

SCOMM

137:25



ALASKA STATE LEGISLATURE
REPRESENTATIVE WOODIE SALMON

Memorandum

Date: March 30, 2005

To: Representative Mark Neuman
Chair, House Special Committee on Education

From: Representative Woodie Salmon

A handwritten signature in ink, enclosed in a circle.

Re: Hearing Request

I respectfully request you to schedule a hearing on HB 233 at your earliest possible convenience.

HB 233 is a bill to require school districts to enact policies to prevent bullying in Alaska's public schools. Attached please find the required back-up information on this bill.

Please feel free to contact Moira Smith at 465-4527 if you have any questions or require any additional information.

Thank you.



ALASKA STATE LEGISLATURE
REPRESENTATIVE WOODIE SALMON

SPONSOR STATEMENT

HB 233: Preventing Harassment in Schools

Alaskan parents expect that their children will be safe from emotional and physical harassment by their classmates. Unfortunately, research shows that this harassment, commonly known as bullying, is in fact quite common. This bill asks school districts to adopt policies on bullying and to develop tools to punish the bullies.

According to a nationwide survey of 1,000 students by the Families and Work Institute conducted in 2002, 32 percent of the students surveyed said they'd been bullied at least once in the month prior to the survey, and 12 percent had been bullied five times or more in the same time period. A similar survey, in 1998, showed that 30 percent of the 15,700 students surveyed had been bullied or had bullied another.

The Alaska Association of School Boards' (AASB's) policy on bullying recognizes that bullying disrupts a student's ability to learn and a school's ability to educate. Many Alaskan school districts already have policies on bullying or are in the process of developing such policies. The Alaska State Legislature should act to ensure that all of Alaska's children are safe in our schools.

I respectfully urge your support for HB 233.



ALASKA STATE LEGISLATURE
REPRESENTATIVE WOODIE SALMON

SECTIONAL ANALYSIS

HB 233: Preventing Harassment in Schools

Section One includes legislative findings emphasizing the importance of safety in schools.

Section Two adds harassment and bullying to the list of issues school districts' disciplinary and safety policies must address.

Section Three inserts a new section outlining the recommended content of anti-bullying policies. It includes a definition of "harassment, intimidation, or bullying", requires that district policies include reporting and enforcement mechanisms, and recommends that district personnel receive training in the new policy.

Section Four amends the statute exempting teachers and other school employees from liability for any civil damage resulting from the enforcement of the new bullying policy.

Section Five requires that the Department of Education and Early Development adopt a model policy to assist school districts in development of their own policies.

Section Six requires that school districts' bullying policies be in place by September 1, 2006.

Section Seven sets the effective date.



ALASKA STATE LEGISLATURE
REPRESENTATIVE WOODIE SALMON

Changes in CS HB233

1. Section 1: the legislative findings include recognition of school districts that have already taken steps to prevent harassment, intimidation, or bullying in public schools.
2. Section 3: counselors are mentioned in proposed AS 14.33.125(a)(9)(e) in order to recognize the important role they play in addressing disciplinary actions and post-intimidation distress and the importance of their participation in any collective effort to address bullying.
3. Section 3: the definition of harassment in proposed AS 14.33.125(a)(9)(h) was amended to ensure that the language includes no unconstitutional proscription of speech.
4. Section 6: the language was amended to allow the Department the ability to recognize a school district's preexisting policy.

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4/19/05

CS FOR HOUSE BILL NO. 233()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SALMON, Cissna

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to preventing harassment, intimidation, or bullying in public schools;
2 and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **FINDINGS.** The legislature finds that

7 (1) a safe and civil environment in school is necessary for students to learn
8 and achieve high academic standards;

9 (2) harassment, intimidation, or bullying, like other disruptive or violent
10 behavior, is conduct that disrupts both a student's ability to learn and a school's ability to
11 educate its students in a safe environment;

12 (3) students learn by example;

13 (4) school administrators, faculty, staff, and volunteers are to be commended
14 for demonstrating appropriate behavior, treating others with civility and respect, and refusing

1 to tolerate harassment, intimidation, or bullying;

2 (5) some school districts have taken appropriate steps toward preventing
3 harassment, intimidation, or bullying in public schools.

4 * Sec. 2. AS 14.33.120(a) is amended to read:

5 (a) Each governing body shall adopt a written school disciplinary and safety
6 program. The program required under this subsection must include written

7 (1) standards for student behavior and safety that reflect community
8 standards and that include, at a minimum, basic requirements for respect and honesty;
9 standards required under this paragraph must be developed and periodically reviewed
10 with the collaboration of members of each school, parents, teachers, and other persons
11 responsible for the students at a school; a governing body may require that standards
12 developed under this paragraph be consistent for all schools in an attendance area or
13 the district;

14 (2) standards relating to when a teacher is authorized to remove a
15 student from the classroom for

16 (A) failure to follow student behavior and safety standards; or

17 (B) behavior described under AS 14.30.045(1) or (2);

18 (3) procedures for notifying teachers of dangerous students consistent
19 with AS 47.12.310(b);

20 (4) standards relating to when a teacher, teacher's assistant, or other
21 person responsible for students is authorized to use reasonable and appropriate force to
22 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

23 (5) policies necessary to comply with provisions of state and federal
24 law, including 20 U.S.C. 1400 - 1485 (Individuals with Disabilities Education Act);

25 (6) standards to address needs of students for whom mental health or
26 substance abuse may be a contributing factor to noncompliance with the school
27 disciplinary and safety program;

28 (7) policies for implementing a student conflict resolution strategy,
29 including the nonviolent resolution or mediation of conflicts and procedures for
30 reporting and resolving conflicts;

31 (8) policies necessary to implement the provisions of AS 14.33.125,

intended to prevent harassment, intimidation, or bullying in school;

(9) procedures for periodic review and revision of the school disciplinary and safety program.

* Sec. 3. AS 14.33 is amended by adding a new section to read:

Sec. 14.33.125. Preventing harassment, intimidation, or bullying in school.

(a) Each governing body shall adopt a policy prohibiting harassment, intimidation, or bullying on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop. The policy must include

(1) a statement prohibiting harassment, intimidation, or bullying of a student;

(2) a definition of harassment, intimidation, or bullying at least as inclusive as that in (h) of this section;

(3) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, or bullying;

(4) a procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously; however, this paragraph may not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(5) a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for an investigation;

(6) the range of ways in which a school shall respond once an incident of harassment, intimidation, or bullying is identified;

(7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying, and the consequences and appropriate remedial action for a person who engages in reprisal or retaliation;

(8) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation, or bullying; and

(9) a statement of how the policy is to be publicized, including notice

1 that the policy applies to participation in school-sponsored activities.

2 (b) Notice of the governing body's policy under this section shall appear in
3 any publication of the school district that sets out the comprehensive rules, procedures,
4 and standards of conduct for the school and in any student handbook.

5 (c) A school employee, student, or school volunteer may not engage in
6 reprisal, retaliation, or false accusation against a victim, witness, or individual with
7 reliable information about an act of harassment, intimidation, or bullying.

8 (d) A school employee, student, or school volunteer who has witnessed or has
9 reliable information that a student has been subjected to harassment, intimidation, or
10 bullying, whether verbal or physical, is encouraged to report the incident to the
11 appropriate school official designated by the governing body's policy.

12 (e) Schools and school districts are encouraged to form bullying prevention
13 task forces, programs, and other initiatives involving school staff, counselors, students,
14 administrators, volunteers, parents, law enforcement, and community members.

15 (f) To the extent funds are appropriated for these purposes, each school district
16 shall

17 (1) provide training on the school district's harassment, intimidation, or
18 bullying policies to school employees and volunteers who have significant contact
19 with students; and

20 (2) develop a process for discussing the district's harassment,
21 intimidation, or bullying policy with students.

22 (g) Information regarding the governing body's policy on harassment,
23 intimidation, or bullying shall be incorporated into each school's current employee
24 training program.

25 (h) In this section, "harassment, intimidation, or bullying" means a gesture or
26 written, oral, or physical act taking place on or immediately adjacent to school
27 grounds, at a school-sponsored activity, on school-provided transportation, or at an
28 official school bus stop that

29 (1) a reasonable person under the circumstances should know has the
30 effect of harming a student or damaging the person's property, or placing a student in
31 reasonable fear of harm to the student's person or damage to the student's property;

(2) has the effect of insulting or demeaning a student or group of students in a way that disrupts or interferes with the school's educational mission or the education of a student; or

(3) is reasonably perceived as being motivated either by an actual or perceived characteristic involving race, color, religion, ancestry, national origin, sex, sexual orientation, or mental, physical, or sensory handicap, including hearing loss or deafness, visual loss or blindness, or a combination of hearing and visual loss and has the effect of disrupting or interfering with the school's educational mission or the education of a student.

* Sec. 4. AS 14.33.140 is amended to read:

Sec. 14.33.140. Civil liability for enforcing disciplinary and safety program. A teacher, a teacher's assistant, a principal, or another person responsible for students is not liable for civil damage resulting from an act or omission (1) arising out of enforcement of an approved school disciplinary and safety program adopted under AS 14.33.120 or a policy prohibiting harassment, intimidation, or bullying adopted under AS 14.33.125; and (2) arising out of and in the course of employment unless the act or omission constitutes gross negligence or reckless or intentional misconduct.

* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read:

REQUIRED MODEL POLICY. To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Department of Education and Early Development shall develop a model policy required under AS 14.33.125 applicable to kindergarten through grade 12. This model policy shall be issued not later than December 1, 2005.

* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to read:

FIRST REQUIRED POLICY. A governing body that does not, on the effective date of this Act, have a policy consistent with AS 14.33.125, as enacted by sec. 3 of this Act, shall adopt an initial policy required under AS 14.33.125 by September 1, 2006.

* Sec. 7. This Act takes effect July 1, 2005.

LEGISLATIVE RESEARCH REPORT

MARCH 11, 2005



REPORT NUMBER 05.197

ALASKA SCHOOL DISTRICT POLICIES ON BULLYING AND HARASSMENT

PREPARED FOR REPRESENTATIVE SHARON CISSNA

BY KATHLEEN L. WAKFIELD, LEGISLATIVE ANALYST

You asked about Alaska school districts' policies regarding bullying and/or harassment. Specifically, you wished to know how districts define bullying and harassment, and how they determine the motivating factors behind the behavior.

POLICIES ON BULLYING AND HARASSMENT

We contacted all school districts in Alaska about their policies regarding bullying and/or harassment. We received responses from 17 districts: Copper River, Delta/Greely, Fairbanks North Star Borough, Haines Borough, Iditarod Area, Juneau, Kenai Peninsula Borough, Klawock, Lower Yukon, Mat-Su Borough, Mt. Edgecumbe, Northwest Arctic, Pribilof, St. Mary's, Southeast Island, Valdez, and Wrangell. We received the following responses:

- ◆ Three of these school districts have no policies on bullying or harassment: Lower Yukon, St. Mary's, and Valdez. All three districts indicated that they are developing such policies.
- ◆ Copper River, Klawock, and Mt. Edgecumbe have specific policies that prohibit bullying.
- ◆ Juneau includes bullying in its policy prohibiting harassment.
- ◆ Administrators in the Mat-Su Borough School District recently developed a policy on harassment that includes bullying. The school board will address this proposed policy at its next meeting.

- ♦ Kenai, Pribilof, and Southeast Island districts have no specific policies against bullying, but include references to bullying under "Violent and Aggressive Behavior" and/or "Positive School Climate."
- ♦ Eight districts include sexual orientation or sexuality as a protected class in their policies on bullying and/or harassment. These districts are Copper River, Fairbanks North Star Borough, Haines, Juneau, Mat-Su, Mt. Edgecumbe, Northwest Arctic, and Pribilof.

