukowski, Aunola, & Nurmi, 2007). Peer relationships are crucial both for the bully who is looking to maintain or acquire social status, and for the child who is looking to cope with, and better yet end, peer harassment.

Classroom and School Climate

With clouds of war gathering, German émigré and child psychologist Kurt Lewin and his colleagues created clubs for 10-year-old boys that were organized in an authoritarian (fascistic) or democratic fashion (Lewin, Lippitt, & White, 1939). Victimization and scapegoating were highest in groups with an *autocratic* atmosphere, with a dominant group leader and a strongly hierarchical structure. Victimization was lowest in groups with a *democratic*

atmosphere, where relationships with group leaders were more egalitarian and cohesive.

Classroom and school climates are built by the relationships peers have to one another and to their teachers. These interpersonal bonds need to be healthy, or bullying and antisocial behavior can overpower the learning environment. It's well worth asking whether today's schools are characterized by a democratic or autocratic social climate, and whether differences in school climate are related to bullying. Classroom peer ecologies with more egalitarian social status hierarchies, strong group norms in support of academic achievement and prosocial behavior, and cohesive, positive social ties between children should deprive many socially connected bullies of the peer regard that they require (Ahn, Garandeau, & Rodkin, 2010; Frey, Edstrom, & Hirschstein, 2010; Pellegrini et al., 2010; Rodkin & Gest, 2011; Wilson, Karimpour, & Rodkin, 2011). In contrast, even children who are not themselves bullies will form pro-bullying attitudes in classrooms where bullies are popular (Dijkstra, Lindenberg, & Veenstra, 2008), feeding a vicious cycle of bullying reinforcement and failure to stand up for victims of harassment.

Managing School Social Networks to Prevent and Intervene in Bullying

In a review of bullying-reduction programs, Farrington and Ttofi (2009) found that interventions that explicitly work with peers, such as using students as peer mediators, or engaging bystanders to disapprove of bullying and support victims of harassment, were associated with *increases* in victimization! In fact, of twenty program elements included in 44 school-based programs, work with peers was the *only* program element that was associated with significantly *more* bullying and

victimization. (In contrast, there were significant and positive effects for parent training and meetings in reducing bullying.) Still other reviews of bullying intervention programs have found generally weak effects (Merrell, Gueldner, Ross, & Isava, 2008).

These disheartening results speak to the fact that peer influences can be a constructive or destructive force on bullying, and need to be handled with knowledge, skill, and care. Antisocial peer groups can undermine behavioral interventions (Dishion & Tipsord, 2011). The most potentially important peer effects have yet to be studied adequately. For instance, children who are chosen to be peer mediators should probably be identified as popular and prosocial for peer mediation to be effective (Pellegrini et al., 2010; Pepler et al., 2010; Vaillancourt et al., 2010). Some of the most innovative, intensive, grass-roots uses of peer relationships to reduce bullying, such as the *You Have the Power!* Program in Montgomery County, Maryland (Holstein-Glass, Silliman, & Nahin, 2010), are never scientifically evaluated. The final verdict awaits on some promising programs that take advantage of peer relationships to combat bullying, such as the KiVa program of Salmivalli et al. (2010), and the Steps to Respect program of Frey et al. (2010).

Teachers can ask what kind of bully they face when dealing with a concrete victimization problem. Is the bully a member of a group, or a group leader? How are bullies and victims situated in the peer ecology? Educators who exclusively target peripheral, antisocial cliques as the engine of school violence problems may leave intact other groups that are more responsible for mainstream peer support of bullying. A strong step educators could take would be to periodically ask students about their social

relationships, taking advantage of increasingly powerful techniques of social network analysis that are becoming more user-friendly to educators (Mulvey & Cauffman, 2001; Rodkin & Hanish, 2007). Of course, these efforts can only work in a larger climate where families and educators teach and model strong moral character to our next generation of Americans. Some additional recommendations are listed below (for more, see Berger, Karimpour, & Rodkin, 2008; Garandeau et al., 2010):

- *Ask students about bullying.* Survey students regularly on whether they are being harassed or have witnessed harassment. Make it easier for students to come to an adult in the school to talk about harassment. Consider what bullying accomplishes for a bully.
- *Ask students about their relationships.* Bullying itself is a relationship-- a destructive, asymmetric relationship. Know who students hang out with, who their friends are, and who they dislike. Know who students perceive to be popular and unpopular. Connect with children who have no friends. School staff vary widely in their knowledge of students' relationships, and tend to underestimate the popularity of aggression among peers.
- *Build democratic classroom and school climates.* Identify student leaders who can encourage peers to stand against bullying. Assess whether student social norms are *really* against bullying. Train teachers to better understand and manage student social dynamics, and to handle aggression with clear, consistent consequences. Master teachers not only promote academic success, they also build

relationships, trust, and a sense of community.

- *Be an informed consumer of anti-bullying curricula.* Anti-bullying interventions can be successful, but there are significant caveats (Merrell et al., 2008) Some bullies are challenged in broad domains of developmental functioning. Some programs work well in Europe, but not as well here in the U.S. (Farrington & Ttofi, 2009). Most anti-bullying programs have not been rigorously evaluated, so be an informed consumer when investigating claims of success. Even with a well-developed anti-bullying curriculum, understanding students' relationships at your school is critical.
- *Remember that bullying is also a problem of values.* Implement a character education or socioemotional learning curriculum that is intellectually challenging. Teach children how to achieve their goals by being assertive rather than aggressive. Always resolve conflicts with civility, among and between staff and students. Involve families.

Charles Payne, in his outstanding 2008 book *So Much Reform, So Little Change*, makes the point that even the best, most rigorous and validated intervention won't be successful without appreciation of the weak social infrastructure and dysfunctional organizational environments of some schools. If adult social networks can doom educational reform, then surely youth social networks can as well. Child and youth peer ecologies can provide resistance or support to adults' best efforts. When popular children engage in or endorse bullying, they send a message to all students that conflicts

with basic values of respect and tolerance that we all should share. The task ahead is to better integrate bullies and the children they harass into the social fabric of the school, to better inform educators of how to recognize, understand, and help guide children's relationships. With guidance from caring, engaged adults, youth can organize themselves as a force that makes bullying less effective as a means of social connection, or as an outlet for alienation. As detailed in the white paper by Limber, clear, enforceable anti-bullying school policies, including strong consequences for bullying, are also critical. The scourge of bullying has no role in the truly democratic, American school.

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EFFECTIVE STRATEGIES IN COMBATING BULLYING

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Bullying is the most common form of victimization experienced by school-aged children (Nansel et al., 2001) and is an increasing national concern. Nearly all states have passed laws specifically related to bullying prevention, some of which encourage the use of programs or strategies to prevent bullying (Limber & Small, 2003). However, the research on this issue is mixed, with some programs producing significant effects on bullying, but others producing only limited impacts. Schools need guidance on which programs to implement, as well as strategies for optimizing program impacts. This report examines the association between bullying and school climate, and summarizes the research on bullying prevention programs and strategies. Gaps in the current research are highlighted, and recommendations are made regarding the implementation of effective bullying and violence prevention programs.

What Is the Link between Bullying and School Climate?

Research on factors influencing children's risk for involvement in bullying often draws upon the social-ecological framework. Based on initial work by Bronfenbrenner (1979), Espelage and Swearer (2004) applied the social-ecological framework to bullying, highlighting the importance of considering context in relation to individual

factors. That context includes social and physical aspects of the youth's environment, which influence both the risk for involvement in bullying and the impact of bullying on social-emotional functioning and academic outcomes. In fact, several studies indicate that youth involved in bullying – as either a bully or a victim – have less favorable perceptions of school and feel less connected to their school (O'Brennan, Bradshaw, & Sawyer, 2009; Nansel et al., 2001). The more frequently these children are involved in bullying, the less safe they feel. Importantly, even bystanders are negatively affected by bullying (Stueve et al., 2006).

Researchers have identified a set of social factors that contribute to a "climate or culture of bullying," (Unnever & Cornell, 2003), which includes shared beliefs and attitudes supporting bullying. In these contexts, aggression and peer victimization become the norm. Not surprisingly, so called "disorderly" or disorganized schools and classrooms have higher rates of bullying. Students perceive these schools as less safe and less supportive, which, in turn, can contribute to aggressive retaliation, resistance to reporting bullying incidents to adults, and poor academic performance (Bradshaw, Sawyer, & O'Brennan, 2009; Unnever & Cornell, 2003).

What Are Common Outcomes Of Bullying Prevention Programs?

Although researchers generally agree that self-reports are among the most valid indicators of bullying (Furlong et al., 2009), much of the research on the impact of bullying prevention approaches has focused rather narrowly on students' self-reports of bullying and victimization (Ryan & Smith, 2009). Relatively few studies have reported multiple sources of data on bullying,

however, some of the more comprehensive studies have examined observational data, peer reports, or teacher ratings. Other program outcomes also have been studied, such as attitudes toward bullying, avoidance of bullying situations, safety, and school climate (e.g., Fonagy, Twemlow, Vernberg, Sacco, & Little, 2005; Frey et al., 2005; 2009). Notably, bullying typically co-occurs with other forms of aggressive and problem behavior (Nansel et al., 2001; O'Brennan et al., 2009). Therefore, programs that have a broader focus on preventing aggressive and disruptive behavior by addressing social-emotional skills, interpersonal conflict, and behavioral inhibition would likely also curb bullying behaviors (for a review, see Wilson & Lipsey, 2007).

What Works in Bullying Prevention and Intervention?

Multi-tiered prevention approaches. A common approach to the prevention of bullying and other emotional and behavioral problems is the three-tiered public health model (Mrazek & Haggerty, 1994; O'Connell, Boat, & Warner, 2009; Walker et al., 1996). This model includes a universal system of support, or a set of activities that affect all students within a defined community or school setting. Layered onto that first tier of support are selected interventions that target a subgroup of at-risk students. A third level of support includes indicated interventions for youth already showing early signs of problem behaviors. For example, a tiered approach might include lessons on social-emotional skill development for all students – thus making it a universal program. In fact, research highlights the importance of providing class time to discuss bullying (Olweus, 1993) and the use of lessons to foster skills and competencies, effective communication, and strategies for

responding to bullying (Farrington & Ttofi, 2009); such strategies can also have a positive impact on academic and other behavioral outcomes (Durlak et al., in press). Effective classroom management is also critical, as well-managed classrooms are rated as having a more favorable climate, being safer and more supportive, and having lower rates of bullying (Koth, Bradshaw, & Leaf, 2008). At the second tier, selective interventions may include social skills training for small groups of children at risk for becoming involved in bullying. Finally, an indicated preventive intervention (tier 3) may include more intensive supports and programs tailored to meet the needs of students identified as a bully or victim, and the needs of their families (Espelage & Swearer, 2008; Ross & Horner, 2009).

School-wide prevention activities.

Consistent with the social-ecological framework (Espelage & Swearer, 2004), schools should address the social environment and the broader culture and climate of bullying (Bradshaw & Waasdorp, 2009). Research documents the importance of school-wide prevention efforts that provide positive behavior support, establish a common set of expectations for positive behavior across all school contexts, and involve all school staff in prevention activities (Ross & Horner, 2009). Effective supervision – especially in bullying ‘hot spots’ – and clear anti-bullying policies are essential elements of a successful school-wide prevention effort (Olweus, 1993). The playground appears to be a particularly important context for increasing supervision in order to prevent bullying (Farrington & Ttofi, 2009; Frey et al., 2005). Collecting data on bullying via anonymous student surveys can inform the supervision and intervention process (HRSA, n.d.a). These data can identify potential areas for intensive

training for school staff, which is an essential element of successful bullying prevention efforts (Farrington & Ttofi, 2009). Data are also critical for monitoring progress toward the goal of reducing bullying (Olweus, 1993).

Involving families and communities.

Families also play a critical role in bullying prevention by providing emotional support to promote disclosure of bullying incidents and by fostering coping skills in their children. Parents need training in how to talk with their children about bullying (Lindstrom Johnson et al., in press), how to communicate their concerns about bullying to the school, and how to get actively involved in school-based bullying prevention efforts (Waasdorp, Bradshaw, & Duong, in press). There also are important bullying prevention activities that can occur at the community level, such as awareness or social marking campaigns that encourage all youth and adults – such as doctors, police officers, and storekeepers – to intervene when they see bullying and to become actively involved in school- and community-based prevention activities (HRSA, n.d.a; Olweus, 1993).

Integrating and sustaining prevention efforts.

It is also important to consider how schools can integrate prevention efforts with their other existing programs and supports. Research by Gottfredson and Gottfredson (2001) indicates that, on average, schools are using about 14 different strategies or programs to prevent violence and promote a safe learning environment. This can often be overwhelming for school staff to execute well, thereby leading to poor implementation fidelity. Therefore, schools are encouraged to integrate their prevention efforts so that there is a seamless system of support (Domitrovich et al., 2009), which is

coordinated, monitored for high fidelity implementation, and includes all staff across all school contexts. Instead of adopting a different program to combat each new problem that emerges, it is recommended that schools develop a consistent and long-term prevention plan that addresses multiple student concerns through a set of well-integrated programs and services (HRSA, n.d.a). Such efforts would address multiple competencies and skills in order to prevent bullying, and help students cope and respond appropriately when bullying does occur. The three-tiered public health model provides a framework for connecting bullying prevention with other programs to address bullying within the broader set of behavioral and academic concerns.

What are Some Specific Evidence-based Bullying Prevention Programs?

Recent research has investigated the overall impact of anti-bullying programs; however, the findings of these meta-analyses have been mixed (e.g., Ferguson, San Miguel, Kilburn, & Sanchez, 2007; Merrell, Gueldner, Ross, & Isava, 2008; Ryan & Smith, 2009; Smith et al., 2004; Vreeman & Carroll, 2007). To date, the most comprehensive review is Farrington and Ttofi's (2009) Campbell Systematic Review of 53 rigorous evaluations and randomized trials. The majority of these studies were conducted outside of the US or Canada (66%), and over a third of these programs were based in part on the work of Olweus (1993). Farrington and Ttofi found that the programs, on average, were associated with a 20% to 23% decrease in perpetration of bullying, and a 17% to 20% decrease in victimization. The effects generally were stronger in the non-randomized controlled trial designs, suggesting that the more rigorous the study design, the smaller the

effects on bullying were (Farrington & Ttofi, 2009).

A number of factors were associated with the effectiveness of these programs. For example, Farrington and Ttofi (2009) found that the most effective elements were the use of parent training activities, meetings, and information; high levels of playground supervision; use of consistent disciplinary methods; classroom management strategies; classroom and school-wide rules related to bullying; and training of teachers. Aspects of the student and teacher training, including the amount of time and the intensity of the training, were also positively associated with the efficacy of the programs. Consistent with previous studies (Olweus, 2005; Smith, 1997), their findings also support the use of multicomponent prevention approaches. The impacts appeared to be largest among older children (ages 11-14) relative to younger children. It is important to note that, unfortunately, the programs were generally more effective in Europe than in the US or Canada.

The most extensively researched program is the *Olweus Bullying Prevention Program*, which was developed by Olweus and colleagues (Olweus et al., 2007). Much of the research demonstrating the effectiveness of this multicomponent, school-wide prevention model was conducted in Norway (e.g., Olweus, 2005; Olweus, Limber, & Mihalic, 1999), with some studies conducted within the US (e.g., Bauer, Lozano, & Rivara, 2007; Limber et al., 2004). The Olweus Bullying Prevention Program includes school-wide components, classroom activities and meetings, targeted interventions for students identified as bullies or victims, and activities aimed at increasing community involvement (e.g., parents, mental health workers). Other derivations of this program also have been

shown to be effective at preventing bullying in North America (e.g., Pepler et al., 2004). Farrington and Ttofi (2009) concluded that programs that were conceptually based on the Olweus Bullying Prevention Program were the most effective. Another evidence-based bullying prevention program is *Steps to Respect*, which targets students in grades 3-6 (Frey et al., 2005). This multicomponent program includes a school-wide prevention effort, parent activities, classroom-focused lessons, and targeted activities for children involved in bullying, which are facilitated by counselors. Randomized trials of Steps to Respect have indicated significant impacts on bullying-related attitudes and observations of bullying, but not on student self-reports of bullying (Frey et al., 2009; 2005).

Programs aiming to prevent violence and disruptive behaviors and promote a positive school climate can also impact bullying. For example, recent findings indicate that the school-wide *Positive Behavioral Interventions and Supports* (PBIS; Sugai & Horner, 2006) model has a significant impact on teacher reports of bullying and rejection (Waasdorp, Bradshaw, & Leaf, 2011), as well as on school climate and discipline problems (Bradshaw, Koth, Thornton, & Leaf, 2009; Bradshaw, Mitchell, & Leaf, 2010; Horner et al., 2009). Social-emotional learning programs, such as the *Promoting Alternative Thinking Strategies* (PATHS; Greenberg, Kusché, Cook, & Quamma, 1995), and classroom management strategies, such as the *Good Behavior Game* (Ialongo, Werthamer, & Kellam, 1999), have demonstrated impacts on a range of aggressive-disruptive behavior problems. In addition, the *Coping Power Program* (Lochman & Wells, 2004), which targets aggressive youth and their parents, also has demonstrated significant effects on

aggressive behavior, social interactions, and disruptive behavior. Therefore, schools are encouraged to implement these more comprehensive programs to address a range of problem behaviors, including bullying (for a review, see Wilson & Lipsey, 2007).

What Strategies May Be Ineffective Or Potentially Damaging?

Given the complex nature of bullying, there are some strategies that have been shown to be ineffective or potentially harmful for students. One of these approaches is youth- or peer-facilitated programs, such as peer mediation, peer-led conflict resolution, and peer mentoring. In fact, research by Farrington and Ttofi (2009) indicated that many programs that used these peer-facilitated approaches actually resulted in increases in victimization. Moreover, studies on youth violence and delinquency prevention (Dodge, Dishion, & Lansford, 2006) suggest that grouping children who bully together may actually reinforce their aggressive behaviors and result in higher rates of bullying. In these contexts, a contagion process occurs, whereby the bullies learn from each other and are reinforced for their aggressive behavior. Furthermore, conflict resolution, even when facilitated by adults, is not typically recommended in situations of bullying, as it suggests a disagreement between two peers of equal status or power, rather than an instance of peer abuse (HRSA, n.d.b).

There is also little evidence that brief assemblies or one-day awareness raising events are sufficient for changing a climate of bullying or producing sustainable effects on bullying behavior (HRSA, n.d.b). Rather, as was found by Farrington and Ttofi (2009), multicomponent programs hold the greatest promise. Finally, zero-tolerance policies, which mandate suspensions for

children who bully, are a common response to bullying and other forms of school violence (APA, 2008). Although ensuring the safety of the victim is paramount, and a consistent discipline procedure is strongly recommended (Farrington & Ttofi, 2009), zero-tolerance policies may result in under-reporting of bullying incidents because they are perceived as too harsh or punitive. Furthermore, there is limited evidence that they are effective in curbing aggressive or bullying behavior (APA, 2008), as many children who bully may themselves be victims and may have other behavioral, social, or emotional problems requiring intervention (Nansel et al., 2001; O'Brennan et al., 2009; Swearer, Espelage, Vaillancourt, & Hymel, 2010). Therefore, schools and districts should be cautious in the use of these approaches, as they may do more harm than good.

What Factors Are Important to Consider when Implementing Prevention Programs?

There has been a movement toward the use of 'packaged' evidence-based prevention programs over the past several years. The work by Farrington and Ttofi (2009) sheds some light on the most efficacious elements of multicomponent bullying prevention programs; however, schools should be cautious when implementing just a few components of a program, as they may not produce the same effects when implemented in isolation. The cost and related resource needs may also serve as barriers to implementing the more rigorously tested evidence-based prevention programs. Getting 'buy-in' from all students and staff is critical to the success of any prevention effort, especially for multicomponent school-wide models, which can be difficult to implement with high fidelity (Bradshaw, Koth et al., 2009; Durlak et al., in press). Research highlights a number of contextual

factors, like principal leadership, staff attitudes toward the program, and the availability of resources that impact implementation quality (Domitrovich et al., 2008; Hong, 2009). Therefore, considerable pre-implementation planning is needed to garner staff support and buy-in for the program and to integrate the new program with existing supports and services (Limber, 2004).

Once implemented, the collection of fidelity and outcome data is critical to ensuring high quality implementation, tracking progress towards outcomes, and promoting sustainability. Unfortunately, most programs lack valid and efficient tools for tracking implementation fidelity, and regular assessments of self-reports of bullying can be costly and burdensome for some schools. Many schools find it helpful to form a team to lead the implementation and help with the integration of programs and the program monitoring process (Limber, 2004). An implementation specialist or 'coach' can also be helpful in ensuring high quality implementation of bullying prevention programs. Changing school climate and the culture of bullying is difficult and requires sustained and intensive commitment from all students, staff, families, and the community. The development of an implementation infrastructure, at the school, district, and state level, is essential to scaling up the available research-based programs (for example, see Barrett, Bradshaw, & Lewis-Palmer, 2008).

What Additional Research Is Needed to Improve Our Understanding of The Most Effective Strategies for Combating Bullying?

Additional research is needed in several areas related to bullying prevention. As

noted above, there are relatively few prevention programs, tested through rigorous research designs, which have demonstrated significant impacts on bullying among US students (Farrington & Ttofi, 2009; Merrell et al., 2008). Further research is needed on bullying prevention programs to determine their effectiveness in diverse contexts and with different populations, particularly in urban schools and with ethnic minority students and students with disabilities. The impact of programs also likely varies based on student factors, such as the age or gender of the child, the type of involvement in bullying they experienced (e.g., bully, victim, or both bully and victim), as well as the form of bullying (e.g., cyberbullying or bullying related to perceived sexual orientation or gender non-conformity). Although the rates of bullying tend to peak during middle school, very few bullying prevention or intervention programs have been developed and tested on high school students. Additional research is also needed to determine which program components are critical for success, and what factors are important in predicting high quality program implementation. Unfortunately, there have been no cost-benefit analysis studies conducted of bullying prevention programs, although such work is available for some of the more general youth violence prevention programs (see Aos, Lieb, Mayfield, Miller, & Pennucci, 2004). Studies are also needed to determine the impact of the relatively recently enacted state-level bullying policies on rates of bullying. Moreover, the policies should have an increased focus on staff training and the use of research-based prevention efforts (Limber & Small, 2003). What is clear is that the passage of these policies signals to educators, parents, and the community that bullying is a major concern - one with potentially serious

consequences for students and the school environment (Swearer et al., 2010).

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REDUCING THE EFFECTIVENESS OF BULLYING BEHAVIOR IN SCHOOLS^{viii}

OSEP Center on Positive Behavioral
Interventions and Supports
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Ensuring that children and youth have safe, caring, and respectful places to learn and socialize has been among the top concerns of the general public over the past 40 years (Bushaw & Lopez, 2010). However, effective classroom management and school discipline receive relatively minor attention in many teacher preparation programs and remain in the informal shadows of the academic mission of many schools (Baker, 2005; Oliver & Reschly, 2007; Siebert, 2005). The assumption is that students will come to school ready to learn, adequately prepared to navigate the classroom expectations, and have the social skills to establish lasting relationships with others. In addition, disciplinary consequences and policies are used to “control and punish” norm-violating actions. At best, learning the school and classroom behavioral expectations is informal and trial and error at best.

Calls for effective behavior management and better discipline spike when a school shootings occurs, a student takes her own life, or a youth hurts his classmate. Our immediate reactions are to demand more punishment-oriented consequences, greater

student accountability and personal responsibility, and intensive screening for identification. Concerns about recent tragic bullying events and general lack of civility of children and youth have given high priority to bully proofing and violence prevention initiatives.

Although such efforts are understandable and admirable, they are not implemented for long, student behavior does not improve, and school climate remains negative and control-oriented. A major message of this paper is that the challenge is not that we don’t know the characteristics of effective violence prevention strategies, but that we need to implement a systemic framework or process through which these strategies might actually prevent the development and occurrences of violent behavior for all students.

The purpose of this document is to provide an overview of how school-wide positive behavioral interventions and supports (PBIS) can provide such a framework for improving the effectiveness, efficiency, and relevance of practices that can help prevent school violence and bullying behavior, in particular. This overview is organized around eight main questions.