The Association of Alaska School Boards (AASB) Policy Reference Manual also contains policies on harassment, bullying, violent and aggressive conduct, and sexual harassment. The AASB policies specifically address sexual orientation as a protected class. According to AASB officials, 43 school districts use the AASB policy system.¹ For example, the Iditarod, Northwest Arctic, and Pribilof school districts use the AASB policy on harassment, and administrators in Valdez are recommending that the board adopt this language on harassment, as well.² Since the policy on bullying was only released in January 2005, AASB officials do not know how many districts have adopted it, although they expect that most districts will eventually do so.

Most district policies require the school principal or a designee to investigate all reports of bullying and/or harassment, and to prepare a written report of the incident and findings. Policies provide for a range of sanctions for students found guilty of bullying or harassment, up to and including expulsion for the most serious offenses.

The attached table contains the definitions of bullying and/or harassment for the 17 districts that responded to our request, and for the AASB.

OTHER STATES' LAWS

Other states have also grappled with the issue of bullying in schools over the past several years. According to the National Conference of State Legislatures, lawmakers in Hawaii, Indiana, Kentucky, Massachusetts, Michigan, Nebraska, Nevada, New York, South Carolina, and Texas have introduced legislation this year that addresses school bullying. New Hampshire, New Jersey, Oklahoma, Oregon, Rhode Island, Vermont, and Washington have already passed legislation requiring school districts to adopt policies on bullying. In addition, a lawmaker in Washington introduced a bill this year—SB 5849—to expand the state's anti-bullying law to include "cyber-bullying," or the use of "electronic means" such as communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.³

¹ Personal communication from Sharon Young, Associate Executive Director, Association of Alaska School Boards, March 7, 2005.

² Personal communications from Joyce Turner, Board Secretary, Iditarod Area School District, February 28, 2005; Robert Boyle, Superintendent, Northwest Arctic School District, February 24, 2005; Malcolm Fleming, Superintendent, Pribilof School District, February 24, 2005; Ernie Manzie, Superintendent, Valdez City School District, February 27, 2005.

³ We include a copy of SB 5849 as Attachment A.

In addition, the U.S. Congress has also considered bullying in schools. In 2004, Representative John Shimkus of Illinois introduced H.R. 4776 to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs. The bill died in committee.

FIRST AMENDMENT CONCERNS

While states and school districts continue to work to address bullying and harassment in schools, some challenges have been mounted due to concerns about violations of the First Amendment's free speech clause. For example, in 2001 an anti-harassment policy adopted by the Pennsylvania State College Area School District was challenged in district court.⁴ The plaintiffs—two students, and a school board member who also volunteered in the schools—argued that the policy prohibited their ability to express their beliefs about Christianity and certain moral topics such as homosexuality.

The district court disagreed with the plaintiffs, and granted the defendants' motion to dismiss. The plaintiffs appealed the case to the U.S. District Court of Appeals for the Third Circuit, which reversed the judgment, finding that the policy was "unconstitutionally overbroad since it appeared to cover substantially more speech than could be prohibited under the Tinker substantial disruption test." Maintaining that a substantial amount of offensive, distasteful speech still would not constitute actionable harassment under either federal or state law, the appeals court ruled in favor of the plaintiffs.

Also in 2001, a Christian Coalition group opposed SB 5528 and HB 1444, anti-bullying bills introduced in the Washington legislature. The group argued that the bills were "a cover for gay-rights efforts that could eventually force schools to teach about homosexuality in a positive light."⁵ Members of the coalition also contended that "anti-bullying policies in schools could violate the free-speech rights of students who expressed opposition to homosexuality."⁶

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

⁴ *David Warren Saxe v. State College Area School District*, 240 F.3d, U.S. App. (2001).

⁵ Mary Ann Zehr, "Legislatures Take on Bullies with New Laws," *Education Week*, May 16, 2001.

⁶ Washington lawmakers subsequently passed HB 1444, and the governor signed it into law, in 2002. We include copies of HB 1444 and RCW 28A.300.285 as Attachment B. We also include a copy of "Ask the Children: Youth and Violence—Students Speak Out for a More Civil Society, Summary and Discussion Guide," prepared by the Families and Work Institute and The Colorado Trust, as Attachment C.

School District Policies on Bullying and Harassment—Definitions

School District	Definition of Bullying	Definition of Harassment
Association of Alaska School Boards	Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. [Board Policy 5131.43(a)]	Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. [Board Policy 5145.5(a)]
Copper River School District	Bullying is repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. (Board Policy 5143)	

Delta/Greely School District		Harassment means intimidation by threats of, or actual, physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to convey hatred, contempt or prejudice, or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability. (Board Policy 5005)
Fairbanks North Star Borough School District		Harassment includes but is not limited to any oral, written, or physical conduct relating to race, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social or cultural background, or sexual orientation that is sufficiently severe, pervasive, or persistent that it substantially interferes with or limits an individual's academic performance or creates an intimidating, hostile or offensive academic environment. (Board Policy 1012)
Haines Borough Schools		Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, creed, color, national origin, religion, sexual orientation, marital status, or disability. [Board Policy 4119.12(a), and 5145(a)]

Iditarod Area School District	No policies—adopted AASB policies on discrimination and sexual harassment.	
Juneau School District		...the Board does not tolerate discrimination against, or harassment of, any member of the Juneau school community on the basis of race, color, creed, sex, national origin, age, political or religious beliefs, mental or physical condition or disability, marital status, changes in marital status, pregnancy, parenthood, social background, economic status, culture, or sexual orientation. Discriminatory harassment includes, but is not limited to, bullying, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, stereotyping, sexual advances or requests for sexual favors, physical assault or abuse, or other forms of verbal or physical harassment which adversely affect a person's employment or education or creating an intimidating, hostile, or offensive educational or working environment. Harassment includes creation of a climate of hostility and intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual or group. (Board Policy 1120)

Kenai Peninsula Borough School District	No specific policy, but includes the following language on bullying under other sections: Violent and aggressive conduct: Violent and aggressive acts include, but are not limited to, possession, threat with or use of a weapon, physical assault, verbal abuse, intimidation, extortion, bullying, gang participation, harassment, stalking, defiance, and racial slurs. Positive School Climate: Students shall be subject to disciplinary procedures for bullying other students or for using insults, slurs, or fighting words which may disrupt school activities. (Board Policies 3522.6 and 5137)	Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, disability, or any other real or perceived difference. (Board Policy 4119.12)
Klawock City School District	Bullying takes many forms: gossip, cruel comments, insults, snubbing, put-downs, threats (physical or verbal) and violent attacks. It is deliberate, hurtful behavior that is often repeated and a form of anti-social behavior that has no place at school. It is the intent of this policy to make sure all members of our school community remain vigilant and consistent to help insure that bullying behavior is actively resisted and stopped, and that we provide a safe school environment for all students. Any acts of bullying, at any level, will not be tolerated and will result in disciplinary action. (Board Policy 5131.95)	
Lower Yukon School District	No formal policy.	No formal policy.
Matanuska-Susitna Borough School District ¹	Harassment, bullying, and discrimination are prohibited. Abusive language, sexual harassment, inappropriate physical contact, racial or ethnic slurs, hazing, and other similar provocative actions are included in these categories of prohibited conduct. Harassment is behavior which is intended to trouble or annoy someone. It is the exertion of power by one person over another; it may be based on misunderstanding or a deliberate act and often contains a subjective perspective. Discrimination and harassment may be based on culture, ability, physical appearance, size, sexuality, or religion, among other things. Bullying is defined as an aggressive behavior that is intentional and that involves an imbalance of power or strength. Harassment, bullying, and discrimination can take many forms such as hitting, tripping, kicking, punching, unwanted touching, name-calling, swearing, threatening, spreading rumors, ignoring, staring, gesturing, "standing over," preventing someone from joining in an activity, hiding, sending mean notes or e-mails, or damaging someone else's property. [Board Policy 5144.1(12)]	

Mt. Edgecumbe	Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics.	
Northwest Arctic School District		Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability [Board Policy 5145.5(a)]
Pribilof School District	No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)	Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. [Board Policy 5145.5(b)]
St. Mary's School District	No policy.	No policy.

Southeast Island School District	No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)	
Valdez City School District	No policy.	May adopt Association of Alaska School Boards language for harassment.
Wrangell Public Schools	No policy.	Harassment on the basis of sex, color, race, religion, national origin, age, mental or physical disability, marital status, changes in marital status, pregnancy, or parenthood is specifically prohibited. Harassment includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, unwelcome sexual advances or requests for sexual favors, displaying offensive words, objects or pictures and other verbal or physical conduct which adversely affects an individual's educational opportunities, or has the purpose or effect of unreasonably interfering with an individual's education or creating an intimidating, hostile, or offensive education environment. (Board Policy IV-044.)
Notes: Please note that those districts that submitted their policies on bullying may also have policies on harassment. Most districts also have policies specific to sexual harassment. 1. This is the proposed policy for the Matanuska-Susitna Borough School District, which the board will address at their March 16, 2005 meeting. Sources: Alaska Association of School Boards; school district superintendents.		

COMMENTARY

September 2004 Vol. XXXIV No. 7

State Conference Speakers Set



Steve Van Bockern

An educator with 40 years of experience in Alaska joins a noted author and advocate for troubled youth as the featured speakers at the 51st annual conference of the Association of Alaska School Boards.

Marshall Lind, recently retired from the University of Alaska, where he served as chancellor of the Fairbanks campus, will address the

AASB general session on Saturday, Nov. 6. Lind has a lifetime of educational leadership in Alaska, first as a teacher in the Kuskokwim Delta, then as commissioner of the Department of Education for 13 years under four administrations, and finally at the university.

Lind has been asked to speak on the challenges and opportunities he sees facing education in Alaska.



Marshall Lind

The High Cost of School Bullies

By Andie Stone
AASB Policy Attorney

Incidents of bullying can be very detrimental to an individual student, to the school climate and to your district's pocketbook.

In two recent cases in Alaska, the economic significance of bullying hit home. One of those cases involved allegations that a classroom teacher had repeatedly picked on a student during class. The other case involved allegations that a student was bullied by his peers. In both instances, the student who was allegedly bullied attempted suicide. Also in both cases, the lawsuits asserted that the school district had knowledge that the actions were occurring yet failed to take appropriate steps to halt the behavior and protect the student. In each instance, the districts denied the allegations and vigorously defended themselves and their employees against the claims. The case involving the teacher ended in a jury verdict for the student who settled while the case was on appeal; the other resulted in a large settlement entered into and primarily funded by the district's insurance carrier.

What is bullying? Various definitions of bullying exist. The most commonly cited definition explains that "a student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more students." Bullying includes the following elements: Bullying is *repeated* intimidation of a student by others. The intimidation can involve real or threatened physical or emotional abuse. It can be accomplished through physical, verbal, written or electronic means. Bullying is typically demonstrated through actions such as teasing, insults, rumors, jokes, taunts, exclusion, challenges, name-calling, pranks, or the destruction of a student's property. Bullying may also take the form of illegal harassment and discrimination if it is tied to the victim's race, ethnicity, national

Continued on p. 6

On Friday, Nov. 5, author Steve Van Bockern will highlight the general session with an address focused on troubled youth and how schools can avoid contributing to their sense of helplessness and futility. Van Bockern is a founder of Reclaiming Youth International, based in Lennox, S.D.