1. What Do We Know about Preventing Violence in Schools?

Decades of research provide excellent guidance on what competent school environments look like and do to prevent the development and occurrence of violent behavior, including bullying behavior, in schools and neighborhoods (e.g., Biglan, 1995; Gottfredson, 1997; Gottfredson, Gottfredson, & Hybl, 1993; Mayer, 1995; Morrison, Furlong, & Morrison, 1997; Tolan & Guerra, 1994; Walker, Ramsey, &

Gresham, 2004). In general, effective schools formally invest in the following protective activities:

1. School-wide curriculum that emphasizes targeted social skills instruction.
2. Establishment of positive school and classroom social cultures where teaching and learning are emphasized.
3. Challenging and engaging instructional practices that effectively maximize academic success for all students.
4. Continuous, positive, and active supervision and monitoring of student behavior and learning.
5. Regular, frequent, and positive acknowledgements and reinforcement for student displays of academic and social behavior success.
6. Active involvement of all students and family, faculty, and community members.
7. Multi-year and multi-component approaches to implementation.
8. Adults who model the same positive social behaviors and values expected of students.

2. What is “Positive Behavioral Interventions and Supports?”

To maximize the impact of effective violence prevention strategies, careful attention must be directed to the systemic supports that enable accurate, durable, and scalable implementation (Fixsen et al., 2005). In 1996, the U.S. Congress reauthorized the Individuals with Disabilities Education Improvement Act (IDEIA), and included authority to establish the National Technical Assistance Center for

Positive Behavioral Interventions and Supports (PBIS, www.pbis.org).

It is important to understand that PBIS is NOT a packaged curriculum, scripted intervention, or manualized strategy. Rather, PBIS IS a prevention-oriented multi-tiered framework for school personnel to (a) organize evidence-based practices, (b) implement those practices with high fidelity, and (c) maximize academic and social behavior outcomes for all students (Sugai et al., 1999).

3. How Does School-wide PBIS Relate to the Prevention of Bullying Behavior?

PBIS begins with the premise that all students should have access to positive behavioral supports to prevent the development and occurrence of problem behavior, including bullying. To avoid stigmatizing any student, PBIS emphasizes what a student does and where it occurs. Instead of labeling a student as a bully, victim, perpetrator, or bystander, the emphasis is on labeling what the student does, for example, name-calling, teasing, intimidation, verbal aggression, and cyber-harassment. Bullying behavior is always described in the context or setting in which it occurs, for example, cyberspace, hallway, dance, field trip, bus, etc.

From a PBIS perspective, successful prevention of bullying behavior is linked directly to teaching adults and students (a) what bullying looks like, (b) what to do before and when bullying behavior is observed, (c) how to teach others what to do, and (d) how to establish a positive and preventive environment that reduces the effectiveness of bullying behavior (Ross, Horner, & Stiller, 2009).

4. What is the PBIS Approach to Preventing Bullying Behavior?

PBIS takes a multi-tiered responsiveness-to-intervention approach to preventing bullying behavior (Bradley, Danielson, & Doolittle, 2007; Sugai & Horner, 2009), which is derived directly from the “3-tiered” public health prevention logic (Walker et al., 1996).

At Tier I, all students and staff are taught directly and formally about how to behave in safe, respectful, and responsible ways across all school settings. The emphasis is on teaching and encouraging positive social skills and character traits. If implemented well, most students will benefit and be successful (Lewis & Sugai, 1999; Taylor-Greene et al., 1997; Sugai et al., 1999).

At Tier II, students whose behaviors do not respond to Tier I supports are provided additional preventive strategies (Crone, Hawken, & Horner, 2010; Fairbanks, Sugai, Guardino, & Lathrop, 2007) that involve (a) more targeted social skills instruction, (b) increased adult monitoring and positive attention, (c) specific and regular daily feedback on their behavioral progress, and (d) additional academic supports, if necessary.

At Tier III, students whose behaviors do not respond to Tier I and II supports are provided intensive preventive strategies (Crone & Horner, 2003; Eber, Sugai, Smith, & Scott, 2002; Walker, Ramsey, & Gresham, 2004) that involve (a) highly individualized academic and/or behavior intervention planning; (b) more comprehensive, person-centered and function-based wraparound processes; and (c) school-family-community mental health supports.

From a prevention and responsiveness-to-intervention perspective, not all students respond equally to bully prevention strategies because of a variety of risk and protective factors, for example, behavioral learning history, socio-economic status, social skill competence, academic achievement, disability, peer and family influences (Biglan, 1995; Mayer, 1995; Spivak & Prothrow-Stith, 2001; Walker, Ramsey, & Gresham, 2004). Effective Tier I prevention programs are intended to support most students and then to identify those who may require more intensive and specialized assistance (Tier II and III). This logic is important for students who engage in bullying behavior as well as those who are targets and observers of bullying behaviors. It is important to note that increasing the severity and number of more punishing consequences is not emphasized.

Many evidence-based practices for preventing bullying behavior are available (Bradshaw, Johnson, 2011; Elliott, Hamburg, & Williams, 1998; Espelage & Swearer, 2003; Lipsey & Wilson, 1993; Mayer, 1995; Morrison, Furlong, & Morrison, 1997; Olweus, Limber, & Mihalic, 1990; Ross & Horner, 2009); however, their effectiveness and durability are dependent upon the use of good data systems, efficient progress monitoring tools, competent school personnel, on-going and embedded professional development, formal coaching and coordination supports, and adequate school and district systems to sustain meaningful outcomes with accurate implementation (Fixsen et al., 2005; PBIS Implementation Blueprint, 2010; PBIS Evaluation Blueprint, 2009).

4. What Costs Are Associated with Implementing School-wide PBIS?

The National PBIS Center is funded by the Office of Special Education Programs in the U.S. Department of Education to disseminate and provide technical assistance to schools, districts, and states. The PBIS Center's website (www.pbis.org) provides a comprehensive collection of free and downloadable materials related to the multi-tiered approach to PBIS, including bullying behavior prevention.

Contact information for a network of state and district implementation efforts is also available at the website. Some states have formalized their training and professional development efforts such that costs are minimized. PBIS state coordinators can be contacted for more information about school and district implementation opportunities and costs.

Although specific trainer costs may vary depending on whether a state or district has established its own training capacity or relies on external trainers, a school's major costs will be associated with professional development days for a PBIS leadership team to develop, implement, and monitor the progress of a PBIS action plan (e.g., substitute teachers). Professional development costs depend on demographic characteristics (e.g., school and district size, number of schools, prior PBIS experiences). During the initial implementation years, schools should expect each team member to participate in 4 to 6 full days of professional development, and implementation action planning (PBIS Professional Development Blueprint, 2010).

Because implementation occurs in phases, the first two to three years are focused on

establishing the working infrastructure and capacity for initial implementation of the three-tiered prevention continuum, especially Tier I supports. Over time, action planning shifts to sustaining and improving implementation outcomes, behavioral capacity, and efficiency, and addressing other behavioral needs.

Most importantly, before implementing any PBIS component, schools, districts, and states are encouraged to complete a self-assessment audit of existing behavioral initiatives, programs, interventions, and priorities. The goal is to discontinue ineffective or poorly implemented practices, adjust effective initiatives to improve efficiency and durability, and combine or integrate efforts that have similar outcome expectations and objectives. PBIS implementation cannot be an "add-on" to existing initiatives and programs. Instead, existing resources are re-invested in the smallest number of the most effective, efficient, and relevant practices and initiatives possible. Doing a few things really well is preferred to doing many things partially, or not at all.

5. Does PBIS work better with different groups, settings, or contexts?

The research base for PBIS is established and expanding (e.g., Bradshaw, Mitchell, & Leaf, 2010; Horner, Sugai, & Anderson, 2010; Horner et al., 2009; Safran & Oswald, 2003). In general, experimental and quasi-experimental studies have demonstrated that when implemented with fidelity, school-wide PBIS is associated with improvements in perceived school health and safety; decreases in disciplinary referrals, detentions, and suspensions; increases in academic achievement; and improvements in concerns related to over-representation

and disproportionality for students with disabilities and of color.

Although PBIS implementation has generally occurred at the elementary and middle school levels, high school applications are expanding. In general, the elements, processes, practices, and systems of PBIS are similar across all school levels; however, the specific appearance and implementation characteristics vary based on developmental, cultural, linguistic, organizational, etc. features of individual schools and communities (Flannery et al., 2009).

6. What Does School-wide PBIS Look Like When Bullying Behavior Needs to be Addressed?

By investing in the implementation of multi-tiered prevention frameworks, like PBIS, schools are creating school cultures that prevent the development and occurrences of bullying behavior. However, if a school suspects that bullying behavior might be becoming problematic, a team-based and data-driven problem-solving process is initiated. The following table summarizes the key features of this process.

7. Where can more information about PBIS be found?

Information about PBIS can be obtained from a number of sources:

- National Center on Positive Behavioral Interventions and Supports (www.pbis.org)
- Office of Safe and Drug Free Schools (www.ed.gov/osdfs)

- Office of Special Education Programs (www.ed.gov/osers/osep)
- Individual State Departments of Education

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vii Prepared by request for Kevin Jennings, Assistant Deputy Secretary of Education, Office of Safe and Drug Free Schools, U.S. Department of Education.

PBIS Steps to Addressing Bullying Behavior at School

Step 1. If bullying behavior is identified as a concern, members of a PBIS school leadership team would start by examining their discipline data to determine

- How often what bullying behaviors (e.g., verbal/physical aggression, intimidation, teasing) were occurring.
- Where those behaviors were being reported (e.g., hallways, parking lots, cyberspace).
- How many and which students are involved in displays of bullying behavior (including students who are targets and/or observers of bullying behavior).
- Which staff members have been involved in bullying behavior incidents.
- When during the day (time/period) and week are bullying behavior being reported.

Step 2. A PBIS school leadership team would examine the extent to which Tier I practices and systems are being implemented accurately, fluently, and school-wide. The focus is on the extent to which staff members have

- Taught, provided practice for, and acknowledged the behaviors that represent three to five positive school-wide behavioral expectations (e.g., “respecting self, others, and environment;” “safety, responsibility, and honor”).
- Actively and positively supervised all students across all school settings.
- Had high rates of positive interactions and contact with all students.
- Arranged their instruction so all students are actively academically engaged, successful, and challenged.

Step 3. To address bullying behaviors at Tier I, all students and staff would be taught a common strategy for preventing and responding to bullying behavior:

- How to avoid situations where bullying behavior is likely.
- How to intervene and respond early and quickly to interrupt bullying behavior, remove the social

rewards for bullying behavior, and prevent bullying behavior from escalating.

- How to remove what triggers and maintains bullying behavior.
- How to improve the accuracy, fluency, and sustainability of implementation efforts.
- What to do when prevention efforts do not work.
- How and what to report and record when a bullying behavior incident occurs.

Step 4. If Steps 1 through 3 are done well, a relatively small proportion of students (initiators, targets, bystanders) will require more than Tier I supports. These students should not receive more of the same ineffective strategies, especially, more severe consequences. Instead, students whose bullying behavior does not improve should be considered for Tiers II and III supports.

- These supports would be initiated by increasing consideration of behavioral function or purpose (e.g., “bully behavior results in access to bystander, target, and/or adult attention;” “target behavior results in access to peer and/or adult attention;” “bystander behavior results in access to initiator attention”).
- Based on the function of a student’s behavior, students would (a) begin the day with a check-in or reminder about the daily expectations; (b) be more overtly and actively supervised; (c) receive more frequent, regular and positive performance feedback each day; and (d) conclude each day with a checkout or debriefing with an adult.
- More intensive supports would be highly individualized, multi-disciplinary, trans-situational (i.e., school, family, community), and long-term.

Step 6. Improving and sustaining implementation of an effective intervention or practice requires that

- Accuracy and fluency of implementation are monitored frequently and regularly.
- Behavioral data are reviewed regularly.
- Intervention features are adapted to improve outcomes and sustain implementation.
- Efficient and expert capacity are established to enable consideration of new or other behavioral concerns (scaling and continuous regeneration).

BULLYING & THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING (LGBTQ) COMMUNITY

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What Do We Know About Rates Of Bullying For LGBTQ Students?

A large percentage of bullying among students involves the use of homophobic teasing and slurs, called homophobic teasing or victimization (Poteat & Espelage, 2005; Poteat & Rivers, 2010). Bullying and homophobic victimization occur more frequently among LGBT youth in American schools than among students who identify as heterosexual (Birkett, Espelage, & Koenig, 2009; Kosciw, Greytak, & Diaz, 2009). A recent nationwide survey of LGBT youth reports that 84.6% of LGBT students reported being verbally harassed, 40.1% reported being physically assaulted at school in the past year because of their sexual orientation (Kosciw, Greytak, Diaz, & Bartkiewicz, 2010). A population-based study of over 200,000 California students found that 7.5% reported being bullied in the last year because they were “gay or lesbian or someone thought they were” (O’Shaughnessy, Russell, Heck, Calhoun, & Laub, 2004, p. 3). Of note, among sexual minority youth, transgender youth remain an especially understudied and underserved population who are often victimized because of their gender expression (Kosciw et al., 2009).

Even without being a direct target of homophobic bullying, a student may feel isolated from friends and teachers because of the anti-gay attitudes and behaviors present in schools; 91.4% of a LGBT middle/high school sample reported that

they *sometimes* or *frequently* heard homophobic remarks in school, such as “faggot,” “dyke,” or “queer.” Of these students, 99.4% said they heard remarks from students and 63% heard remarks from faculty or school staff (Kosciw & Diaz, 2006; Kosciw et al., 2008). The pervasiveness of anti-gay language in schools suggests that most school environments are hostile for LGBT students and create negative environments for their heterosexual peers as well (Swearer, Turner, Givens, & Pollack, 2008).

Are LGBTQ Students More At-Risk For Certain Outcomes Related To Bullying Than Their Heterosexual Peers?

Bontempo and D’Augelli (2002) found that LGB youth were at higher risk for school victimization and health risk behaviors such as substance abuse, sexual risk-taking, and mental health issues than their non-LGB peers. In addition, LGB youth who were victimized reported more risky behaviors than non-victimized LGB youth.

School engagement. According to a 2003 survey of Massachusetts high school students, individuals who identified as LGB were nearly five times as likely as students who identified as heterosexual to report not attending school because of feeling unsafe (Massachusetts Youth Risk Behavior Survey, 2003). A recent nationally representative survey reported that 29.1% of LGBT students missed a class at least once and 30.0% missed at least one day of school in the past month because of safety concerns, compared to only 8.0% and 6.7%, respectively, of a national sample of secondary school students (Kosciw et al., 2010). Also, in this sample, the reported grade point average of students who were more frequently harassed because of their sexual orientation or gender expression was

almost half a grade lower than for students who were less often harassed. LGBT students also tend to have more negative school attitudes (Espelage, Aragon, Birkett, & Koenig, 2008; Russell et al., 2001).

Suicidal Ideation/Attempts. Suicide among sexual minority youth is a major public health concern. A number of studies have reported high rates of suicide attempts among sexual minority youth (D'Augelli & Hersherberger, 1993; D'Augelli, Hersherberger, & Pilkington, 2002; Espelage et al., 2008; Paul et al., 2002; Safren & Heimberg, 1999); and these youth were significantly more likely to be at risk of suicidal completion than heterosexual youth (Eisenberg & Resnick, 2006; Remafedi et al., 1998). Child Welfare League of America (2009) found that in 2005, 45% of gay, lesbian, or bisexual youth attempted suicide, compared with eight percent of heterosexual youth. However, on a positive note, when school climate is perceived as positive, it serves to buffer against the experience of negative psychological and social concerns among sexual minority youth (Espelage et al., 2008). That is, LGB and sexually questioning students who had experienced homophobic teasing, but perceived their school as positive, reported less depression, suicidality, and alcohol and drug use than LGB and questioning students who were bullied and in a negative school climate.

What Challenges Do LGBTQ Students Face Around Bullying That Are Unique From Other Populations?

Sexual minority youth frequently struggle with rejection from their parents, peers, and teachers, as well as homophobia in society, which put them at greater risk for depression, which can lead to self-destructive behavior such as suicide, especially if they are bullied frequently. In

addition, students are coming out at younger ages and in higher numbers than in previous generations (Floyd & Bakeman, 2006). However, they are coming out during middle school when attitudes about same sex attraction are less favorable among early adolescents than as students mature (Heinze & Horn, 2009; Horn, 2006; Poteat, Espelage, & Koenig, 2009). For example, in a study of middle and high school students, 30% of 7th graders (10.8% of 12th graders) indicated that they would not remain friends with someone if they disclosed that they were gay (Poteat et al., 2009). Further, 44.5% of 7th graders (20.6% of 12th graders) would prefer to attend a school where there were no gay or lesbian students. These findings suggest that LGBT students are likely to use sources of support – friends – when they risk disclosing their sexual orientation.

Many LGBTQ students also report that school personnel are perpetrators of homophobic remarks in school – nearly two-thirds (63%) of LGBTQ students in the GLSEN's National School Climate Survey reported hearing homophobic remarks from school staff (Kosciw et al., 2008) and teachers intervene less when homophobic remarks are made in comparison to racist and sexist remarks (Kosciw et al., 2008). Moreover, lack of response from other students and teachers to homophobic remarks plays a role in maintaining a school environment that is unsupportive of sexual minority students (Espelage & Swearer, 2008) and compromises their basic rights to safety and an education (Bagley & D'Augelli, 2000; Nichols, 1999).

Indeed, LGBT students typically receive little-to-no protection or support from school policies or administration (Beach et al., 1993; Greydanus & Dewdney, 1985;

Kosciw et al., 2010 In a nationwide survey of state and local laws, 42 states were given failing grades for not having sufficient sexuality education, safe school laws protecting students based on sexual orientation, presence of gay straight alliances in schools, and state and local laws protecting the rights of LGB students (Kosciw, 2004).

- Only sixteen states prohibit discrimination or harassment in schools on the basis of sexual orientation.
- Thirty-three states have enacted anti-bullying/harassment laws that do not protect LGBT students

It is obvious that many students who are LGBT or questioning their sexual orientation are spending their childhood and adolescence in schools that lack accurate information, positive role models, or support groups (Bailey & Zucker, 1995; Mufoz-Plaza, Quinn, & Rounds, 2002).

Are There Examples Of Strategies, Services, And/Or Programs That Are Effective For Preventing And Intervening In Bullying For LGBT Students?

Russell, Kosciw, Horn, and Saewyc (2010) in their “Social Policy Report: Safe Schools Policy for LGBTQ Students” highlight four practices that have shown to promote safety and well-being for LGBTQ youth in schools. These are elaborated here:

Practice #1: School nondiscrimination and anti-bullying policies that specifically include actual or perceived sexual orientation or gender identity or expression (Russell & McGuire, 2008).

- LGBTQ students in states with comprehensive, enumerated safe school laws reported hearing fewer homophobic

remarks in school, experienced lower levels of harassment and assault based on sexual orientation or gender expression than students in states with no law or in states with a non-enumerated anti-bullying law and fewer suicidal attempts (Goodenow et al., 2006; Kosciw et al., 2008).

Practice #2: Teachers receive training and ongoing professional development on how to intervene when homophobic teasing occurs.

- Students feel safer when they report that their teachers intervene to stop harassment (O’Shaughnessy et al., 2004).
- Two recent evaluations showed that teacher training around LGBT issues and creating safer school environments for LGBTQ students (Greytak & Kosciw, 2010; Horn & Gregory, 2005).

Practice #3: Presence of school-based support groups or clubs (e.g., gay-straight alliances (GSAs)).

- Students in schools with GSAs reported fewer homophobic remarks, less harassment and bullying based on sexual orientation or gender identity, were less likely to miss school because of feeling unsafe, and were more likely to feel a positive school sense of belonging (Kosciw et al., 2008).
- Szalacha (2003) found in a Massachusetts statewide study found that the presence of a GSA was the most predictive factor in perceived school safety amongst LGB and heterosexual students.

- LGBTQ students who attend schools with Gay-Straight Alliances (GSAs) and other support groups report greater perceptions of safety and lower levels of victimization (California Safe Schools Coalition, 2004; Goodenow et al., 2006; Russell, Muraco, Subramaniam, & Laub, 2009).

- A recent study showed that among heterosexual youth, those who had at least one LG friend were less likely to tolerate unfair treatment toward LG peers (Heinze & Horn, 2009).

- Dialogue groups also can provide opportunities for positive intergroup interactions among peers at school (Candelario & Huber, 2002; Portman & Portman, 2002).

Practice #4: Inclusion of LGBTQ role models or issues in school curricula, including bullying-prevention programming, and access to information and resources through the library, school-based health centers, and other avenues.

- When students know where to get information and resources for LGBTQ issues and if they have someone to talk to at their school then they feel safer (O'Shaughnessy et al., 2004).

- School-based programs that focus on a range of issues such as raising cultural awareness or facilitating individual identity development, building connections between students and their cultural community, or promoting social action to counter prejudice and discrimination are likely to reduce bullying directed toward LGBTQ students (Espelage & Horne, 2008).

- In a study of 23 comprehensive anti-bullying programs aimed at middle and high school students, none of them covered issues of sexual orientation, homophobia, sexual harassment, and sexual violence sufficiently enough to warrant any efficacy (Birkett, Espelage, & Stein, 2008).

How Can Parents, Teachers, Community Leaders, Policy-Makers, and Educators Help to Reduce School Bullying in LGBTQ Community?

(1) Support legislation that provides funding to implement anti-bullying policies and that specifically include **protections based on students' actual or perceived sexual orientation and gender identity.** :

(2) SUPPORT RESEARCH ON BULLYING AMONG LGBTQ STUDENTS.

(3) SUPPORT BULLYING PREVENTION PROGRAMS THAT ADDRESS HOMOPHOBIA.

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BULLYING AND STUDENTS WITH DISABILITIES

A Briefing Paper from the National Council on Disability

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Like bullying in general, bullying of students with disabilities represents both a civil rights and public health challenge. Amongst the possible effects of bullying the U.S. Department of Education (ED, 2010) includes lowered academic achievement and aspirations, increased anxiety, loss of self-esteem and confidence, depression and post-traumatic stress, deterioration in physical health, self-harm and suicidal thinking, suicide, feelings of alienation, absenteeism and other negative impacts, both educational and health related. While both students with and without disabilities face significant negative emotional, educational and physical results from bullying, students with disabilities are both uniquely vulnerable and disproportionately impacted by the bullying phenomenon. Unaddressed bullying of vulnerable students can be expected to have serious negative impacts on the school experiences of all children – social impacts can be expected in addition to individual impacts. Despite this, there exists a dearth of both research and policy focusing on eliminating the bullying of students with disabilities. Furthermore, evidence suggests that existing legal and policy tools available to address bullying against students with disabilities remain significantly under-utilized. Additional focus is needed on the

bullying of students with disabilities, both as part of a general strategy of bullying prevention efforts and as a specific area of focus in policy and practice.

Background

In 1970, only one in every five children with disabilities received a public education and many states had laws specifically excluding particular disability categories (i.e., children who were deaf, blind, with intellectual disabilities, or emotional disturbance) from public education (ED, 2010). As a result of landmark court cases such as *PARC v. Pennsylvania (1971)*, it was established that the 14th Amendment's equal protection clause required that students with disabilities have the same opportunity to receive a free and appropriate public education as students without disabilities and that, wherever possible, placement in a regular public school class should be the preference. Public Law 94-142 (1975), known then as the Education for All Handicapped Children Act and today Public Law 108-446, the Individuals with Disabilities Education Improvement Act (IDEA) of 2004, created both a legal and funding infrastructure to help ensure that students with disabilities would enjoy the right to a "free and appropriate public education" in the "least restrictive environment." As a result, many more students with disabilities began to attend and be educated in general education schools and classrooms and thus interacted more with other students.

Research confirms that students with disabilities benefit from being included in the same school settings as their non-disabled peers and that segregated programs fail to demonstrate greater effectiveness (Lipsky, 1997; Buckley, 2000; and Sailor, 2002). Furthermore, research suggests that students without disabilities may also benefit from inclusion and that, when

properly implemented, inclusion of students with disabilities does not negatively impact student test scores, grades, the amount of allocated and engaged instructional time or the rate of interruption to planned activities (York, Vandercook, MacDonald, Heise-Neff, and Caughey, 1992). Despite this, the increased inclusion of students with disabilities, while the right policy and legal decision, necessitates additional efforts to ensure welcoming school environments for students with disabilities. As demonstrated by both the all too frequent bullying experiences students with disabilities continue to face and the slow progress in fully integrating students with disabilities in public schools (NCD, 2008) across the country, such welcoming environments have not always been forthcoming.