For the last decade, Van Bockern has advocated that educators consider the Native American values of belonging, mastery, independence and generosity as tools for nurturing students.

"Children who feel unloved and unattached are often children of rage and rebellion. They become locked in defiant opposition to adults, who reciprocate with counter-aggression. The child becomes 'adult-wary,' forever biting the hand that didn't feed him or her," he wrote in 1995.

"Although defiant youth may seem to relish freedom from adult control, life empty of attachment is actually the opposite of true independence. . . . Unattached youth may noisily proclaim their pseudo-independence ("Nobody

tells me what to do!") but they are only revealing what they really feel: "Nobody really cares."

Van Bockern co-authored a book entitled **Reclaiming Youth at Risk: Our Hope for the Future** in 2001.

The annual conference, scheduled for Nov. 4-7 at the Anchorage Hilton Hotel, attracts most school board members from across the state for a wide variety of training opportunities. Workshops are available for new board members and board presidents, while experts will provide delegates a chance to learn the intricacies of education funding, student testing, technology updates and engaging communities

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Bullies- Four Steps Toward an Effective Remedy

Continued From p.1

origin, religion, sex or sexual orientation. More often, though, bullying is based on distinguishing characteristics or perceived differences with the student, which include appearance, dress, mannerisms, or a generalized perception that the student doesn't fit in.

Bullying creates a school climate in which students may feel unsafe and unable to engage in learning. Additionally, as just seen, a perceived failure to take appropriate steps to protect students can subject school districts to suits by students and their parents for money damages. The legal defenses available to school districts is beyond the scope of this article. However, there are affirmative and defensive steps that districts can and should take to prevent bullying and therefore prevent a lawsuit for occurring in the first place.

1. Establish a clear anti-bullying policy

Many districts have harassment policies in place which are probably broad enough to encompass bullying as well. However, in light of the national and certainly state focus on this issue, a separate bullying policy is recommended. An effective anti-bullying policy contains the following elements: a clear statement that bullying will not be tolerated; a definition of bullying (being careful to utilize language that does not violate a student's free speech rights); identification of the individuals who will be responsible for responding to and investigating complaints; and procedures to protect victims of bullying.

Policy on bullying

The AASB has been considering a policy statement on bullying to recommend to school districts. In the meantime, sec. 5131.41 (a) of the AASB policy reference manual offers the following guidance on violent and aggressive conduct:

"...The Superintendent shall develop procedures for the reporting of violent and aggressive behavior to appropriate law enforcement authorities... (which) include, but are not limited to, possession, threat with or use of a weapon; physical assault; verbal assault; intimidation; extortion; bullying; gang participation; harassment; stalking; defiance; and racial slurs."

An optional policy recommends placing violent or aggressive students on a "compulsory behavior management plan" developed in concert with a parent, teacher, principal and other appropriate individuals.

2. Adopt and publish an appropriate complaint procedure

A complaint resolution procedure should be in place that describes the process for making a complaint; states the names, titles, and phone numbers of individuals with whom a complaint can be made; provides assurance that complaints will be handled properly; and outlines consequences for bullying, including the provision for both discipline and counseling services as appropriate.

3. Implement an anti-bullying campaign in your schools

Studies on bullying are in agreement that an intervention program is critical to limiting, and hopefully halting, bullying in your schools. A good intervention program creates school-wide awareness of bullying and involves all players—students and staff—in its prevention. Measures are put in place at the school, class and individual levels. Once a bullying intervention program is selected, school personnel need to be trained on its techniques. A school district should be careful not to overlook training for all individuals who interact with students during times prone to bullying, i.e., on the playground and on the school bus. Following selection of a program and appropriate training, the program needs to be effectively implemented. Once in place, its effectiveness should be routinely checked through use of student, staff, and parent surveys, discipline statistics, etc. If it is not working as effectively as it should or could, figure out why and make adjustments.

4. Investigate and respond appropriately when bullying occurs

Responding appropriately is critical. All complaints of bullying at school or school-related activities must be investigated and, if substantiated, steps must be taken that are reasonably calculated to stop the bullying and prevent its recurrence. Once a school has learned of alleged bullying incidents, it may not choose to ignore them. This is true even in those cases where the victim won't identify the bullies or tells the school that he or she does not want any action taken. Importantly, even before fully investigating allegations of bullying, school personnel will need to consider whether there is a need to take immediate steps to protect the student victim. If bullying is substantiated, the school must take reasonable steps to prevent recurrence and ensure that the victim is not restricted in participating in school or school activities.

In the event of a lawsuit, there are strong legal defenses available to school districts in defending against claims resulting from alleged bullying. Despite these legal protections, the prevention of school violence and bullying should remain a top priority in your districts. Preventative actions help minimize the threat of legal action and, more importantly, allow students to learn in a climate where their well-being is fostered.

(Editor's Note: The author is an attorney practicing with Jernain, Dunnagan & Owens in Anchorage.)

First Line of Defense Against Bullies - Students

By Jamie Kamik
Alaska ICE Staff

Many of the prevention and intervention efforts associated with bullying are directed at the bully and the victim. These are vital and valuable efforts, and a large part of an effective anti-bullying policy. What is often overlooked, however, is that it takes more than just a bully and a victim for bullying to occur within a school. In many cases, other students are aware of bullying and harassment within their school and do not take action to prevent it, nor do they report incidents of harassment to their teachers or other school staff. These "bystanders" can play a critical role in effective bullying prevention and intervention efforts, whether that involves telling a bully to stop, protecting and supporting a student being harassed, or informing a teacher or other school staff member about a bullying incident.

A good place to start bullying prevention efforts is to make sure that these "bystander" students, themselves neither bullies nor victims, feel connected to their school and have strong, healthy and positive relationships with the teachers and other adults within that school. This helps these students to feel empowered to speak up and defend a classmate from bullying, or to inform a teacher or other adult when

incidents of bullying occur. A student who does not feel connected to their school is less likely to intervene during an instance of bullying, and more likely to ignore the problem. A student who does not have positive relationships with adults in their school may not feel safe if they decide to report instances of bullying, or may not feel as though they will be listened to or taken seriously by school staff.

Teachers and school staff cannot be everywhere at once, but it is often the students who can perform the most effective prevention and intervention efforts within a school. By working to create a supportive, open, friendly, and caring environment, and helping students feel connected to their school, school board members, teachers, school staff, parents and other adults can often stop bullying before it starts.

Note: The Federal Substance Abuse and Mental Health Services Administration has developed some great resources on bullying, and launched a national initiative on bullying prevention. The materials are available on their website at the National Mental Health Information Center, Center for Mental Health Services, which can be accessed at <http://www.mentalhealth.samhsa.gov/15plus/aboutbullying.asp>

ALASKA COUNCIL



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Alaska Council of School Administrators

18 April 2005

Representative Mark Neuman
Chair, House Education Committee

Dear Chair Neuman and House Education Committee members:

The Alaska Council of School Administrators supports HB 233, *Preventing Harassment, Intimidation or Bullying in Public Schools*.

Our organization is very concerned about stopping behavior that is damaging to Alaska's students, and is also concerned that every school environment be safe. We support any and all efforts to create positive learning environments for children.

Though most school districts already have policies in place to address these issues, for those districts that do not, the bill provides assistance from the Department of Education and Early Development in drafting a policy for consideration. That technical assistance is very important if districts are to comply with the proposed change.

Mary A. Francis
Executive Director



The Honorable Mark Neuman
Chair, House Education Committee
State Capitol, Room 409
Juneau, Alaska 99801-1132

April 19, 2005

Dear Rep. Neuman,

After reviewing House Bill 233, an act relating to preventing harassment, intimidation or bullying in public schools, I wanted to convey the support of the Association of Alaska School Boards for this legislation.

This bill, as introduced, is in alignment with the policy now followed by more than 40 school districts in Alaska. That model policy has been part of AASB's recommendations to districts since the issue of bullying in our public schools has come to the forefront.

I commend the sponsors for their attention to this issue, and I assure the committee that this problem is one that Alaska's school districts are addressing.

Sincerely,

Carl Rose,
Executive Director

April 18, 2005

Dear Rep. Neuman,

At Alaska Gateway we are in dire need of general funds. Earlier in the legislative session, I testified on the state of our school district. At the present time, I am still going to have to cut 5 certified teachers and 8 classified positions. Even with a student base allocation of \$4919, I am far from balancing our district's budget to provide an adequate education for our students. Our teachers are frozen in their contracts, medical benefits have gone up 16% and recently bulk fuel and gasoline have skyrocketed over the \$2.19 mark. Electric costs in this area have tripled in the last couple of months. As each month goes by, our budget stretches less and less. SB 173 would solve all of our problems to date. Even if there was no increased student base allocation, we could maintain the status quo for a couple of years. Each year our cost factor has not allowed us the extra money for the increases in fuel, energy, supplies and materials, shipping, travel etc., etc., etc. We have had to make up these losses out of the general fund taking away teachers, supplies and materials, aides, and student activities, and many other things that affect our students and their adequate education. Even with the new proposed funding level, we will be \$673,449 short. Over the past month, I have visited every community in my district (7 in all) asking them for their input in how to cut the expenses in the district. They say we have already cut so much. They cannot believe that their Alaska legislature would treat them in this manner. They are angry at what is happening to our rural schools.

We need this cost factor to be adopted so we can compete with the rising costs of education. I am not speaking of frills or add-ons as others have spoken for on other teleconferences I have attended. I'm talking about the everyday education of students in Alaska Gateway which is far from the frills larger school districts speak of. Our last extra program (music in Tok School) will go out the window in this budget cut. Vocational education will also be slashed so the teacher can cover some classes in the core curriculum in Tok School. If our high school students are to graduate with 21 credits required by the state in the separate fields of English, Math, Science, and Social Studies, we must have highly qualified teachers in those areas or teachers who can become highly qualified. We do not, and we will not be able to even think about hiring these highly qualified teachers. Two high school teachers will be cut from Tok School this year leaving the rest of the teachers to cover all the subject areas needed for students to graduate.

Please pass SB 173 without changes to the cost factors. Something more has to be done to save our students from an inadequate education not provided in the student base allocation. Thank you for your time and for thinking seriously about passing this bill on.

Sincerely,

Carol Doyle, Alaska Gateway Superintendent 



Tackling the Schoolyard Bully: Combining Policy Making with Prevention

Finessa Ferrell-Smith, Research Analyst

NCSL Children and Families Program

As the safety of U.S. schools has become an important public policy issue, interest in the problem of school bullying has intensified. New research indicates that this type of adolescent victimization occurs frequently, particularly in middle school grades, and can result in serious consequences for both bully and victim. In 2002, a report released by the U.S. Secret Service concluded that bullying played a significant role in many school shootings and that efforts should be made to eliminate bullying behavior.

Although the media often have focused on high-profile incidents of school violence, such as school shootings, it is also beginning to pay more attention to understanding why some kids bully others, what the consequences of this sort of victimization are and what can be done to stop it. John Stossel's ABC news special on bullying; Showtime's original movie, *Bang! Bang! You're Dead*; and the decision by Erika Harold, the reigning Miss America, to focus on bullying prevention have highlighted the role bullying plays in the broader picture of school violence and the growing importance of the issue.

As awareness of harassment, intimidation and hate in the school setting has grown, state legislatures have begun to address this problem as well. At least 16 states have passed anti-bullying laws, and similar measures were considered in 23 states in the 2001-2002 legislative sessions. Currently, 14 legislatures are considering bills that address the issue of bullying.

What Is Bullying?