Literature Review

Studies show that students with visible and non-visible disabilities are subject to more bullying than non-disabled peers (Carter and Spencer, 2006). Bullying is frequently a direct result of a student's disability (Whitney, Smith & Thompson, 1994). Students with disabilities are disproportionately likely to face peer rejection, a significant risk factor for victimization (Martlew & Hodson, 1991; Whitney, et al, 1994; and Hodges and Perry, 1996). Many students with disabilities have significant social skills challenges, either as a core trait of their disability or as a result of social isolation due to segregated environments and/or peer rejection. Such students may be at particular risk for bullying and victimization. For example, Little's (2002) study of U.S. mothers found that 94% of children with a diagnosis of Asperger's Syndrome faced peer victimization, including emotional bullying (75%), gang attacks (10%) and nonsexual assaults to the genitals (15%). Clearly it is

important to avoid glossing over physical assault, theft, sexual abuse or other crimes by calling them "bullying."

Other research (Siebeker, Swearer, and Lieske, 2005; and Regional Education Laboratory, 2010) has indicated that students with a wide range of disabilities face increased bullying victimization, including students with visible and invisible disabilities, students with physical, developmental, intellectual, emotional and sensory disabilities and others. A 2003 study found that 34% of students taking medication for ADHD reported bullying victimization at least 2-3 times a month, a substantial increase over the rate of bullying victimization from other students surveyed (Unnever and Cornell, 2003). Wiener and Mak (2009) also found high rates of victims among girls with Attention Deficit and Hyperactivity Disabilities. Langevin, Bortnick, Hammer and Wiebe's (1998) Canadian study examining the relationship between stuttering and selection as a target for bullying, found that at least 59% of students studied were bullied about their stuttering, 69% of students who stutter were also bullied about other things and that bullying very frequently takes place on at least a weekly basis.

Evidence suggests that the response of policymakers, educators and researchers to the bullying of students with disabilities has not been nearly sufficient to address the breadth or gravity of the problem. For example, Massachusetts Advocates for Children's (2009) survey of families of children on the autism spectrum found that almost 40% of said children experienced bullying for in excess of a year and that while 92% of parents discussed the bullying with school officials, 68% of families found the response of the school district to be

inadequate. Only 21.5% of parents surveyed heard about the bullying from the school, with 80.6% hearing from the student him or herself. Given that many students with disabilities face significant communication barriers and are thus unable to report bullying and victimization themselves, protecting the rights of parents to be informed when their children face incidents of bullying or victimization may be a critical area for future law and practice around bullying. Increased research in this area is also necessary. While the existing literature has clearly established that students with disabilities face higher rates of bullying and victimization than the general student population, very little research on bullying prevention has focused on students with disabilities either in isolation or as an identified sub-category in broader bullying prevention initiatives.

Who Qualifies as a Student with a Disability?

One of the first and most important legal questions with respect to bullying and students with disabilities is: who qualifies as a student with a disability? The answer to this question varies depending on the law under question. There are two major definitions of disability that are relevant in the educational context: students with disabilities under Section 504 of the Rehabilitation Act and students with disabilities under IDEA. To be a student with a disability under Section 504, a student must, (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment (ED, 2010)."

While there does not exist a comprehensive list of what constitutes a physical or mental impairment, the term is intended to be construed broadly. Recently, in the ADA Amendments Act of 2008, Congress

provided a non-exhaustive list of major life activities, including but not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working (ADA, 2008). The ADA Amendments Act makes clear that the ADA's, and as a result Section 504's, definition of disability is intended to be construed very broadly. IDEA's definition of a child with a disability is narrower, in part because of the broader legal rights and educational entitlements available to eligible students under IDEA. Under IDEA, a child with a disability must be evaluated and determined to fall within one of a series of specific, defined disability categories, such as intellectual disability, deafness, blindness, emotional disturbance, autism, specific learning disability and others, and need special education and related services by reason thereof (ADA, 2008).

Bullying and Existing Disability and Special Education Laws

Bullying prevention efforts interact in various ways with disability non-discrimination laws, some of which are similar to dynamics around laws protecting other minority groups while others remain unique. In 2000, the Department of Education's Office of Special Education and Rehabilitative Services (OSERS) and Office on Civil Rights (OCR) issued a joint, "Dear Colleague" letter highlighting the issue of disability harassment, a category within which bullying of students with disabilities is included (ED, 2000). The letter noted that several laws were relevant to the issue of disability harassment. It notes that educational institutions, including both K-12 schools and institutions of higher education, have a responsibility to ensure equal educational opportunity for all students and

that disability harassment denies that right and as a result is a form of discrimination prohibited by Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. The ED (2000) letter defines disability harassment as “intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the institution’s program... When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student’s rights under the Section 504 and Title II regulations... even if there are no tangible effects on the student (ED, 2000, p. 3).” The letter also notes that failure to address disability harassment may constitute a violation of the Individuals with Disabilities Education Act’s (IDEA) guarantee of a Free and Appropriate Public Education (FAPE) for students with disabilities when harassment prevents or diminishes the ability of a student to benefit from his or her education (ED, 2000. p.4). Although the letter does not say so specifically, bullying of students with disabilities may also constitute a violation of IDEA when it forces a student with a disability into a more restrictive educational setting such as a self-contained classroom or out of district placement in order to benefit from their educational experience, given IDEA’s legal right for students with disabilities to receive a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

More recently, the ED’s (2010) “Dear Colleague” letter included disability in a list of protected classes (e.g., race, gender, disability). Schools must respond to bullying and harassment perpetrated on the basis of

membership in these protected classes. The ED (2010) letter spelled out the legal obligations schools possess under existing civil rights laws, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act and provided examples of various types of harassment and bullying against protected classes as well as potential school responses. Among the responses mentioned in the context of disability include “disciplinary action against the harassers, consultation with the district’s Section 504/Title II coordinator to ensure a comprehensive and effective response, special training for staff on recognizing and effectively responding to harassment of students with disabilities, and monitoring to ensure that the harassment did not resume (ED, 2010).”

It should be noted that while ED 2010 speaks primarily of harassment on the basis of protected class status, IDEA’s FAPE and LRE provisions may impose upon school districts a legal responsibility to act to protect students with disabilities eligible under IDEA from more general bullying and harassment as well. IDEA does not simply require districts to protect students with disabilities from bullying, harassment and overt discrimination on the basis of disability, but also creates an entitlement to a “free and appropriate public education in the least restrictive environment” which frequently requires funding related services, making educational accommodations and modifications as well as working to address issues such as school climate, access needs and other factors that might hinder a student’s ability to fully benefit from their education in the least restrictive environment possible. For example, when bullying of a student with a disability results in a student being transferred into a self-contained classroom or a special education

school serving only students with disabilities as opposed to receiving an education in a general classroom setting, a student's IDEA LRE rights may have been violated regardless of the type of bullying that precipitated the change in placement and regardless of whether parents or guardians "chose" the segregated setting as a result of fear of bullying or other forms of intimidation or duress. As research shows that students with disabilities are not only subject to bullying and harassment on the basis of disability, but also are frequently more vulnerable to bullying and harassment of a more general nature as well, it is important that the potentially broader protections of IDEA are in place for this population.

IDEA is relevant to the issue of bullying of students with disabilities in at least two additional respects. First, the Individualized Education Plan process represents a potentially useful avenue to address bullying through both pro-active and reactive measures. Under IDEA, students with disabilities receive an Individualized Education Plan (IEP) as a result of a deliberative process involving educators, administrators, child study team members, parents and, where appropriate, the student. The IEP outlines the student's educational plan, accommodations, related services and goals for the year. The IEP can be useful both for helping students develop useful self-advocacy skills to avoid or effectively respond to bullying and harassment from peers or adults. It can also be a useful way of planning for how educators can intervene in the classroom, during extracurricular activities or in other school settings to help protect students from bullying behaviors. The utility of the IEP as a tool to address bullying has been recognized at the state level. Massachusetts (2010) recently passed into law a requirement that IEPs "address

the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing" for students with social skills related disabilities and whenever a student with a disability is vulnerable to disability-based bullying, harassment or teasing.

Secondly, IDEA's provisions around discipline state that a student with a disability may not have their educational placement changed in response to behavior that was a manifestation of a student's disability or the result of a school's failure to implement the student's IEP (34 C.F.R. § 300.530). In an instance in which a child with a disability under IDEA is engaged in bullying behavior, it is important that anti-bullying measures not come into conflict with or serve to restrict existing rights under IDEA. State anti-bullying laws have in many instances attempted to address this with language indicating that anti-bullying laws are not intended to infringe upon IDEA rights. Such language must be carefully constructed to ensure that it does not serve to exclude students with disabilities from anti-bullying efforts and protections. For example, an early proposed draft of a New Jersey (2010) anti-bullying law had attempted to address the potential conflict with IDEA by excluding bullying and harassment which occurred "exclusively among or between special education students or students with developmental disabilities". Such an approach would have deprived students with disabilities of the same civil rights protections other groups would benefit from in the anti-bullying legislation. Instead, the legislation was modified before it passed the legislature to simply clarify that, "nothing contained in the "Anti-Bullying Bill of Rights Act," shall alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special educational services and supports."

Policy Recommendations

Effectively addressing bullying of students with disabilities will require undertaking action as part of both general and special education policy. Students with disabilities must be included on an equal basis with other protected classes in bullying prevention efforts undertaken as part of general education laws and policy initiatives such as the upcoming re-authorization of the Elementary and Secondary Education Act and bullying prevention efforts from the Health Resources and Services Administration (HRSA) and the Department of Education Office for Civil Rights. In addition, it is also necessary to strengthen and increase the use of anti-bullying tools unique to students with disabilities, such as IEP process and IDEA's guarantee of a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). We recommend the following policy actions:

Recommendations for School and Classroom Level Change:

1. **Requiring Parental Notification:** Families frequently learn of incidents of bullying and harassment only well after they occur, if at all. As Congress considers means by which to incorporate bullying prevention into the re-authorization of the Elementary and Secondary Education Act (ESEA) and other relevant education policy laws, a requirement that parents be notified when their child is involved as either victim or perpetrator in an incident of bullying or harassment may be worth consideration. This may be particularly important for students with communication related

disabilities whose families may not otherwise become aware of incidents. However, part of the nature of bullying is that the victim may blame themselves or be too ashamed to report what happened, so reporting requirements should not be limited to students with disabilities.

2. **Expanding the Role of the IEP:** For students with disabilities, the IEP is a natural tool for bullying prevention and elimination. The ED Office on Special Education and Rehabilitation Services should expand technical assistance on how to use the IEP to protect students with disabilities from bullying and harassment and effective ways to address bullying behaviors that may be linked to a disability. Federal support to positive behavior interventions and supports should be broad enough to address bullying. Consideration should be given to incorporating bullying prevention as a priority within the IEP in the next re-authorization of the Individuals with Disabilities Education Act (IDEA).
3. **Meaningful Accountability:** Merely prohibiting certain types of behavior and requiring training will not necessarily suffice to solve the bullying problem. Families must have a continuum of meaningful and effective enforcement options to protect their children. Federal agencies and Congress should consider a range of possible enforcement measures, including potentially a private right of action aimed at holding schools accountable

for severe, persistent and pervasive bullying and harassment.

Recommendations Across the Lifespan:

4. **Eliminating Workplace Bullying:** Bullying is not limited to educational settings. Many youth and adults continue to face bullying, harassment and other forms of victimization during transition and within the workplace. The Employment Equal Opportunity Commission (EEOC) should be recognized and invited as a critical stakeholder in federal bullying prevention efforts and issues surrounding workplace bullying should be incorporated into our evolving national conversation on bullying. The Department of Labor should develop an infrastructure to address workplace bullying through measures to facilitate public education, technical assistance and enforcement.
5. **Fighting Hate Crimes:** The Department of Justice and the Federal Bureau of Investigation should work collaboratively with civil rights and community groups, including those in the disability community, to ensure effective and comprehensive implementation and enforcement of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act for both adults and youth.