Before legislatures were required to define bullying in more precise terms, characterizing "bullying" had largely been a question of individual judgment--"we know what it is when we see it." Bullying includes harassment, intimidation to varying degrees, taunting and ridicule. Sometimes, bullies are motivated by hate and bias, sometimes by cultural norms, peer pressure or the desire to retaliate. Bullying may occur within the context of initiation rituals and be labeled "hazing," or it can be overtly or implicitly about gender, constituting sexual harassment. Sometimes, there is no readily identifiable reason for bullying; when kids are asked who school bullies target, their answers can be disturbing precisely because they are not extraordinary: bullies pick on kids who are "weaker," "smaller," "funny looking," or "dumb."

Although no standard or universally understood definition of bullying exists, certain elements usually are present (see sidebar). The first element is a pattern of behavior over time--repeated exposure to intentional injury or discomfort inflicted by one or more students against another. This behavior may include physical contact, verbal assault, social ostracism, obscene gestures or other aggressive acts that cause the victim to feel fearful or distraught. More serious instances of bullying can result in physical injury or emotional trauma. A second common element is a perceived imbalance of power, which allows one student-or group of students-to victimize others.

Female Bullying

Although the traditional bullying model has been particularly male-centered and focused on physical aggression, more attention is being paid to bullying by girls. Boys generally bully in direct and physical ways; girls who bully often do so indirectly by teasing and spreading rumors.

Researchers in the area of female bullying suggest that there are three different types of adolescent female aggression: relational, indirect and social. Examples of relational aggression include damage or the threat of damage

to a relationship, friendship or group inclusion; ignoring someone to punish or get one's way; and using negative body language or facial expressions. Indirect aggression allows the perpetrator to avoid confronting her target and makes it seem as though there has been no intent to hurt the recipient. The bully uses others to inflict pain by spreading rumors. Finally, social aggression damages the recipient's self-esteem or social status within a group by rumor spreading or social exclusion.

Although relational aggression can be as psychologically or emotionally destructive as the more direct and physical bullying behavior of boys, many school harassment policies focus on physical or direct violence and do not address relational aggression. In addition, female bullying is less likely to come to the attention of school personnel, even though students report that it is common.

Sidebar 1: Types of Bullying

The National School Safety Center recently identified several types of bullying, all of which involve either **direct** action such as physical contact or **indirect** action such as verbal, emotional, sexual or passive-aggressive harassment.

- Direct and physical bullying includes punching, poking, strangling, suffocating, pinching, shoving, hitting, biting, spitting, hair pulling, finger bending, ganging up or cornering, stabbing, excessive tickling, burning, poisoning, theft and shooting.
- Verbal bullying includes such acts as name-calling; put-downs; insults or verbal threats; cruel jokes; or demands for servitude, money or property.
- Emotional bullying includes rejecting, terrorizing, defaming, humiliating, blackmailing, rating or ranking a person or his or her characteristics, manipulating friendships, playing mean or embarrassing tricks, peer pressure, isolating, hateful graffiti, hateful looks, indecent gestures, and ostracizing on the basis of social status.
- Sexual bullying can include many of the actions listed above, as well as exhibitionism, voyeurism, sexual propositioning, sexual harassment and abuse involving actual touching, physical contact or sexual assault.
- Hate-motivated bullying is based on bias and, in some cases, can legally constitute a hate crime. Behavior can include taunting about race, national origin, religion, sexual orientation, and physical or mental disabilities.

Source: Adapted from Hilda Clarice Quiroz, Program Developer, National School Safety Center, *Understanding, Preventing and Responding to School Bullying*, April 2002, p. 8.

The Prevalence of Bullying: What Do Kids Say?

Until recently, national data on the prevalence of bullying in American schools have been largely unavailable. Instead, studies often were conducted at the state, district or even individual school level, drawing conclusions that are difficult to generalize to the broader national population. In 2002, however, the Families and Work Institute produced a report based on a nationally representative sample of 1,000 students in grades five through 12. Responses indicated that 32 percent of the sample had been bullied at least once in the month prior to the survey, and 12 percent had been bullied five times or more in the same time period. Twenty-three percent reported that they had bullied someone else at least once in the past month; 6 percent reported they had been bullied-or-that they had bullied someone five times or more.¹

These data also appear to reinforce the findings of a 1998 survey of 15,686 students in grades six through 10 that was conducted by the National Institute of Child Health and Human Development (NICHD). That survey found that 30 percent of the sample had been involved in bullying behavior, either as perpetrator or victim.²

The Families and Work Institute also found that, although kids fear serious acts of violence, it is "emotional violence"-including gossip, teasing, social isolation and cruel put-downs-that disturbs them the most. According to the kids surveyed, 66 percent had been teased or gossiped about "in a mean way" at least once in the month prior to the survey, and 25 percent reported being the object of cruel teasing or gossip five times or more in the same period.³ Again, these findings are consistent with the 1998 data collected by NICHD, particularly for girls. Table 1 indicates what those students frequently encountered.

Table 1. Most Frequent Types of Bullying Behavior Encountered in 1998

Type of Behavior	Males	Females
Belittled about religion or race	8.8%	7.2%
Belittled about looks or speech	19.8%	20.5%
Hit, slapped or pushed	17.8%	11.1%
Subjects of rumors	16.7%	17.3%
Subjects of sexual comments or gestures	17.5%	20.5%

Source: The NICHHD findings were published in "Bullying Behaviors Among U.S. Youth," *Journal of the American Medical Association* 285 (April 25, 2001): 2094-2100.

The Link between Bullying and School Violence

Perhaps the most striking research to date has linked the effect of severe and repeated bullying to serious acts of violence. In 1999, the *Safe School Initiative*, a partnership between the U.S. Secret Service and the U.S. Department of Education, examined 37 incidents of targeted school shootings and school attacks involving 41 attackers, beginning with the first case in 1974. The Secret Service collected and analyzed all available information about each incident and conducted in-depth interviews with 10 of the shooters.⁴

This research led to 10 key findings, one of which was that most of the attackers felt persecuted, bullied, threatened, attacked or injured by others prior to the incident. In several of these cases, the harassment the attackers endured was severe, long-standing, torturous and a significant factor in the attackers' decision to use violence. Witnesses in one case, for example, indicated that "...nearly every child in the school had at some point thrown the attacker against a locker, tripped him in the hall, held his head under water in the pool or thrown things at him."⁵ In fact, the Secret Service found that more than half of the attackers cited revenge as a motive and more than three-quarters of attackers were known to hold a grievance against an individual or group of individuals before the attack. Released in May 2002, the *Safe School Initiative* final report concluded: "The prevalence of bullying found in this and other recent studies should strongly support ongoing efforts to reduce bullying in American schools."⁶

Other Negative Effects of Bullying

Research has shown that long-term consequences associated are with bullying others and being bullied. Research conducted in 1993⁷ indicates that children who are bullied often suffer from depression and low self-esteem well into adulthood. Moreover, the act of bullying can become a "gateway" to other negative behaviors in adolescence such as vandalism, shoplifting and drug use and to more serious crimes committed in adulthood. Sixty percent of males who were bullies in grades six through nine were convicted of at least one crime as adults, compared with 23 percent of males who did not engage in bullying others. Further, 40 percent of these former school bullies had three or more convictions by age 24, compared with 10 percent of their non-bullying peers.⁸

The 1998 NICHHD survey found that students who were bullied reported more loneliness and more difficulty making friends than students who were not bullied. Further, those students who bullied others were more likely to have poor grades, smoke cigarettes and drink alcohol.⁹

Finally, even though female bullying may not leave physical scars, the psychological effects can be carried into adulthood. Because girls are socialized to be nurturing caretakers and to value relationships, these connections are very important to them. As a result, fear of isolation and solitude can be severely damaging and destructive to girls.¹⁰

What We Don't Know

Because students' reactions to bullying are influenced by a complex set of social and psychological factors, there is no formula for predicting when victims of bullying will respond with violence. Nevertheless, a great deal of research during the last two decades has identified personal characteristics and environmental conditions that, taken alone or in combination, work to protect kids from engaging in violent and dangerous behavior or that put them at risk of engaging in such behavior. At the same time, although children with multiple risk factors are substantially more likely to participate in risky, dangerous or violent behavior, some children who fit these criteria will not do so. In short, school-based victimization fits into a larger puzzle of personal and environmental circumstances of which bullying is but one piece.

The link between bullying and suicide

Although the research is beginning to paint a clearer picture of the effects of both being a bully and being victimized by them, other outcomes remain more difficult to measure. We know, for example, that kids who are bullied often suffer from depression, low self-esteem and loneliness. We also know that more than half of the attackers involved in school attacks since 1974 had a history of feeling extremely depressed or desperate and that nearly 75 percent of them threatened to kill themselves, made suicidal gestures or actually attempted suicide before they attacked the school. Although an association between being bullied and the desire or attempt to commit suicide is present in individual cases, it is also true that other bullied kids do not. The decision to commit or attempt suicide often involves a number of contributing factors. Isolating any particular factor--such as being bullied--as the primary cause often proves impossible scientifically unless compelling evidence--such as a note or post-attempt interview--warrants that conclusion. It is fair to say, however, that poor mental health is a consequence of being constantly belittled and harassed and that some children may be driven to end this victimization in extreme ways while others prove more resilient.

The link between bullying and academic achievement

The research also is unclear about the effect(s) of bullying on academic achievement. Research has shown that kids who bully others are more likely to engage in a number of negative activities (see above), to have poorer grades and to drop out of school at a higher rate than their peers. Again, because many factors both inside and outside school may be involved, the relationship is associational rather than causal. In other words, although bullies as a group share many of the same characteristics, it is not clear that having lower grades is caused by bullying others any more than bullying others is caused by receiving lower grades.

Research also has shown that children who are repeatedly bullied fear going to school or refuse to do so and have difficulty concentrating while in school. Although it seems unlikely that an ideal learning environment exists for students who are feeling alone, depressed, scared or desperate, the research has yet to answer why some bullied students struggle academically and others do not.

The Legislative Response to Bullying

Since 1999, at least 16 states have passed law to address harassment, intimidation and bullying in school. The primary intent of almost all these legislative efforts is to define bullying, to establish school or district-level policy that firmly prohibits such behavior, and to communicate that policy to students and their parents. Beyond that, however, states have taken different approaches as to whether policy needs to go further and, if so, whether the legislature or another entity should be responsible for those details.

Because legislatures are beginning to pass laws prohibiting bullying behavior in school, it has become necessary to define the behavior that is prohibited. A significant challenge to crafting a clear definition of bullying is determining behavior that has crossed the line and should be punished--and to what degree--versus behavior that has not. The task of precisely defining bullying becomes even more difficult when other factors are considered, including the following:

- o Differing circumstances surrounding each incident;

- Differing school expectations for student behavior;
- The intent and motivation behind the bullying behavior;
- Degrees of "victimization," which become more difficult to measure when physical injury is not present; and
- The resources available to deal with the problem.

Not surprisingly, states have taken different approaches to the task of defining bullying, where it takes place and what effects should be present to warrant punishment and/or intervention (see appendix A).

Defining Bullying Legislatively

What is bullying?

Generally, states have been fairly uniform in defining bullying to include written, verbal or physical acts. States have taken different approaches to the issue of intent or motivation. Colorado, Connecticut, Georgia and Oklahoma make clear the need for the bullying act to have been intended to cause "injury, distress, ridicule, humiliation or intimidation" in order for bullying to have occurred. Thus, bullying is distinguished from other actions that may cause ridicule, distress, humiliation and the like but that were not intended to do so.