Recommendations at the Federal Level:

6. **Collaborating in Federal Research Program on Bullying Prevention:** Given that bullying prevention has implications for educational practice, civil rights and public health,

research will play a crucial role in shaping anti-bullying efforts in the coming years. The executive branch should ensure that disability is included in federal research efforts on bullying through encouraging the involvement of disability-oriented agencies with mandated broad research and policy missions, like the National Institute for Disability and Rehabilitation Research (NIDRR) and the National Council on Disability (NCD), and in broader federal bullying prevention efforts such as the Federal Partners in Bullying Prevention Task Force.

7. **Technical Assistance:** The Department of Education should develop and implement, in collaboration with disability and other civil rights communities, an infrastructure for technical assistance to State and Local Education Authorities on bullying prevention to facilitate effective research to practice.
8. **Professional Development:** The Department of Education should place bullying prevention as a priority in existing personnel development grants for both general and special education. Congress should consider bullying prevention and reduction as a personnel preparation and development priority in the Elementary and Secondary Education Act (ESEA).
9. **Broadening Data Collection:** Disability must be included in all federal data collection around bullying, victimization, violence, harassment, and hate crimes.

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

October 26, 2010

Dear Colleague:

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department's Office for Civil Rights (OCR). As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment.

The statutes that OCR enforces include Title VI of the Civil Rights Act of 1964¹ (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972² (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973³ (Section 504); and Title II of the Americans with Disabilities Act of 1990⁴ (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.⁵ School districts may violate these civil rights statutes and the Department's implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.⁶ School personnel who understand their legal obligations to address harassment under these laws are in the best position to prevent it from occurring and to respond appropriately when it does. Although this letter focuses on the elementary and secondary school context, the legal principles also apply to postsecondary institutions covered by the laws and regulations enforced by OCR. Some school anti-bullying policies already may list classes or traits on which bases bullying or harassment is specifically

¹ 42 U.S.C. § 2000d *et seq.*

² 20 U.S.C. § 1681 *et seq.*

³ 29 U.S.C. § 794.

⁴ 42 U.S.C. § 12131 *et seq.*

⁵ OCR also enforces the Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, and the Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905. This letter does not specifically address those statutes.

⁶ The Department's regulations implementing these statutes are in 34 C.F.R. parts 100, 104, and 106. Under these federal civil rights laws and regulations, students are protected from harassment by school employees, other students, and third parties. This guidance focuses on peer harassment, and articulates the legal standards that apply in administrative enforcement and in court cases where plaintiffs are seeking injunctive relief.

prohibited. Indeed, many schools have adopted anti-bullying policies that go beyond prohibiting bullying on the basis of traits expressly protected by the federal civil rights laws enforced by OCR—race, color, national origin, sex, and disability—to include such bases as sexual orientation and religion. While this letter concerns your legal obligations under the laws enforced by OCR, other federal, state, and local laws impose additional obligations on schools.⁷ And, of course, even when bullying or harassment is not a civil rights violation, schools should still seek to prevent it in order to protect students from the physical and emotional harms that it may cause.

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.⁸

A school is responsible for addressing harassment incidents about which it knows or reasonably⁹ should have known. In some situations, harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public areas. In these cases, the obvious signs of the harassment are sufficient to put the school on notice. In other situations, the school may become aware of misconduct, triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment. In all cases, schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving¹⁰ complaints that will alert the school to incidents of harassment.

When responding to harassment, a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the

⁷ For instance, the U.S. Department of Justice (DOJ) has jurisdiction over Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c (Title IV), which prohibits discrimination on the basis of race, color, sex, religion, or national origin by public elementary and secondary schools and public institutions of higher learning. State laws also provide additional civil rights protections, so districts should review these statutes to determine what protections they afford (e.g., some state laws specifically prohibit discrimination on the basis of sexual orientation).

⁸ Some conduct alleged to be harassment may implicate the First Amendment rights to free speech or expression. For more information on the First Amendment's application to harassment, see the discussions in OCR's Dear Colleague Letter: First Amendment (July 28, 2003), available at <http://www.ed.gov/about/offices/list/ocr/firstamend.html>, and OCR's *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (Jan. 19, 2001) (*Sexual Harassment Guidance*), available at <http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>.

⁹ A school has notice of harassment if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment. For a discussion of what a "responsible employee" is, see OCR's *Sexual Harassment Guidance*.

¹⁰ Districts must adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex and disability discrimination complaints, and must notify students, parents, employees, applicants, and other interested parties that the district does not discriminate on the basis of sex or disability. See 28 C.F.R. § 35.106; 28 C.F.R. § 35.107(b); 34 C.F.R. § 104.7(b); 34 C.F.R. § 104.8; 34 C.F.R. § 106.8(b); 34 C.F.R. § 106.9.

student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

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. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy, and regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination.

Appropriate steps to end harassment may include separating the accused harasser and the target, providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed. For example, any separation of the target from an alleged harasser should be designed to minimize the burden on the target's educational program (*e.g.*, not requiring the target to change his or her class schedule).

In addition, depending on the extent of the harassment, the school may need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond. A school also may be required to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment. An effective response also may need to include the issuance of new policies against harassment and new procedures by which students, parents, and employees may report allegations of harassment (or wide dissemination of existing policies and procedures), as well as wide distribution of the contact information for the district's Title IX and Section 504/Title II coordinators.¹¹

Finally, a school should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

When responding to incidents of misconduct, schools should keep in mind the following:

- The label used to describe an incident (*e.g.*, bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR.

¹¹ Districts must designate persons responsible for coordinating compliance with Title IX, Section 504, and Title II, including the investigation of any complaints of sexual, gender-based, or disability harassment. See 28 C.F.R. § 35.107(a); 34 C.F.R. § 104.7(a); 34 C.F.R. § 106.8(a).

- When the behavior implicates the civil rights laws, school administrators should look beyond simply disciplining the perpetrators. While disciplining the perpetrators is likely a necessary step, it often is insufficient. A school's responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur. Put differently, the unique effects of discriminatory harassment may demand a different response than would other types of bullying.

Below, I provide hypothetical examples of how a school's failure to recognize student misconduct as discriminatory harassment violates students' civil rights.¹² In each of the examples, the school was on notice of the harassment because either the school or a responsible employee knew or should have known of misconduct that constituted harassment. The examples describe how the school should have responded in each circumstance.

Title VI: Race, Color, or National Origin Harassment

Some students anonymously inserted offensive notes into African-American students' lockers and notebooks, used racial slurs, and threatened African-American students who tried to sit near them in the cafeteria. Some African-American students told school officials that they did not feel safe at school. The school investigated and responded to individual instances of misconduct by assigning detention to the few student perpetrators it could identify. However, racial tensions in the school continued to escalate to the point that several fights broke out between the school's racial groups.

In this example, school officials failed to acknowledge the pattern of harassment as indicative of a racially hostile environment in violation of Title VI. Misconduct need not be directed at a particular student to constitute discriminatory harassment and foster a racially hostile environment. Here, the harassing conduct included overtly racist behavior (e.g., racial slurs) and also targeted students on the basis of their race (e.g., notes directed at African-American students). The nature of the harassment, the number of incidents, and the students' safety concerns demonstrate that there was a racially hostile environment that interfered with the students' ability to participate in the school's education programs and activities.

Had the school recognized that a racially hostile environment had been created, it would have realized that it needed to do more than just discipline the few individuals whom it could identify as having been involved. By failing to acknowledge the racially hostile environment, the school failed to meet its obligation to implement a more systemic response to address the unique effect that the misconduct had on the school climate. A more effective response would have included, in addition to punishing the perpetrators, such steps as reaffirming the school's policy against discrimination (including racial harassment), publicizing the means to report allegations of racial harassment, training faculty on constructive responses to racial conflict, hosting class discussions about racial

¹² Each of these hypothetical examples contains elements taken from actual cases.

harassment and sensitivity to students of other races, and conducting outreach to involve parents and students in an effort to identify problems and improve the school climate. Finally, had school officials responded appropriately and aggressively to the racial harassment when they first became aware of it, the school might have prevented the escalation of violence that occurred.¹³

• *Over the course of a school year, school employees at a junior high school received reports of several incidents of anti-Semitic conduct at the school. Anti-Semitic graffiti, including swastikas, was scrawled on the stalls of the school bathroom. When custodians discovered the graffiti and reported it to school administrators, the administrators ordered the graffiti removed but took no further action. At the same school, a teacher caught two ninth-graders trying to force two seventh-graders to give them money. The ninth-graders told the seventh-graders, "You Jews have all of the money, give us some." When school administrators investigated the incident, they determined that the seventh-graders were not actually Jewish. The school suspended the perpetrators for a week because of the serious nature of their misconduct. After that incident, younger Jewish students started avoiding the school library and computer lab because they were located in the corridor housing the lockers of the ninth-graders. At the same school, a group of eighth-grade students repeatedly called a Jewish student "Drew the dirty Jew." The responsible eighth-graders were reprimanded for teasing the Jewish student.*

The school administrators failed to recognize that anti-Semitic harassment can trigger responsibilities under Title VI. While Title VI does not cover discrimination based solely on religion,¹⁴ groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs). Thus, harassment against students who are members of any religious group triggers a school's Title VI responsibilities when the harassment is based on the group's actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members' religious practices. A school also has responsibilities under Title VI when its students are harassed based on their actual or perceived citizenship or residency in a country whose residents share a dominant religion or a distinct religious identity.¹⁵

In this example, school administrators should have recognized that the harassment was based on the students' actual or perceived shared ancestry or ethnic identity as Jews (rather than on the students' religious practices). The school was not relieved of its responsibilities

¹³ More information about the applicable legal standards and OCR's approach to investigating allegations of harassment on the basis of race, color, or national origin is included in *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, 59 Fed. Reg. 11,448 (Mar. 10, 1994), available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

¹⁴ As noted in footnote seven, DOJ has the authority to remedy discrimination based solely on religion under Title IV.

¹⁵ More information about the applicable legal standards and OCR's approach to investigating complaints of discrimination against members of religious groups is included in OCR's Dear Colleague Letter: Title VI and Title IX Religious Discrimination in Schools and Colleges (Sept. 13, 2004), available at <http://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

under Title VI because the targets of one of the incidents were not actually Jewish. The harassment was still based on the perceived ancestry or ethnic characteristics of the targeted students. Furthermore, the harassment negatively affected the ability and willingness of Jewish students to participate fully in the school's

education programs and activities (e.g., by causing some Jewish students to avoid the library and computer lab). Therefore, although the discipline that the school imposed on the perpetrators was an important part of the school's response, discipline alone was likely insufficient to remedy a hostile environment. Similarly, removing the graffiti, while a necessary and important step, did not fully satisfy the school's responsibilities. As discussed above, misconduct that is not directed at a particular student, like the graffiti in the bathroom, can still constitute discriminatory harassment and foster a hostile environment. Finally, the fact that school officials considered one of the incidents "teasing" is irrelevant for determining whether it contributed to a hostile environment.

Because the school failed to recognize that the incidents created a hostile environment, it addressed each only in isolation, and therefore failed to take prompt and effective steps reasonably calculated to end the harassment and prevent its recurrence. In addition to disciplining the perpetrators, remedial steps could have included counseling the perpetrators about the hurtful effect of their conduct, publicly labeling the incidents as anti-Semitic, reaffirming the school's policy against discrimination, and publicizing the means by which students may report harassment. Providing teachers with training to recognize and address anti-Semitic incidents also would have increased the effectiveness of the school's response. The school could also have created an age-appropriate program to educate its students about the history and dangers of anti-Semitism, and could have conducted outreach to involve parents and community groups in preventing future anti-Semitic harassment.

Title IX: Sexual Harassment

Shortly after enrolling at a new high school, a female student had a brief romance with another student. After the couple broke up, other male and female students began routinely calling the new student sexually charged names, spreading rumors about her sexual behavior, and sending her threatening text messages and e-mails. One of the student's teachers and an athletic coach witnessed the name calling and heard the rumors, but identified it as "hazing" that new students often experience. They also noticed the new student's anxiety and declining class participation. The school attempted to resolve the situation by requiring the student to work the problem out directly with her harassers.

Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature.

In this example, the school employees failed to recognize that the “hazing” constituted sexual harassment. The school did not comply with its Title IX obligations when it failed to investigate or remedy the sexual harassment. The conduct was clearly unwelcome, sexual (e.g., sexual rumors and name calling), and sufficiently serious that it limited the student’s ability to participate in and benefit from the school’s education program (e.g., anxiety and declining class participation).