New Jersey, on the other hand, has defined bullying in such a way as to focus very narrowly on targeting students with specific characteristics. Bullying is behavior based on "...an actual or perceived characteristic such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or a mental physical or sensory handicap or any other distinguishing characteristic." Under this definition, bias against particular students as the motivation to harm--or attempt or threaten to harm-- another person is critical to invoking the legal standard.

Where does bullying occur?

A second consideration when writing legislation is to be specific about the locations covered by the law. Again, states have been fairly uniform in their inclusion of school grounds and school-sponsored events. In addition, Colorado, New Jersey, Oklahoma, and Oregon cover behavior on school buses, and the latter three states include bus stops as well.

What Harm Needs to be Caused?

Perhaps the most important consideration in defining bullying is deciding on the level and type of harm the behavior must cause in order for it to constitute bullying. In this regard, state definitions of harm are on a continuum from narrow (personal harm and injury, or reasonable fear of harm) to broad (personal distress or humiliation). In addition, although bullying is understood to occur between one or more people, the harm or consequence of bullying can include injury to the school or educational process. As a result, many states have also included school disruption or creating a hostile educational environment in their definitions of prohibited bullying behavior.

- New Jersey specifies that the act must result in "harm" or a reasonable "fear of harm" to person or property or that the act must demean or insult a student or group of students in such a way that the act causes substantial disruption to, or interference with, the orderly operation of the school.
- Oregon also protects both student and property, recognizes actual harm and "fear of harm," and includes acts that "create a hostile educational environment."
- Connecticut, Colorado and **Oklahoma** have defined the effects more broadly so as to cover a wider range of behavior. In Connecticut, an act of bullying need only "ridicule, humiliate or intimidate" the victim; in Colorado and Oklahoma, the act need only "cause distress" in order to meet the legal criteria for bullying behavior.

Requirements for School Anti-Bullying Policies

Because the intent of legislative effort is, ultimately, to prohibit bullying behavior and communicate this prohibition effectively to students and their parents, legislatures must assume the challenge of crafting anti-bullying policy that is sufficiently comprehensive or appropriately discretionary to meet the needs of schools but that also serving legislative purpose. Although the legislative goal seems simple enough, in practice the communication of policy and the

prohibition of any behavior raises several other questions.

- Should parents of bullying victims and parents of bullies be notified?
- Should the anti-bullying policy be publicized in student handbooks and codes of conduct alone, or in additional forums?
- Should teachers be trained to recognize, intervene or respond to bullying behavior in a uniform way?
- Should schools be required to initiate bullying prevention efforts?
- Should schools record all reports of bullying behavior and should that reporting be open to public record?
- Should school personnel be required to report instances of bullying?
- Should students be given immunity for reporting instances of bullying?
- Should students be punished for making false accusations of bullying?

In addition, it must be determined whether the authority for answering these questions and establishing the appropriate mechanisms to make the anti-bullying policy work at the local level is vested in the state department of education, the local schools (or districts) or the legislature itself. If local control is desired or if these mechanisms are to be developed in model policy form by another state-level entity, it may be that legislative action need only focus on a uniform, statewide policy that prohibits bullying in schools.

- Colorado requires that all schools have an anti-bullying policy, but discretion is left to individual schools or school districts regarding the specific components of the policy.
- Washington vested sole authority for policy development with the state superintendent of public instruction. School districts are required to adopt OSPI's model policy or amend an existing policy to be in compliance.
- Other states-such as Connecticut, New Jersey, and West Virginia-have been more comprehensive and directive in their approach, prescribing in detail the standards that anti-bullying policies must meet with regard to reporting mechanisms, investigation protocols, notification procedures, protection of victims and the like. (For more details about the components of state anti-bullying legislation, see appendix B.)

A final and often problematic component of legislation is how far to go beyond prohibiting bullying behavior toward preventing it. Whether initiated at the individual school level-and paid for from local budgets, state grants or federal funding streams-or mandated by the state through legislation, it is likely that prevention efforts are occurring across the country. Legislation mandating prevention, however, is less common, particularly in this time of tight budgetary constraints.

Although several states mandate or encourage schools to report the bully prevention programs they choose to implement, a few states have gone beyond this to require schools to monitor prevention. In Oklahoma, for example, the Legislature expanded the duties of each school's Safe School Committee by requiring it to review successful bully prevention programs, make recommendations for action and implement a prevention plan. In Connecticut, Georgia and Illinois schools must have an effective prevention-intervention strategy. Georgia further requires comprehensive character education at all grade levels, which must specifically address bullying behavior. (For more details, see appendix B.)

Planning a Legislative Response to Bullying

As more legislatures take up the issue of harassment, intimidation and bullying in schools, legislators have needed more research and information to help them plan for and structure state policies. Because each state is unique, it is important to consider a number of issues before taking legislative action.

- Is bullying a problem that needs to be addressed? How can you find out?
- If bullying is a problem, is it a statewide concern or does local action make more sense?
- If statewide action seems warranted, which state entities, agencies or groups are the best suited or responsible for taking action?
- Should prevention efforts be an explicit component of policymaking? If so, should specific prevention programs

- be endorsed or funded over others?
- Are funds available to put into prevention efforts?
- How will you know if positive change occurs? Is it necessary to develop a reporting or data-gathering mechanism or can an existing system be adapted to fit your needs?

Collecting baseline data

Whether bullying is a problem, and to what degree, will vary with factors unique to a particular state, school district or school. For this reason, collecting data to provide a clearer picture of the extent and nature of bullying--and whether it is a statewide problem--is a good first step.

- Statewide reporting mechanisms

On a statewide level, data can be collected through reporting mechanisms that may be in place as part of school safety audits or other statewide school safety reporting requirements. If reporting mechanisms are not in place, or if reporting incidents of bullying is considered unduly burdensome on schools, statewide data can be collected by other methods (see below).

- Statewide forums

In Colorado, the state attorney general conducted a series of school forums across the state, asking students, teachers, administrators and parents to describe the school climate and a "day in the life of a student." Responses during the forums indicated that bullying was a problem--to varying degrees--in every school visited. The attorney general documented his findings in a report, concluding that bullying was a serious concern that should be addressed. Subsequently, legislation was introduced and passed to require Colorado schools to develop anti-bullying policies (see sidebar). In addition, a coalition of organizations formed a statewide bullying prevention initiative.

- Individual School Assessments

There is also a need to understand clearly whether bullying is a problem and why at the individual school level. School-based characteristics--such as the age and demographic make-up of the student body, the presence or absence of racial or ethnic tension, the design of the school building itself, the presence of gangs or drugs and the like--contribute dramatically to a school climate that either contributes to or discourages bullying behavior. According to Jane Grady, assistant director of the Center for the Study and Prevention of Violence, these school-level needs assessments are the most efficient way to determine if a bullying problem exists and how best to address it within a particular school if it does:

"The severity or existence of bullying will vary with any given school. The best way to go is to do a needs assessment and determine what the priorities are before pouring dollars into bully prevention. If bullying behavior is not a major problem, but a concern, there are strategies for addressing that concern that might make more sense and be less costly than implementing a school-wide bullying prevention program. For example, after doing a needs assessment, a school might find that bullying is occurring in isolated, unsupervised locations in the school building or on the campus. This may be addressed by assigning staff, a school resource officer or even volunteer parents to patrol these areas. Bullying plays into the entire school climate, so an emphasis on building relationships between adults and students is another strategy that can be pursued and it can be economical as well."

Needs assessments often are administered in the form of student surveys. Survey instruments for this purpose have been developed and are available. Some are very narrowly focused on specific behaviors such as bullying and others are quite comprehensive to address a broad spectrum of student behavior, attitudes and beliefs. The responses then are analyzed for use by a particular school or school district and can also be sent to state education agencies and policymakers so they have an overview of bullying (and/or other behavior) statewide. Whether they are administered

voluntarily or as a result of legislative mandate, school needs assessments can assist policymakers who are considering anti-bullying legislation and can assist schools and districts to respond appropriately to bullying in their institutions.

Balancing State and Local Control

Ultimately, all legislative mandates rely on other entities for successful enforcement and implementation. In many states, a culture and tradition of local control can make necessary a more discretionary approach, allowing individual schools or school districts to have a great deal of authority in the development of their own policies or prevention efforts. If local control issues are not a major consideration, however, it may be more efficient to develop a model policy on bullying, intimidation and harassment and require all schools to adopt the policy. Both approaches have advantages and limitations. For example, discretion allows for just the sort of planning discussed above--policy and prevention efforts based on characteristics and circumstances unique to a particular school and school district. This individualized approach may prove more effective because it allows for more accurate and targeted intervention and policy development to address the bullying that actually is occurring. On the other hand, a centralized or uniform policy approach ensures standardization across the state, allows for development and dissemination of training materials and teacher professional development activities by a single authority, and makes data collected through any mandated reporting mechanism easier to analyze because all schools collect the same information.

Funding What Works

As legislatures face tight budgetary constraints, it is important to spend money on programs that have been proven effective. Organizations such as the Center for the Study and Prevention of Violence at the University of Colorado (CSPV) and the Hamilton Fish Institute have compiled research about what works to prevent bullying behavior in schools.

The CSPV Blueprints program is a valuable tool for determining what research exists to show particular programs to be an effective use of resources. Programs are rank-ordered as model, promising and favorable, depending upon the extent to which a program has been evaluated, the rigor of the evaluation design, and the measured positive change that can be attributed to program implementation over time and in different schools.

Several successful skill-building, intervention or prevention programs take a broad approach to anti-social behavior that includes, but is not limited to, bullying. This broader approach to unacceptable behavior may be both efficient and appropriate, depending on what sorts of problems exist--and to what degree--in a particular state, district or school. On the other hand, narrowly focused and targeted efforts aimed specifically at bullying may be the best solution in other circumstances.

Bullying Prevention Program

To date, the CSPV has identified only one model anti-bullying program, The Bullying Prevention Program (BPP). Developed in Bergen, Norway, BPP has been proven highly effective in reducing antisocial behavior and improving school climate. BPP has been successfully replicated in the United States, England and Germany. The program takes a comprehensive approach, working with both bullies and victims to address causes and to change behaviors that could lead to future aggression. It also requires enforcing classroom rules against bullying, policing specific areas in schools for bullying behavior, and holding school-wide conferences to discuss the problem and how to prevent it.¹¹

Student participants have reported substantial reductions in bullying and other antisocial behaviors, as well as marked improvement in social climate and relationships. At the original site in Norway, bullying problems were cut in half after two years. Similar results also have been demonstrated in several sites in the United States. In fact, the Washington Institute for Public Policy has determined that the Bullying Prevention Program saves Washington taxpayers \$5.29 for every \$1 spent.¹²

Bully Proofing Your School

A second and very popular program, Bully Proofing Your School, has not been in use long enough to be evaluated as rigorously as the BPP, but preliminary evaluations are positive and the CSPV has rated the program favorably. Bully

Proofing follows many of the principles involved in the Bullying Prevention Program, but focuses on the silent majority of bystanders--roughly 85 percent of the average student body--and the social context within which bullying behavior is allowed to occur. This focus on peer culture and transforming the silent majority into a caring majority distinguish Bully Proofing from BPP.

Bully Proofing has been evaluated thus far at a single elementary school site over a four-year period. Students' sense of safety--particularly on the playground and coming and going from school--significantly increased during the study period. Likewise, the occurrence of bullying behaviors--defined as physical aggression, verbal aggression and exclusion--significantly decreased although it took longer to affect exclusion (e.g., encouraging others to leave someone out of play or social activity) than it did to affect verbal and physical behavior.¹³

Planning for Evaluation

Evaluating results can be daunting if certain questions are not considered beforehand:

- What did we want to achieve?
- What benchmarks would indicate success?
- Who will do the evaluation and at how many sites?
- What questions should be asked, of whom and how frequently during what period of time?
- How much will evaluation cost?
- How will the results of the evaluation be disseminated and on what timetable?
- What action should be taken if outcomes are not as positive as hoped or, conversely, change is greater than expected?