The school should have trained its employees on the type of misconduct that constitutes sexual harassment. The school also should have made clear to its employees that they could not require the student to confront her harassers. Schools may use informal mechanisms for addressing harassment, but only if the parties agree to do so on a voluntary basis. Had the school addressed the harassment consistent with Title IX, the school would have, for example, conducted a thorough investigation and taken interim measures to separate the student from the accused harassers. An effective response also might have included training students and employees on the school’s policies related to harassment, instituting new procedures by which employees should report allegations of harassment, and more widely distributing the contact information for the district’s Title IX coordinator. The school also might have offered the targeted student tutoring, other academic assistance, or counseling as necessary to remedy the effects of the harassment.¹⁶

Title IX: Gender-Based Harassment

Over the course of a school year, a gay high school student was called names (including anti-gay slurs and sexual comments) both to his face and on social networking sites, physically assaulted, threatened, and ridiculed because he did not conform to stereotypical notions of how teenage boys are expected to act and appear (e.g., effeminate mannerisms, nontraditional choice of extracurricular activities, apparel, and personal grooming choices). As a result, the student dropped out of the drama club to avoid further harassment. Based on the student’s self-identification as gay and the homophobic nature of some of the harassment, the school did not recognize that the misconduct included discrimination covered by Title IX. The school responded to complaints from the student by reprimanding the perpetrators consistent with its anti-bullying policy. The reprimands of the identified perpetrators stopped the harassment by those individuals. It did not, however, stop others from undertaking similar harassment of the student.

As noted in the example, the school failed to recognize the pattern of misconduct as a form of sex discrimination under Title IX. Title IX prohibits harassment of both male and female students regardless of the sex of the harasser—i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual

¹⁶ More information about the applicable legal standards and OCR’s approach to investigating allegations of sexual harassment is included in OCR’s *Sexual Harassment Guidance*, available at <http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>.

harassment and gender-based harassment of all students, regardless of the actual or perceived sexual orientation or gender identity of the harasser or target.

Although Title IX does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination. When students are subjected to harassment on the basis of their LGBT status, they may also, as this example illustrates, be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment. In this example, the harassing conduct was based in part on the student's failure to act as some of his peers believed a boy should act. The harassment created a hostile environment that limited the student's ability to participate in the school's education program (*e.g.*, access to the drama club). Finally, even though the student did not identify the harassment as sex discrimination, the school should have recognized that the student had been subjected to gender-based harassment covered by Title IX.

In this example, the school had an obligation to take immediate and effective action to eliminate the hostile environment. By responding to individual incidents of misconduct on an *ad hoc* basis only, the school failed to confront and prevent a hostile environment from continuing. Had the school recognized the conduct as a form of sex discrimination, it could have employed the full range of sanctions (including progressive discipline) and remedies designed to eliminate the hostile environment. For example, this approach would have included a more comprehensive response to the situation that involved notice to the student's teachers so that they could ensure the student was not subjected to any further harassment, more aggressive monitoring by staff of the places where harassment occurred, increased training on the scope of the school's harassment and discrimination policies, notice to the target and harassers of available counseling services and resources, and educating the entire school community on civil rights and expectations of tolerance, specifically as they apply to gender stereotypes. The school also should have taken steps to clearly communicate the message that the school does not tolerate harassment and will be responsive to any information about such conduct.¹⁷

Section 504 and Title II: Disability Harassment

Several classmates repeatedly called a student with a learning disability "stupid," "idiot," and "retard" while in school and on the school bus. On one occasion, these students tackled him, hit him with a school binder, and threw his personal items into the garbage. The student complained to his teachers and guidance counselor that he was continually being taunted and teased. School officials offered him counseling services and a psychiatric evaluation, but did not discipline the offending

¹⁷ Guidance on gender-based harassment is also included in OCR's *Sexual Harassment Guidance*, available at

<http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>. Page 9- Dear Colleague Letter: Harassment and Bullying

students. As a result, the harassment continued. The student, who had been performing well academically, became angry, frustrated, and depressed, and often refused to go to school to avoid the harassment.

In this example, the school failed to recognize the misconduct as disability harassment under Section 504 and Title II. The harassing conduct included behavior based on the student's disability, and limited the student's ability to benefit fully from the school's education program (e.g., absenteeism). In failing to investigate and remedy the misconduct, the school did not comply with its obligations under Section 504 and Title II.

Counseling may be a helpful component of a remedy for harassment. In this example, however, since the school failed to recognize the behavior as disability harassment, the school did not adopt a comprehensive approach to eliminating the hostile environment. Such steps should have at least included disciplinary action against the harassers, consultation with the district's Section 504/Title II coordinator to ensure a comprehensive and effective response, special training for staff on recognizing and effectively responding to harassment of students with disabilities, and monitoring to ensure that the harassment did not resume.¹⁸

I encourage you to reevaluate the policies and practices your school uses to address bullying¹⁹ and harassment to ensure that they comply with the mandates of the federal civil rights laws. For your convenience, the following is a list of online resources that further discuss the obligations of districts to respond to harassment prohibited under the federal antidiscrimination laws enforced by OCR:

- *Sexual Harassment: It's Not Academic* (Revised 2008):
<http://www.ed.gov/about/offices/list/ocr/docs/ocrshpam.html>
- *Dear Colleague Letter: Sexual Harassment Issues* (2006):
<http://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>
- *Dear Colleague Letter: Religious Discrimination* (2004):
<http://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>
- *Dear Colleague Letter: First Amendment* (2003):
<http://www.ed.gov/about/offices/list/ocr/firstamend.html>

¹⁸ More information about the applicable legal standards and OCR's approach to investigating allegations of disability harassment is included in OCR's Dear Colleague Letter: Prohibited Disability Harassment (July 25, 2000), available at <http://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>.

¹⁹ For resources on preventing and addressing bullying, please visit <http://www.bullyinginfo.org>, a Web site established by a federal Interagency Working Group on Youth Programs. For information on the Department's bullying prevention resources, please visit the Office of Safe and Drug-Free Schools' Web site at <http://www.ed.gov/offices/OESE/SDFS>. For information on regional Equity Assistance Centers that assist schools in developing and implementing policies and practices to address issues regarding race, sex, or national origin discrimination, please visit <http://www.ed.gov/programs/equitycenters>.

- *Sexual Harassment Guidance* (Revised 2001):
<http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>
- *Dear Colleague Letter: Prohibited Disability Harassment* (2000):
<http://www.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>
- *Racial Incidents and Harassment Against Students* (1994):
<http://www.ed.gov/about/offices/list/ocr/docs/race394.html>

Please also note that OCR has added new data items to be collected through its Civil Rights Data Collection (CRDC), which surveys school districts in a variety of areas related to civil rights in education. The CRDC now requires districts to collect and report information on allegations of harassment, policies regarding harassment, and discipline imposed for harassment. In 2009-10, the CRDC covered nearly 7,000 school districts, including all districts with more than 3,000 students. For more information about the CRDC data items, please visit <http://www2.ed.gov/about/offices/list/ocr/whatsnew.html>.

OCR is committed to working with schools, students, students' families, community and advocacy organizations, and other interested parties to ensure that students are not subjected to harassment. Please do not hesitate to contact OCR if we can provide assistance in your efforts to address harassment or if you have other civil rights concerns.

For the OCR regional office serving your state, please visit: <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>, or call OCR's Customer Service Team at 1-800-421-3481.

I look forward to continuing our work together to ensure equal access to education, and to promote safe and respectful school climates for America's students.

Sincerely,

/s/

Russlynn Ali

Assistant Secretary for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

December 16, 2010

Dear Colleagues:

Recent incidents of bullying have demonstrated its potentially devastating effects on students, schools, and communities and have spurred a sense of urgency among State and local educators and policymakers to take action to combat bullying. The U.S. Department of Education (Department) shares this sense of urgency and is taking steps to help school officials effectively reduce bullying in our Nation's schools. Bullying can be extremely damaging to students, can disrupt an environment conducive to learning, and should not be tolerated in our schools.

Along with our partners from the Departments of Health and Human Services, Agriculture, Interior, Defense, and Justice, we are in the process of developing key strategies to support and encourage efforts to prevent bullying in our schools. Our ongoing work has included the first-ever Federal Bullying Prevention Summit in August, the launch of our interagency bullying-resource Web site, <http://www.bullyinginfo.org>, the continued support and growth of the Stop Bullying Now! campaign, and the development of research and guidance on bullying prevention. The Department also awarded eleven Safe and Supportive Schools Grants to states to develop measurement systems to assess schools' conditions for learning, including the prevalence of bullying, and to implement programs to improve overall school safety.

Recent guidance includes a Dear Colleague Letter issued on October 26 by the Department's Office for Civil Rights (OCR) that explains how, under certain circumstances, bullying may trigger legal responsibilities for schools under the civil rights laws enforced by OCR and the Department of Justice that prohibit discrimination and harassment based on race, color, national origin, sex, disability, and religion.²⁰ Schools must protect students from bullying and harassment on these bases, in addition to any obligations under state and local law.

Numerous stakeholders, including the National Conference of State Legislatures, the National Association of School Boards, the Leadership Conference on Civil and Human Rights, individual State legislators, and local school districts, among others, have asked the Department to provide

²⁰ The Federal civil rights laws enforced by the Department include Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability. OCR's Dear Colleague letter on discriminatory harassment under these statutes is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>. The Department of Justice has jurisdiction to enforce Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, sex, religion, or national origin.

assistance in crafting effective anti-bullying laws and policies. In response, the Department has prepared the attached summary of examples that illustrate how some states have tried to prevent and reduce bullying through legislation. States and local school districts can use these examples as technical assistance in drafting effective anti-bullying laws, regulations, and policies. The Department will also be working to produce additional helpful resource information.

Forty-five states have already passed laws addressing bullying or harassment in school. Ultimately State officials will determine whether new or revised legislation and policies should be introduced to update, improve, or add bullying prevention provisions. It is our hope that this information will be of assistance to State officials and other interested stakeholders.

Though laws are only a part of the cure for bullying, the adoption, publication, and enforcement of a clear and effective anti-bullying policy sends a message that all incidents of bullying must be addressed immediately and effectively, and that such behavior will not be tolerated. State laws, and their related district- and school-level policies, cannot work in isolation, however. When responding to bullying incidents, schools and districts should remember that maintenance of a safe and equitable learning environment for all students, including both victims and perpetrators of bullying, often requires a more comprehensive approach.

If you wish to receive further technical assistance on addressing bullying, please do not hesitate to contact the Department's Office of Safe and Drug-Free Schools by visiting its Web site at <http://www2.ed.gov/about/offices/list/osdfs/index.html> or by calling at 202-245-7896.

I look forward to continuing our work together to ensure equal access to education and to promote safe and respectful schools for all of our students.

Sincerely,

/s/

Arne Duncan

Attachment

*Anti-Bullying Policies:
Examples of Provisions in State Laws*

In response to requests for assistance by state and local officials, educators, and policymakers, we summarize below examples of key components of state anti-bullying laws. This document serves as technical assistance for those stakeholders looking to develop or revise anti-bullying legislation or policies. The Department has organized the key components into eleven categories for convenience. We include citations to state laws that illustrate the key components we identified, but we do not endorse any particular laws. Additional examples are included at the end of the document, but these citations are not intended to be comprehensive. Many other state and local laws and policies may provide helpful guidance on developing effective anti-bullying policies. As part of our technical assistance effort to disseminate useful information on this important topic, we welcome other examples of laws and policies that may be working effectively to address bullying in schools. States and local educational agencies (LEAs) should seek the guidance of state and local legal officials to ensure that the legislation is consistent with all applicable federal and state laws. The Department also plans to release a compendium of all current state laws and a study of their implementation.

The following are examples of components found in current state laws on bullying:

I. Purpose Statement

- Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment.
- Declares that any form, type, or level of bullying is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
- *Example*^{ix}:
 - Oklahoma: Okla. Stat. Ann. Tit. 70, § 24-100.3 (2009): "The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. . . . Successful programs to recognize, prevent, and effectively intervene in bullying behavior have been developed and replicated in schools across the country. These schools send the message that bullying behavior is not tolerated and, as a result, have improved safety and created a more inclusive learning environment."