Conclusion

As is the case with intervention in most negative human behavior, tackling the schoolyard bully is no easy task. Made complex at the outset by difficulties in defining exactly what bullying is, eliminating this behavior calls for a number of key participants to act together to create the right combination of sound policy, awareness of the problem, appropriate sanctions, successful prevention and intervention, data collection, evaluation and a fair amount of patience with the process. As state legislatures continue to address bullying, harassment and intimidation in schools, a number of tools will likely become available. What is known about bullying will continue to expand exponentially as more research is conducted, and evaluation of programs that work show positive outcomes. Reporting mechanisms will improve. Evaluation instruments to measure the extent of bullying or the outcomes of intervention will be refined and made available for use by others. States that choose to address bullying legislatively in the years to come will benefit from the experiences--positive or negative--of the states that currently are enacting anti-bullying policy. Although bullying may be only one piece of the complicated puzzle that is school violence, its elimination moves schools one step closer to being safe and productive places to learn for everyone inside the schoolhouse gate.

ENDNOTES

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APPENDIX A

Examples of Legislative Definitions of Bullying

Colorado and Oklahoma: "Bullying: Any written or verbal expression or physical act or gesture or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds in school vehicles at a designated school bus stop or at school activities or sanctioned events."

Connecticut: "Bullying: overt acts by a student or group of students directed against another student with the intent to ridicule, humiliate or intimidate the other student while on school grounds or at a school sponsored activity, repeated against the same student over time."

Georgia: "Bullying: Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm."

New Jersey: "Harassment, intimidation or bullying: any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by an actual or perceived characteristic such as race color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap or by any other distinguishing characteristic, that takes place on school property at any school sponsored function or on a school bus and that (1) a reasonable person should know will have the effect of harming a student or damaging the student's property or placing a student in reasonable fear of harm to his person or damage to his property or (2) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school."

Oregon: "Harassment, intimidation or bullying: Any act that substantially interferes with a student's educational benefits, opportunities or performance that takes place on or immediately adjacent to school grounds, at any school sponsored activity on school-provided transportation or at any official school bus stop and that has the effect of (1) physically harming a student or damaging a student's property, (2) knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property or (3) creating a hostile educational environment."

APPENDIX B

Summary of Selected State Laws on Bullying

California: School districts must have a comprehensive school safety plan that must include an anti-discrimination and harassment policy and procedures for reporting hate crimes specifically. In addition, the Legislature required the state Department of Education to develop model policies on the prevention of bullying and conflict resolution. These model

policies must be made available to school districts which may elect to incorporate them into their school safety plans.

Colorado: Each school district board of education must establish a policy "concerning bullying prevention and education" as a component of its safe school plan, also required by Colorado law. In addition to the definition of bullying, the policy must represent a reasonable balance between the pattern and severity of bullying behavior. Each school's policy is to be included in a report submitted by all principals to the board of education annually, including a description of any bullying prevention programs the school may have chosen to implement.

Connecticut: Each local and regional board of education must develop policy to address the existence of bullying in schools. In addition to the definition of bullying, the policy must include:

- A procedure for students to anonymously report incidents of bullying;
- A procedure for parents to file written reports of suspected bullying;
- A requirement that school personnel must report any incidents of bullying;
- A requirement that school administrators must investigate any reports;
- An intervention strategy for school staff to deal with bullying;
- Notification of parents of both bully and victim, including what action has been taken in response to the incident and what the consequences for any further acts of bullying will be; and
- A requirement that each school document all verified acts of bullying and make a list available to the public.

Georgia: In 1999, Georgia passed comprehensive character education for all grade levels to foster positive character development and to include methods to prevent bullying and other violence against students. Since that time, the prevention focus has been bolstered by the creation of specific statewide policy that defines and prohibits "bullying, verbal assault of students, physical assault of students and disrespectful conduct toward other students." Another component of the policy, as directed by the legislature, is a procedure to intervene in a pattern of bullying behavior before automatic sanctions apply. This requires a meeting of the student(s) guilty of bullying behavior, the student's parents or guardian, and school officials to establish a conduct "contract" for that student with clear penalties for noncompliance. The law also requires that any student found guilty of bullying three times in a school year be assigned to an alternative school.

Illinois: In Illinois, school boards are advised by a parent-teacher advisory committee established by law to develop student discipline guidelines, reciprocal reporting about students who have committed criminal offenses between law enforcement agencies and the school district, and school bus safety procedures. As part of its responsibility in student discipline policy, the committee must address all aggressive behavior, including bullying, and develop specific early intervention procedures for students identified as "at-risk" for this kind of behavior, based on available community and district resources. Also mandated by law are procedures to notify parents or guardians if their child is deemed "at-risk" or if their child is exhibiting aggressive behavior.

New Jersey: Each school district must adopt a policy prohibiting harassment, intimidation or bullying through a representative process that includes parents, students, school personnel and community members. The commissioner of education is directed to develop a model policy to assist school districts with the process. When completed, school districts must file their policy with the county superintendent of schools. In addition to a definition and a statement prohibiting the behavior, the policy must include:

- A procedure for reporting incidents anonymously;
- A procedure to investigate reports, making clear the person(s) responsible for investigation;
- The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified;
- A statement prohibiting reprisal against any person making a report and the consequences for any person who engages in retaliation or reprisal;
- Consequences for making a false report of a bullying incident;
- A requirement that school personnel must report any incident of bullying, intimidation or harassment they have witnessed or about which they have reliable information;
- A statement about how the policy will be publicized; and

- A requirement that the policy be printed in any publication that sets forth school district rules, regulations and standards for student conduct.

As in West Virginia law, New Jersey law also provides immunity from a cause of action for damages arising from the reporting of an incident to individuals who make that report in good faith and in compliance with established procedures. Schools and school districts are encouraged to establish bullying prevention programs and, to the extent funds are available, to train school personnel and educate students about the anti-bullying/harassment policy.

Oklahoma: Safe school committees (SSCs) were established by law in 1996 to issue recommendations about school safety to each school principal. Each school's SSC is comprised of 12 members and must include the principal, superintendent, parents, teachers and students. In the 2002 session, the Legislature expanded the duties of each SSC to include special attention to bullying, physical and verbal aggression, and sexual harassment. In addition to a definition and statement prohibiting this behavior, the Legislature directed all SSCs to review bullying prevention programs used by other states, agencies or school districts and to issue recommendations appropriate to the particular school in question. The school response to bullying must include:

- The involvement of students and the community at large,
- The development of one-on-one student/staff relationships,
- The use of problem-solving teams with counselors or school psychologists, and
- A reasonable balance between the pattern and severity of bullying behavior.

Washington: Unlike a number of other states that direct their primary educational agency to develop model policies on bullying to "assist" local districts with development of their own, Washington vested sole authority for policy development with the superintendent of public instruction. School districts were directed to adopt OSPI's model policy on harassment, intimidation and bullying or amend an existing policy to be in compliance. Although the onus of policy development rests with the OSPI, the Legislature defined bullying and directed the model policy to contain a statement prohibiting bullying, specific reporting requirements (later vetoed), and immunity to school personnel and students who reported incidents of bullying in compliance with established procedures. In addition to the anti-bullying policy that all schools were required to adopt statewide, the Washington superintendent of public instruction disseminated teacher training materials and conducted workshops and other school staff development activities to ensure uniform, statewide education about the policy and responsibilities of school staff in enforcement. In addition, the Legislature appropriated \$500,000 to fund bullying prevention programs statewide.

West Virginia: Each county board is responsible for developing and adopting a policy to prohibit harassment, intimidation or bullying through a process that involves parents, school personnel, students and community members. A model policy developed by the Department of Education is made available to assist county boards in this process, if desired. When the policy is completed, the county board must send it to the state superintendent of schools and print the policy in all student handbooks. In addition to a definition of bullying and a statement that bullying is prohibited, the policy must include:

- A procedure for reporting incidents of bullying,
- A requirement that school personnel must report any incidents of bullying,
- Notification of parents/guardians of all students involved (both bully and victim) in an incident,
- A procedure for documenting reported instances of bullying,
- A procedure for responding and investigating reports of bullying,
- A specific strategy for protecting victim(s) from additional bullying after a report has been made, and
- A disciplinary procedure for students who are found guilty of bullying

West Virginia law also provides immunity from a cause of action for damages arising from the reporting of an incident to individuals who make that report in good faith and in compliance with established procedures. The law also encourages, but does not require, bullying prevention task forces and anti-bullying initiatives that involve students, parents, law enforcement personnel, community members and other interested parties. Finally, each school district must train teachers and educate students (beyond printing the policy in the student handbook) on the anti-bullying

and harassment policy if state and/or federal funds are appropriated to do so.

Sidebar 2:

Anti-Bullying Legislation in Colorado: A Conversation with Representative Don Lee, sponsor

Where does bullying fit in the picture of school violence?

Bullying is an important piece of the school violence puzzle, but it's only one piece. I believe that another big piece is character development both in the home and the school environment. Many of the issues that need to be addressed are cultural. I think a lot of little things will make a big difference, but no one thing will solve the problem. This generation feels very disconnected from the adults around them and their communities and until we pay attention to that, many of our problems will remain.

Is bullying a problem in Colorado? Was there data available to indicate bullying was a problem?

The Attorney General Salazar visited schools across Colorado, and we learned that harassment is a part of the school environment and is present regardless of area, school size, urban or rural. We also saw that schools that have addressed harassment and have policies in place are successful. I feel we need to spread that awareness of the issue and to make known the kind of success schools can have when they address the school environment and ensure it is free of harassment.

How do you respond to critics who say that bullying behavior cannot be stopped by making laws to outlaw it—that bullying is not appropriate for legislative action?

Bullying is just harassment within the school context. I don't think anyone would argue that it is inappropriate to have policies clearly prohibiting harassment. In this case, policies that specifically address student-to-student harassment, or bullying, would be proactive and would stimulate the kind of awareness we need to effectively address the issue. We need to make sure a system is in place that assures that kind of visibility and makes very clear that bullying behavior will not be tolerated.

If bullying has been around since kids began to interact with each other, why is it so important to deal with now?

Well, things have changed. Bullying behavior used to be handled by parents. I have heard so many stories, and they all have a common thread: "My dad called his dad and he took care of it." That just does not seem to be happening now; parents aren't taking on that responsibility. Parents are teaching less and teachers are parenting more. Why? I don't know. But I do know that we can't do much about what happens in the home; we can do something about what happens in schools.

What kind of support or opposition have you encountered in carrying this bill? Do you have an idea of where public opinion falls?

Support for this bill has been overwhelming, particularly from people who have seen marked improvement after addressing bullying in their schools. People who really don't think bullying is a problem in their schools have been quiet for the most part. With regard to opposition, I would characterize that as an issue of local control more than anything else. There are people who think that the "broad brush approach" is not the way to go—that local districts should be able to act in a way they think is appropriate. But I don't think harassment is a geographic issue. If it is widespread and if there are ideas that can help to solve this problem, then we need to do what we can to help that happen.

What advice do you have for your counterparts in other states who are deciding whether to carry a bullying bill similar to yours?