II. Statement of Scope

- Covers conduct that occurs on the school campus, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
- *Example^x*:
 - Indiana: Ind. Code Ann. § 20-33-8-13.5 (b) (2010), Disciplinary Rule Requirements: “The discipline rules [related to bullying]...must apply when a student is: (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; (2) off school grounds at a school activity, function, or event; (3) traveling to or from school or a school activity, function or event; or (4) using property or equipment provided by the school.”

III. Specification of Prohibited Conduct

- Provides a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes a non-exclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students’ families, and the community.
- Is consistent with other federal, state and local laws. (For guidance on school districts’ obligations to address bullying and harassment under federal civil rights laws, see the Dear Colleague Letter: Harassment and Bullying, issued by the Department’s Office for Civil Rights on October 26, 2010, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.)
- Prohibited Conduct also includes:
 - (1) Retaliation for asserting or alleging an act of bullying.
 - (2) Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).

- *Examples*^{xi xii}:
 - Florida: Fla. Stat. Ann. 1006.147(3) (2010): “(a) ‘Bullying’ means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: (1) Teasing; (2) Social exclusion; (3) Threat; (4) Intimidation; (5) Stalking; (6) Physical violence; (7) Theft; (8) Sexual, religious, or racial harassment; (9) Public humiliation; or (10) Destruction of property. . . . (d) The definitions of ‘bullying’ and ‘harassment’ include: (1) Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment...[and] (2) Perpetuation of [bullying or harassing] conduct ... by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student. . . .”
 - Kansas: Kan. Stat. Ann. § 72-8256.C.2 (2009): “‘Cyberbullying’ means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.”

IV. Enumeration of Specific Characteristics

- Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics.
- Makes clear that bullying does not have to be based on any particular characteristic.
- *Examples*^{xiii}:
 - North Carolina: N.C. Gen. Stat. § 115C-407.15(a) (2010): “Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.”
 - Washington: Wash. Rev. Code Ann. § 28A.300.285.2 (2010): “Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the...bullying.”

V. Development and Implementation of LEA Policies

- Directs every LEA to develop and implement a policy prohibiting bullying, through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
- *Example:*
 - Maryland: Md. Code Ann., Educ. § 7-424.1(c) (2010): “[1] Each county board shall establish a policy prohibiting bullying, harassment, or intimidation. . . . [3] A county board shall develop the policy in consultation with representatives of the following groups: (i) Parents or guardians of students; (ii) School employees and administrators; (iii) School volunteers; (iv) Students; and (v) Members of the community”^{xiv}

VI. Components of LEA Policies

A. Definitions

- Includes a definition of bullying consistent with the definitions specified in state law.
- *Example^{xv}:*
 - Oregon: Or. Rev. Stat. § 339.356.2 (2009): “School districts must include in the policy...(b) Definitions of “harassment,” “intimidation,” or “bullying,” and of “cyberbullying” that are consistent with [this statute].”

B. Reporting Bullying

- Includes a procedure for students, students' families, staff, and others to report incidents of bullying, including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
- *Example^{xvi}:*
 - Georgia: GA. Code Ann. § 20-2-751.4(c) (2010): “Such ... policy shall include: . . . (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity; (6) A statement prohibiting retaliation following a report of bullying....”

- Requires that school personnel report, in a timely and responsive manner, incidents of bullying they witness or are aware of to a designated official.
- *Example^{xvii}*:
 - Wisconsin: Wis. Stat. § 118.46.1(a) (2009): “The [policy on bullying] shall include all of the following: . . . (6) A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.”

C. Investigating and Responding to Bullying

- Includes a procedure for promptly investigating and responding to any report of an incident of bullying, including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.^{xviii}
- *Example^{xix}*:
 - Massachusetts: 2010 Mass. Adv. Legis. Serv. Ch. No. 71.37O(g) (2010): “...Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.”

D. Written Records

- Includes a procedure for maintaining written records of all incidents of bullying and their resolution.^{xx}
- *Example^{xxi}*:
 - California: Cal. Educ. Code § 234.1 (2010): “The department shall assess whether local educational agencies have done all of the following: . . . (e) Maintained documentation of complaints and their resolution for a minimum of one review cycle.”

E. Sanctions

- Includes a detailed description of a graduated range of consequences and sanctions for bullying.^{xxii}
- *Example^{xxiii}*:
 - Alabama: Ala. Code § 16.28B.5 (2010): “The model policy, at a minimum, shall contain all of the following components: . . . [4] A series of graduated consequences for any student who commits an act of intimidation, harassment, violence or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.”

F. Referrals

- Includes a procedure for referring the victim, perpetrator and others to counseling and mental and other health services, as appropriate.
- *Example^{xxiv}*:
 - Maryland: MD. Code. Ann., Educ. § 7-424.1.b (2010): “[2] The model policy...shall include: . . . (viii) Information about the types of support services available to the student bully, victim, and any bystanders....”

VII. Review of Local Policies

- Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.
- *Example^{xxv}*:
 - Illinois: 105 Ill. Comp. Stat. Ann. 5/27-23.7(d) (2010): “The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under [this subsection of the statute].”

VIII. Communication Plan

- Includes a plan for notifying students, students’ families, and staff of policies related to bullying, including the consequences for engaging in bullying.

- *Example^{xxvi}*:
 - Arkansas: Ark. Code Ann. § 6-18-514(b) (2009): “The policies shall: . . . [6] Require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and [7] Require that copies of the notice...be provided to parents, students, school volunteers, and employees.”

IX. Training and Preventive Education

- Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying.
- *Example^{xxvii}*:
 - South Carolina: S.C. Code Ann. § 59-63-140(E) (2009): “Information regarding a local school district policy against harassment, intimidation or bullying must be incorporated into a school employee training program. Training also should be provided to school volunteers who have significant contact with students.
 - Massachusetts: 2010 Mass. Adv. Legis. Serv. Ch. No. 92.3(d)-2010: “The plan...shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying.”
- Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.
- *Example^{xxviii}*:
 - South Carolina: S.C. Code Ann. § 59-63-140 (F) (2009): “Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.”

X. Transparency and Monitoring

- Includes a provision for LEAs to report annually to the state on the number of reported bullying incidents, and any responsive actions taken.
- *Example^{xxix}*:
 - New York: N.Y. Educ. Law §15 (2010): “The Commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents. . . .”
- Includes a provision for LEAs to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.^{xxx}
- *Examples^{xxxi}*:
 - Iowa: Iowa Code § 280.28.7 (2008): “The board of directors of a school district and the authorities in charge of each nonpublic school...shall report data collected...as specified by the department, to the local community.”
 - Ohio: Ohio Rev. Code Ann. § 3313.666.10 (2010): “...the district administration... [shall] provide ... a written summary of all reported incidents and post the summary on its web site....”

XI. Statement of Rights to Other Legal Recourse

- Includes a statement that the policy does not preclude victims from seeking other legal remedies.
- *Example*:
 - Oregon: Or. Rev. Stat. Ann. § 339.364 (2009): “Victim may seek redress under other laws. ...[This statute] may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal.”

^{ix} For additional examples of purpose statements, see: 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); Iowa Code § 280.28.1 (2008); Md. Code Ann., Educ. § 7-424 (2010); Nev. Rev. Stat. Ann. § 388.132 (2009); N.J. Stat. Ann. § 18A:37.13 (2010); Or. Rev. Stat. § 339.353 (2009); Tenn. Code Ann. § 49-6-1014 (2010); W. Va. Code Ann. § 18-2C-1 (2009).

^x For additional examples of statements of scope, see: Ark. Code Ann. § 6-18-514.2 (2009); Ga. Code Ann. § 20-2-751.4 (2010); 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); Md. Code Ann., Educ. § 7-424 (2010).

^{xi} For additional examples of bullying definitions, see: Del. Code Ann. Tit. 14, § 4112D.a (2010); Kan. Stat. Ann. § 72-8256 (2009); 105 Ill. Comp. Stat. Ann. 5/27-23.7(b) (2010).

^{xii} For additional examples of cyberbullying definitions, see: Iowa Code § 280.28.2 (a) (2008); Md. Code Ann., Educ. § 7-424.3 (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); N.J. Stat. Ann. § 18A 37.14.2 (2010); Okla. Stat. Ann. Tit. 70, § 24-100.3 (2009).

^{xiii} For additional examples of characteristic enumeration, see: 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); Iowa Code § 280.28 (2008); Or. Rev. Stat. § § 339.351.3(2009).

^{xiv} For additional examples of requirements for LEA policies, see: Del. Code Ann. Tit. 14, § 4112D.b (2010); Fla. Stat. Ann. 1006.147 (2010); N.J. Stat. Ann. § 18A 37.15 (2010).

^{xv} For additional examples regarding definitions in LEA policies, see: Delaware Del. Code Ann. Tit. 14, § 4112D.b (2010); Fla. Stat. Ann. 1006.147 (2010); Iowa Code 280.28.3 (2008); Md. Code Ann., Educ. § 7-424.1 (2010); N.J. Stat. Ann. § 18A 37.15.b.2 (2010); N.C. Gen. Stat. § 115C-407.16.b.2 (2010); S.C. Code Ann. § 59-63-140 (2010).

^{xvi} For additional examples regarding requirements procedures for reporting bullying, see: Ariz. Rev. Stat. § 14-341 (2010); Fla. Stat. Ann. § 1006.147 (2010); Iowa Code § 280.28.3.c (2008); Md. Code Ann., Educ. § 7-424 (2010); Or. Rev. Stat. § 339.356.2.g (2009); S.C. Code Ann. § 59-63-140 (2010).

^{xvii} For additional examples regarding requirements for reporting of school staff, see: Alaska Stat. § 14.33.220 (2010); GA. Code Ann. § 20-2-751.4.c.2 (2010); W. Va. Code Ann. § 18-2C-3.4 (2009).

^{xviii} The Family Educational Rights and Privacy Act (FERPA) contains provisions restricting release of information pertaining to disciplinary actions taken against students. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

^{xix} For additional examples regarding requirements for investigating and responding to bullying, see: GA. Code Ann. § 20-2-751.4.c.3 (2010); Iowa Cod § 280.28.3.f (2008); Or. Rev. Stat. § 339.356.2.h (2009).

^{xx} FERPA contains provisions regarding the appropriate safeguarding of privacy in educational records. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

^{xxi} For additional examples on requirements for maintaining written records, see: Md. Code Ann., Educ. § 7-424 (2010).

^{xxii} The Individuals with Disabilities Education Act contains provisions related to the use of disciplinary measures with students with disabilities. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

^{xxiii} For additional examples regarding sanctions, see: Connecticut Gen. Stat. Ann § 10-222d; Massachusetts St. 2010, c.92; New Mexico NIMAC § 6.12.7; Okla. Stat. Ann. Tit. 70, § 24-100.4 (2009).

^{xxiv} For additional examples regarding referrals, see: Fla. Stat. Ann. § 1006.147 (2010); Okla. Stat. Ann. Tit. 70, § 24-100.4 (2009).

^{xxv} For additional examples regarding review of policies, see: 24 Pa. Cons. Stat. Ann. § 13-1303.1-a (2009).

^{xxvi} For additional examples regarding communication plans, see: Del. Code Ann. Tit. 14, § 4123.a (2010); Fla. Stat. Ann. § 1006.147 (2010); Iowa Code § 280.28.3 (2008); N.J. Stat. Ann. § 18A 37.15.b.10-11 (2010).

^{xxvii} For additional examples regarding training of staff, see: Conn. Gen. Stat. § 10-222d (2010); Del. Code Ann. Tit. 14, § 4123.a (2010); Iowa Code § 280.28.3 (2008); Nev. Rev. Stat. Ann. § 383.133 (2009); Or. Rev. Stat. § 339.359 (2009); Wyo. Stat. Ann. § 21-4-311 (2010).

^{xxviii} For additional examples regarding bullying prevention programming, see: Md. Code Ann., Educ. § 7-424 (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); Or. Rev. Stat. § 339.359 (2009).

^{xxix} For additional examples regarding reporting incidents to the State, see: Alaska Stat. § 14.33.210 (2010); Conn. Gen. Stat. § 10-222d (2010); Md. Code Ann., Educ. § 7-424 (2010);

^{xxx} FERPA contains provisions regarding the appropriate safeguarding of privacy in educational records. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

^{xxxi} For additional examples regarding requirements for reporting data to the public, see: Fla. Stat. Ann. § 1006.147 (2010); Iowa Code § 280.28 (2008).