Don't believe that an anti-bullying policy is the end-all solution—it's just part of a bigger picture. Don't make the bill too restrictive—you want to raise awareness and communicate the success of anti-bullying programs—but don't smother schools with prescriptive measures. Leave the decision about how to enforce the policy—in terms of discipline or a prevention program—to local authority. The Colorado legislation has been confused on occasion with zero tolerance, but

it shouldn't be. It isn't a punitive piece of legislation-we already passed the Safe Schools Act, which addressed discipline and sanction. It is proactive in that it requires a policy and it requires that incidents of school-based harassment be reported. It does not create an extra burden for schools, it just changes practice.

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SELECT SCHOOL SAFETY ENACTMENTS (1994-2004)

Bullying and Student Harassment

Legislative responses to school violence are multifaceted and involve several systems including education, juvenile justice, mental health and health. This compilation presents examples of recent state enactments and is not inclusive of all legislative actions. For more information on specific issues, contact NCSL's Denver office.

- AR 2003 Arkansas Act 681, HB 2274 - Requires school districts to adopt policies to prevent student harassment and bullying. Policies must define bullying, prohibit bullying on school property, at school-sponsored activities and on school buses and state the consequences of engaging in bullying behavior. Also requires school employees to report incidents of bullying to the school principal and provides for immunity from tort liability for those who report but fail to remedy the incident. Requires the policy to be clearly communicated and available, reviewed by the State Board of Education and filed with the State Department of Education. Also adds bully prevention programs to the list of student services provided by school guidance counselors.
- CA 2001 Cal. Stats., A.B. 79, Chap. 646 - Requires the Department of Education to develop model policies on the prevention of bullying and on conflict resolution, makes the model policies available to school districts and authorizes school districts to adopt one or both policies for incorporation into the school safety plan.
- 2001, Cal. Stats., S.B. 257 - Specifies that, for school and law enforcement partnership purposes, school crime includes hate crimes and requires the comprehensive school safety plan to include development of a discrimination and harassment policy, as specified, and development of hate crime reporting procedures.
- 1998 Cal. Stats., A.B. 499 - Charges the State Board of Education to develop guidelines, adopt policies, and fund programs to create a school environment free from discriminatory attitudes and hate violence.
- CO 2001 Colo. Sess. Laws, S.B. 105 - Requires each school district to include a specific policy in the district conduct and discipline code concerning bullying prevention and education. Defines bullying as any written, verbal or physical act or gesture that is intended to inflict injury, violence or a reasonable fear of injury or violence upon one or more students in the school, on school grounds, in school vehicles or at school activities or sanctioned events. Requires school districts to submit their policy on bullying prevention and education, as well as information about any bullying prevention program they have implemented, to the state board of education.
- CT 2002 Connecticut Public Act 2-119, SHB 5425 - Requires boards of education to develop a policy to address bullying. Requires the policy to: enable students to anonymously report acts of bullying; enable parents/guardians to file written reports of suspected bullying; require teachers and school personnel to report witnessed acts of bullying to school administrators; require school administrators to investigate any written reports of bullying submitted to them; requires parents/guardians of both suspected bullies and victims of bullying to be notified; requires schools to keep a record, open to public inspection, of all verified acts of bullying and the school's response to those acts; requires intervention strategy for school staff to deal with bullying and language in school codes of conduct that addresses bullying behavior.
- GA 2002 Acts, SB 291 - Expands education code to include the following offenses: verbal or physical assault, battery or disrespectful conduct directed at teachers, administrators, bus drivers and other school personnel, students or anyone attending school-related function or in a school vehicle. Requires student codes of conduct to include provisions governing conduct on public school buses. Prohibits students from physical

violence, bullying, physical or verbal assault or battery on the school bus; bans disrespectful conduct toward the school bus driver or anyone on the school bus. Directs that students found by a tribunal to have committed an act of physical violence against a teacher, bus driver, school official, or school employee is expelled from the public school system for the remainder of the student's eligibility to attend public school. Allows the local board to permit the student to attend an alternative education program for the period of the student's expulsion.

1999 Georgia Laws, H.B. 84, Chap. 282 - Requires the implementation of a character education program at all grade levels that is to include methods of discouraging bullying and violent acts against fellow students. Adds razor blade to the definition of weapon.

- IL 2001 Ill. Public Act 92-060, H.B. 646 - Requires school boards, in consultation with parent-teacher advisory committees and other community-based organizations, to include provisions in student discipline policies to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including bullying, as defined in the policy. Requires these provisions to include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

2001 Ill. Public Act 92-96, S.B. 1026 - Provides that whoever by threat, menace or intimidation prevents a child entitled to attend a nonpublic school from attending that school or interferes with the child's attendance at that school is guilty of a Class A misdemeanor.

- LA 2001 La. Acts, H.B. 364, Act 230 - Requires local school boards to adopt policies prohibiting harassment, intimidation and bullying by students and protecting students and employees who report such incidents. Authorizes local school boards to adopt zero tolerance policies for fighting in schools and requires students expelled for fighting to pay for and attend conflict resolution classes with their parents.

- MS 2001 Miss. Laws, S.B. 2390 - Directs the State Board of Education to develop a list of recommended conflict resolution and peer mediation programs that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation. Requires the board to make the list available to local school administrative units and school buildings by the beginning of the 2002-2003 school year.

- NV 2001 Nev. State Laws, A.B. 459 - Requires the Nevada Department of Education to develop a model program of education prohibiting harassment, intimidation or discrimination in schools. Requires local districts to adopt the department policy and provide appropriate training for school personnel.

- NH 2004 N.H. Laws, HB 1162, Chap. 244 - Requires school districts to notify parents about the district's policies on bullying and harassment and the appeals process available at the state and local levels. Also requires a report of any bullying incidents to be made by telephone and in writing to the parents or legal guardians of the students involved.

2002 N.H. Laws, S.B. 155 - Protects public and private school employees and contractors from liability for reporting acts of theft, destruction, violence (under RSA 193-D) or bullying (under RSA 193-F).

2000 N.H. Laws, S.B. 360 - Creates the Pupil Safety and Violence Prevention Act. Requires local school boards to adopt a pupil safety and violence prevention policy that addresses bullying and provides technical assistance. Requires school employees to report any information regarding bullying behavior to the school principal and provides immunity to any school employee who makes such a report from any cause of action arising from a failure to remedy the reported incident.

- NJ 2002 New Jersey Laws, AB 1874 - Requires each school district to adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The policy

must include a definition of bullying behavior, consequences for engaging in such behavior, a procedure for investigation of reports of such behavior, a statement prohibiting retaliation or reprisal against persons reporting bullying behavior and consequences for making a false accusation. Requires school employees, students or volunteers to report any incidents of bullying, intimidation and harassment to appropriate school officials. Grants immunity from any cause of action for damages arising from a failure to remedy the reported incident to persons reporting these incidents.

OK 2002 Oklahoma Sess. Laws H.B. 2215/ S.B. 992 - Enacts the Bully Prevention Act, defines bullying; amends 70 O.S. 2001, Section 24-100 to require Safe School Committees to give special attention to bullying, incidents of unwanted physical or verbal aggression and sexual harassment and make recommendations. Encourages community involvement, one-on-one student/staff relationships, use of problem solving teams of counselors and/or school psychologists and requires the review of bullying prevention programs utilized by other states, agencies or school districts. Requires each school district to have policies addressing the prevention of bullying and education about bullying behavior.

OR 2001 Oregon Laws, H.B. 3403 - Requires school districts to adopt policies prohibiting harassment, intimidation, or bullying no later than January 1, 2004. Encourages including in the policy incident reporting and investigation procedures and a statement of consequences and appropriate remedial action for a person who harasses, intimidates, or bullies. Encourages formation of task forces and training at the school district level. Prohibits engaging in retaliation against a victim of, witness to, or person with reliable information about, an act of harassment, intimidation, or bullying. Encourages reporting of incidents and provides immunity to school employees who promptly report incidents in compliance with the policies adopted under the measure.

1997 Oregon Laws, H.B. 3544 - Requires the State Department of Education to establish a two-year pilot program to address problems associated with disruptive students in schools, including counseling and social work services, and parent counseling/training classes. Defines "serious offense" as a violation of a school district rule related to alcohol or drugs, arson, assault, firearms, extortion, harassment, intimidation or menacing, knives, reckless endangering, sexual harassment, theft, vandalism, or weapons.

RI 2003 Rhode Island Acts, Chapter 213, HB 5919 - Defines harassment, intimidation and bullying and requires school boards to adopt policies prohibiting this behavior. Stipulates that policies must be adopted through a representative process including parents, school personnel, students and community members. Directs the state department of education to develop a model policy by December 2003, to assist schools in the development of their policies by September 1, 2004. Requires schools to provide training to employees on the anti-harassment and bullying policy and to develop a process for discussion of the policy with students. Encourages schools to form bullying prevention task forces, programs and initiatives. Encourages school employees and students to report any incident of harassment, intimidation or bullying and provides for protection against liability for those who report but do not remedy the incident.

VT 2004 Vermont Stats, Act 117, H. 629 - Defines bullying and requires schools to include bullying in their comprehensive plans for responding to student misconduct. Also directs the Commissioner of Education to update the model school plan on student discipline to include bullying prevention and distribute the new model plan to all superintendents, school boards and principals. Requires the model plan to: define bullying, enable students to report anonymously, enable parents to file written reports of suspected bullying, require teachers and other school staff to report witnessed acts of bullying or student-reported acts of bullying to school administrators, requires school administrators to investigate any written reports filed and to review anonymous reports, include an intervention strategy for school staff to deal with bullying, include anti-bullying policies and the penalties for bullying behavior in student handbooks, require schools to notify the parents of students who have committed verified acts of bullying as well as the parents of their victims; requires schools to collect data on the number of reported and verified instances of bullying and to make this data available to the commissioner, the public and the legislature.

1994 Vermont Stats, Act 162, S. 313 - Requires school boards to develop, adopt and make available to students and parents, policies prohibiting harassment of students in school. Unlawful harassment is defined as verbal or physical conduct based on race, creed, color, national origin, marital status, sex, sexual orientation or disability that has the purpose or effect of interfering with a student's educational performance or that creates an intimidating, hostile or offensive educational environment. Requires anti-harassment policies to include procedures for reporting and investigating complaints, consequences and remedial action for students who commit harassment, a statement prohibiting retaliation for reporting and procedures for educating students, staff and parents about the policy.

WA 2002 Wash. Laws, H.B. 1444 - Relates to preventing harassment, intimidation, or bullying in schools; relates to the physical harm of a student or the student's property; relates to false accusations; relates to students, school employees, or volunteers; provides that each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying in schools.

2001 Wash. Laws, E.S.S.B. 6153 - Appropriates \$500,000 from the general fund for anti-bullying and anti-harassment training at the school district level.

2001 Wash. Laws, H.B. 1041, S.B. 5842 - Allows parents to apply for a protection order when their child is being harassed by someone else under the age of 18, when the behavior rises to the level of unlawful harassment.

WV 2001 West Virginia Acts, H.B. 3023, Chap. 103 - Requires county school boards to develop and adopt a policy prohibiting harassment, intimidation or bullying on school property or at school-sponsored events. Requires state board of education to develop a model policy to assist county boards. Requires policy to include definition, statement prohibiting harassment, intimidation or bullying, reporting procedures, notification of parents, procedures for response and investigation, process for documentation of incidents, strategy for protecting victims from further harassment or bullying after a report is made and a disciplinary procedure for students found guilty. Policy must be printed in student handbooks. Provides immunity against damages for good-faith reporting of incidents. Encourages, but does not require, bullying prevention programs and initiatives, teacher training and student education about the policy.

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TIME

FROM THE MAGAZINE

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The Bully Blight

Scientists find that getting picked on is more harmful than anyone knew

By MICHAEL D. LEMONICK

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Like most of her classmates at Washington High School in Milwaukee, Wis., La Shanda Trimble, 18, is attentive to fashion trends; it's the particular trend she chooses that sets her apart. She's a Goth, wearing black lipstick and nail polish, listening to bands like Linkin Park and Rob Zombie rather than rapper Nelly or R&B star Ciara. She likes to wear her hair in pigtails instead of the more popularly accepted braids. The other kids don't approve. "They think I should act like them," says the 11th-grader. "They like me to listen to rap and pop and wear, like, brand-new shoes."

For these stylistic transgressions, Trimble is routinely punished. "I'd be walking down to a class, and I'd hear murmuring, and somebody would say, 'She's going to put a spell on you.'" One boy rode a broom into class to mock her; another called her ugly and crazy. Finally, one day last month, she couldn't take it anymore. "I started crying uncontrollably," she says. She's behind in her classwork now because she avoids going to school whenever she can.

Bullies have lurked in hallways and on playgrounds ever since history's first day of school, and until recently, dealing with them was considered just another painfully useful life lesson. But that attitude is changing. In 2002 the American Medical Association warned that bullying is a public-health issue with long-term mental-health consequences for both bullies and their victims. Just last month UCLA researchers published two new studies showing that bullying is much more widespread and harmful than anyone knew.

During a two-week period at two ethnically diverse Los Angeles middle schools, says Adrienne Nishina, a post-doctoral scholar at the UCLA Graduate School of Education and Information Studies, nearly half the 192 kids she interviewed reported being bullied at least once; even more said they had seen others targeted. Also important, says Nishina: kids are frequently as distressed by witnessing bullying as by being bullied.

Why bullying exists isn't entirely clear, but another study published last week in the Archives of Pediatric and Adolescent Medicine attributes it at least in part to excessive television viewing. (Perhaps time spent in front of the tube is time spent not learning social skills.) But bullying existed long before TV, and while this may help explain the persistence of the problem,

it doesn't do much more.

Whatever the reason for bullying, the consequences are clear. Nishina found that victims feel sick more often than their classmates do, are absent more often and tend to have lower grades. They are also more depressed and withdrawn--a natural reaction, says Nishina, but one that "can subsequently lead to more victimization." The studies also indicate that schools take too narrow a view of what constitutes bullying. Physical aggression is forbidden, as are such forms of verbal bullying as sexual harassment and racial slurs. But the rules are generally silent about less incendiary name calling. "You're probably not going to get into trouble if you call someone fat or stupid," Nishina says. "But our research suggests victimized students felt equally bad."

She also classifies nonphysical, nonverbal behaviors, including gestures and making faces, as bullying. "They happen quite a bit and can have an effect as well," Nishina says. "But they're very subtle and very difficult for us to capture and assess well." Even tougher to assess is the growing phenomenon of cyberbullying--vicious text messages or e-mails, or websites on which kids post degrading rumors. A recent survey of more than 5,500 teens found that 72% of them said online bullying was just as distressing as the face-to-face kind.

The damage from bullying doesn't stop after graduation. According to Dr. William Coleman, professor of pediatrics at the University of North Carolina School of Medicine, bullies are four times as likely as the average child to have engaged in criminal behavior by age 24; they also grow up deficient in social, coping and negotiating skills and are more likely to engage in substance abuse. Victims have similar problems; they also have fewer friends and are more likely to be depressed.

Since most bullying takes place furtively--in hallways, bathrooms, the back of the school bus--teachers have a hard time controlling it. It's not impossible, though: with the help of Nishina's UCLA adviser and study co-author, Jaana Juvonen, a local elementary school put together a program in which teachers, parents and students review antibullying rules at the start of each year. The students do role-playing exercises and sign contracts promising not to bully. Teachers incorporate lessons about bullying and coping strategies into classwork. The school has also hired extra staff to monitor places like lunchrooms and playgrounds.

A program like that might have saved a lot of trouble for the Darien, Ill., public-school system. Last October an eighth-grader who was allegedly harassing Joey Urban, now 14, wound up rupturing Joey's eardrum with a poke from a lollipop stick. The Urbans are suing, complaining that the attacker received only a three-day suspension. The school district says that the boys were friends and that the injury was an accident that occurred while they were roughhousing.

La Shanda Trimble won't have to resort to the courts. Next year she'll be attending the Alliance School, founded to create a safe atmosphere for

students who feel unwelcome in traditional settings. Says co-founder Tina Owen, an English teacher: "A lot of adults think 'Sticks and stones may break my bones, but words will never hurt me.' But these students seemed to be hurting really bad." --Reported by Elizabeth Coady/ Chicago, Avery Holton/Austin, Sora Song/New York and Sonja Steptoe/Los Angeles

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When the Bullied Must Adjust

By Michael Thompson and Lawrence Cohen
From *Leadership Compass*

WITH her voice trembling, the mother said, "They're so mean to her. I don't know how you could tolerate behavior like this in a school!"

"I'm sorry to hear Ashley is being teased," the principal said as she tried to recall the girl's face. "Could you give me some specific examples of what is happening?"

"They tell her she's weird. They call her a loser. They criticize her clothes. When Ashley comes

home, she says, 'Mom, they're teasing me.' And she cries."

"That's a shame. Does this happen all the time?" asked the principal.

"Well ... no, but she was a wreck last Friday. I worried about it all weekend," answered the mother.

By this time, the principal had Ashley clearly in mind: a fragile, psychologically thin-skinned fifth-grade girl who was very bright—sometimes sounding like

Michael Thompson and Larry Cohen (digliznow@aol.com) are co-authors, with Catherine O'Neill Grace, of *Best Friends, Worst Enemies: Understanding the Social Lives of Children*, and *Mom, They're Teasing Me: Helping Your Child Solve Social Problems*. Condensed from *Leadership Compass*, 2 (Winter 2004-2005), 1-3. Published by the National Association of Elementary School Principals, 1615 Duke St., Alexandria, VA 22314.

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an adult—but socially awkward.

The principal did not believe Ashley the victim of chronic teasing, and certainly not bullying. While she did not fit in with the "cool crowd" in fifth grade, she did have a small group of friends who called themselves the "cool nerds." The principal knew that friends provide protection. It was the ones *without* friends she worried about most.

Learn Defenses

How could the principal convince this upset mother that her only child needed to grow up, develop some psychological defenses, and stop running to her mother—and do all this without sounding like an apologist for bullies? How could she voice her suspicion that the mother herself had probably had some social difficulties in school and that her daughter's experience was reviving unhappy memories? It would take the tact of a diplomat, the skill of a lawyer, and the interpretive language of a psychologist.

The past five years, and certainly since the Columbine High School shootings, have seen a national focus on the harmful effects of teasing and bullying. Books on it became bestsellers. Television newsmagazines have told the stories of chronically teased children who committed suicide. State legislators are making bullying a crime.

Every principal sits at the cen-

ter of this maelstrom of national concern and individual angst. No one seems to understand, certainly not this weeping mother in the principal's office, that there is a certain irreducible minimum of social cruelty that goes on in all schools. Part of growing up involves discovering social power, the power of the group, and the power of words.

At the same time, there is real victimization that continues to be glossed over with phrases like "We were just kidding." Victims of chronic harassment are at serious risk for poor mental and physical health, as well as academic underachievement.

How do we simultaneously protect at-risk victims while explaining to parents of non-victims that what appears to be teasing and bullying is normal? A good way to start is by understanding the difference between popularity and friendship.

Research in elementary classrooms shows a natural hierarchy of status, which children call "popularity." The top 15% of a class can be classified as "very popular," the next 45% as "accepted," and another 20% as "average" or "ambiguous." This adds up to 80% of children who, in our view, are not seriously at risk of teasing because those children almost certainly have friends.

A child with a friend in school goes to that friend to get psychic wounds bandaged. The friend

says, "Don't pay attention to them. They're all jerks; they're all snobs." It's the friend—not the child's mother—who provides immediate comfort when the going gets rough. Research has shown there is no persistent teasing of children who have friends.

If you accept our thesis, then children at real risk of teasing and bullying are the bottom 20% socially: the *neglected*, *rejected*, and *controversial* kids. Some of those who are *neglected* or ignored by their peers may be very bright but shy, lacking the magnetism to attract other children, their social isolation often overlooked by teachers and staff because they keep low profiles and don't get into trouble. In fact, they can feel invisible.

No Friends

Rejected children tend to fall into two groups. *Rejected-submissives* are the kids we usually think of as victims of bullying. They are the targets of aggressive kids because they have no friends to stand up for them. They just try to get through a day without being called "nerd" or "gay" or "fag." Some become so stigmatized no one will risk being their friend.

How are rejected-submissive children treated? Her first day in sixth grade, a new arrival was taken aside by some of the other girls and warned of another student: "She's totally weird. No one

wants to be her friend." And so, the new girl wouldn't risk it: "I'm new here. I can't be her friend. I have to at least have a chance to be popular myself."

Rejected-aggressive kids, like the boys at Columbine and many less extreme cases nationwide, are also shunned by their peers. But instead of submitting helplessly, they lash out at others. This group often includes boys with psychiatric difficulties and severe family troubles. A common "game" among some children is to take turns taunting one of these kids until he explodes and gets into trouble.

Controversial kids have traits that both attract and annoy the group. They can be admired for outrageous antics, but condemned for going too far. They might be class clowns who get laughs but don't get invited to sleepovers. Or they might be bullies who are popular within their cliques, but feared and disliked by others.

All of these children need our help and protection. Shy and introverted children need teachers to organize classroom groupings in which they can get to know and make friends with other children. Controversial children, who have some attractive traits and some off-putting behaviors, need coaching to help them identify the things that work and those that don't.

When the Bullied Must Adjust

Rejected children need the most help because they are most at risk. They need guidance counselors to include them in friendship groups. They probably also need to be in individual and group therapy to address the frightening behaviors that drive other children away.

Rules Not Enough

Even as we admit we are not able to completely eliminate teasing, we need to be able to honestly say we are doing everything we can. That means more than just pointing to a policy in the student handbook and saying, "See, we don't have any of that here because it isn't allowed."

Doing everything we can means discussing bullying and teasing with faculty and staff, with parents, and with students. These discussions, to be effective, ought to include a shared language so that everyone knows what is meant by teasing and bullying.

Since there are dozens of anti-bullying curricula and programs, we won't try to review or rate them here. Instead, we'd like to mention a few important concepts that are often left out of these programs.

The first is to teach them to work it out. In addition to sensitizing everyone to the risks of teasing and bullying, we also need to point out the advantages of letting kids work out some of

this stuff on their own—as long as it does not involve repeated abuse. Similarly, we need to help parents understand the concept of "normal social pain"—painful feelings of occasional rejection that are part of the universal experience of growing up.

The second is to train student leaders. Every once in a while, a guidance counselor or principal will tell us about a super-popular kid who never abused his or her power, never formed an exclusive clique, and never put people down. We don't know how some kids naturally come by this benevolent leadership style, but we do believe children can be taught to use such win-win strategies as flexibility, creativity, listening to other's needs, and a willingness to compromise. Empathy training can be especially helpful in getting not-so-innocent bystanders to be responsible and to intervene to stop social cruelty.

When we teach leadership skills to the entire student body, we are less likely to stand accused of "blaming the victim" when we urge a parent to address a rejected or neglected child's social difficulties. But doing everything we can means taking situations like Ashley's seriously—even if we are sure her mother is overreacting—because children at risk and those facing normal social pain can be hard to distinguish. *ED*